SENATE—*Thursday, April 10, 1975*

The Senate met at 9:15 a.m. and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

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

Eternal Father, our needs are many, but our greatest need is of Thee. Thou hast made us for Thyself and our hearts are restless until they rest in Thee. Breathe on us now a sense of Thy presence and peace and power. Take our trembling hands in Thine and guide our hesitant, uncertain feet in paths of righteousness.

In the agony of these tragic days show us anew that no nation lives to itself, rises or falls alone, that all life is diminished by suffering and anarchy. Spare us from the lament about the past which paralyzes action in the present. In Thy infinite wisdom wilt Thou transform failure and suffering into opportunities to create a better world.

Guide, we beseech Thee, the President and his counselors, all legislators, administrators, jurists, and diplomats that discerning what is Thy will they may have grace to do it.

We ask it in the Name which is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 10, 1975.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 9, 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 certain nominations on the calendar, beginning with the Department of Commerce.

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

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

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Bernard A. Meany, of Connecticut, to be an Assistant Commissioner of Patents and Trademarks.

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

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. William Lyon to be Chief of Air Force Reserve.

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

U.S. ARMY

The second assistant legislative clerk read the nomination of Lt. Gen. Walter James Woolwine, to be placed on the retired list in the grade of lieutenant general.

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

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy for temporary promotion to the grade indicated in the staff corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps for permanent appointment to the grade indicated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force, in the Army, and in the Navy placed on the Secretary's desk.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

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

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

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

(All nominations confirmed today are printed at the end of the Senate proceedings.)

DORSEY J. "JOE" BARTLETT AS BRIGADIER GENERAL

Mr. HRUSKA. Mr. President, it was with genuine satisfaction that I note on the Executive Calendar today for appointment as a brigadier general in the U.S. Marine Corps Reserve the name of Dorsey J. Bartlett.

It occurs to me that some of my colleagues may not recognize that as the formal name of the popular Joe Bartlett, the personable and capable chief of the minority staff in the House of Representatives.

The Members of this body, of course, know Joe Bartlett very well because for 17 years he has been the Senate liaison from the House. He has appeared on this floor many, many times.

Joe came to Capitol Hill 34 years ago as a page and has fashioned an exemplary career of service to the Congress.

It has been my pleasure to know and admire Joe Bartlett for some 22 years, beginning with my service as a Member of the other body.

It is with special pleasure, then, that we today are voting to confirm President Ford's nomination of him to serve as a general officer in the Marine Corps Reserve. This is a further recognition of Joe's leadership and dedication to service to his country. His many friends call him Joe. It will not be any effort to address him as "General." He has earned the competence and respect to make it so.

JOE BARTLETT PROMOTED TO BRIGADIER GENERAL

Mr. DOLE. Mr. President, it is certainly a pleasure for me to be able to join in offering congratulations to my good friend, "General Joe," on the occasion of his most recent recognition.

Someone once said that in these troubled times, America needs more uncritical lovers and less unloving critics. Joe Bartlett is an uncritical lover, not only of America, but of the House of Representatives and the U.S. Marine Corps as well. He has dedicated his life to the service of his country, the honor of his corps, and the dignity of the greatest parliamentary body on this Earth—the U.S. Congress.

Since his service began as a House page in 1941, Joe has displayed the in-

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tegrity and the ability that make him one of the pillars of the House of Representatives and one of the mainsprings of the U.S. Marines.

Yes, "General Joe," we are proud of you today.

Mr. STAFFORD. Mr. President, I want to join in this salute to Joe Bartlett with with a resounding "aye" vote on his confirmation for promotion to brigadier general in the U.S. Marine Corps Reserve. I am grateful to the President of the United States, and the Secretary of the Navy, and the Marine Corps selection board, for giving us this opportunity.

In earlier years it was my privilege to "ship" with Joe Bartlett as members of a Navy-Marine Corps composite reserve unit, and we made inspection tours of many vital military and naval activities together. I have had a chance to observe him on duty. Joe was always a sincere student of the problem, whatever it was presented to be. He had a deep concern for defense considerations, and if it became a question of catching the "liberty gig" or sticking with the problem a little longer, Joe was invariably among the more diligent. If I make him sound too severe, there are many here who know that is not so; Joe is always among the most gregarious in any company.

However, Joe's record in the corps is filled with tributes to his good works from such great leaders as Adm. Jack McCain, Gen. Lew Walt, and Secretary of Defense Mel Laird. In what is probably a unique honor, Joe has earned the commendation of each of the past seven Commandants of the Marine Corps for his Reserve service.

It was the immediate past Commandant, Gen. Leonard Chapman, who sighted a star for Joe when he commented on his promotion to colonel with the assertion:

> I can think of no Reserve Officer who demonstrates more potential based on past performance and continued support of the Marine Corps than Joe Bartlett.

There may be those who do not know Joe, or his service, who will allude to some imagined advantage of his position with the Congress. The truth of the matter is quite the contrary. Joe has won this recognition in spite of his position, because that is the way it is in this environment, and I am not here to say that it is not the way it ought to be.

However, I would like to suggest that if Joe had "gone regular" and made the Marine Corps his primary career, and given to that calling all the energy, and industry, and devotion he has given to the Congress during the past 34 years, that instead of the Reserve brigadier we are confirming here today, Joe Bartlett might be the next candidate for Commandant. And I would like to think he would have been a choice of universal acclaim!

We are glad he did not choose that career, because he would have been sorely mised on the staff of the Congress. It must be gratifying for him to realize the avocation he has served so conscientiously has rewarded him with this distinguished honor.

Mr. SCHWEIKER. Mr. President, I am delighted to join with my colleagues in these felicitations concerning Joe Bartlett and his confirmation as a brigadier general in the U.S. Marine Corps Reserve.

Primarily, I congratulate the Marine Corps on this outstanding selection, because those of us who have been associated with Joe over the years, and who have watched his performance in behalf of the Congress, know that he will bring credit to the Marine Corps and to himself in this new stellar role.

Joe has earned the most enviable reputation for integrity and devotion in the public service. It is a source of real pride to those of us who have shared his valued friendship to see him recognized and honored in this way.

Joe Bartlett's dedication to the Congress is matched only by his devotion to the Marine Corps. A man of discretion, and circumspect in every way, Joe's enthusiasm about the things in which he believes is a highly admirable characteristic, and his cheerful countenance is a Capitol asset.

I take particular satisfaction in being able to cast my vote to confirm Brig. Gen. Dorsey J.—our Joe—Bartlett, and I extend my congratulations to his lovely wife and daughters.

Mr. MATHIAS. Mr. President, an unfamiliar name on the Executive Calendar today belongs to one of the most familiar persons on Capitol Hill. Dorsey J. Bartlett is Joe Bartlett, minority clerk of the House of Representatives and formerly the reading clerk in House. I congratulate him on his confirmation by the Senate as a brigadier general in the Marine Corps Reserve. I had the pleasure of first meeting Joe Bartlett when I was elected to the House in 1960. Although I left the House to come to the Senate in 1968, Joe Bartlett remains firmly fixed in my friendship. More important, his long and distinguished record of public service—in the military and in the legislative branch—is one that deserves recognition and commendation. By confirming his promotion to brigadier general, the Senate has extended to Joe Bartlett an expression of its respect for him. I am pleased to join my colleagues in that expression to a friend and distinguished citizen.

LEGISLATIVE SESSION

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

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

VICTIMS OF CRIME ACT OF 1975—S. 1399

RIGHTS FOR THE VICTIM OF CRIME

Mr. MANSFIELD. Once again I rise on behalf of the countless thousands of innocent victims of crime. At the conclusion of my remarks I shall send to the desk for appropriate reference the "Victims of Crime Act of 1975." I do so out of a deep sense of personal concern for the effects of violence upon society today. Indeed, it is a society where attitudes of concern and compassion have been replaced so often recently by those of apathy and indifference. Were they personally involved, I doubt that any person in or out of this Chamber could forget what happens when they, their families or loved ones are victimized. But what happens when one is not so personally involved was revealed recently in a series of articles published by the Washington Post under the caption: "Victims of Crime."

The story told is of how America has suffered deeply and in many different ways from the ravages of crime. Across this land the daily press documents seemingly endless episodes of violence, of aggravated assault and arson, of burglary and murder, of rape, riot, and robbery. As is so often the case, however, attention is directed to the perpetrator of the act—the criminal and to his pursuer—the law enforcement agency. But what of the victim? What of his treatment by society? What of his plight?

There is the Constitution and there are the laws of this Nation. Together they provide a carefully framed system of law enforcement and criminal justice. Wherein in that system lies concern for the victim?

Recent efforts by the Congress and other institutions of Government have been directed to new approaches designed to stem and even reverse the rate of crime and violence. But what of the victim? Where is the effort in his behalf? Under our code of justice, there are but two parties: the people and the criminal. It is a system that too often finds the Government bogged down in court. It is a system that finds the criminal—if convicted—more hardened and even more expert at his trade locked in a penal institution ill-equipped and unable to perform its basic task of rehabilitation. And what of the criminal victim? What of his injury and suffering, his personal loss and financial impairment? As a practical matter, he is left to pursue a cause of action for damages against a defendant who if apprehended is typically destitute and judgment proof. I do not know the figure today, but not too long ago according to the President's Commission on the Causes and Prevention of Violence, a bare 1.8 percent of the victims ever collected anything from their attackers.

In effect, under our system, the criminal victim is virtually separated from the crime, often left helpless, often destitute, and always unattended.

In the last two Congresses the Senate has passed legislation that would change this pattern. Most recently it was S. 300, approved in the 93d Congress. What the Senate has recognized by acting in this area is a concept that finds its historical base in the very first criminal justice code. But without belaboring its traditional validity, I would just say that the justification for such a program for crime victims stems today from a number of diverse yet totally compelling notions.

There is first the idea that once soci-

ety undertakes to furnish protection to its members by way of police and safety facilities, it should, if those protection efforts fail, assume a responsibility for the victim and for his loss. Beyond this contractual arrangement there are numerous precedents based on similar social responsibilities. There is a great similarity in rationale and origin, for example, between the idea of compensating workers, assuring them a reasonably safe place in which to work and compensating victims of crime, assuring them a reasonably safe society in which to live.

Social security and medicare; aid to dependent children, assistance for the handicapped, the aged and the blind, notions of no-fault insurance and national health insurance—all reflect a recognition of collective responsibility.

Fulfilling this responsibility with regard to victims of crime is no easy task. The bill I introduced attempts to face the problem. If adopted at the Federal level, however, it would by no means represent the first such step taken in modern times. Indeed, within the last 12 years, New Zealand, England, particular provinces in Canada and Australia—all have enacted Government programs to compensate innocent victims of violence. In addition, the States of California, Hawaii, Nevada, Maryland, Massachusetts, New York, and most recently, New Jersey and Alaska, Rhode Island, and Washington, all have enacted some type of program along these lines.

May I say that I have endeavored to study this problem as deeply as any that has gained my interest and concern in all my years in public life. In my judgment I believe this proposal, as it is drafted, by and large represents the best approach. In substance it reflects the will of the Senate expressed on five past occasions in adopting a crime victim bill.

There have been minor changes in this recent measure, perhaps reflecting the evolution of the concept as it has been developed by the legislative process. One significant change involves the structure of the program—to express it in terms of reimbursement rather than compensation. Reimbursement, in my judgment, Mr. President, exhibits a more accurate characterization of what is here involved. What we are seeking to do is to restore the innocent victim to his financial status immediately before the crime which caused his loss. We therefore are reimbursing him for those losses that are not covered otherwise—either by insurance, by judgments obtained in a court of law or by whatever means. A second change would eliminate the so-called means test. Under prior proposals passed, to qualify for recovery an injured victim of crime would have to suffer what is defined as undue financial stress. That test has been patterned upon standards set forth in the New York State statute.

In practice, it is not a valid test simply because most of those victims of crime to whom it applies are covered by insurance and for that reason would be ineligible to obtain recovery under this act.

In practice, I would say, too, that the New York experience has shown that only a very small fraction of claims are denied for failure to meet the "undue financial stress" standard.

In this respect, also, it should be noted that all citizens of this Nation are equal before the bar of justice. I would hope that the same concept of equality might exist for victims of crime; when seeking to assert his rights and redress his wrongs the victim of crime deserves similar equity.

A third change that I have proposed in this bill involves the matter of the indemnity fund which is designed to provide the centerpiece for the financial base of this program at the Federal level. Under this bill reparations are paid to victims and for that purpose a criminal victim indemnity fund is created. Its primary base would be fines paid into the Federal criminal system by convicted defendants. It is contemplated that supplemental amounts would be provided by other sources, including moneys earned within the U.S. prison industries. This approach would place the bulk of the victim's economic burden directly on the criminal—where it belongs. Part B of the bill—the State grant portion—imposes upon the States a similar undertaking so that in all criminal jurisdictions which recognize the victim's rights, the criminal is compelled to work—in part at least—to pay—truly pay—for his crime. This requirement ultimately would be a condition to the receipt of any Federal moneys under part B of the proposal.

This brings me to another point which I believe is of some concern. In my judgment the core of any Federal program in this area must necessarily be provided by the District of Columbia. I certainly would agree with the sentiment that local people and local personnel ought to be depended upon for their particular expertise and knowledge and awareness of crime and its effects within the District of Columbia when administering this type of program.

Such a notion, however, would not be inconsistent with or preclude the inclusion of the District of Columbia in part A—the Federal part—of this bill. Indeed, I think it is indispensable to the viability of a Federal program that the District be so included.

Mr. President, this whole matter of crime victim's reimbursement or compensation has undergone exhaustive study by the Senate Committee on the Judiciary. Under the able and dedicated leadership of Senator McCLELLAN, this concept was included as part of S. 1 of the 94th Congress—the very first item of business introduced. Of course, S. 1 involves a large-scale restructuring of the criminal laws and in that process it is essential that the victim at long last be included. I therefore commend Senator McCLELLAN for his keen awareness of the victim's plight in our society. That is why I joined wholeheartedly as a cosponsor of S. 1.

Before long, Mr. President, it is my hope that the legislative process will have been completed and that there will be established on the Federal level the principle that violent crime is not just a two-party affair, but that it includes three parties—the victim, the criminal and the State.

In the last 100 years the criminal and the State have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and failing such protection, that citizens are entitled at least to be reimbursed for the losses they suffer from violence, can only serve to strengthen the social fiber of our Nation.

Mr. President, I send the bill to the desk for appropriate reference, and I ask unanimous consent that its text 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. 1399

A bill to provide for the reimbursement for losses sustained by persons injured by certain acts, to make grants to States for the payment of such reimbursement, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victims of Crime Act of 1975".

REIMBURSEMENT FOR VICTIMS OF VIOLENT CRIME

Declaration of Purpose

SEC. 101. It is the declared purpose of Congress in this Act to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.

PART A—FEDERAL REIMBURSEMENT PROGRAM

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part E of title I, as amended by this Act, the following new part:

"PART F—FEDERAL REIMBURSEMENT FOR VICTIMS OF VIOLENT CRIME

"DEFINITIONS

"SEC. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Reimbursement Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Reimbursement Board established by this part;

"(3) 'child' includes a stepchild, an adopted child, and an illegitimate child;

"(4) 'claim' means a written request to the Board for reimbursement made by or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(5) 'claimant' means an intervenor, victim, or the surviving dependent or dependents of either of them;

"(6) 'reimbursement' means payment by the Board for net losses or pecuniary losses to or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(7) 'dependent' means—

"(A) a surviving spouse;

"(B) an individual who is a dependent of the deceased victim or intervenor within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or

"(C) a posthumous child of the deceased intervenor or victim;

"(8) 'gross losses' means all damages, including pain and suffering and including property losses, incurred by an intervenor or victim, or surviving dependent or dependents of either of them, for which the proximate cause is an act, omission, possession enumerated in section 456 of this part, or sent forth in paragraph (B) of subsection (18) of this section;

"(9) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property, or both, of a minor or incompetent intervenor or victim, or surviving dependent or dependents of either of them;

"(10) 'intervenor' means a person who goes to the aid of another and is killed or injured while acting not recklessly to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part, or while acting not recklessly to apprehend a person reasonably suspected of having committed such a crime;

"(11) 'member' means a member of the Violent Crimes Reimbursement Board established by this part;

"(12) 'minor' means an unmarried person who is under eighteen years of age;

"(13) 'net losses' means gross losses, excluding pain and suffering, that are not otherwise recovered or recoverable—

"(A) under insurance programs mandated by law;

"(B) from the United States, a State, or unit of general local government for a personal injury or death otherwise compensable under this part;

"(C) under contract or insurance wherein the claimant is the insured or beneficiary; or

"(D) by other public or private means;

"(14) 'pecuniary losses' means net losses which cover—

"(A) for personal injury—

"(1) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional, nursing, dental, ambulance, and prosthetic services relating to physical or psychiatric care;

"(2) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation;

"(3) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed $150 per week; and

"(4) all appropriate and reasonable expenses necessarily incurred for the care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed $30 per child per week, up to a maximum of $75 per week for any number of children;

"(B) for death—

"(1) all appropriate and reasonable expenses necessarily incurred for funeral and burial expenses;

"(2) loss of support to a dependent or dependents of a victim, not otherwise compensated for as a pecuniary loss for personal injury, for such period of time as the dependency would have existed but for the death of the victim, at a rate not to exceed a total of $150 per week for all dependents; and

"(3) all appropriate and reasonable expenses, not otherwise compensated for as a pecuniary loss for personal injury, which are incurred for the care of minor children, enabling the surviving spouse of a victim to engage in gainful employment, at a rate not to exceed $30 per week per child, up to a maximum of $75 per week for any number of children;

"(15) 'personal injury' means actual bodily harm and includes pregnancy, mental distress, and nervous shock; and

"(16) 'victim' means a person who is killed or who suffers personal injury where the proximate cause of such death or personal injury is—

"(A) a crime enumerated in section 456 of this part; or

"(B) the not reckless actions of an intervenor in attempting to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part or in attempting to apprehend a person reasonably suspected of having committed such a crime.

(17) 'designated agent' means any United States Attorney outside the District of Columbia.

"BOARD

"SEC. 415. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Reimbursement Board. The Board shall be composed of three members, each of whom shall have been members of the bar of the highest court of State for at least eight years, to be appointed by the President, by and with the advice and consent of the Senate. Not more than two members shall be affiliated with the same political party. The President shall designate one of the members of the Board to serve as Chairman.

"(b) No member of the Board shall engage in any other business, vocation, or employment.

"(c) The Board shall have an official seal.

"(d) The term of office of each member of the Board shall be eight years, except that (1) the terms of office of the members first taking office shall expire as designated by the President at the time of appointment, one at the end of four years, one at the end of six years, and one at the end of eight years and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(e) Each member of the Board shall be eligible for reappointment.

"(f) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(g) The principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"ADMINISTRATION

"SEC. 452. The Board is authorized in carrying out its functions under this part to—

"(1) appoint and fix the compensation of an Executive Director and a General Counsel and such other personnel as the Board deems necessary in accordance with the provisions of title 5 of the United States Code;

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

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this part;

"(4) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this part;

"(5) request and use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(6) enter into and perform, without regard to section 529 of title 31 of the United States Code, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(7) request and use such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of other Federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of its powers under this part;

"(9) request each Federal agency to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions;

"(10) pay all expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders on the presentation of itemized vouchers therefor approved by the Chairman or his designate; and

"(11) establish a program to assure extensive and continuing publicity for the provisions relating to reimbursement under this part, including information on the right to file a claim, the scope of coverage, and procedures to be utilized incident thereto.

"REIMBURSEMENT

"SEC. 453. (a) The Board shall order the payments—

"(1) in the case of the personal injury of an intervenor or victim, to or on behalf of that person; or

"(2) in the case of the death of the intervenor or victim, to or on behalf of the surviving dependent or dependents of either of them.

"(b) The Board shall determine the amount of reimbursement under this part—

"(1) in the case of a claim by an intervenor or his surviving dependent or dependents, by computing the net losses of the claimant; and

"(2) in the case of a claim by a victim or his surviving dependent or dependents, by computing the pecuniary losses of the claimant.

"(c) The Board may order the payment of reimbursement under this part to the extent it is based upon anticipated loss of future earnings or loss of support of the victim for ninety days or more, or child care payments, in the form of periodic payments during the protracted period of such loss of earnings, support of payments, or ten years, whichever is less.

"(d)(1) Whenever the Board determines, prior to taking final action upon a claim, that such claim is one with respect to which an order of reimbursement will probably be made, the Board may order emergency reimbursement not to exceed $1,500 pending final action on the claim.

"(2) The amount of any emergency reimbursement ordered under paragraph (1) of this subsection shall be deducted from the amount of any final order for reimbursement.

"(3) Where the amount of any emergency reimbursement ordered under paragraph (1) of this subsection exceeds the amount of the final order for reimbursement, or if there is

no order for reimbursement made, the recipient of any such emergency reimbursement shall be liable for the repayment of such reimbursement. The Board may waive all or part of such repayment.

"(e) No order for reimbursement under this part shall be subject to execution or attachment.

"(f) The availability or payment of reimbursement under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death, subject to the limitations of this part—

"(1) in the event an intervenor, a victim or the surviving dependent or dependents of either of them who has a right to file a claim under this part should first recover damages from any other source based upon an act, omission, or possession giving rise to a claim under this part, such damages shall be first used to offset gross losses that do not qualify as net or pecuniary losses; and

"(2) in the event an intervenor, victim, or the surviving dependent or dependents of either of them receives reimbursement under this part and subsequently recovers damage from any other source based upon an act, omission, or possession that gave rise to reimbursement under this part, the Board shall be reimbursed for reimbursements previously paid to the same extent reimbursement would have been reduced had recovery preceded reimbursement under paragraph (1) of this subsection.

"LIMITATIONS

"SEC. 454. (a) No order for reimbursement under this part shall be made unless the claim has been made within one year after the date of the act, omission, or possession resulting in the injury or death, unless the Board finds that the failure to file was justified by good cause.

"(b) No order for reimbursement under this part shall be made to or on behalf of an intervenor, victim, or the surviving dependent or dependents of either of them unless a minimum pecuniary or net loss of $100 or an amount equal to a week's earnings or support, whichever is less, has been incurred.

"(c) No order for reimbursement under this part shall be made unless the act, omission, or possession giving rise to a claim under this part, was reported to the law enforcement officials within seventy-two hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(d) No order for reimbursement under this part to or on behalf of a victim, his surviving dependent or dependents, as the result of any one act, omission, or possession, or related series of such acts, omissions, or possessions, giving rise to a claim, shall be in excess of $50,000, including lump-sum and periodic payments.

"(e) The Board, upon finding that any claimant has not substantially cooperated with it or with all law enforcement agencies incident to the act, omission, or possession that gave rise to the claim, may proportionately reduce, deny, or withdraw any order for reimbursement under this part.

"(f) The Board, in determining whether to order reimbursement or the amount of the reimbursement shall consider the behavior of the claimant and whether, because of provocation or otherwise, he bears any share of responsibility for the act, omission, or possession that gave rise to the claim for reimbursement and—

"(1) the Board shall reduce the amount of reimbursement to the claimant in accordance with its assessment of the degree of such responsibility attributable to the claimant or

"(2) in the event the claimant's behavior was a substantial contributing factor to the act, omission, or possession giving rise to a claim under this part, he shall be denied reimbursement.

"(g) No order for reimbursement under this part shall be made to or on behalf of a person engaging in the act, omission, or possession giving rise to the claim for reimbursement to or on behalf of his accomplice, a member of the family within the third degree of affinity or consanguinity or household of either of them, or to or on behalf of any person maintaining continuing unlawful sexual relations with either of them.

"PROCEDURES

"SEC. 455. (a) The Board or its designated agent is authorized to receive claims for reimbursement under this part filed by an intervenor, a victim, or the surviving dependent or dependents of either of them, or a guardian acting on behalf of such a person. If received by its designated agent such claims shall be transmitted forthwith to the Board.

"(b) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) may administer oaths, or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Chairman, contribute to its functions under this part, whether or not such statement, document, information, or matter would be admissible in a court of law, provided it is relevant and not privileged;

"(3) shall, if hearings are held, conduct such hearings open to the public, unless in a particular case the Chairman determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that a criminal suspect may not yet have been apprehended or convicted, or to the interest of the claimant; and

"(4) may, at the direction of the Chairman, appoint an impartial licensed physician to examine any claimant under this part and order the payment of reasonable fees for such examination.

"(c) The Board shall be an 'agency of the United States' under subsection (1) of section 6001 of title 18 of the United States Code for the purpose of granting immunity to witnesses.

"(d) The provisions of chapter 5 of title 5 of the United States Code shall not apply to adjudicatory procedures to be utilized before the Board.

"(e) (1) A claim for reimbursement under this part may be acted upon by a member or designated agent appointed by the Chairman to act on behalf of the Board.

"(2) In the event the disposition by a member as authorized by paragraph (1) of this subsection is unsatisfactory to the claimant, the claimant upon notification of the Board within 30 days of such disposition shall be entitled to a de novo hearing of record on his claim by the full Board.

"(f) (1) Decisions of the full Board shall be in accord with the will of a majority of the members and shall be based upon a preponderance of the evidence.

"(2) All questions as to the relevancy or privileged nature of evidence at such times as the full Board shall sit shall be decided by the Chairman.

"(3) A claimant at such times as the full Board shall sit shall have the right to produce evidence and to cross-examine such witnesses as may appear.

"(g) (1) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(2) After the fee statement is filed by an attorney under paragraph (1) of this subsection, the Board shall award a fee to such attorney on substantially similar terms and conditions as is provided for the payment of representation under section 3006A of title 18 of the United States Code.

"(3) Any attorney who charges or collects for services rendered in connection with any proceedings under this part any fee in any amount in excess of that allowed under this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(h) The United States Court of Appeals for the District of Columbia shall have jurisdiction to review all final orders of the Board. No finding of fact supported by substantial evidence shall be set aside.

"CRIMES

"SEC. 456. (a) The Board is authorized to order reimbursement payments under this part in any case in which an intervenor, victim, or the surviving dependent or dependents of either of them files a claim when the act, omission, or possession giving rise to the claim for reimbursement occurs—

"(1) within the Federal jurisdiction of the United States;

"(2) within the special jurisdiction of the United States;

"(3) within the extraterritorial jurisdiction of the United States.

"(b) This part applies to the following acts, omissions, or possessions:

"(1) aggravated assault;
"(2) arson;
"(3) assault;
"(4) burglary;
"(5) forcible sodomy;
"(6) kidnaping;
"(7) manslaughter;
"(8) mayhem;
"(9) murder;
"(10) negligent homicide;
"(11) rape;
"(12) robbery;
"(13) riot;
"(14) unlawful sale or exchange of drugs;
"(15) unlawful use of explosives;
"(16) unlawful use of firearms;
"(17) any other crime, including poisoning, which poses a substantial threat of personal injury; or
"(18) attempts to commit any of the foregoing.

"(c) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this part applies.

"(d) For the purposes of this part, a crime may be considered to have been committed notwithstanding that by reason of age, insanity, drunkenness, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime.

"SUBROGATION

"SEC. 457. (a) Whenever an order for reimbursement under this part has been made for loss resulting from an act, omission, or possession of a person, the Attorney General may, within three years from the date on which the order for reimbursement was made,

institute an action against such person for the recovery of the whole or any specified part of such reimbursement in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of this part.

"(b) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to prosecute actions in accordance with this section.

"INDEMNITY FUND

"SEC. 458. (a) There is hereby created on the books of the Treasury of the United States a fund known as the Criminal Victim Indemnity Fund (hereinafter referred to as the 'Fund'). Except as otherwise specifically provided, the Fund shall be the repository of (1) criminal fines paid in the various courts of the United States, (2) amounts withheld in accordance with the provisions of section 4129, title 18, of the United States Code, (3) additional amounts that may be appropriated to the Fund as provided by law, and (4) such other sums as may be contributed to the Fund by public or private agencies, organizations, and persons.

"(b) The Fund shall be utilized only for the purposes of this part.

"ADVISORY COUNCIL

"SEC. 459. (a) There is hereby established an Advisory Council on the Victims of Crime (hereinafter referred to as the 'Council') consisting of the members of the Board and one representative from each of the various State crime victims compensation or reimbursement programs referred to in paragraph (10) of subsection (b) of section 301 of this title, each of whom shall serve without additional compensation.

"(b) The Chairman of the Board shall also serve as the Chairman of the Council.

"(c) The Council shall meet not less than once a year, or more frequently at the call of the Chairman, and shall review the administration of this part and programs under paragraph (10) of subsection (b) of section 301 of this title and advise the Administration on matters of policy relating to their activities thereunder.

"(d) The Council is authorized to appoint an advisory committee to carry out the provisions of this section.

"(e) Each member of the advisory committee, other than a member of the Board, appointed pursuant to subsection (d) of this section shall receive $100 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each member of the Council or advisory committee shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"REPORTS

"SEC. 460. The Board shall transmit to the Congress an annual report of its activities under this part. In its third annual report, the Board upon investigation and study shall include its findings and recommendations with respect to the operation of the overall limit on reimbursement under section 454(d) of part F of this title and with respect to the adequacy of State programs receiving assistance under section 301(b)(10) of this Act."

COMPENSATION OF BOARD MEMBERS

SEC. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(60) Chairman, Violent Crimes Reimbursement Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(98) Members, Violent Crimes Reimbursement Board (2)."

CRIMINAL VICTIM INDEMNITY FUND FINES

SEC. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. FINE IMPOSED FOR CRIMINAL VICTIM INDEMNITY FUND

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of an offense resulting in personal injury, property loss, or death, the court shall take into consideration the financial condition of such person, and may, in addition to any other penalty, order such person to pay a fine in an amount of not more than $10,000 and such fine be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"3579. Fine imposed for Criminal Victim Indemnity Fund.".

SEC. 104A. (a) Chapter 307 of title 18, of the United States Code, is amended by adding at the end thereof the following new section:

"§ 4129. CRIMINAL VICTIM INDEMNITY FUND, CONTRIBUTIONS

"The Federal Prison Industries is authorized to withhold from the wages of any offender employed in such Industries, an amount not to exceed 10 percent of such wages. The amounts withheld under this section shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of the Omnibus Crime Control and Safe Streets Act of 1968.

(b) The table of contents of chapter 307 of title 18, of the United States Code, is amended by adding at the end thereof the following new item:

"4129. Criminal Victim Indemnity Fund, Contributions."

PART B—FEDERAL GRANT PROGRAM

SEC. 105. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by adding at the end thereof the following new paragraph:

"(10) The cost of administration and that portion of the costs of State programs, other than in the District of Columbia, to reimburse victims of violent crime which are substantially comparable in coverage and limitations to part F of this title."

SEC. 106. Paragraph (a) of section 601 of part G (redesignated part K by this Act) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and" the second time it appears, striking "or" the sixth time it appears, striking the period, and inserting the following: ", or programs for the reimbursement of victims of violent crimes."

SEC. 107. Section 501 of part F (redesignated as part I by this Act) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "501" and adding at the end thereof the following new subsection:

"(b) In addition to the rules, regulations, and procedures under subsection (a) of this section, the Administration shall, after consultation with the Violent Crimes Reimbursement Board, establish by rule or regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this title. In addition to other matters, such criteria shall include standards for—

"(1) the persons who shall be eligble for reimbursement;

"(2) the categories of crimes for which reimbursement may be ordered;

"(3) the losses for which reimbursement may be ordered; and

"(4) such other terms and conditions for the payment of such reimbursement as the Board deems necessary and appropriate."

SEC. 108. Section 301 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, no grant may be made under the provisions of subsection (a)(10) of this section after June 30, 1975 to any State, unless the Attorney General has determined that such State has enacted legislation of general applicability within such State establishing a fund similar to the Criminal Victim Indemnity Fund established under section 458 of this Act.".

PART C—MISCELLANEOUS PROVISIONS

SEC. 109. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesigned by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated for the fiscal year ending June 30, 1975, $1,000,000 for the purposes of part F."

SEC. 110. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEC. 111. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any persons or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 112. This Act shall become effective upon the date of enactment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the minority leader seek recognition? If not, under the previous order, the Senator from Oregon (Mr. HATFIELD) is recognized for not to exceed 15 minutes.

VIETNAM DENOUEMENT

Mr. HATFIELD. Mr. President, the ugly agony of Indochina is made all the more tortuous by the delusive refusal of this Nation to accept the culpability for decades of a morally indefensible policy whose final failure is now being revealed.

The urge to believe that we have done what was somehow right and honorable leads us to wash our hands of any sin, and then search to place on others the responsibility for the failure of American policy. So the administration blames the North Vietnamese for violating a treaty that was never initially respected by the South Vietnamese. Other diehard believers in the possibility of America's cause blame the Congress, as if, after spending

$150 billion in Indochina, it came up $300 million short of the price of success. The Congress, indignant over any suggestion of contributing to the collapse of a government it regularly enjoyed castigating, simply condemns that government once again, saying our efforts have been wasted on incompetents.

All this is so pathetic. Have we now no historical memory?

We have refused to admit that we have been wrong. And look at the suffering that has resulted from that price.

Let us recall what we all know. A Vietnamese nationalist, who was also a Communist, led a struggle against French colonialism and Japanese imperialism. He almost succeeded in 1945. But then the French came back. Since Secretary Acheson faced the vindictiveness of those who believed he had "lost China," we quickly forgot our anticolonial rhetoric and looked the other way. The costs domestically and the internationally of "losing Vietnam," as if it ever was ours to lose, propelled us to pay for France's neocolonial war, and then disregard the Geneva agreement. Half of Vietnam could still be kept as proof our policy had not failed.

President Kennedy wanted to show Khrushchev he was tough and keep our pride intact, so he chose to "fight on the frontiers of freedom" in a client state whose leader we had installed and then later removed. When the military and political viability of our policy collapsed, in early 1965, we called the Vietnamese civil war, a "war of aggression" as if fought between two historically sovereign states. That was the rationale for the troops and bombs of President Johnson's policy which wreaked havoc over all the land.

President Nixon and Secretary Kissinger never questioned the intent of that policy, but only changed its tactics; Vietnamese deaths were increasingly substituted for Americans, and we were told that in order to withdraw our troops another peaceful and innocent country—Cambodia—had to be thrust into the onslaught of this war. So hundreds of thousands more of Indochina's innocent ones fled the fury of our devastation dropped from the skies. By Chrismas after the reelection in 1972, we bombed again to convince Hanoi we had no constraints about destroying their cities and those still living in them.

These were the costs of a "peace with honor," which yielded neither peace for the people of Indochina nor any sort of honor for this Nation.

Indochina has been a malignancy in the heart of this Nation. Now, faced with the demise of all our efforts, if we shun from any admission of wrong, our soul will be poisoned by such failure.

So let us hear no talk at this late date about preserving American honor and prestige. Let us not console ourselves with vain assurances that we have "done all we could," sacrificing so generously for a worthy cause which Fate willed to failure.

No, our cause in Indochina has been wrong from the start. It has been a singular moral catastrophe for America, wrong in its initial purpose, and escalated to an outrage as we sacrificed lives in a vain attempt to keep unblemished our national pride.

But then what about our enemy? Is he exempt from any moral culpability for the grief inflicted upon Indochina? Of course not. He has fought brutally for his cause, beliveing like ourselves, that terror and the bloodshed of innocents are acceptable means for achieving his ends. That was an assumption shared by both Vietnamese parties in this war. All must be condemned for resorting to the immorality of violence.

So now, when our failure is unveiled before all the world, let us not delude ourselves further with talk of good motives; and let us hear no rationalizing murmurs about the ineptitude of those we paid to fight for our policy.

If we are to recover from this dark night of our Nation's soul, it will only come through a clear and frank admission of wrong. Then we can endeavor to reconstruct a relationship with the world built not around our power, which has proved unable to secure the ends it sought, but structured instead upon alleviating the overwhelming human needs in a world divided between rich and poor.

And what do we do now, in these next few days, in Indochina? First, we can stop any further flow of blood and expedite a settlement with the insurgents in Cambodia and North Vietnamese and PRG in Vietnam which recognizes in each case the political power they now possess militarily. The sooner the fighting is stopped, and the existing regimes in Phnom Penh and Saigon relinquish the power they have lost, the better the hope that nonalined nationalist, neutralist, and "Third Force" elements will have in playing a moderating role in the regimes which will shortly be ruling those countries.

We have witnessed in America a spontaneous outpouring of compassion for those thousands and even millions of displaced people for whom ideology is irrelevant, for they only know the personal anguish that loss of home or family has inflicted upon them during these past days. The human needs of all these people, who struggle for life's necessities on both sides of the present lines of war, can become the starting point for the hope of a healed relationship between our people and the people of Indochina.

Let us, then, make available through the United Nations, voluntary agencies, and other international channels, those quantities of food and medical assistance which are required to preserve life and restore normalcy to those who have suffered such untold grief and hardship. We should do so simply as a gesture of the humanitarian sentiment which has been expressed so keenly by our people during these past weeks. We can begin by taking the food already committed and being shipped to governments of Cambodia—150,000 tons of rice—and Vietnam—100,000 tons of rice—and make it available through international, apolitical channels, to all who find themselves in need. Then we can cooperate in an international, postwar relief effort, such as that conducted with the involvement of our private citizens and organizations, throughout Europe in the aftermath of World War I and II.

But above all, as a nation and as individuals, we can face in a spirit of repentance the full weight of the suffering which our collective pretensions, pride, and fear have inflicted upon others, and turn to heal these wounds within ourselves as well as those so injured.

I know full well we all would not like to face this darker side of truth. As Carl Jung has written:

> The center of all inequity is invariably found to lie a few miles behind the enemy lines. Because the individual has this same primitive psychology, every attempt to bring these age-old projections to consciousness is felt to be irritating.

So we know how uncomfortable it is to look at our sin. But if we repress it, and refuse to acknowledge our own corporate potential for inflicting destruction on others, then I fear that the agony of Indochina will be repeated, perhaps more subtly but still as tragically, throughout the globe.

To face our collective wrong means also recognizing individually the violence and hatred in each of our inner lives. There is a connection. As Jung said after World War I in words that are prophetic for this day:

> This war has pitilessly revealed to civilized man that he is still a barbarian, and has at the same time shown what an iron scourge lies in store for him if ever again he should be tempted to make his neighbour responsible for his own evil qualities. The psychology of the individual is reflected in the psychology of the nation. What the nation does is done also by each individual, and so long as the individual continues to do it, the nation will do likewise. Only a change in attitude of the individual can initiate a change in the psychology of the nation.

So that, perhaps, is where we each can begin during this hour of history. Let us ask for the courage to face the truth, for only then can we seek our redemption.

I yield back the remainder of my time.

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

Mr. HATFIELD. Yes, I yield.

Mr. ABOUREZK. Mr. President, I congratulate the Senator from Oregon (Mr. HATFIELD) for the statement he has made on Vietnam. He has been a leader in Congress for many years in an effort to extricate this Nation from what we see now is the greatest mistake in our foreign policy history. I think he is to be greatly commended for his unswerving dedication to the cause of peace all through these many years.

Mr. HATFIELD. I appreciate the comments of the Senator from South Dakota, and I consider it always a privilege to associate myself with him in the same causes to which he has referred, not only in the Far East but Middle East and other parts of the world, where peace is sought. I thank the Senator very much.

ORDER OF BUSINESS

Mr. ABOUREZK. Mr. President, on my own time I have, I believe, 15 minutes.

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

PROPOSED CHANGE IN REA INSURED LOAN POLICY

Mr. ABOUREZK. Mr. President, the rural electric program has special esteem in South Dakota because that program provided more economic and social progress than any other Government program for the rural people of my State. Rural people of my State were among the last to receive central station service on their farms and in their homes. The combination of sparsely settled rural areas and high cost wholesale power delayed modern electric service for a great proportion of South Dakota rural people until the early 1950's.

Because providing central station rural electric service in South Dakota was especially difficult, the rural electric program in South Dakota produced many of the great leaders of this program in the Nation. Because the cooperatives had to have 2 percent interest loans to even think about building facilities for these sparsely settled areas, and because many could not be served until low-cost power from the Missouri River dams became available, these leaders, farmer-directors and their hired staffs, have for 25 years and more provided leading spokesmen for this program and related resource development for the entire Nation.

On every occasion, no matter what political party was in power, these rural electric leaders tenaciously defended the Government programs that meant so much to their members. During the 1960's, when changes in the basic REA interest rate of 2 percent were advocated by the administration and some of the cooperatives, rural electric leaders of South Dakota insisted that the 2-percent program be maintained for those that still needed this lower interest rate.

Throughout the history of this program, these leaders have played an active part in Missouri River development and in decisions concerning the rates for power from the Missouri River dams. In the late 1950's, and early 1960's these same people led the way in establishing for rural electric people—for the first time—a modern-sized thermal generating plant on a regional basis through the programs of REA and the Department of Interior.

They established, for the first time, a new concept in retail rates that assured that the benefits of this low-cost power would accrue to the members of these cooperatives, rather than be used to accumulate huge financial reserves.

They operated on the philosophy that low-cost power is the result of saving a tiny fraction of a mill here and another tiny bit there—as well as averting greater increases in costs.

And so it was with great reluctance that the rural electric cooperatives of South Dakota accepted and supported a so-called compromise of higher interest rates plan that would provide the greater amounts of capital needed for this program.

They did this only after being assured that the lower interest rate of 2 percent, and in some cases 5 percent, would be available on the same terms and conditions for generation and transmission facilities as for distribution facilities.

Since the enactment of these new methods of financing, this administration has yet to make a 2-percent loan for generating and transmission facilities, despite the clear direction that this is what the law provides. A.G. & T. cooperative of North Dakota is appropriately challenging this interpretation of the legislation in the courts.

Now comes a new blow to providing low-cost power to the rural areas. On March 11, REA Administrator David Hamil announced a supplement to REA Bulletin 20–6 that would increase interest rates for power supply type rural electric cooperatives from 5 percent to the rate under the Federal Financing Bank of about 8 percent.

The first example of the effect of this change on South Dakota is a loan for the East River Electric Cooperative which serves about half of the rural people of South Dakota with transmission lines in the eastern half of the State. East River also serves one cooperative in southwestern Minnesota. An REA staff member recently called East River and told the manager of that cooperative that the application that it was preparing for an $11 million loan would be at this higher rate.

Those higher interest rates will add about $350,000 a year to the bills of the rural electric members served by that cooperative. REA Administrator David Hamil, in answer to my request, estimates that from $150 to $200 million will be affected each year by this new policy. In the first year, that increase would amount to something like $4.5 to $6 million extra for rural electric members. In something like 10 years from now, these same members will be paying about $45 to $60 million annually more than they would if the new policy were not put into effect.

I object to this price gouging.

The National Rural Electric Cooperative Association has provided me a copy of a letter to Mr. Hamil, its formal objection to that new policy, which makes it clear that this new policy is not only inconsistent with the law, it is in contempt of the Congress. I ask unanimous consent that a copy of that letter appear at the conclusion of my remarks.

Similarly, the Midwest Electric Consumers Association, Denver, Colo., has provided me a copy of its formal objections to this new policy, and a letter to Mr. Hamil. I ask unanimous consent that these documents be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. ABOUREZK. Mr. President, I also request that letters from Mr. Hamil, and from Mr. Loren Zingmark, manager of East River Electric Power Cooperative, be inserted in the RECORD after these comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. ABOUREZK. Mr. President, it is not my purpose here today to discuss at length the legality of this new policy. Rather, it is my purpose to alert Members of this body, and Members of the House, by these brief comments and by these and other documents, that once again the administration is refusing to administer laws as they are written. Once again the administration is trying to do in the rural electric program.

That they are doing so at this time is especially ironic, for very nearly at the same time that REA Administrator Hamil was declaring this new policy to increase interest rates for systems serving rural America, Interior Secretary Rogers Morton announced that the administration is seeking new forms of subsidies for investor-owned utilities.

In a speech in March to the Southwestern Electric Exchange in Boca Raton, Fla., Secretary Morton announced that the administration is considering proposing expanded Federal subsidies to these companies, the purpose of which are to reduce the cost of their financing and to reduce their taxes.

Mr. President, who is in charge of the store? Can the administration seriously suggest that Congress should consider new subsidies for the investor-owned utilities at the same time they are trying to put into policy, despite the law, higher interest rates for serving the less economic, sparsely settled rural areas?

Mr. Hamil, or whoever it was that made the decision on this new policy, should reverse that decision immediately.

If that decision is not reversed forthwith, then the Congress, Mr. President, should take whatever action is appropriate and necessary to see that laws it enacts are administered as they are enacted rather than at the whim of some administration official who is acting in virtual contempt of this Congress.

EXHIBIT 1

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, D.C., March 28, 1975.

Hon. DAVID A. HAMIL,
Administrator, Rural Electrification Administration, South Building, U.S. Department of Agriculture, Washington, D.C.

DEAR ADMINISTRATOR HAMIL: The following comment is respectfully submitted in response to the Administrator's invitation for views and comment on the proposed supplement to REA Bulletin 20–6 published in the Federal Register of March 11, 1975.

This proposed supplement to Bulletin 20–6, as so published, would terminate the availability of the standard 5% REA insured loans to all "power supply type borrowers" except where "the Administrator has determined the need for an insured loan in order to maintain loan security."

This exceedingly restricted basis for consideration of such loans in the future does not coincide with or adhere to the mandate of the RE Act for such loans which has heretofore been followed, and which has served as the basis for substantial 5% insured loans to power supply borrowers since the effective date of Title III of the RE Act (May 11, 1973; P.L. 93–32). The drastic nature of this proposed termination of a vitally important segment of the REA loan program is regretfully reminiscent of the even more sweeping REA loan program termination of December, 1972. The National Rural Electric Cooperative Association expresses in the strongest possible terms its opposition to the change in REA Bulletin 20–6 now proposed.

It is fortunate, and it is appreciated, that the effectiveness of the currently proposed termination of 5% power supply loans is made contingent upon REA's consideration of the views and comments submitted to you during the 60 day period following the Federal Register publication date of March 11, 1975. If the Federal Register publication and the invitation to submit views and comments are to be of any practical significance and contribute to the final resolution of the proposal, such publication must mean that the entire proposal remains in abeyance and without effect until the views and comments submitted during the 60 day period have been adequately considered and evaluated by REA. Otherwise the Statement of Policy by the Secretary of Agriculture, dated July 20, 1971 (Federal Register, Vol. 36, No. 143, July 24, 1971), directing public participation in the formulation of policies relating to loan programs, in accordance with the procedures provided for in 5 U.S. Code 553, would be frustrated and nullified.

The discontinuance by REA of acceptance from power supply borrowers of applications for insured loans is part of the proposed new policy. Under the Department regulation, this would in no event take effect until May 11, 1975 or some time thereafter. It is accordingly difficult to understand or accept the statement, in the introductory notice preceding the text of the proposed bulletin, which purports to establish "an immediate (i.e. March 11, 1975) cut-off date for the acceptance of loan applications under the insured loan program" from power supply borrowers. It is transparently clear that this premature cut-off date violates fundamental concepts of due process, and violates Department of Agriculture regulations which have the force of law. It should be promptly rescinded.

The substance of the proposed new termination policy causes us grave concern. Upon considered review of P.L. 93–32 and its legislative history, including the exchange of views and agreement between the Congress and the Administration which preceded its enactment, it is clear to us that this proposed policy change is contrary to the statute on which it is purportedly grounded and is, therefore, unlawful. Moreover, the proposal would, in our judgment, have very serious adverse effects upon the rural electrification program.

We feel very strongly that our opposition to the proposed change is thoroughly supported by the language and the legislative history of P.L. 93–32.

During the exchange of views between Congress and the Administration which preceded the enactment of P.L. 93–32, a major difference of opinion arose as to interest rates applicable to generation and transmission loans. The majority of the House Agriculture Committee and the bill which they sponsored (HR 5683) would make no distinction between interest rates on distribution loans and interest rates on generation and transmission loans. On the other hand, the Under-secretary of Agriculture, in his March 14, 1973 appearance before the House Agriculture Committee, stated that "from the standpoint of the Administration . . . generally, the rate of interest on insured loans for electric distribution would be 5 percent . . . (and) generally, except for a few hardship cases, the rate of interest for electric generation and transmission would be at the market rate." (H. Rept. 93–91, 93rd Congress, 1st Session, p. 5). The Administration bill (HR 5536), introduced as such by Congressman Ancher Nelsen, incorporated substantially these provisions. In the House debates on the RE Act Amendments, on April 4, 1973, Congressman Nelsen put into the record (Congressional Record April 4, 1973, p. 10927) a letter from him to Congressman Poage in which he stated, ". . . the next item of concern to the Administration was generation policy . . . the wish that all generation loans be set at 'market rates'."

The clean bill introduced by Congressman Denholm on instruction of the committee (HR 5683) provided for the same interest rates (2% and 5%) on all insured loans, making no distinction whatsoever between distribution and generation and transmission. Chairman Poage pointed out this fact to the Committee in his final statement before the motion and affirmative vote to report the bill favorably. He said this:

"I do not want any bill singling out generation and transmission associations or taking any kind of crack at them. They are part of our rural electric systems and they are treated just like all the rest of it in the bill. Of course, they will not get much, if any, 2-percent money, I recognize that. And I recognize that most of the money will be higher priced money because of the criteria, but we will apply the same criteria to everybody."

The Administration held to its position of market rates for generation and transmission loans until May 8, 1973. On that date the Secretary of Agriculture, in his letter to Congressman Poage (Congressional Record, May 9, 1973, p. 14859), made his commitment on minimum program levels for the following three fiscal years "conditioned on but *one* cardinal principle—mandatory language . . . be stricken from the legislation." The Administration thus acquiesced in the other basic principle of the legislation (HR 5683)—the complete absence of any distinction or discrimination, as to interest rates or otherwise, between distribution loans and generation and transmission loans. As Congressman Poage stated in submitting the Conference Report to the House (Congressional Record, May 9, 1973, p. 14990):

"The conferees agreed to drop the mandatory provisions in the bill . . . In return Secretary Butz has given us a letter pledging on behalf of the Administration that 2 percent loans will be made to all associations that meet the criteria of need . . . and that 5 percent money will be available to the bulk of the applicants [clearly meaning those not eligible for 2 percent loans]. . . . ***In addition,*** guaranteed loans at the going rate of interest to the extent which may be fixed by the Congress . . . will be available."

The legislative resolution of the differences was made crystal clear. Five percent loans would be available to all applicants, distribution and generation and transmission alike, who were not eligible for 2 percent loans. Guaranteed loans were recognized as an addition or supplement to insured loans.

The Administration thus recognized and accepted what Congressman Poage so clearly stated in the House Agriculture Committee Report (H. Rept. 93–91, 93rd Congress, 1st Session, pp. 9–10) on HR 5683:

"The Administrator should continue to have the authority . . . to make loans for generation and transmission on the same terms and conditions and at the same rates of interest as are applicable to loans for other purposes authorized by the Rural Electrification Act, and it is the intent of HR 5683 to provide such authority and discretion."

Your proposed new policy which would terminate insured loans to power supply borrowers constitutes a clear negation of the plain intent of the May 11, 1973, legislation (P.L. 93–32) and the Administration's acquiescence in that intent and legislation. This proposed new policy appears to be a attempt to revive the Administration's former position taken prior to May 8, 1973, i.e. to deny power supply borrowers 5% insured loans and to limit them exclusively to funds borrowed at open market interest rates. This proposal seems to ignore the all important fact that the Administration agreed to give up this position, and that this position was definitely rejected by the Congress in May of 1973.

Only one reason is given in the proposed supplement to REA Bulletin 20–6 for this attempted reversal of Congressional action. It is "to make the maximum amount of REA insured loan funds available for the financing of electric distribution facilities." This alleged justification must be faulted on two grounds. First, as we believe we have already shown, it flies in the face of the clear Congressional intent that each application for insured loan funds must be given equal consideration, without distinction as between distribution facilities and generation and transmission facilities. Second, without basis in any facts known to us, it anticipates that insured loan funds made available under P.L. 93–32 will not be adequate to provide all the loan needs of the distribution borrowers plus some substantial amounts for power supply borrowers to lighten the burden imposed on the latter by open market rates of interest already applicable to major portions of their projects. In the alternative, it perhaps anticipates that REA will choose not to utilize all of the insured loan funds made available by the Congress. Such action would be without legal justification and, as will be later pointed out, would seriously jeopardize the entire program of concurrent supplemental financing and guaranteed loans.

Since the enactment of P.L. 93–32 substantial insured loan funds, over and above the needs of the distribution borrowers, have been available and have been loaned for generation and transmission facilities (more than $500 million). We have no reason to doubt that the Congress will continue to make available substantial insured loan funds for generation and transmission. We, of course, recognize that Federally guaranteed loans must be a major source of G&T financing. However, with the increasing burden on G&T systems created by the diminished capability of power companies to supply wholesale energy, the traditional help afforded by REA G&T loans, and contemplated by P.L. 93–32 as being continued by REA insured loans, must not be terminated. In light of current economic conditions, and particularly as they affect power supply, there could hardly be a worse time to propose termination of REA insured loans for generation and transmission purposes. That aid, now more than ever, is desperately needed. And clearly continuing to fill that need will benefit all distribution borrowers, not merely the approximately 60% of them who are members of power supply cooperatives. Moreover, it is totally anomalous that while the Executive Branch, through its Secretary of the Interior, advocates enactment of new legislation which would confer a broad package of benefits on one group of electric utilities to encourage construction

of generating plants, its REA Administrator is simultaneously proposing withdrawal of a similar existing benefit from another group of utility systems.

Another disturbing aspect of the proposal is its apparent arrogation to the Executive Branch of authority given by P.L. 93-32 to the Congress to determine the amount of REA insured loan funds that will be available and utilized for fiscal 1976 and thereafter. We trust that in no event would the REA Administrator refuse to consider any lawful application for an insured loan. No group of REA borrowers should be excluded, as the proposed policy does, from exercising their rights under P.L. 93-32 to file insured loan applications and have them considered, each on its own merits.

Furthermore, we respectfully suggest that where pursuant to P.L. 93-32 adequate insured loan funds are made available by the Congress, the Administration may not lawfully refuse to utilize those funds for generation and transmission loans. Such a refusal threatens to be one consequence of the proposed new policy.

Such a refusal, in addition to its unlawfullness, would also place in jeopardy both the present pattern of concurrent supplemental financing and the system of Federally guaranteed loans provided by Section 306 of P.L. 93-32. Under Section 307 of P.L. 93-32, the authority of the Administrator to require that a loan applicant obtain a portion of its loan funds from a non-REA lender is explicitly made "subject, however, to *full use* being made by the Administrator of the funds made available hereunder for such insured loans under this title." (underlining supplied). If this quoted condition were not satisfied, the Administrator's authority to require the applicant to obtain all of its needed loan funds from a non-REA source, even with the support of an REA guarantee under Section 306, would similarly be subject to very considerable doubt.

Under any circumstances, there seems no factual warrant or legal basis for proposing a policy which, by executive fiat, would for all practical purposes repeal and extinguish a vital segment—insured loans to power supply borrowers—of the Administrator's statutory lending authority. The constitutional responsibility of the Administration faithfully to execute Congressionally enacted legislation would, it seems to us, be negated by this proposal. Nullification of part of statutory authority and responsibility is nullification nonetheless.

We also strongly oppose that portion of the proposed supplement to REA Bulletin 20-6 which would limit to $10 million the availability of insured loans for generation and/or transmission to distribution cooperatives. There is no more factual or legal justification for this provision than for the complete denial of such loans to generation and transmission systems. The same arguments are equally applicable against both elements of the proposed revision.

For all the reasons hereinbefore set forth, we most respectfully request and urge that the proposed supplement to REA Bulletin 20-6 be withdrawn.

Sincerely yours,

ROBERT D. PARTRIDGE,
Executive Vice President and General Manager.

MID-WEST ELECTRIC CONSUMERS ASSOCIATION, INC.,
Evergreen, Colo., April 3, 1975.

Hon. DAVID A. HAMIL,
Administrator, Rural Electrification Administration, South Building, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HAMIL: It is with poignant heartache that Mid-West Electric Consumers Association is forced to write this letter to you to protest, as vigorously as we know how, the proposed supplement to REA Bulletin 20-6 which was noticed in the Federal Register on March 11, 1975. We feel now as we did a little more than two years ago when we read the news release of the U.S. Department of Agriculture, issued on December 29, 1972, which announced the Administration's "termination" of the program of the Rural Electrification Administration as it had existed up to that time, and its transfer to the Farmers Home Administration. December 29, 1972, has stood out as the darkest day in the history of this great program—a true Pearl Harbor Day. Now, unless you intervene and decide not to follow through with the flagrantly illegal action contemplated by the proposed supplement to Bulletin 20-6, March 11, 1975, will rank as the second darkest day in the life of rural electrification program. We plead with you not to let that happen.

Dave, just as everyone knows that you were not responsible for the attempted murder of REA in 1972, we feel positive that you were not the author of the scheme announced on March 11th for the rape of the program. It would seem abundantly clear that the same forces which were the masterminds in back of the attempted destruction of the program in 1972 are calling these shots for this latest nefarious scheme.

Soon after the issuance of the December 29, 1972, news release, Mid-West Electric Consumers Association, NRECA, hundreds of individual cooperatives and a goodly percentage of the Members of Congress pointed out that the attempt by the Executive to terminate this Congressionally established program without the consent of Congress was palpably illegal. Although the Administration vigorously denied the illegality of its action, the U.S. Court of Appeals for the Fifth Circuit, as you know, in the Sioux Valley case, emphatically found the action announced on December 29, 1972 to be unlawful. It is submitted that it is even more obvious that if you, without the consent of Congress, refuse "to accept loan applications under the insured loan program for the financing of major generation and transmission facilities," with certain almost meaningless exceptions such action will be openly and shamelessly illegal. Our Attorneys have so advised us.

Major generation or transmission facilities are defined in the proposed supplement "as all facilities of power supply type borrowers and projects of distribution borrowers consisting of generation or transmission facilities which in aggregate, cost more than $10,000,000.00".

Before indicating the provision of P.L. 93-32, the statute enacted by Congress in 1973 to undo the killing of the REA and to pump new life blood into that program which is so desperately needed if rural America is to prosper, and the unclouded legislative history relating thereto which indisputably establishes and confirms the complete illegality of the proposal to cripple the generation and transmission program, we should like to point out the enormous and irreparable harm which would be inflicted upon the cooperatives—both G & T and distribution—if the proposal is to be permitted to become operative. It cannot be emphasized too extravagantly that all distribution cooperatives—not only those which are members of G & T cooperatives—will suffer serious detriment if the cost to G & T cooperatives which are producing electric power and energy is sharply and unjustifiably increased by this unwarranted proposal which is strikingly without warrant of law.

Anyone who has ever negotiated a wholesale power contract for a cooperative is fully aware that the level of the rate to which the selling company will ultimately agree after bargaining has been completed will depend upon the cost at which power and energy is available to the cooperative from an alternate source. Thus, the cost to distribution cooperatives, not members of a G & T is determined to a far-reaching extent by the cost at which G & T's in the general area can generate.

We shall burden this protest with only one specific example of the awesome increased cost of electricity to the rural residents of America, by far the larger part of whom are farmers and ranchers, which will result from denying insured loans to all G & T cooperatives and to a distribution cooperative which is forced to construct major generating or transmission facilities on its own.

East River Electric Power Cooperative, Madison, South Dakota is a member of Mid-West. It operates no generating facilities but transmits power purchased from the Bureau of Reclamation or Basin Electric Power Cooperative or power companies to some twenty distribution cooperatives. East River at the present time has definite plans to borrow approximately $11,000,000 in the three year period, 1976-1978 to construct the transmission facilities which will be required to enable it to continue to render adequate service to its members. Its aggregate interest costs, over the 35-year life of the loan at various interest rates, would be as indicated immediately below:

Percentage of interest rate and aggregate cost

5	$12,552,000
7½	20,265,000
8	21,895,000
8½	23,550,000
9	25,228,000

In the following table we show the percentage of the principal amount of the loan ($11,000,000) which would be paid as interest over the life of the loan at various interest rates:

Percentage of interest rate and percent of principal

5	114
7½	184
8	199
8½	214
9	229

Thus, the difference in the aggregate interest East River would be forced to pay at the insured rate of 5% and the lowest conceivable guaranteed rate (7½%) is $7,713,000. In all likelihood, it would be forced to pay substantially more than 7½%.

Now for a brief résumé of the provisions of P.L. 93-32 and its related legislative history. After it became obvious that the Administration would not voluntarily back down from its determination to extinguish the REA program in the form it had previously existed, the House passed H.R. 5683, and the Senate passed S. 394.

S. 394, for the most part, merely directed the REA Administrator to make loans in each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress for direct rural electric and telephone loans under Section 3 of the Rural Electrification Act, as amended.

H.R. 5683 was reported out by the majority of the House Agriculture Committee after long drawn out attempts by the Committee to reach a compromise which would enable the rural electrification program to continue to operate pretty much as it did prior to December 29, 1972, with somewhat higher interest rates and utilizing insured and guaranteed loans. Although the Administration agreed to some compromises, it strongly opposed H.R. 5683 as passed by the House. Its reasons for opposing the bill were explained by Under Secretary of Agriculture J. Phil

Campbell when he appeared before the Committee on March 14, 1973. His statement is set forth in the House Committee Report accompanying H.R. 5683, issued March 27, 1973. Among the provisions in the bill to which the Administration objected was the provision which directed the Administrator to make loans. It also insisted that the rate of interest for generation and transmission loans, except for a few hardship cases, should be at the market rate.

Although H.R. 5683 reflected most of the Administration's insisted upon changes, it retained a mandatory provision for the loan program, and generation and transmission loans were given the same treatment as other types of loans.

After the Committee of Conference of the Senate and the House was designated, it carried on further negotiations with the Administration in an attempt to work out a still further compromise bill which the President would not veto. Its efforts were successful. The agreed upon compromise was entirely different from the Senate bill, but very similar to H.R. 5683 passed by the House, with the exception that the mandatory language of the House bill was removed. Most significantly, it continued to treat generation and transmission loans exactly the same as it did distribution loans.

In a letter from Secretary of Agriculture Butz to Honorable W. R. Poage, the Chairman of the House Committee on Agriculture, the Secretary made a commitment that during each of the next three Fiscal Years an REA program at levels not less than budgeted for Fiscal Year 1974 would be operated through the authority of REA. He also made certain commitments as to the amount of loans which would be made available at the 2% rate. The Secretary made it clear beyond per adventure of doubt, that the only condition to his commitment was that the mandatory language in Section 305 be stricken from the legislation and that there be no legislative direction with respect to hardship cases beyond the criteria set forth in the House passed bill. The letter was most complimentary to the Conferees for achieving constructive legislation which would insure a viable rural electrification and telephone program. The Secretary's letter could not have been clearer than it was that the Administration was *not* objecting to the new law requiring that G & T loans be treated the same as distribution loans.

Moreover, the Secretary raised no objection to the limitation on the Administrator's discretion in certain circumstances, which appears in Section 307. That Section reads as follows:

"Section 307. Other Financing—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan currently with a loan insured at the standard rate, *subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this Title.*" (Emphasis supplied.)

Beyond question, this language makes unlawful for the Administrator to turn down an insured loan application for a G & T loan unless he makes full use of the funds made available by Congress for insured loans. Thus, the proposed supplement to Bulletin 20-6 is indisputably illegal.

While the Secretary insisted and the Congress went along with him, that the directory language in Section 305 be stricken from the legislation, he indicated no objection to the limitation of the Administrator's discretion contained in Section 307, that limitation being applicable only to the Administrator's right to request an applicant to obtain a portion of its loan from another credit source. In that circumstance, the law could not possibly be more mandatory than it is in requiring the Administrator first to make full use of insured funds. There is, of course, no conflict between giving the Administrator full discretion in respect of making the loans in other circumstances, while at the same time limiting such discretion in a particular circumstance.

Other items appearing in the legislative history also fully corroborates our position that the adoption of the proposed supplement would do reckless violence to the Act and would literally represent the "thumbing of the nose" to the Congress by the Executive Branch.

In the House Report accompanying H.R. 5683, when it was reported out, there appeared these statements:

"Generation and Transmission Loans are given the same treatment as other types of loans and will not, as suggested by the Department be made exclusively at private market interest rates." (p. 6)

* * * * *

"Loans for Generation and Transmission" Section 305 H.R. 5683 empowers the REA Administrator to make insured loans out of the Rural Electrification and Telephone Revolving Fund for all purposes for which direct loans are authorized by the Rural Electrification Act of 1936.

"During consideration of H.R. 5683 by the Committee, it was suggested that the legislation be amended to exclude generation and transmission facilities for the purposes for which electric loans can be made and insured under Section 305; and to require that all loans for these facilities be of the guaranteed type and carrying open market rates of interest."

"It is the view of a majority of the Committee, however, that the fundamental purpose of the legislation is to reduce the adverse impact of the REA loan program on the federal budget. In accordance with the announced objectives of the President rather than to change the purposes and objectives of the program."

"A majority of the Committee believes, therefore, that the Administrator should continue to have the authority and the discretion to make loans for generation and transmission *on the same terms and conditions and at the same rates of interest* as are applicable to loans for other purposes authorized by the Rural Electrification Act, and it is the intent of H.R. 5683 to provide such authority and discretion." (pp. 9-10) (Emphasis supplied.)

* * * * *

The Committee, therefore, suggests that the REA Administrator exercise restraint and caution in requiring borrowers to accept non-government concurrent financing under the new 5% REA loan program in order to avoid jeopardizing the ability of such borrowers to provide reliable service at rates comparable to those charged for similar service by neighboring electric and telephone systems.

In this connection, the Committee expects the Administrator to substantially continue his concurrent electric loan policy which existed prior to December 29, 1972, with loans insured at the standard rate of 5%, in conjunction with the Cooperative Finance Corporation and other outside leading organizations. It is the understanding of the Committee that the present practice provides for 70% of a generation and transmission loan to be made by the Administrator and 30% of the loan from an outside source.

In his comments, during the discussion of the proposed legislation by the House Agriculture Committee, Chairman Poage made this statement:

"I do not want any bill singling our generation and transmission associations or taking any kind of crack at them. They are a part of our rural electric systems and they are treated just like all the rest of it in the Bill. Of course, they will not get much, if any, 2% money. I recognize that, and I recognize that most of the money will be higher priced money because of the criteria, *but we will apply the same criteria to everybody.*" (Emphasis supplied.)

Also, the Appropriations Committees have, on occasion, since the enactment of P.L. 93-32, made it clear that they intend that G & T loans are to be treated the same as other loans.

It is submitted that there could not be a less propitious time than now in which to add this most substantial burden to the beneficiaries of the Rural Electrification Act.

Dave, you are as familiar as anyone with what has happened to the farmers of this country in the last several months. They are really suffering economically. The proposed supplement would create a still additional inflationary factor to add to their woes. Moreover, the increase cost that is being proposed at the very same time that the Administration and Congress are taking direct steps to aid the privately owned utility companies. Not only Secretary Morton, but the President himself, have proposed remedial measures to benefit the utility companies. We are sure that you are familiar with the long list of aid to the private power sector of the utility industry which Secretary Morton proposed in a recent speech. Furthermore, the tax bill recently signed by the President ups investment tax credit from 4% which the utility companies have enjoyed in the past to a whopping 10%.

The Senate-House Joint Committee on Taxation estimates that increasing the investment tax credit to 10% will result in a bonanza for the companies affected thereby of $3.3 billion. Of this amount, it is estimated that the utilities will receive $900 million.

Dave, I believe that if you will check this matter out with the cooperatives around the country, you will find that the opposition to the proposed supplement is overwhelming. Many of the most conservative cooperative leaders are outraged at the proposal. It has been indicated to us that if the Supplement is finally put into effect, we shall have a repetition of the bitter controversy which prevailed following the December 29, 1972, news release. The possibility of law suits challenging the legality of the proposal are certain to follow. The *Sioux Valley* case would indicate to many of the cooperative people that such litigation should be successful.

We close with a plea to you that you heed the comments you receive from cooperative leaders and squelch the proposal which appeared in the March 11, 1975, Federal Register.

Very sincerely,

FRED G. SIMONTON,
Executive Director.

EXHIBIT 2

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 3, 1975.

Hon. JAMES ABOUREZK,
U.S. Senate.

DEAR SENATOR ABOUREZK: We are pleased to comment on the letter we received from you March 26, 1975, regarding proposed changes in our generation and transmission loan policy as published in the Federal Register, March 11, 1975.

Under the proposed policy, effective im-

mediately, REA would no longer accept loan applications for the financing of major power supply facilities under the insured loan program. For this purpose, major power supply facilities are defined as projects of distribution borrowers consisting of generation or transmission facilities which in aggregate cost more than $10 million and all facilities of power supply borrowers.

Exception will be made, however, where (a) the borrower qualifies for a loan under the "special rate," or (b) the Administrator has determined an insured loan is needed in order to maintain loan security. Under these exceptions, major power supply facilities of both distribution and power supply borrowers may be financed under the insured loan program.

Loans under the REA guarantee program may be obtained from any legally organized lending agency, subject to REA approval, including the National Rural Utilities Cooperative Finance Corporation. REA has a contract with the Federal Financing Bank (FFB) to provide financing for loans guaranteed by REA, however, and so far all funding for REA loan guarantees has been provided by the FFB. This has provided a very convenient method for borrowers to obtain funds under REA guarantee from the private money market at rates almost as low as U.S. Treasury borrowings for comparable maturities.

Legislation creating the Rural Electrification and Telephone Revolving Fund in the U.S. Treasury, contains the following statement of Congressional policy:

". . . it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended; and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. . . ."

We feel that the proposed new loan policy is consistent with this stated Congressional policy. In addition, under the proposed policy, REA will be able to make loans to distribution borrowers to meet their two-year loan requirements for amounts at least up to $1 million under the insured loan program instead of the current limit of $750,000.

This, too, is consistent with the following comment by the House Committee on Appropriations: "The Committee reaffirms its statement that the most urgent needs of distribution facilities should be met first since State law and territorial agreements properly prohibit (competing power systems from) servicing REA borrowers. In contrast, wholesale power can be supplied by any source available." (House Report No. 92–1175, June 26, 1972). In the same year, the Senate ". . . Committee commends REA and the rural electric systems for their efforts in developing a plan to provide financing for needed bulk power supply projects under which the major portion of the funds will be furnished by non-government sources." (Senate Report No. 92–283, July 24, 1972.)

Distribution cooperatives' two-year loan requirements for fiscal year 1976 are estimated to be at least $700 million. Secretary Butz, in his May 8, 1973, letter to the Chairman of the House Committee on Agriculture, said that not less than $80 million of insured loan funds will be made available for 2 percent electric loans during fiscal 1976. REA estimates $105 million in 2 percent electric loans during fiscal 1975. At present, 235 REA distribution borrowers, or 25.3 percent of the total are eligible for 2 percent financing as compared to 181, or 19.5 percent in 1973. Operating experience of the past two years shows that the number of borrowers eligible for 2 percent financing continues to increase, despite increasing revenues, under the automatic criteria in the 1973 amendments to the Rural Electrification Act.

At present we have nine applications on hand, totaling approximately $150 million, which are of a type which would be affected by the proposed policy if these applications were not already on hand. We anticipate that $150–200 million per year is a good estimate of the volume of applications to be affected by the proposed policy.

In addition, we estimate that applications totaling approximately $2.6 billion will be received by REA during fiscal year 1976 for power supply borowers for consideration under the loan guarantee program now in effect. There are a number of potential projects under consideration by these borrowers at all times. It is difficult, however, to determine exactly how many of these projects will materialize into actual loan applications to REA during a specific year.

We feel that the proposed changes are appropriate, that they will enable REA to make the best use of the available insured loan authorization and loan guarantee authority during fical year 1976 and thereafter.

Sincerely,

DAVID A. HAMIL,
Administrator.

EAST RIVER ELECTRIC POWER COOPERATIVE, INC.,
Madison, S. Dak., April 4, 1975.

HON. JAMES ABOUREZK,
U.S. Senator,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: Please find attached a copy of a letter of position on behalf of East River Electric Power Cooperative regarding the new proposed policy change in REA Bulletin 20–6.

We sincerely urge your support in changing this deplorable situation.

Sincerely,

LOREN A. ZINGMARK,
General Manager.

EAST RIVER ELECTRIC POWER COOPERATIVE, INC.,
Madison, S. Dak., April 3, 1975.

Mr. DAVID A. HAMIL,
Administrator, Rural Electrification Administration, Washington, D.C.

DEAR MR. HAMIL: Comments are hereby respectfully submitted on behalf of the Board of Directors of East River Electric Power Cooperative in response to your invitation for views and comments on the proposed supplement to REA Bulletin 20–6 published in the Federal Register of March 11, 1975.

The proposed supplement to Bulletin 20–6 as published would terminate the availability of 5 percent REA insure loans to all "power supply type borrowers" except where "the Administrator has determined the need for an insured loan in order to maintain loan security."

The nature of the proposed change in REA Bulletin 20–6 appears to be very much like that of the REA loan program termination in December, 1972. The Board of Directors of East River Electric Power Cooperative expresses in the strongest possible terms its opposition to the proposed change in REA Bulletin 20–6.

The substance of the proposed new policy causes us deep concern. Reviewing the legislative history of PL 93–32, including the exchanges of views and various agreements between the Congress of the United States and the Administration which preceded its enactment, it appears clear to us that this proposed policy change is contrary not only to the statutes but to the intent and directives of Congress and therefore is unlawful. The proposal would very seriously have adverse affects upon the rural electrification program and to East River and its member systems in particular.

East River Electric Power Cooperative is a transmission cooperative delivering power and energy to twenty-two rural electric cooperatives in eastern South Dakota and western Minnesota. The average consumer density per mile of its members is 1.7. Because these cooperatives chose to join together and become affiliated with one transmission cooperative, the Administration has disqualified them for 2 percent loans for transmission facilities, and under the proposed change in Policy Bulletin 20–6 the Administration would declare them ineligible for 5 percent loans.

The economic effect on the consumers under the proposed policy change is drastic. During the past twenty-five years, East River Electric Power Cooperative has invested approximately $25-million in transmission facilities. During the next ten years, this figure will be increased to $50-million. East River at the present time has definite plans to borrow approximately $11-million this year for facilities needed in the three-year period 1976–78 to enable us to continue to render adequate service to our members. The interest cost over the 35-year life of this loan will be increased to as high as $25,-228,000.

It is inconceivable that the Administration would ask the rural people to go to Wall Street to finance their transmission and distribution cooperatives when farm prices are at a point of nearly bankrupting rural America, and on the other hand search for ways in which the private power companies can receive tax credits, tax benefits so that their stockholders can be "fattened."

We sincerely urge you to rescind the proposed supplement to REA Bulletin 20–6 as published in the Federal Register of March 11, 1975.

Sincerely,

LOREN A. ZINGMARK,
General Manager.

Mr. ABOUREZK. I yield part of my time to the Senator from Missouri.

Mr. EAGLETON. I thank my distinguished colleague from South Dakota and I shall not consume too much of his time.

Mr. President, I associate myself with the remarks made by the distinguished Senator from South Dakota, Mr. ABOUREZK, and to commend him for his leadership in opposing the administration's proposed changes in the REA program.

This is not the first time, of course, the Department of Agriculture, under Secretary Earl Butz, has attempted to frustrate the purposes of Congress through administrative policy. To cite just one example, the disaster relief and production loan programs have been so circumscribed through Department regulations that they are next to worthless to any farmer in need of help. Congress clearly intended this assistance to be made available whenever the need arose and in amounts that would do some good

for farmers. But Secretary Butz apparently did not believe this was a worthwhile expenditure of Federal funds, so has, in effect, amended the law through Department regulation.

Now it is the rural electric cooperatives' turn for the Butz treatment. Congress, last year, passed a bill to provide rural electric coops and rural telephone coops access to insured loans at an interest rate of 5 percent. An effort was made in the House of Representatives to limit loans of this kind to $10 million, but it was defeated. Secretary Butz, however, will not be denied apparently, for on March 11 a Department regulation was published in the Federal Register to achieve the $10 million limitation through administrative means. Under the new policy, any loan in excess of $10 million will be made under the guarantee program at interest rates of about 8 percent or so.

Mr. President, I strongly object to this proposed legislation. I believe it is contrary to the act passed by Congress and contrary to the interest of this country in providing low-cost power and telephone service to its farmers and rural citizens. Again, I want to commend the Senator from South Dakota for his leadership on this matter.

Mr. ABOUREZK. I thank the Senator from Missouri for his remarks.

I am willing to yield part of my time to the Senator from Florida (Mr. STONE).

Mr. STONE. I thank the distinguished Senator from South Dakota, and I ask that the copy of the proposed rule referred to by the distinguished Senator from Missouri be attached and made part of the RECORD immediately succeeding my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

SENATOR STONE CRITICIZES PROPOSED REA-LOAN REDUCTION

Mr. STONE. Mr. President, electric rates in Florida are growing to astronomical proportions, so much so that my constituents are finding it extremely difficult to pay their electric bills which, in many cases, are higher than their mortgage payments. Right now electric bills in Florida are among the highest in the Nation, and Jacksonville is reported to have the highest electric rates.

This situation was brought about by the oil embargo. An article by Duncan J. Thigpen, Jr., general manager of Sumter Electric Cooperative, Inc., Sumterville, Fla., in the current issue of Rural Electrification magazine, vividly details what has happened to the price of electricity in the State of Florida. In December of 1972, oil was selling for $1.68 a barrel; 24 months later, the cost was $11.60 a barrel. Florida is greatly dependent on oil for its electric generators, with nearly 70 percent of its generation oil-fired. As a result, the 50-percent increase in the price of oil has meant a sharp increase in the price of electricity. Sumter Electric, for instance, in 1974 had to pay $4,071,835 more for the wholesale power it purchased than it would have paid based on January 1972 prices. That represents an increase in wholesale power costs of 142 percent for 1974 over 1972.

To say that the soaring cost of fuel and the resulting higher cost for electricity is having an adverse effect on the economic life of Florida citizens is an understatement. The homeowner, the small businessman, and the large business are all feeling the pinch.

It is apparent that rising fuel costs, together with the inflated costs of other goods and materials and high interest rates, are having a profound impact on Florida electric systems and Florida consumers.

Around the Nation there are massive cutbacks in utility construction budgets. In Florida alone these cutbacks amount to $2 billion in generating capacity that will be badly needed within the next 5 years to assure sufficient capacity to meet the needs of Florida consumers.

As if these cost increases were not enough, we now find an agency of the Federal Government unilaterally saying it is going to force further cost increases on electric cooperatives in this country.

On March 11, 1975, the Administrator of the Rural Electrification Administration published proposed changes in the loan policies of that agency. These proposed changes would prohibit a power supply type borrower of REA from receiving a low-interest rate insured loan. Instead, unless the Administrator makes a specific exception for a hardship case, these borrowers would be forced to pay much higher interest rates under REA's guaranteed loan program.

Mr. President, it is not the REA that could be a hardship case, it is the consumers that have to pay these inflated electric bills that are the hardship cases.

Mr. President, this policy change will have a significant impact on the future plans of rural electrics in my State. I am informed that these cooperatives have been negotiating with the private power companies which serve them to determine if they can enter into joint ownership of generating and transmission projects. Such a project has obvious benefits. The private utilities are hard-pressed to raise necessary capital for such projects. And the rural electrics would be able for the first time to own a portion of the facilities from which they get their wholesale power.

In the past, financing for such joint projects has sometimes come in the form of a combination of low interest rate insured loans and cost of money guaranteed loans from REA. Under the proposed changes in REA loan policy, all of the funds would have to come at the high interest rate. Inevitably, the loss of possible low-interest loans for even a portion of these proposed joint projects will mean higher electric rates for consumers of electric cooperatives in Florida and elsewhere.

Less than 2 years ago, the Congress passed Public Law 93-32, which set up the present insured and guaranteed loan programs administered by REA. In so doing, the Congress took great care in spelling out that applications for distribution type loans and power supply loans should be treated exactly the same. The Congress determined that there should not be one type of loan program for distribution cooperatives and another type for power supply cooperatives. What the Congress specifically refused to do the administration is now trying to do by executive flat.

This Senator believes that the policy being proposed by the Administrator of REA is not only contrary to the public interest in a time of rising electric costs, but it is patently unlawful in view of the statute upon which it is based.

Mr. President, the Senator from Florida joins his colleagues in opposing this proposed policy change and I urge the administration not to put this proposal into effect.

EXHIBIT 1

[From the Federal Register, Mar. 11, 1975]

RURAL ELECTRIFICATION ADMINISTRATION—REA LOAN POLICY

Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 20–6, "Loans for Generation and Transmission." The purpose of this supplement is to set forth REA policy as to which loans for major generation or transmission facilities will be subject to receiving financial assistance from REA in the form of loan guarantees, and which will be subject to receiving financial assistance in the form of insured REA loans.

In order to achieve an orderly transition to the proposed new policy, it is necessary to establish an immediate cutoff date for the acceptance of loan applications under the insured loan program for the financing of certain major generation or transmission facilities. However, this cutoff date, as well as the remainder of the proposed policy, is subject to comment as described below.

It is contemplated that following the adoption of this proposed new policy, REA will, beginning July 1, 1975, be able to make loans to distribution borrowers to meet their 2-year loan requirements for amounts up to $1 million under the insured loan program.

Interested persons may submit written data, views or comments on this proposed policy to the Assistant Administrator-Electric, Rural Electrification Administration, Room 4056, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 60 days from the publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection by the Office of the Assistant Administrator-Electric.

The text of the proposed supplement to REA Bulletin 20–6 is as follows:

RURAL ELECTRIFICATION ADMINISTRATION

STATEMENT OF LOAN POLICY AND PROCEDURES

In order to make the maximum amount of REA insured loan funds available for the financing of electric distribution facilities, priority will be given to the financing of these facilities in the administration of REA insured loan funds under the Rural Electrification Act of 1936 (7 U.S.C. 901–950(b)).

Effective immediately, the Rural Electrification Administration will no longer accept loan applications under the insured loan program for the financing of major generation or transmission facilities. Major generation or transmission facilities for this purpose are defined as all facilities of power supply type borrowers and projects of distribution

borrowers consisting of generation or transmission facilities which in aggregate cost more than $10 million.

This policy applies in all cases, except where (a) the borrower qualifies for a loan under the "special rate," or (b) the Administrator has determined the need for an insured loan in order to maintain loan security.

All loan applications for insurd loan funds that have already been accepted by the Administrator of the Rural Electrification Administration for major generation or transmission facilities will be considered as in the past.

REA guarantees of loans provided by others will continue to be available for the financing of major generation or transmission facilities.

Dated at Washington, D.C., this 3rd day of March, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

Mr. ABOUREZK. I thank the Senator from Florida for an excellent statement.

I yield to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from South Dakota for yielding time to me on this most important subject.

On March 11, the Administrator of the Rural Electric Administration published proposed loan policy changes in the Federal Register which are not only disturbing, but could adversely affect our efforts to cope with our Nation's No. 1 domestic and economic problem, the energy crunch.

This proposed policy change would summarily terminate the availability of the standard 5 percent REA insured loans to power supply borrowers of the agency except in special circumstances. Under the proposal, such loans would be made at cost-of-money interest rates under REA's guaranteed loan program.

Mr. President, as a member of the Senate Agriculture Committee, I participated in the deliberations which led up to the enactment of Public Law 93–32 in May of 1973. Because I did participate in these deliberations, I can unequivocally say that the Congress definitely did not intend for power supply loans and distribution loans to be treated differently. On the contrary, it was the intent of Congress that no distinction be made between the way generation and transmission loans and distribution loans are handled by REA.

This proposed change would make a difference in the treatment of these two types of loans.

The administration, in the compromises leading up to the passage of Public Law 93–32, accepted this complete absence of any distinction or discrimination between the two types of loans.

Both types of borrowers are eligible to receive insured REA loans. The provision for a guaranteed loan program was clearly recognized as an addition or supplement to insured loans.

The administration now proposes to accomplish by regulation what the Congress refused to authorize—the creation of two classes of electric borrowers.

I would remind my colleagues that, prior to the passage of Public Law 93–32, the administration specifically sought to create two such classes of borrowers. The then Under Secretary of Agriculture, in an appearance before the House Agriculture Committee on March 14, 1973, stated the administration's position:

> Generally, the rate of interest on insured loans for electric distribution would be 5 percent . . . (and) generally, except for a few hardship cases, the rate of interest for electric generation and transmission would be at the market rate.

A bill incorporating such provisions was introduced and subsequently rejected by the Congress.

In my opinion, Representative POAGE, then chairman of the House Agriculture Committee, accurately stated the position of Congress before his committee:

> I do not want any bill singling out generation and transmission associations or taking any kind of crack at them. They are part of our rural electric systems and they are treated just like all the rest of it in the bill. Of course, they will not get much, if any, 2-percent money, I recognize that. And I recognize that most of the money will be higher priced money because of the criteria, but we will apply the same criteria to everybody.

He indicated very clearly, Mr. President, that there was supposed to be no distinction between the two types of loans.

Mr. President, I have written the Administrator of REA, specifically asking him the legal basis for his proposed policy change. I am firmly convinced that no such basis can be found. I ask unanimous consent to have my letter to Administrator Hamil be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. I join with the distinguished Senator from South Dakota (Mr. ABOUREZK) and the distinguished Senator from Florida (Mr. CHILES) and my other colleagues who have spoken on this subject—the distinguished Senator from Idaho (Mr. MCCLURE) and others—in opposing this proposed policy change.

EXHIBIT 1

APRIL 9, 1975.

Mr. DAVID A. HAMIL,
Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HAMIL: This letter is in reference to your agency's proposed supplement to REA Bulletin 20–6 as published in the Federal Register on March 11, 1975.

In view of Congress' intent in enacting P.L. 93–32 that no distinction be made in the handling of power supply or distribution loans, I would like for you to provide me with your agency's legal justification in proposing these changes.

Further, I urge you withdraw this proposed policy change for the specific reason that it is contrary to law.

Sincerely,

JAMES B. ALLEN.

Mr. ABOUREZK. I thank the Senator from Alabama for his leadership in this matter.

REA LOAN POLICY

Mr. MCGOVERN. Mr. President, when the change in REA loan policy, announced by the Administrator on March 11, came to my attention my immediate question was why? Why does the administration propose to prevent the use of insured loans for any but minor or emergency generation and transmission purposes?

The statutes under which REA operates most certainly do not provide the justification. I recall very clearly that we made sure of this when the Congress enacted the new REA legislation—what is now Public Law 93–32—in 1973. Our legislative action at that time was necessitated by the unconstitutional and contemptuous announcement by the administration on December 29, 1972, that it would no longer administer the Rural Electrification Act. That action did not exactly enhance our trust in the administration, so we were doubly careful in enacting the new legislation. We extracted from the administration a promise that it would actually make loans from the revolving fund established by the new act and that it would make such loans at levels of not less than $618 million per year during the remaining life of the administration. We also got the administration to drop its demand that generation and transmission loans be made only at market rates of interest, leaving no distinction between distribution and G. & T. loans.

We took into account very precisely the fact that the administration had demonstrated something less than enthusiasm for the financing of generation and transmission facilities. We, therefore, saw to it that the language of the new act and the intent of Congress as expressed in the legislative history provided for G. & T. funding under the same criteria and rules that applied to distribution co-ops. We were trying to take no chances on that. I would have made a greater point of this myself had I not been satisfied that the law and the intent of Congress were clear and fully adequate with respect to G. & T. loans.

As it was, I recommended to the Senate that it adopt the bill. I stated to this body:

> I think it is the strongest possible rural electrification bill we can pass in the Senate that is veto-proof. It should have the support of the Administration; every indication is that it does. I believe it provides a reasonable level of financing for both our rural electric systems and our rural telephone systems.

We had every reason to expect the administration to carry out the intent of Congress in administering this new act.

The only justification offered by the administration for denying loans from the revolving fund for any major generation and transmission facilities is to make the maximum amount of REA insured loan funds available for the financing of electric distribution facilities. The trouble with that justification is that it has big holes in it. Congress has put a floor under insured loans but not a ceiling other than the size of the revolving fund. The revolving fund amounts to billions of dollars enough that REA is continuing to lend from it without revolving any of the mortgages to replenish the fund. At this time and in the foreseeable future, availability of money in the revolving fund is no problem. If there is any scarcity, it is one that is arbitrarily imposed by the administra-

tion like an impoundment of appropriated funds. If this is the case, the administration is again acting in high-handed, capricious fashion and should be stopped from doing so.

If there is some other explanation, the administration will have an opportunity to provide it to us.

As chairman of the Subcommittee on Agricultural Credit and Rural Electrification in the Senate Committee on Agriculture and Forestry, if it appears to be necessary, I shall propose that we hold a hearing on this matter so that all the facts may be placed upon the table and fully considered.

Mr. President, it would divert us needlessly from other pressing tasks if the administration should force the Congress, once more, to pass a new law to tell them to administer an old law. We did that 2 years ago—on REA, rural water and sewer grants and loans, agricultural conservation programs, the water bank, and more.

Nevertheless, if we are unable to resolve this disagreement by negotiation, it may be necessary to do just that.

Let us hope that we do not have to travel that road once again.

Mr. BURDICK. Mr. President, I rise in opposition today to the new USDA policy that cuts off 5-percent REA insured loans for generation and transmission facilities. There are no valid reasons for the policy revision, and the action would seem to reflect the administration's lack of commitment to the continued development of rural America. This attempt to place additional burdens on agricultural producers comes at a time when other costs have skyrocketed for farmer-member-consumers. I find the proposed policy revision unfair and unwise as it would seriously affect energy production for agriculture. This proposal could have a direct and disastrous effect on the economy of rural America and on our future efforts to effect adequate, responsible regional power supply. The many North Dakota people who believe the rural electrification program is in danger are not alone. The message that is coming to Congress from all parts of the country is this: Any proposed cutback in insured loans would increase the cost of power supply throughout the Nation.

Mr. President, this is not a partisan issue. Individuals of all political persuasions recognize the great importance of the program. We cannot take responsibility for what the administration decides, but it is essential that we urge the executive branch to carry out the policies of Public Law 93–32. Many of my colleagues fought hard and long for this insured loan plan 2 years ago. NRECA studies, at that time, showed that there was sufficient funds in this revolving fund to last at least 15 years for both G. & T.'s and distribution cooperatives. The loss of the insured loan provisions would precipitate substantial wholesale rate increases which causes the cooperatives to increase rates to the ultimate consumers. It was the intent of Congress that Public Law 93–32 establish a floor, not a ceiling, on available funds and that the 5-percent insured loan program was to be made available to generation and transmission cooperatives as well as distribution cooperatives. I am totally against the phasing out process of the vital rural electric financing program.

RURAL ELECTRIFICATION ADMINISTRATION PROPOSED LOAN POLICY

Mr. HOLLINGS. Mr. President, it has come to my attention that the Rural Electrification Administration has proposed new rules with regard to their loan policy. Under this new proposal, they will no longer accept loan applications under the insured loan program for the financing of major generation or transmission facilities. Instead, loans will be made from a revolving fund which consists of loans and other assets of the cooperatives. The net effect of this change would be to require these rural loans to be made at an 8-percent interest rate as opposed to the current 5-percent interest rate.

In South Carolina, Central Electric is presently awaiting a decision from REA concerning a pending transmission loan. Their request is for a $14 million loan for 230,000 volts transmission lines. Since an environmental impact statement was required, their application was not submitted to REA until February 28, 1975. REA then printed their proposed rules in the Federal Register on March 11, 1975, and they determined that Central Electric's application was not previously accepted and could not qualify for the insured loan program. This determination will of course create a considerably increased burden upon Central Electric and ultimately their customers.

REA loans to rural electric systems in South Carolina provide for service to an estimated 278,395 rural consumers over 42,828 miles of line. Loans made thus far to the 27 REA electric borrowers in the State, including 25 cooperatives, total $263,609,545. The first REA loan in the State was approved in September 1935, with the first REA-financed line energized July 1937, by the Greenwood County Rural Electric System, Greenwood, S.C.

Consumers served by REA borrowers in the State are using increasing amounts of electricity on their farms, in their rural homes and businesses. In 1973, the average monthly consumption per consumer was 821 kilowatt hours, compared with 384 kilowatt hours in 1963.

As of January 1, 1975, REA had advanced $244,107,256 to borrowers in this State. The funds have been invested by the borrowers in local electric facilities. The borrowers have energized 41,431 miles of line serving 234,052 farm and other rural consumers. Of the 47,000 farms in the State, the vast majority are receiving electric service, compared with only 3,796 farms, or 2.3 percent, when REA was created in 1935.

By January 1, 1975, REA borrowers in South Carolina had made a total of $109,121,263 in payments on their Government loans. The payments included $66,333,569 repaid on principal as due, $1,764,367 of principal paid ahead of schedule, and interest payments of $41,023,327.

Rural electric systems provide effective leadership in rural development and are committed to serving all of the people in these areas. I feel that this new policy would be detrimental to this system. As we all know, electricity is an essential commodity, and I do not favor increasing the cost of this commodity to those farmers and rural people who are already caught in a cost-price squeeze.

Mr. PEARSON. Mr. President, I want to join with my colleagues in expressing my opposition to the Rural Electrification Administration's proposed supplement to Bulletin 20–6, which would have the effect of precluding, except in limited special circumstances, the use of the insured loan program for financing major generation and transmission facilities.

We all recognize that the power supply cooperative borrowers have to look to the guaranteed loan program, with its open market interest rates, as a major source of financing generation and transmission facilities. But it would be most unwise to flatly deny by administrative edict the opportunity for power supply coops to apply for insured 5 percent loans.

Indeed, Mr. President, it would seem to me that such action may very well be illegal. I have had the opportunity to review the legislative history of this particular question and, as I read it, the congressional intent and the letter of the law (Public Law 93–32) are quite clear; power supply borrowers are not to be denied access to the insured loan program.

The costs of generating electricity both by the investor-owned companies and the coops have increased dramatically. And in recognition of this, the administration is seeking to provide various types of special assistance to the electric utilities. Therefore, it is all the more appropriate, it seems to me, for the Rural Electrification Administration to take this step at this time to preclude the use of an insured loan program for the financing of generation and transmission facilities.

In Kansas, our rural electric distribution system are very much concerned about future power supplies and are trying to make sure they have access to all sources that should be available to them.

In 1974, Sunflower Electric Cooperative obtained from REA an insured loan for $1.5 million, and as I understand the proposed change in REA policy, it would preclude such a loan in the future except in some very unusual circumstance.

Mr. President, I urge the administration not to adopt this proposed rule change.

Mr. TALMADGE. Mr. President, as chairman of the Committee on Agriculture and Forestry, I am pleased that so many of our colleagues are taking this opportunity to discuss a policy proposal by the Administrator of the Rural Electrification Administration.

This is a program which has been important to me during many of my years of service in this body. Prior to becoming chairman of the full committee, I served for several years as the chairman of its Subcommittee on Agricultural Credit and Rural Electrification.

I support the REA program. It has been one of the most successful single programs that this Government has undertaken.

Other Members of this body will recall, as I do, the frustrating process which tied us up for so many months at the beginning of the 93d Congress just 2 years ago.

It became necessary for the Congress to enact bills, one by one, mandating that the administration execute the law as the Congress enacted it. One by one, we had to reinstate programs, many of them important rural programs, which had been terminated arbitrarily.

One such program was the REA program.

The legislation enacted by the 93d Congress to get the REA program back on track was compromise legislation. It replaced the previous direct loan program with a system of insured and guaranteed loans, with certain criteria for eligibility for such loans.

We provided a system by which it could be determined what borrowers were least able to pay higher rates, and provided for them a special 2-percent rate. Above that, we provided a 5-percent rate. And for particularly large capital requirements, we authorized a new loan guarantee program.

Nowhere in that law do I find any reference which would empower the Administrator of REA to determine that distribution cooperatives alone should get insured loans and that power supply cooperatives should get only guaranteed loans at commercial interest rates.

Yet that is the effect of the Administrator's announced intention of revising REA Bulletin 20–6, as published in the Federal Register on March 11 last.

Nowhere in that law do I find authority for the Administrator of REA to determine that he will no longer accept applications from power supply borrowers for insured loans.

Yet that is what the Administrator has done.

Nowhere in that law do I find authority for the Administrator of REA to limit to $10 million the availability of insured loans to distribution cooperatives for power supply facilities which they may build incident to their distribution functions.

Yet that is what the Administrator has proposed.

Mr. President, legislative history may tend to become difficult to plumb as time passes and memories fade. But the legislative history of this law, Public Law 93–32, is fresh and clear; it is not yet 2 years old.

The chairman of the House Committee on Agriculture at the time of enactment, Mr. POAGE, still serves in the Congress. The chairman of the Senate Committee on Agriculture and Forestry still serves. The chairman of our Subcommittee on Agricultural Credit and Rural Electrification, Mr. MCGOVERN, still serves.

The language of the law and the words of our respective committees' reports are concise and clear. They state without question that the Congress intends that REA continue to finance borrowers for the purposes spelled out in the act—generation, transmission, and distribution.

I hope that the Administrator will reconsider his proposal in the light of comments which it is receiving from borrowers across the land.

I hope sincerely that it will not be necessary once again to legislate direction to the administration to carry out the intent of the Congress.

Mr. President, I have authorized the Subcommittee on Agricultural Credit to hold hearings on the Administrator's proposed policy. Again, I hope that it will not be necessary to do so.

I do not wish further confrontation between the Congress and the Executive. It is my hope that this matter can be resolved in a cooperative manner, according to the law.

REA PROPOSED LOAN POLICY IS ILLEGAL AND INFLATIONARY

Mr. PROXMIRE. Mr. President, I must voice my strong objections to the loan policy changes proposed by the Administrator of the Rural Electrification Administration in the March 11 Federal Register.

These changes, as proposed, would in effect prevent rural electric cooperatives from getting the standard 5-percent insured loans for generation and transmission facilities. Instead, it would require that such loans be made at the Federal Government's cost-of-borrowing—under REA's guaranteed loan program, where the interest rates now run at 8-percent or higher.

Mr. President, this proposal shows a blatant disregard for the intent and the letter of the law passed by Congress in 1973 (Public Law 93–32), which specifically required that REA not make any distinction between generation and transmission loans and distribution loans in financing rural electric projects. The 1973 Rural Electrification Act amendments stated that 5-percent insured loans would be made available to all applicants, distribution and G. & T. alike, who were not eligible for REA's other 2 percent money. Nowhere did the act authorize REA to require generation and transmission borrowers to pay market rates for their loans; on the contrary, the House of Representatives specifically rejected an administration-supported amendment offered on the House floor which would have provided this authority. The will of Congress could hardly be clearer in this matter—that 5 percent REA insured loans be freely available for all aspects of the vital effort to supply electricity to our rural areas.

Aside from the obvious disregard for the intent of the law, the proposed REA policy change would result in an enormous increase in the cost of electricity to farmers and other rural residents already hard hit by our current economic problems. And I must emphasize that inflationary impact of this policy will not fall on just this one group. The ripple effect of increased electricity costs to the farmer and the rancher will show up in everybody's food bills across the country, and we all know that the rising cost of food is one of the cruelest taxes exacted by inflation and recession.

Lest anyone be inclined to underestimate the cost burden involved in the proposed REA interest rate hike, let me give my colleagues some idea of the impact this policy change would have on the rural electric cooperatives in my State of Wisconsin alone.

The Badger Power Group, located in east-central Wisconsin, which serves 27,000 people, has an application in for a $100 million generation and transmission loan to meet the rising demand for electrical power. If they are forced to take an 8-percent guaranteed REA loan rather than a 5-percent insured loan, it will cost them $350,000 more a year in interest payments. This would represent a 70-percent increase in the interest cost of the loan.

The Dairyland Power Cooperative, located on the Mississippi River near La Crosse, Wis., is the largest cooperatively owned power project in the country, with 132,000 members. It now has a $121 million loan application pending with REA. If Dairyland is required to take an 8-percent guaranteed loan rather than a 5-percent insured loan for its new power supply facilities, then the cooperative's members will have to bear an additional yearly interest cost burden of $363,000. Furthermore, Dairyland plans to make another application within 2 years to build a new powerplant now projected to cost $100 million. A 3-percent rise in the interest rate will impose an additional cost of $300,000 a year for that new plant, not even taking into account the effects of inflation in the next 2 years.

The bottom line price of REA's new policy will be inflation in the cost of electricity to the consumer. According to estimates provided me by the Wisconsin Electric Cooperative Association, an increase in REA generation and transmission loan rates from 5 to 8 percent will push up the electrical bills of Wisconsin farmers and other rural residents by at least 70 percent and possibly as much as 100 percent.

Mr. President, this REA policy change is insupportable and unconscionable. In view of current economic conditions, particularly as they affect power supply systems, there could be no worse time to propose a termination of REA-insured loans for generation and transmission systems.

Furthermore, I find it totally incongruous that the Administrator of REA is proposing to place an enormous additional cost burden on rural electric cooperatives at the same time that the Secretary of the Interior is proposing to confer a number of benefits on privately owned utility companies to encourage construction of electrical generating plants.

Given the enormous inflation in energy costs in the past couple of years, the Federal Government must do everything possible to keep down the cost of necessary additional power supply facilities throughout the country.

In sum, Mr. President, I see absolutely no justification for penalizing rural electric cooperatives through this illegal and inflationary new loan policy proposed by the Rural Electrification Administration, and I urge that the supplement to REA Bulletin 20–6 published in the March 11 Federal Register be rescinded.

Mr. MONDALE. Mr. President, the proposed new USDA policy to cut off insured loans to all REA power-supply-type borrowers would be another blow to the farmers of Minnesota who are already having a difficult time surviving the present economic hardship. We must remember the large responsibility that has been placed upon the rural electric cooperative system to bring service to the sparsely settled areas of our country. To provide this service, they have had to build a vast number of miles of transmission and distribution lines. This results in their having approximately 4 consumers per mile of line, as opposed to something in the order of 35 customers per mile on the average investor-owned utility system. This is a terrific economic penalty for the cooperative system to overcome.

Congress has realized this hardship and for that reason has annually made a certain amount of money available to the Rural Electrification Administration for loans to the cooperatives at a 5-percent interest rate under the insured loan program. This program by no means provides all of the capital required by the cooperatives, but helps in a small way to offset the penalty of serving a sparsely settled area. The power-supply-type borrower particularly will require tremendous amounts of capital in the future as compared to past requirements to provide their member-owners with their power needs.

For example, we presently have two of our largest generation and transmission cooperatives in Minnesota involved in a joint venture to build two 500 megawatt generating units to provide power for their members covering about two-thirds of the rural area of Minnesota. The total cost of the project, including generation, transmission and coal mining facilities, is estimated to be $633 million. Of this amount they have obtained insured loans from REA for nearly $83 million. This represents only about 13 percent of the project's capital requirements. The remaining capital requirements of $550 million will already have to be obtained elsewhere at a considerably higher rate of interest.

Under the proposed new USDA policy no part of a project such as this would be financed under the 5-percent insured loan program. In this case, had the two cooperatives had to also borrow the $83 million at pay 8 percent interest instead of 5 percent, the extra cost to the rural consumers of Minnesota for just the one project would have been $60 million over a 30-year repayment period.

In addition to the generating facilities, these generation and transmission cooperatives will also have capital requirements for other system improvements and expansion needed to keep up with load growth. It was clearly the intent of Congress that a portion of the 5-percent insured loan fund be made available to power-supply-type borrowers. This point was debated by the Congress, and there should be no mistake about it. This change in policy by the administration is a total disregard of the intent of the law approved by the Congress. It would seem to me that continuing to provide a small percentage of the capital requirements of power-supply-type borrowers under the present 5-percent insured loan program is really a small contribution toward their inherent high cost of serving our rural communities with electric energy so vitally needed by our farmers in producing the ever increasing food requirements of our Nation.

Mr. HARTKE. Mr. President, I wish to voice my strong opposition to the new policy of the Rural Electrification Administration published in the Federal Register of March 11, 1975, whereby loans would not be made in excess of $10 million for power supply facilities under the insured loan program. Money for those loans come from a revolving fund made up primarily of loans and other assets of the cooperatives at an interest rate of 5 percent. By this proposal, loans would be guaranteed loans with interest rates currently at about 8 percent with funds from the Federal financing bank which is financed by bond sales on the private money market.

This new policy must be rescinded. It is not only inconsistent with present law, but it is contrary to our national objective of keeping the cost of energy down and will have the effect of knocking out the insured loan program entirely.

The language and legislative history of Public Law 93–32, the Rural Electrification Act, including the exchange of views and agreement between the Congress and the administration which preceded its enactment, is clear that this proposed policy change is contrary to the statute on which it is purportedly grounded and thus unlawful.

The conference report on Public Law 93–32 stated that 5 percent loans would be available to all applicants, distribution and generation and transmission alike, who were not eligible for 2 percent loans. Guaranteed loans were recognized as an addition or supplement to insured loans. In fact, according to Congressman POAGE's statement in submitting the conference report to the House, the administration had pledged that such loans would be approved on the same terms and conditions and rates of interest as were applicable to loans for other purposes.

Mr. President, limiting the availability of insured loans to $10 million has no more factual or legal justification than for the complete denial of these loans to generation and transmission systems.

There could be hardly a worse time to propose the termination of REA insured loans for generation and transmission purposes. That aid, now more than ever, is desperately needed. And clearly continuing that need will benefit all distribution borrowers, not merely the approximately 60 percent of them who are members of power supply cooperatives.

Finally, it is totally inconsistent for the administration, through the Secretary of the Interior, to advocate the enactment of new legislation that would confer a major package of benefits on one group of electric utilities to encourage the construction of generating plants while at the same time, its administrator of the REA is proposing withdrawal of utility systems.

Rural areas contain one-quarter to one-half of our poor people and nearly 10 percent of our substandard housing. Rural electricity demands are doubling every 7 years. The REA cooperatives provide many of these areas with their energy needs at a reasonable cost and with excellent service. In Indiana, the need for the continuation of this service is recognized by the majority of rural residents and by many in the urban areas.

The record of the REA since its inception in 1936 is outstanding. The REA has financed over 1.7 million miles of electric lines, thousands of substations, and almost 200 generating plants in 46 States. Today, over 7 million consumers receive power from REA lines. Since 1936, there has been an increase of over 80 percent in the number of rural homes which have electric service. It is not surprising the public is alarmed when such actions as this proposed policy is published.

This action by the REA Administrator must be reversed. The fate of millions who depend on the REA is at stake.

Mr. McGEE. Mr. President, I commend my colleagues who have taken the initiative in bringing this all-important matter involving rural electrification to the attention of the Senate today. I hope the administration will study the record that is being made on the floor of the Senate today and take appropriate action.

Earlier this week we went into this matter initially when we had Secretary Butz and his associates before the Agriculture Subcommittee of the Senate Appropriations Committee, of which I am chairman. I raised this matter with the Secretary on the assumption that a policy matter and a change of this significance would have been discussed and resolved at the highest level within the Department. That assumption turned out to be erroneous. Neither Secretary Butz nor Under Secretary Campbell was familiar with this proposal.

Notwithstanding their lack of the familiarity with this proposal, Secretary Butz and Under Secretary Campbell were most forcefully advised that members of the subcommittee felt very strongly that this proposal ran completely contrary to the clearly expressed intent of Congress. It was pointed out that a proposal similar to this one had been proposed as a part of the REA legislation 2 years ago and had been firmly rejected by Congress. We impressed upon them that we considered this to be a guise to do administratively what they did not and could not accomplish legislatively 2 years ago.

Yesterday I had a visit from some high officials within the Department who were responsible for initiating this proposal and who were more familiar with it. I was somewhat surprised when they advised me that they were unaware of the legislative history of this proposal when it was considered 2 years ago. When I explained my understanding of the legislative history and advised them that this had been considered and rejected by Congress they were in a much better position to understand the hostility and indignation with which this proposal was received by the Congress.

I presume by now these departmental officials have had the opportunity to review in some detail that legislative record. Likewise, I am certain that this discussion will be most helpful to them in resolving whatever doubt might remain as to congressional intent. As I indicated earlier, I hope they will both read and heed this debate.

Mr. President, I regret this incident that has been the subject of so much controversy and so much emotion. Some have charged that the Department is acting illegally; others have expressed it as their acting in contempt of Congress; others have been content to simply charge them with failure to follow clear congressional policy. But whatever name or description is used it is clear to me that the Department acted most unwisely in this regard. After they have had an opportunity to review the legislative history including the record being made here today, I am confident that they will realize their errors and act accordingly. It would seem to me to be the wisest course open to them.

Mr. HASKELL. Mr. President, I wish to add my voice to those of my distinguished colleagues who speak out today against a policy change proposed by the Rural Electrification Administration which, if implemented, would significantly increase the cost of generating electric power in rural and suburban America, resulting in higher electricity rates for the Nation's farmers and rural residents at the worst imaginable time. As we all know, farmers and ranchers today are struggling with one of the worst cost-price squeezes in the Nation's history caused largely by skyrocketing energy costs. For the Federal Government to deliberately add to this burden by increasing what it costs rural electric members to generate electricity, is simply unconscionable.

Under the new policy, loans of more than $10 million for construction of generating and transmission facilities will not be made under the insured loan program which carries an interest rate of 5 percent, but will have to be financed by guaranteed loans from the Federal Financing Bank bearing a current interest rate of about 8 percent. The Tri-State Generation and Transmission Association, Inc., in Colorado advises me that if this policy had been in effect when they recently concluded arrangements for almost $44 million in insured loan funds for transmission facilities, the annual interest rate increase would have amounted to $1⅓ million. The impact this would have on electricity rates is obvious.

Mr. President, this proposed policy change is another in a continuing series of unwarranted attacks on the rural electric system by the administration, and it must be stopped. The rural electric system has been a model to the world of what can be achieved in the development of rural, inaccessible areas, through the cooperation of Government and private enterprise in a joint program to fulfill a need which could not otherwise be met. It has been one of the key elements in the astounding development and expansion of American agriculture and the populating of rural areas of America which otherwise would have been unable to attract residents.

Furthermore, the administration is trying to achieve by administrative fiat what it could not achieve by law when the REA loan program was revised by Congress in 1973 to create what has proved a very successful loan program at a relatively low cost to the Government. Congress rejected the approach now being advocated by the REA, and chose to make insured loans available to members for the construction of major power transmission facilities. We should reject the administration's proposals again, and insure the continuation of the insured loan program for as long as it is needed.

At this point, Mr. President, I ask unanimous consent to have two letters inserted in the RECORD from rural electric members in my State, stating their objections to the proposed policy change and urging Congress to prevent it.

In closing, let me thank my distinguished colleague from South Dakota for providing this opportunity for a meaningful discussion of this vital issue, and for giving me the chance to register my opposition to this extremely ill-advised proposal in concert with those of my colleagues who share my view.

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

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,
Denver, Colo., April 1, 1975.

Hon. FLOYD K. HASKELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HASKELL: Notice has been filed in the Federal Register that changes are being proposed in the financing of certain rural electrification borrowers, and we think you ought to be aware of both the proposed changes and their impact on the cost of electric service to consumers in rural Colorado.

REA proposes to establish new lending policies for funds with which to construct generating and transmission facilities. The net effect of the change will be to increase greatly the cost of money for transmission facilities.

Presently Tri-State is able to utilize REA's insured and guaranteed lending programs in a balanced manner that we think is fair and equitable. Our present backbone transmission system can presently be augmented and strengthened with new facilities which can be financed through the insured program at an interest rate of 5%. This rate was established by the amended Rural Electrification Act in May 1973. Additionally, one-half the cost of power supply transmission facilities (those associated with new generation) can be funded at 5 per cent.

The guaranteed loan program that utilizes the services of the Federal Financing Bank is the source for funds for new generation and for the other one-half of the transmission facilities needed to move that power into the backbone transmission system. The cost of interest for these funds varies with the current market for Federal issues, but recently has been approximately 8 percent.

Tri-State recently consummated arrangements for nearly $44,000,000 in insured loan funds for transmission facilities. If the new policy had been in effect at the time the loan was made, the annual interest cost on those funds would be increased $1⅓ million.

We see no need to burden our consumers with this additional cost when adequate funds can be made available to us under the 5% insured loan program. The consumer is already bearing cost increase burdens that appear to be uncontrollable. This proposed increase in cost *can be controlled.*

You may already be aware that Senator Abourezk of South Dakota has scheduled a colloquy on the floor of the Senate April 10 to discuss this proposed change. We would appreciate any contribution you could make to that colloquy in support of *continuing* REA's present policy of funding backbone transmission facilities for rural people through the *insured* program.

We would be happy to discuss this matter with you by telephone.

Respectfully yours,

WENDELL J. GARWOOD,
Executive Vice-President.

MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.,
Limon, Colo., March 28, 1975.

Senator FLOYD HASKELL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HASKELL: No doubt you are aware of the proposed rule change (copy attached) by the Rural Electrification Administration which would end insured loans in excess of ten million dollars to generation and transmission cooperatives.

In these days of inflation and energy shortages, it is difficult to understand this action by the Administrator.

Mountain View Electric serves a large area in eastern Colorado and much of the rural and suburban area around Colorado Springs.

If this rule is permitted to go into effect it can only result in increased power costs to us, which we in turn will have to pass on to our consumers.

MVEA is already faced this year with a probable increase in wholesale power cost of 20–25%.

We urge you to support efforts which we understand are underway in the Senate to defeat this change.

Sincerely,

A. C. PAYNE,
General Manager.

Mr. CULVER. Mr. President, I would like to add my comments to those of the distinguished Senator from South Dakota, Mr. ABOUREZK, in protest against the new Rural Electrification Administration policy that cuts off insured loans for generation and transmission facilities in excess of $10 million and thus sends rural electrical cooperatives to the private money market for their generation and transmission capital requirements. At a time when energy costs are soaring for other reasons, this REA policy change, which will unquestionably result in higher power costs for the rural electric consumer, is tragically unwise. It is an unnecessary, punitive blow against rural America in this period when rising production costs coupled with weakening farm prices have already created sufficient difficulty.

Moreover, this arbitrary policy change is clearly inconsistent with the law (Public Law 93–32) under which these loans were authorized. In fact, this same proposal which the REA now moves to put into effect administratively was debated and defeated on the floor at the time the legislation was enacted. In the interests of equity, prudent economics, and sound energy policy, I join in calling upon the Rural Electrification Administration to withdraw this proposed policy change that would inevitably complicate utility problems and result in substan-

tially higher consumer power prices in rural America.

Mr. McCLELLAN. Mr. President, I wish to go on record against the proposed change in REA loan policy which is under discussion here today. So far I have not heard a good reason for the proposed change. On the contrary, the objections stated by the National Rural Electric Cooperative Association are persuasive, and I hope the administration will be guided by them.

SCHWEIKER OPPOSES NEW REA LOAN RESTRICTIONS

Mr. SCHWEIKER. Mr. President, I would like to join my distinguished colleagues today in protesting the Rural Electrification Administration's arbitrary decision to terminate the availability of 5-percent REA insured loans to power supply borrowers. As a strong supporter of S. 394, now Public Law 93-32, to assure the full obligation of all REA funds annually, I am very concerned about the impact this decision will have on the Commonwealth of Pennsylvania and the Nation as a whole.

One of my constituents, William F. Matson, in his capacity as executive vice president of the Allegheny Electric Cooperative, Inc., has very clearly detailed how this new, misguided policy will adversely affect his cooperative; the sort of impact Mr. Matson describes would cripple the rural electric cooperative program throughout the United States. I ask unanimous consent that Mr. Matson's April 4, 1975, letter to me be printed in full at this time, and I urge the REA officials to reconsider this new policy proposal.

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

ALLEGHENY ELECTRIC COOPERATIVE, INC.,
Harrisburg, Pa., April 4, 1975.

Re: REA Proposed Termination of Insured Loans to Power Supply Cooperatives REA Bulletin 20-6 Supplement (Federal Register Volume 40, #48, Page 11357).

Hon. RICHARD S. SCHWEIKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCHWEIKER: You have probably heard that the Rural Electrification Administration has announced it intends to terminate insured loans to power supply cooperatives for generation and transmission facilities, except in isolated special cases. The 5% (interest) insured loan program is a basic part of the Rural Electrification Act (as amended in 1972). REA has no authority under the Act to terminate this program.

On April 10 there will be an open discussion on this issue on the floor of the Senate. On behalf of all rural electric consumers, we urge you to participate in this colloquy and insist that REA continue the 5% insured loans to power suppliers as Congress intended when you amended the law in 1972.

Allegheny Electric Cooperative, Inc. has projected a half billion dollar investment in generation and transmission facilities over the next ten years in order to provide a reliable supply of electricity to the more than half million ultimate consumers it serves. REA's intended termination of the power supplier insured loan program would cost Pennsylvania rural electric consumers literally millions of dollars in higher interest rates on the loans for these necessary facilities. Allegheny anticipates investment of up to $100 million dollars in the next two years. Rural Pennsylvanians will suffer additional financial hardship in unnecessarily higher electric rates in these economically distressed times if REA is permitted to carry out its intentions. Several of our co-op service areas have unemployment rates as high as 18%! They desperately need relief on high cost of necessities—not additional unwarranted burdens.

Utility commissions all over the country are holding public hearings seeking ways to reduce electric rates and give relief to consumers. REA's action flies in the face of the relief so desperately sought. We are not asking for a new policy or new law, only that the established, existing Congressional mandate be carried out by the Administration. It truly grieves us to see this Administration aggressively trying to add to inflation for already beleaguered consumers.

Another grave consequence of REA's intended action is that vitally needed competition wil be further squelched in the energy industry. REA has announced it will approve insured loans to distribution (retail supply) cooperatives up to ten million dollars for generation and/or transmission facilities. This, in conjunction with its unwillingness to authorize insured loans for power supply cooperatives, means that such loans can only provide for small, partial isolated facilities for each retail supplier. It severely inhibits development of generation and transmission facilities on an integrated or coordinated basis for groups of distribution cooperatives through their single wholesale power supply cooperatives.

The inevitable effect of this is that the cost savings of larger scale facilities cannot be achieved. Small cooperatives, instead of being able to provide their own generation and transmission facilities at cost through their own jointly owned power supply cooperatives, will be forced to purchase their power and purchase the delivery of power at cost *plus profit* to the private power company suppliers. Thus, once again, competition has been squelched, and the consumer pays more.

The Administration has been proposing a variety of measures to provide financial relief to the power companies, such as extra investment credit, etc. We do recognize that the utility industry as a whole is being hit hard from many directions. We suffer the consequences of higher fuel costs, a host of environmental protection costs, and higher capital costs, too. It appears unfair to us that the Administration should endorse measures to provide relief for one segment of the power industry (and thereby its consumers) and at the same time attempt to increase the financial burdens of the consumer-owned segment.

We believe these considerations make it imperative that the Senate and House both insist that REA utilize the rural electrification law as the Congress intended, and continue insured loans to power supply cooperatives as needed. We trust that you will take every action possible, including your vocal support on the Senate floor April 10, to reverse REA's proposed action.

Thank you for your support.

Very truly yours,

WILLIAM F. MATSON,
Executive Vice President.

Mr. BENTSEN. Mr. President, Texas consumers do not need Government actions that increase costs for the generation and transmission of electricity. Swollen rates for electricity are already a burden for many as a result of escalating fuel prices. And fuel prices are still going up. Inflation of all costs continues to spiral. Certainly this is no time for the Federal Government deliberately to raise costs for rural electric systems.

The loan policy change announced by the Rural Electrification Administration on March 11 is that kind of action.

It is unwise because it would solve no problem and would—unnecessarily—add to the costs of many rural electric cooperatives.

It is inconsistent with the Ford administration's announced legislative program to aid electric utilities.

It is reminiscent of the Department of Agriculture announcement on December 29, 1972, that it would stop administering the Rural Electrification Act.

Immediately after the announcement of December 29, 1972, I joined in sponsoring S. 394, aimed at restoring the REA program and requiring the administration to administer it. Eventually S. 394 was broadened to authorize an even better program, and was enacted into law—the law which REA now proposes to change by executive decision rather than administer in the way Congress intended. There is no question that Congress intended to permit use of the insured loans program, which is made possible by the revolving fund, for generation and transmission facilities.

The change announced by REA would apparently have special significance in Texas.

Our two power supply cooperatives, Brazos Electric and South Texas Electric, are planning a joint generation project in the amount of $222 million. In addition, they will require $81 million for transmission facilities.

The loan funds for transmission facilities would normally be provided through the REA insured loans program. The proposed prohibition of G&T eligibility for insured funds will result in additional costs amounting to $71 million to these two Texas cooperatives on these projects alone. These additional costs will be borne by the thousands of ranchers, farmers and other consumers who depend on their cooperatives for service in central and south Texas.

No meaningful justification for this change in program has been offered by the administration. I join in calling for a reversal of the announced change.

THE ADMINISTRATION MOVES TO CRIPPLE RURAL ELECTRIFICATION PROGRAM

Mr. HUMPHREY. Mr. President, I wish to voice my strong objection to the announced plan of the Rural Electrification Administration to eliminate most 5 percent REA insured loans to all "power supply type borrowers."

This step is arbitrary, capricious, and certainly of doubtful legality.

Under the new policy, borrowing for major generation or transmission facilities would have to come under the guaranteed loan program with interest rates currently at more than 8 percent.

This move, if allowed to stand, would not mean 1 additional kilowatt hour, or lead to increased reliability in service. What it would mean is that new electrical facilities, under this program, would increase in cost.

This is an exceedingly restricted basis for the insured loan program which has served as the basis for the 5-percent insured loans to power supply borrowers since the effective date of title III of the REA Act—May 11, 1973; Public Law 93-32.

For the current year, the funding under the insured loan program will run at $700 million. For fiscal 1976 the Ad-

ministration budget proposes $618 million for this program, while a level of $735 million was recommended by the Senate Committee on Agriculture and Forestry.

I am concerned with the proposal which basically would mean the elimination or phaseout of the insured loan program except in very limited circumstances. I am also appalled at the way in which this proposal has been made.

Again, the Administration has signaled its determination to pursue a policy of high interest rates. Rather than support a program which has benefited rural America and which is almost without opposition, the Administration is offering a proposal which, in the words of my colleague, Senator MILTON YOUNG, "does nothing more than stir up trouble."

In addition to announcing this new policy, which I consider to be both unwise and illegal, the Administration has also made it clear that it will no longer be accepting applications for insured loans. This announcement is made in spite of the fact that there is a 60-day hearing period under which comments are solicited regarding the new policy and procedures. I find it almost unbelievable that in the Federal Register announcement of this new policy the REA saw fit to state, and I quote:

> In order to achieve an orderly transition to the proposed new policy, it is necessary to establish an immediate cut-off date for the acceptance of loan applications under the insured loan program for the financing of certain major generation or transmission facilities.

The sentence which follows creates further confusion by stating:

> However, this cut-off date, as well as the remainder of the proposed policy, is subject to comment as described below.

In spite of the confusion which this statement creates, it is clear that generation and transmission applications for insured loans are no longer being accepted by the REA.

While the rationale for this proposed new policy is unclear, it would appear that the Administration is reverting to its position as of May 8, 1973, which would mean denying 5 percent insured loans to power supply borrowers. This position is in clear conflict with the legislation which was passed on May 11, 1973, and acquiesced in by the Administration.

The clear intent of the legislation was that 5 percent insured loans would be available to all applicants whether for distribution, generation, or transmission requirements. Guaranteed loans were recognized as an addition or supplement to the insured loans.

I participated in the conference committee which drew up the legislation in 1973, and it was quite clear that the law would have been less specific had there been more trust in the Administration's willingness to operate this program in accord with congressional intent.

It is clear to me that this proposed new policy flies in the face of the history and intent of the existing law. As one who has been a staunch supporter of this very successful and vital program, I have no intention of standing idly by while the Administration, by administrative fiat, acts illegally and contrary to the best interests of rural America.

I hope the Secretary of Agriculture and the Administrator of the Rural Electrification Administration understand the clear legal implications of this announced policy. We have already seen a growing number of actions being brought against the Secretary of Agriculture. I would hope that the lesson and the implications of this trend would not be lost on the Secretary and others in authority in this Administration.

REA PROPOSED CHANGES; A MATTER OF CONCERN

Mr. HUGH SCOTT. Mr. President, I join with other colleagues in voicing my concern over policy changes proposed by the Rural Electrification Administration under which loans of more than $10 million for power supply facilities would no longer be made available under REA's 5-percent interest insured direct loan program. Rather than making insured loans available for this type of facility, funds would now come from guaranteed loans with interest rates currently at 8 percent through the Federal Financing Bank. While moneys for direct loans come from a revolving fund made up primarily of loans and other assets of REA cooperatives, the Federal Financing Bank depends on bond sales on the private money market.

This proposed change is totally contrary to the 1973 amendments to the Rural Electrification Act. Under that legislation, which I cosponsored, REA has no authority to terminate insured loans to power supply cooperatives for generation and transmission facilities, except in isolated special cases. I had thought that this issue was resolved with the conference report on the 1973 amendments. Now, it appears that the REA is attempting to do by regulation the very thing which Congress intended not be done.

The result will be a most unfortunate increase in costs to the consumer, at the very time when the Administration has proposed a great many other measures to provide financial relief to power companies. It is no secret that the utility industry as a whole is being hard hit from many directions. Higher fuel costs, a host of environmental protection costs and higher capital costs are just some of the factors with which the industry has had to deal.

Pennsylvania rural electric cooperatives have projected over a half billion dollars in investments in generation and transmission facilities over the next 10 years in order to provide a reliable supply of electricity to the more than a half million consumers which they ultimately serve.

REA's proposed termination of the power supplier insured loan program would cost Pennsylvania rural electric consumers literally millions of dollars in higher interest rates on the loans needed to construct these facilities. Rural Pennsylvanians will suffer additional financial hardship in unnecessarily higher electric rates in these economically distressed times if REA is permitted to carry out its intentions.

A number of the Commonwealth's co-op service areas currently have unemployment rates as high as 18 percent. They desperately need relief on high cost necessities—not additional, unwarranted burdens.

Another grave consequence of REA's intended action will be to retard vitally needed competition in the energy industry. REA has announced it will approve insured loans to distribution, retail supply cooperatives up to $10 million. This, in conjunction with its unwillingness to authorize insured loans for power supply cooperatives, means that such loans will only provide for small, partial isolated facilities for each retail supplier. Such a result will severely inhibit the development of generation and transmission facilities on an integrated or coordinated basis for groups of distribution cooperatives through single wholesale supply cooperatives.

The inevitable result of this will be that the cost savings of larger scale facilities will simply not be achieved. Small cooperatives, instead of being able to provide their own generation and transmission facilities at cost through their own jointly owned power supply cooperatives, will be forced to purchase their power and purchase the delivery of power at cost plus profit to the private power companies. Thus, once again, competition will be squelched, and the consumer will pay more.

Mr. President, I view this as a very serious situation; one which Congress thought it had resolved with the passage of the 1973 Rural Electrification Act amendments I sincerely hope that the Rural Electrification Admir'tration will reconsider its announced plan and decide not to implement the proposed supplement to REA Bulletin 20–6.

ORDER OF BUSINESS

Mr. MANSFIELD. What is the pending business, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin does not wish to use his time, so that time has been vacated.

EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider the nominations on the Executive Calendar starting with those of the Federal Election Commission.

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

FEDERAL ELECTION COMMISSION

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that the following nominees be considered en bloc: Thomas B. Curtis, Joan D. Aikens, Robert O. Tiernan, Vernon W. Thomson, and Thomas E. Harris.

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

Mr. ALLEN. Reserving the right to object——

Mr. MANSFIELD. Mr. Staebler will be considered individually.

Mr. McCLURE. Reserving the right to object, and I shall not object, did the distinguished Senator from Montana read the entire list?

Mr. MANSFIELD. No, I excepted Mr. Staebler.

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

Mr. MANSFIELD. Mr. President, I request the President be notified.

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

FEDERAL ELECTION COMMISSION NOMINATIONS

Mr. KENNEDY. Mr. President, I am pleased to support the nominations of the six members of the Federal Election Commission and to vote for their confirmation.

As one of the principal sponsors of the Senate version of the legislation that created the Commission, I am hopeful that once the Commission gets underway, it will become the effective agency that has long been needed to monitor and enforce the Federal election laws.

The enactment of the election campaign financing reform bill last fall was the result of a major bipartisan effort in both the Senate and House. Some of the most significant contributions to the bill were made by Senator HUGH SCOTT of Pennsylvania, particularly in developing the concept of the need for the Federal Election Commission as an independent agency to enforce the Federal election laws. Now, these efforts are reaching fruition, and I commend Senator SCOTT and the other Members of this body who have done so much to advance the cause of election reform and to establish the new Commission that is being launched today.

From the day its members take office, the Commission will have its hands full with the pressing responsibilities relating to the implementation of the recent Election Reform Act in connection with the 1976 Presidential and congressional elections. Let me mention six of the most pressing and immediate responsibilities:

First. In light of the repeated statements by President Ford and his aides that the President will be a candidate for reelection in 1976, it is essential that the provisions of the 1974 law, particularly the strict expenditure limits, be clarified in their application to an incumbent President. Obviously, there are difficult lines to be drawn between "Presidential" and "partisan" or "political" activities by a sitting President, and the Federal Election Commission must play a major role in drawing them.

Second. Much the same problem exists for many of us in the Senate and House who are already making preparations for our own reelection campaigns. Substantial fund-raising has already begun in many States and congressional districts. But as yet, we have no guidance at all as to how the complex provisions of the 1974 Election Reform Act are to be applied and interpreted, especially the contribution and expenditure limitations.

Third. Equally pressing for those involved is the need for adequate guidance on the public financing provisions for Presidential primaries. The act allows private contributions of $250 or less, made after January 1, 1975, to be matched by public funds. Potential candidates are already raising private contributions to qualify for the public funds. Even though the public funds will not be paid out until 1976, the candidates are entitled to know today how the matching grant program will be implemented. They are entitled to know what requirements will be imposed for verification of matching contributions. They are entitled to know what other steps they must take to insure that they are in full compliance with the new law.

Fourth. Major litigation is now pending in the Federal courts in Washington, raising a number of constitutional challenges to many different aspects of the 1974 act. The Commission has been named as a defendant in the action, and its members can now begin their own defense of their rights and duties and responsibilties. I would note here that Mr. Thomas E. Harris, one of the nominees to the Commission, has had extensive experience in Supreme Court litigation, and I am confident that his outstanding qualifications in this area will serve the Commsision well as the present legal challenge unfolds.

Fifth. The 1974 act contains a brief but far reaching provision preempting State and local election laws. Myriad problems can arise here in determining the extent to which particular State and local laws are affected by the Federal law. In the first instance, at least, it is the Commission that must provide the answers.

Sixth. The 1974 act allows surplus campaign funds to be used to defray office expenses or for "any other lawful purpose." Clearly, no Member of Congress can feel comfortable about using surplus campaign funds in such ways until the Commission establishes the proper ground rules.

Numerous other examples can be cited of the immediate need for guidance by the Federal Election Commission in the difficult and delicate areas of the Federal election laws.

Now, at last, the Commission is about to be formed and its members are about to embark on their important responsibilities. The nominees before us are well qualified to deal with their new duties. In spite of past delays, the Commission is now well launched, and I look forward to its success.

Mr. President, I ask unanimous consent that a column on Thomas Harris by the distinguished labor commentator John Herling, which appeared recently in the Washington Post, may be printed in the RECORD.

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

[From the Washington Post, Apr. 2, 1975]

GEORGE MEANY'S MAN GOES PUBLIC

(By John Herling)

George Meany is losing his house counsel, but the nation is gaining a distinguished public servant.

The man is Thomas Everett Harris. A lanky son of Arkansas, Harris has been selected as a member of the newly created Federal Elections Commission, which will oversee the financing of federal campaigns. Harris came to the labor movement in 1948 as an associate general counsel of the Congress of Industrial Organizations and continued in a similar position after the CIO's merger with the American Federation of Labor in 1955.

Harris was chosen for the six-member nonpartisan commission by Senate Majority Leader Mike Mansfield (D-Mont.) on the recommendation of the United Auto Workers as well as the AFL–CIO. His appointment comes at an important time in the life of the new commission when it will be developing new lines of policy and practice. Whether this new agency will have spine, or be a limp banana, like so many other regulatory agencies, will depend on Harris and his colleagues. For his part, Harris will bring to his new job implacable integrity and the qualities of a disciplined, judicial mind.

Now 62, Harris started his legal career after graduating from the University of Arkansas and Columbia Law School in New York City. His scholarly achievements made him a Kent Scholar and editor of the Columbia Law Review. From there he moved to Washington to become the law clerk of Chief Justice Harlan Stone. He later worked in the Justice Department and for a variety of government agencies, including the Office of Price Administration, during World War II. One of his subordinates was Richard M. Nixon. "Not outstanding," Harris once remarked.

For a while, Harris had been a member of one of Washington's most prestigious law firms and could have followed a conventional law career. But he felt impelled to make a choice: whether merely to make money or to put his talents to use for the labor movement and other social endeavors. He chose to follow his convictions.

Aside from his astuteness and his legal armor which he carries lightly into battle, Harris has an Arkansas drawl which he has used with startling effect, especially when confronting less liberal legislators from his home region at congressional hearings. One of his more memorable encounters was at a Senate committee hearing presided over by Sen. John L. McClellan (D-Ark.) who was confounded by Harris' ability to out-Southern him in manner and speech. Harris, an intrepid civil libertarian, did not exactly fill, in McClellan's mind, the pattern of a proper southerner.

Harris orchestrated labor's battle against the confirmations of Clement Haynsworth and G. Harrold Carswell to the Supreme Court. With Meany by his side, Harris testified against Haynsworth for three hours before the Senate Judiciary Committee. He marshaled his arguments with a lean and powerful vocabulary and every word became a rock on which the Haynsworth nomination ultimately floundered.

Without Harris, life in the house of labor on 16th Street will not be the same. He was precise, clear and courageous. He would say things out loud that others at AFL–CIO headquarters would shy away from. To him a king without clothes was a king without clothes. The result was frequently disconcerting but his listeners were usually glad to have this truthspeaking advocate in their midst. Over the years, Meany became used to his astringent humor. But from now on, life at the AFL–CIO will be less prickly. Tom Harris has gone public.

Mr. MANSFIELD. Now, Mr. President, I call up the nomination of Mr. Neil Staebler, of Michigan.

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

The legislative clerk read as follows:

Neil Staebler, of Michigan, to be a member of the Federal Election Commission.

The ACTING PRESIDENT pro tempore. The Senate will proceed to consider the nomination of Neil Staebler. The time for debate on this nomination will be limited to 1 hour, to be equally divided and controlled by the Senator from Nevada (Mr. CANNON) and the Senator from Wyoming (Mr. MCCLURE).

Who yields time?

Mr. MCCLURE. Mr. President, I yield myself such time as I may require.

Mr. President, at the outset I want to put this matter into the perspective which I think it deserves so far as my own view is concerned about Mr. Staebler. Whatever questions I raise are procedural ones which seem to me to demand the attention of the committee that has had the responsibility to review these nominations. At the conclusion of the debate on this nomination—and I suspect it will take far less than the full hour—I shall make a motion to refer his name to the committee for further proceedings.

Mr. President, anyone who has attended law school knows an emphasis is placed on ethical conduct. But what some may have forgotten is that the student soon learns it is equally important to have the appearance of high ethical standards. Those who are involved in political life not only need to be concerned about the fact, but also the appearance. I think that is material to our present discussion.

I could not help thinking of this as I read through some of the testimony concerning the nomination of Neil Staebler to the Election Commission.

My attention was first drawn to this matter by the minority views of the distinguished Senator from Alabama, a part of the committee report.

Mr. President, I ask unanimous consent that those minority views be printed in the RECORD at this point.

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

DISSENTING VIEWS OF MR. ALLEN

My vote was cast against a favorable en bloc report on all six nominees at this time because I feel that additional consideration should be given to Mr. Staebler's nomination. The Subcommitee has information about the pendency of a damage suit against Mr. Staebler growing out of alleged political activities in a Michigan political campaign. The basis for the allegations contained in this lawsuit needs to be investigated and weighed. This has not been done.

Also, Mr. Staebler is a member, or has been a member, of a number of political organizations and lobbying groups, and I am not entirely satisfied that he has sufficiently severed his connections with such organizations. A statement which he gave the Subcommittee indicated that he was assuming inactive status in one or more of such organizations. I am not convinced of his objectivity, and I fear that he does not recognize the necessity of representing this public interest on this Commission as distinguished from the public interest as seen by the political and lobbying organizations of which he has been so much a part—for, conceivably, they might not coincide in every instance.

My vote is intended to reflect my view that additional consideration should be given to Mr. Staebler's nomination. In fact, I believe the Rules Committee has been put on inquiry as to the advisability of further consideration. I shall keep an open mind on Mr. Staebler's nomination pending receipt of additional information on the points raised herein.

No information putting me on inquiry as to the other nominees has come to my attention.

JAMES B. ALLEN.

Mr. MCCLURE. Having seen the minority views of the distinguished Senator from Alabama, I then sought further information, and I read all of the House debate and the House committee report. I awaited the filing of the Senate committee report and read all of that report to see if the questions which had been raised in debate had been resolved in the committee proceedings. I found that they had not been resolved.

Mr. President, the American people have just gone through one of the most traumatic experiences in their history. Much of what has gone on in the Watergate era has divided us. But one thing is certain: we emerged with a certain unity of purpose, a determination that the morality and the appearance of morality in public figures will not again fall into disrepute.

One of the steps we have taken is to establish an Elections Commission to sit in judgment of the conduct of political candidates. I know of no other government entity which, like Caesar's wife, ought more to be above suspicion. Indeed, where do we, as public figures ourselves, owe a greater responsibility to the public good than in weighing the qualifications of those individuals who have been nominated to the Commission?

I do not know Mr. Staebler personally. I know only three of the six persons who have been selected. I knew nothing about him before his selection for this post. But what I have learned since then troubles me.

Mr. Staebler testified before the House committee that he saw no reason why he should resign from political organizations whose basic purpose is to influence the course of legislation. Agreed, that is not in and of itself sufficient cause for disqualification, but as a slight lapse in judgment, it troubles me.

Mr. Staebler amplified on this before the Senate committee, saying that he did not need to resign from Common Cause, but could become an inactive member. Again, not in and of itself sufficient reason for disqualification, but nevertheless troubling to me.

As to political contributions, Mr. Staebler told the committee that he hoped he might be able to continue making contributions at the level he has contributed in the past. This statement, taken by itself, is perhaps not sufficient cause for questioning the gentleman's judgment, but it disturbs me nonetheless that Mr. Staebler is insensitive to the fact he might one day have to decide the merits of a case involving a candidate to whom he himself has made a contribution.

Mr. Staebler recoils at the thought of being an "antiseptic judge" and longs to continue his political activities as one of the "hangers-on."

That is a quotation from his own testimony. I suppose that if this were the only allegation against the nominee we could pass over it, but I am beginning to think we need more time in order that Mr. Staebler might explain just what he means by these terms.

Finally, Mr. Staebler feels that the only restrictions placed upon him should be those of the Hatch Act. And that brings us back to what I said at the beginning of my speech about the appearance of high standards. I begin to sense that we have here a man whose own words seem to belie the one basic qualification each Commissioner must possess—sound judgment.

I am told that Mr. Staebler is involved in an unresolved political libel suit, the merits of which I cannot judge because I am unfamiliar with that suit. But I do know this: We handicap the credibility of the Elections Commission right from the beginning if one of its Commissioners is involved in the same sort of charges as those lodged against the men and women who come before him.

So far as I know, not one question has been raised against the other five nominees, so I have no objection to the Senate's proceeding to the consideration of their nominations. But Mr. Staebler's nomination is another matter. Important as it may be to move with dispatch in establishing the Elections Commission, I think additional consideration needs to be given by the committee to this one nominee, if for no other reason than to answer the questions which have been raised.

I would think that Mr. Staebler, himself, would welcome a short delay. After all, he would not want to assume this important responsibility with his qualifications under a cloud.

In the confirmation hearings, Mr. Staebler seemed reluctant to abandon the adversary role. Perhaps, as a matter of fact, we will find that all six Commissioners adopt an adversary role and that the only balanced judgment will be the balance of adversaries in that Commission. When Senators of both parties tried to impress him with the need for a fair and impartial board, Mr. Staebler seemed to resist, to concede as little as possible. He said he would continue to make financial contributions to his party. He wished to continue participating in political meetings. He wished to continue membership in various political organizations.

I believe it is appropriate to ask if Mr. Staebler wishes to be an objective, impartial board member or an advocate for his political allies.

The pending lawsuit against Mr. Staebler cannot be ignored. I cannot and I will not comment on the merits of the case, but I hope the Senate will agree with the Senator from Alabama, who concluded:

The Subcommittee has information about the pendency of a damage suit against Mr. Staebler growing out of alleged political activities in a Michigan political campaign. The basis for the allegations contained in this lawsuit needs to be investigated and weighed. This has not been done.

That, Mr. President, is the reason why I wish to make the motion to resubmit

this one name for further proceedings before the Rules Committee. I do not wish to and I do not intend to attempt to prejudge the results of any such deliberations, because I do not know what those deliberations might bring forward. But I think that in the interests of getting the Commission off to the kind of start we all wish it, we should clear up whatever charges may have been raised.

I hesitate to mention one other matter, because it has only been brought to my attention; I have no way of evaluating its merits or lack of merits. It may be an ancient matter that has been well-ventilated in the past. But if the committee is to look at the qualifications of this man once again, I think they should at least look also at the area of charges that have reached my ears since first having suggested that I had some reservations about this nomination. Those charges arise out of the manner in which the Teamsters Union control was wrested through the control of the credentials committee and the way in which they maintained control within the Teamsters Union in Michigan, after having seized control.

Again, I cannot and do not make any charge that Mr. Staebler was in any way wrongful or that I know that those acts were wrongful. I know only that the charge has been made. The committee should look at it, and the committee should take testimony concerning it. The committee should be able then to come before the Senate and say, "We have investigated the charges; we have looked into the allegations that have been made; we find those allegations without merit," before they bring this nomination to the Senate for confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD articles published in the Detroit Free Press on March 6, July 12, July 17, and July 22, 1974.

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

[From the Detroit Free Press, Mar. 6, 1974]

STAEBLER REMARK SLANDERED NAME, CAVANAGH SAYS

(By Remer Tyson)

Former Detroit Mayor Jerome P. Cavanagh, a candidate for governor, has accused Democratic National Committeeman Neil Staebler of making "malicious and damaging—if not vicious—statements" about Cavanagh's personal character.

In a letter to State Democratic Chairman Morley Winograd, Cavanagh demanded a showdown with Staebler before Democratic Party leaders to require Staebler "to put up or shut up."

Cavanagh declared that Staebler was engaging in character assassination by "innuendo and purported rumor and gossip" to damage Cavanagh's "position as the leading candidate for the Democratic nomination for governor of Michigan."

The Cavanagh letter, signed by his legal counsel, George E. Bushnell, Jr., of Detroit, stated that Staebler is supporting former state Sen. Sander M. Levin of Berkley for the Democratic nomination.

Staebler, a former State party chairman from Ann Arbor, said he would not respond to Cavanagh's letter until the convening of a meeting of Democratic leaders Tuesday night in Detroit.

But Staebler said he didn't know what provoked the letter. He denied making malicious statements about Cavanagh.

"I learned to confine my statements to matters of fact," Staebler said. "I guess the authors of the letter will have to explain it."

Staebler said he had supported state Rep. Bobby Crim of Davison for governor until Crim withdrew as a candidate this week and that he is still waiting to see if Crim will change his mind and re-enter the race.

Cavanagh's letter is almost certain to create the first big explosion of the Democratic race for the governor in the August primary.

Levin was the Democratic nominee four years ago and lost a close race to Republican Gov. Milliken, who is expected to seek re-election next November.

Cavanagh's letter does not say specifically what statements he is accusing Staebler of making.

In a telephone interview Tuesday afternoon, Cavanagh said the letter was written because he and his family became "indignant and were hurt" by comments Staebler had made to his campaign manager, Mrs. Patti Knox of Detroit.

Cavanagh said Staebler had implied to Mrs. Knox that "my integrity was something less than the best and he wasn't going to support me."

Mrs. Knox said she had asked Staebler at a recent Democratic meeting in Lansing who he was going to support for governor since Crim was withdrawing, and Staebler had told her he was supporting Levin.

"He said, 'we can't afford Cavanagh'," Mrs. Knox recounted. "I said, what do you mean? and he said, 'You know.' He wouldn't say what he was referring to. I think that's what is so insidious—alluding to things. It's sort of a Segretti trick and I told him (Staebler) so."

Mrs. Knox referred to Donald Segretti, a 1972 Nixon campaign worker who pleaded guilty of engaging in "dirty tricks" against Democratic opponents.

Asked what she thought Staebler was referring to, Mrs. Knox said: "It came out in my mind—skeletons in a closet, questioning his (Cavanagh's) integrity. It's what he left hanging . . ."

Cavanagh said that he was demanding that if Staebler fails to "document any of the accusations he has made," the Democratic Party issue a statement "in relation to my character and my integrity" and admonish Staebler to refrain from "baseless allegations."

Though neither Cavanagh, Mrs. Knox nor Bushnell would say outright why they were so angry, the Cavanagh campaign has been disturbed by reports—dating back to when he was mayor—that he was connected with the underworld.

No one has ever produced any evidence that he was.

CAVANAGH BATTLES OLD CHARGES

(By Remer Tyson and Billy Bowles)

Former Detroit Mayor Jerome P. Cavanagh has been pressed into trying to turn to his advantage in Michigan's Democratic race for governor the introduction this week of old reports that had attempted to tie him to the underworld.

The old charges, which have thus far proved unfounded, surfaced at a time when polls showed that Cavanagh had begun to overcome the poltically damaging effects of those reports and close a big gap in his race against the primary's Democratic front-runner, former state Senator Sander M. Levin.

Louis Rome, former state crime commission chief who resigned in 1970 in the wake of charges that he was a slum landlord in Ann Arbor, renewed attention to reports that Cavanagh had been accused of having underworld connections.

Earlier this week, Rome called a press conference in Lansing and issued a five-page statement declaring that Cavanagh shouldn't be elected governor because of his "proximity to Detroit's underworld" when he was mayor from 1962–70.

Cavanagh angrily branded Rome's charges as Watergate-type "dirty tricks . . . a gutter style of approach."

He likened Rome to Donald Segretti, a 1972 Nixon campaign worker who was jailed for slandering Democratic candidates.

Cavanagh declared that he and his family have been plagued by these kinds of tactics for years.

"I don't intend to sit still for it, and we're going to do something forthrightly about it," he said.

The former mayor met with his lawyers in Detroit Thursday and called a press conference for Friday morning to announce the action he plans to take.

Rome's charges against Cavanagh have had the effect of putting the public spotlight on Cavanagh as an aggressive campaigner, something that may be doing the former mayor a major favor.

Cavanagh has been campaigning for governor for a year when he announced in April that he faced surgery for removal of a cancerous kidney.

After the operation, Cavanagh returned to the campaign.

Polling information available to the Free Press showed that Cavanagh's political image had improved substantially since the surgery.

While he still trails Levin, Cavanagh is moving up in voter support, according to the survey, independent of both Cavanagh and Michigan Democrats.

While Cavanagh was confering with his lawyers, officials and supporters in his campaign organization called for investigations to determine if Rome's charges were made at the prompting of Levin or former State Democratic Chairman Neil Staebler of Ann Arbor.

Amos Stewart, president of the Detroit and Wayne County Port Council of the AFL–CIO's Maritime Trades Department, sent a letter to National Democratic Party Chairman Robert Strauss demanding an investigation.

Stewart, whose union had endorsed Cavanagh, said in his letter:

"We have heard that before Jerry Cavanagh went to the hospital several months ago for a cancer operation, that a high-ranking Democratic official and supporter of Sander Levin stated that the Sander Levin supporters were going to release such an allegation if Jerry Cavanagh ran for governor . . ."

Stewart refused to identify the Democratic official.

If an investigation shows Levin was involved in the Rome charges, the state's union membership will ask Levin to withdraw, Stewart said.

Mrs. Patti Knox, Cavanagh's campaign manager, sent a letter to State Democratic Chairman Morley Winograd asking for the party to establish "some basic standard of ethical conduct for this campaign."

Mrs. Knox said she was "utterly amazed" to read a newspaper report that Staebler, now a Democratic national committeeman from Michigan, "had advised" Rome to "carry on in this deplorable fashion."

In response to the Cavanagh campaign's countercharges, Rome said he consulted with Staebler in mid-March.

"I told him I was privy to some matters regarding Jerry Cavanagh and felt they ought to be developed within the confines of the leaders of the Democratic Party and, hopefully, quietly. He told me that this information I was suggesting ought to be developed

carefully by me and made available in a public forum."

Staebler said he is not involved in Levin's campaign. Asked if he advised Rome on holding the press conference about Cavanagh, Staebler said:

"In this sense, that he came to me with this information. I said I couldn't use it, but I said if this is supported, if this is factual, you owe it to the public to let people know about it."

Rome conceded that charges he made against Cavanagh had been thoroughly investigated by grand juries and newspapers previously and that he knows of no criminal laws broken by Cavanagh.

Levin issued a statement denying any connection with Rome.

"My entire campaign has been devoted exclusively to the issues," Levin's statement said. "There is no place in politics for personal attacks and I deplore Rome's remarks."

Rome was executive director of the Michigan Commission on Law Enforcement and Criminal Justice from 1966–70.

He resigned just hours before being convicted of building code violations in connection with student housing he owned in Ann Arbor. Rome was fined $70.

Rome is now a private consultant on Law enforcement in East Lansing.

[From the Detroit Free Press, July 17, 1974]

STAEBLER ADMITS ROLE IN CAVANAGH DIG

(By Remer Tyson and Billy Bowles)

Democratic National Committeeman Neil Staebler said Tuesday that he turned over his files on gubernatorial candidate Jerome P. Cavanagh to a former Republican-appointed state official who later accused Cavanagh of having underworld ties.

Cavanagh has filed a $15 million libel suit against both Staebler and Louis Rome, who was appointed by former GOP Gov. George Romney to head a state crime commission.

Staebler called a press conference in Detroit to explain his role in an escalating controversy that has become the dominant issue in the Aug. 6 Democratic primary.

Staebler said Rome sought him out several months ago to discuss old reports about Cavanagh's alleged underworld ties.

None of the charges against Cavanagh has ever been substantiated.

Staebler said he met with Rome "perhaps a half-dozen times" to discuss Cavanagh's record. The meetings with Rome lasted two to three hours each, Staebler said.

Last week Rome called a press conference in Lansing and accused Cavanagh of having underworld connections which make him "unfit" to be governor.

Candidates in the Democratic Party primary are former Detroit Mayor Cavanagh, former state Sen. Sander M. Levin, and Southfield lawyer James Wells.

Staebler denied that he prompted Rome to hold the press conference, but said he did tell Rome that if he could substantiate charges against Cavanagh, they should be made public.

A longtime Democratic leader and former state party chairman, Staebler said his actions were conducted in the interest of insuring the Democrats would not nominate a candidate for governor "with a blemish that can't be corrected."

Staebler call the press conference on the day before he is scheduled to give testimony under oath to Cavanagh's lawyers in the libel suit.

He read a seven-page statement and at first refused to allow questions by reporters. Instead, Staebler invited reporters to attend his questioning by Cavanagh's lawyers.

When reporters protested and began leaving the press conference, Staebler and his son, Michael, called them back and agreed to answer questions.

Staebler told reporters that his file on Cavanagh consisted mostly of articles in Detroit Scope magazine and newspaper clippings.

The magazine, no longer in publication, was published by television commentator Lou Gordon, who has been highly critical of Cavanagh and who reported in his magazine about Cavanagh allegedly having Mafia connections.

Staebler urged both sides in Cavanagh's suit to move quickly to avoid a drawn-out "political" lawsuit.

"I hope that Cavanagh will be equally forthright and that he will instruct his attorneys not to seek procedural delays in responding to questions that my lawyers will want to ask him," Staebler said.

Staebler said he did not talk to Levin about his discussions with Rome about Cavanagh.

Levin, considered the front-runner in the campaign has also denied any connection with Rome's actions and has "deplored" his attack on Cavanagh.

But the third candidate, Wells, accused Levin on Tuesday of orchestrating the attack on Cavanagh.

Wells declared: "What I'm saying is we've got a yellow-bellied sapsucker running for governor of Michigan by the name of Sander Levin . . . not only will he not debate, he has to put this trash out and he won't do it himself, but he has to get someone to do it for him."

Besides denying any connection with the charges against Cavanagh, Levin declared that he was being accused unfairly of refusing to debate the other two candidates.

Levin said he was the first to offer to debate all candidates. A spokesman for Levin said Tuesday that four debates had been agreed to by the candidates and others are being planned.

The controversy over the attack on Cavanagh overshadowed a call by Levin on Tuesday to establish a citizens grand jury with an independent prosecutor for the sole purpose of investigating the drug traffic in the Detroit area.

[From the Detroit Free Press, July 22, 1974]

PUBLIC TO GET CAVANAGH CASE

(By Remer Tyson and Billy Bowles)

Public attention in the Michigan governor's primary race shifted last week from grimy plant gates and bustling shopping centers to a smoke-filled conference room in a law office 25 floors above downtown Detroit.

It will move this week to another cigar-scented room amid the rolling golf greens of a suburban country club.

Candidates are not campaigning in the usual sense at either place, but what happens there could determine who gets the Democratic nomination Aug. 6.

A battery of high-priced lawyers is taking sworn testimony in a $15 million libel suit that has become the dominant issue in the campaign.

The testimony revolves around charges that one of the three Democratic candidates, former Detroit mayor Jerome Cavanagh, had underworld ties.

Cavanagh, 46, the onetime golden boy of Michigan politics, filed the damage suit against Neil Staebler, a once-powerful Michigan Democratic leader, and Louis Rome, a little-known, Republican-appointed state bureaucrat.

Lawyers took testimony last week in the law offices of Miller, Canfield, Paddock and Stone, one of Detroit's most affluent and influential firms.

The proceedings will be moved this week to the Edgewood Country Club in Oakland County to accommodate a golf-playing lawyer involved in the highly politicized lawsuit.

It will be long after election day before the case can reach trial in a courtroom.

Thus, for the time being, both sides look upon the press as the sitting judge. Because of the nature of the lawsuit and its importance in the gubernatorial campaign, reporters were invited to sit in on preliminary testimony, usually a private proceeding.

The lawyers, some of them experienced politicians both in public and behind the scene, frequently demonstrated their skill to perform for the press on behalf of their clients.

Next Tuesday, for the first time, Cavanagh will testify in public about reports of Mafia connections that have plagued his political career since the mid-1960s. It promises to be a spectacular moment: Jerry Cavanagh on the stand saying, in effect, I'm not a crook.

As part of a go-for-broke campaign strategy, Cavanagh has decided to put himself in the witness chair to answer questions under oath by his own attorneys. He also must repond to questions asked by lawyers for Staebler and Rome.

It was a Rome press conference in Lansing on July 9 that led to the lawsuit. Declaring he was acting only as a concerned citizen, Rome said Cavanagh was unfit to be governor because of his past "proximity to Detroit's underworld."

Rome's only previous political notoriety came in March 1970 when he resigned as head of a state planning agency where his job was to attract federal funds for crime prevention.

Former Republican Gov. George Romney had appointed him to the post, as executive director of Michigan Commission on Crime Delinquency and Criminal Administration, in October 1966.

Rome submitted his resignation to Gov. Milliken, also a Republican in March 1970, in the face of charges that he was a slum landlord to University of Michigan students in Ann Arbor, where he had an expanding rental housing business.

The charges led to two fines totaling $70 for housing code violations.

Rome, 43, born in Worcester, Mass., was graduated from Dartmouth University in New Hampshire and Columbia University in New York.

He did social work in New England, New Jersey and New York before coming to Michigan in the late 1950s.

In Michigan, Rome also did social work, and began acquiring rental housing. Eventually he got a law degree from the University of Michigan and worked briefly as an assistant prosecutor in Ingham County before becoming director of the state planning agency.

Now an East Lansing consultant on law enforcement, Rome retains a law office in Ann Arbor, but testified that he handled few legal cases other than those brought by and against his tenants.

Rome, who still has rental properties in Ann Arbor, testified that he has owned as many as 10 or 11 rental houses at times, with 25 or 30 tenants.

Nothing in his background suggested his surprise role in entering the eye of a Democratic campaign storm.

According to sworn testimony last week, Rome had not met Staebler until late January 1974.

Staebler, 69, a wealthy Ann Arbor businessman who deals in real estate and investments, has been a power broker in Michigan Democratic politics since the days of the party's G. Mennen (Soapy) Williams beginning in 1948.

While Williams, now a state Supreme Court justice, was being elected governor six times in what had been a Republican state,

Staebler was rising from precinct delegate to party chieftain.

He was state Democratic chairman for 11 years, served one term in the U.S. House of Representaives, and then lost a race for governor as the Democratic nominee.

Staebler is now one of six Michigan members on the Democratic National Committee.

Inside the state Democratic Party, Staebler is viewed either as a pillar of integrity or as a gut-fighter to be feared.

Cavanagh puts Staebler in the latter category. In his law-suit, Cavanagh accuses Staebler of conspiring with Rome to destroy Cavanagh's chance to win the Democratic nomination Aug. 6.

The former Detroit mayor said that the press conference was a vehicle for Staebler to act through Rome to call attention anew to old reports that Cavanagh had underworld associates.

Staebler denies this, and implications from the Cavanagh campaign that he acted to help Cavanagh's main opponent, Sander M. Levin. Staebler did testify that he plans to vote for Levin.

Levin, considered the front-runner in the primary, has had his campaign pushed into the background by the furor over Rome's press conference and Cavanagh's lawsuit.

Both Levin and a third Democratic candidate, Southfield lawyer James E. Wells, have deplored Rome's attack on Cavanagh.

Both sides in the lawsuit have hired talented, colorful and highly paid lawyers to represent them in this campaign drama being played out before newspaper, radio and television reporters.

The band of cigar-smoking lawyers could have been picked by Hollywood script writers.

The cast for Cavanagh:

George E. Bushnell Jr., president of New Detroit, whose appearance of fatherly benevolence can disappear in an explosion of scorn during intensive questioning of a witness; failing with sarcasm, he shifts smoothly to wit and banter.

James Francis Finn, Irish as his name, amicable but capable of the red-faced outrage associated with a prosecutor as he once was in the U.S. attorney's office.

For Staebler:

Eugene Driker, his brooding face a mixture of pained contempt and impatience as he sits, half-slumped in his chair; aggressively protective of his client; unaccustomed to press attention but learning fast; he consults frequently with his client's son, Michael Staebler, a Detroit lawyer.

For Rome:

Ivan Barris, a bullhorn-voiced, cigar-chewing bear of a man, blunt as a blackjack in court and out; keeps a $400 life-sized, hard-rubber troll behind his law office desk; brags of being Detroit's champion 240-pound-class handball champ.

Barris is the retiring president of the Detroit Bar Association. And that is why Cavanagh's testimony will be taken next Tuesday at the Edgewood Country Club, where the Detroit Bar is holding its annual golf outing that day.

Cavanagh said Barris wanted the session held at the country club rather than at the downtown law offices.

It will be a sedate setting for the next round in a gubernatorial campaign lurching along like a wheelbarrow out of control.

Mr. PELL. Mr. President, I appreciate the seriousness of motives and motivation of the junior Senator from Idaho and understand his concern, but I feel that they are not well grounded. In the first place, when we had the hearing and I had the privilege of chairing the hearing, I found that everything that Mr. Staebler said and the manner in which he responded to us was frank and above board. I think the point that the junior Senator from Idaho made, that he would be under obligation to somebody, because he contributed to him, in the future could apply to other members of the Commission as well, and to any of us. I doubt if there is a single politically interested person in the United States who has not contributed to at least a few political campaigns in the course of his life, and probably, one or two of those might end up in the hands of the Election Commission.

I agree with the Senator from Idaho that the responses of Mr. Staebler to the House committee, and perhaps also to us, did not go, perhaps, as far as we on the subcommittee and the full committee would have liked those responses to go with regard to the termination of his connections. I think that the membership of the subcommittee did an excellent job in pushing along the line of termination so that Mr. Staebler's withdrawal from politics would be the equivalent of all the others. Until that time, I think he saw himself made perhaps still more, as he put it, of an observer, if not a participant.

In this regard, I ask unanimous consent to have printed in the RECORD a telegram and a letter from Mr. Staebler, addressed to me both saying the same thing.

In this connection, I also ask unanimous consent to have printed in the RECORD a second letter of March 17, 1975, which Mr. Staebler submitted to us.

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

(Telegram)

CAMBRIDGE, MASS.,
March 21, 1975.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Privileges and Elections, Capitol Hill, D.C.

Supplementing my letter of March 17 I will resign from all lobbying organizations in which I hold membership including Common Cause, the American Civil Liberties Union, the National Association for the Advancement of Colored People and any others which I may have overlooked in preparing the list. To the best of my recollection I hold membership in no other organization than those listed in my March 17 letter and the biographical data which I submitted. I shall be happy to supply any additional information that may be desired.

NEIL STAEBLER.

ANN ARBOR, MICH.,
March 21, 1975.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Privileges and Elections, Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: Supplementing my letter of March 17, I will resign from all lobbying organizations in which I hold membership, including Common Cause, the American Civil Liberties Union, the National Association for the Advancement of Colored People, and any other which I may have overlooked in preparing the list. To the best of my recollection, I hold membership in no other organization than those listed in my March 17 letter and the biographical data which I submitted.

I shall be happy to supply any further information that may be desired.

Sincerely,

NEIL STAEBLER.

408 WOLVERINE BUILDING,
Ann Arbor, Mich., March 17, 1975.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS,
U.S. Senate, Russell Office Building, Washington, D.C.

MR. RAY NELSON AND GENTLEMEN: In accordance with the request at the March 14 hearings, I am pleased to respond to the request for information on what I will do about continuing or severing offices and connections with business, political, and public-interest organizations:

Business

(1) I am sole owner of Staebler and Son, which engages in land development and owns two tracts of land adjacent to Ann Arbor and one adjacent to Saline, Michigan. The company is being operated by my son, Michael Staebler, and a business associate. My involvement will be negligible.

(2) I am president of Michigan Capital and Service Inc., a federally-licensed small business investment company. I will retire as president but plan to continue as a member of the board of directors, which meets quarterly. Over the past seven years, as president, I have refrained from making any appearances before federal agencies because of my political connections. I would of course follow policy in the future.

(3) I own stock which I carry largely in a brokerage account with Watling, Lerchen and Company, Ann Arbor, Michigan. I will file a copy of the list of stocks with both the Senate Ethics Committee and the House Ethics Committee.

Political Connections

(1) I am a member of the Democratic National Committee and will resign when confirmed.

(2) I am an officer of the Michigan Democratic State Central Committee and will resign when confirmed.

(3) I am a member of the National Democratic Finance Council and will resign when confirmed.

(4) I am co-chairman of the Michigan Democratic 500 Club and will resign when confirmed.

Public-interest Organizations

(1) I am a member of the board of directors of the Citizens' Research Foundation, which has done the major work in collecting information on political contributions and expenditures over the past 20 years. I will retire when confirmed.

(2) I am a board member of Youth for Understanding, an organization which facilitates the exchange of young people between the United States and foreign countries for one year of their high school education. I see no likelihood of conflict and will retain membership.

(3) I am a member of the American Civil Liberties Union and will go on inactive membership.

(4) I am a life member of the National Association for the Advancement of Colored People and will ask that my membership be suspended during my term of service on the Commission.

(5) I am a member of the board of the International Center for Dynamics of Development, an organization which promotes local self government; I see no likelihood of conflict and plan to retain this membership.

(6) I am a member of the executive committee, Friends of the Michigan Historical Collections, and plan to retain this position.

(7) I am a life member of the American Veterans Committee and will ask that this be suspended during my term on the Commission.

(8) I am a member of a number of organizations which do not engage in lobbying, and plan to retain my membership in them, namely: National Municipal League, National Planning Association, American Political Science Association, National Confer-

ence of Christians and Jews, National Bureau of Economic Research, American Economic Association, Center for the Study of Democratic Institutions, Economic Club of Detroit, Ann Arbor Citizens' Council.

I am enclosing the corrected copy of the transcript of my statements to the Committee.

Sincerely,

NEIL STAEBLER.

Mr. PELL. We should bear in mind that of all six nominees, only two were cleared by the Federal Bureau of Investigation, because the congressional nominees could not be so cleared. The Department of Justice informed us that it would require a change of policy for it to give a full clearance to any of the congressional nominees.

Mr. McCLURE. Will the Senator yield?

Mr. PELL. Certainly.

Mr. McCLURE. I hope that is no reflection that had they examined Members of Congress, they would have automatically found it impossible to give clearance.

Mr. PELL. I hope not, but we keep our fingers crossed.

In any case, the two Presidential nominees, Mr. Staebler and former Congressman Curtis, were exposed to the privilege of a full-fledged investigation by the FBI and, presumably, came through with flying colors, because their names were submitted by the White House. Mr. Staebler is one of the two White House Presidential nominees.

In connection with the libel suit in which somebody is suing Mr. Staebler for an astronomical sum and he is countersuing for an equally, I think even more, astronomical sum, I believe that was—I know both suits were in effect at the time of the FBI investigation, and I should imagine that that point was looked into and covered at the time.

With regard to the Teamsters incident or statement, I had not heard that before, but I am not a detective, either, and I am sure that the FBI was exposed, or presumably was, to the same information to which the Senator from Idaho was exposed and gave him clearance.

Finally, I have known Mr. Staebler for over 20 years. We used to serve together, a long time ago, on the Committee on Political Organization and the Committee on Fund Raising, if my recollection is correct, of the Democratic National Committee, and he enjoyed a reputation amongst his colleagues then, and all of us who counted ourselves his associate and friends, as a man of singular integrity and intelligence. Sometimes we found his integrity very high and very unyielding, and we admired him for it. He is the kind of man who does not bend. If he thinks a thing is right, he sticks to his guns, and if he thinks it is wrong, he will not even consider pursuing that path. So it was with particular delight that I saw his name included by President Ford in the list of nominees, and I looked forward very much to supporting his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield the floor.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

I do not wish to pursue the matter at any great length and I expect that we will get to the predictable vote very soon.

With regard to the FBI investigation, or the check, certainly, they would have no more than noted the presence of a libel or slander suit. They certainly could not have been placed in the position, nor would they have arrogated to themselves the right to attempt to make a determination of the issues involved in such a libel suit. I could not help but know the press accounts reporting upon the charges and countercharges that swirled about that political campaign in Michigan: The reference made by Mr. Cavanagh's campaign manager that this was a Segretti-type slander, a dirty trick; the comment quoted, of the mayor himself, at other times that "This smacks of Watergate kinds of operations." I do not know whether there is truth to those allegations, but reading the record of the investigations and the hearings, these questions were not asked and the committee cannot directly answer them. I certainly understand the feeling of the Senator, who speaks of his long friendship and acquaintance with this man and the personal high regard in which he holds him. But I do not think that answers the question of whether or not there is merit in the lawsuit, unless the Senator is attempting to prejudge that lawsuit, as I am sure that he is not.

Mr. PELL. No, but would the Senator want to prejudge the lawsuit here in the Senate? It is just as wrong for the FBI to prejudge it as for us to prejudge it.

Mr. McCLURE. I think we ought to at least to take a look at that lawsuit before having determined whether or not the man should be recommended for confirmation on the nomination. I recognize that in political campaigns, oftentimes, there are charges and countercharges that are made that, in the heat of battle, somehow looked different at the time they were made, and, as a matter of political tactics, they and a libel suit may be filed simply in order to make a point in a political controversy. I sought to find out whether that was all there was to this. In other words, were those press clipping of July of last year the last word, or was anything else being done? I found that there was a motion to change venue and that when that matter was submitted to the judge, the judge to whom it was submitted became ill, he was absent from the bench for a while, and has only since resumed the bench. So the matter has not yet been ruled upon by the judge in regard to the change of venue.

I mention that only because I wanted to know whether that suit was, in fact, being pursued by the parties, or was it simply a footnote to the political campaign that culminated in the primary election in August 1974. I find that, at least on the part of Mr. Cavanagh, he is pushing the suit. He states that he is serious about the suit, that he intends to push it to a conclusion. I think under those circumstances, it is incumbent upon the committee, before this Senate takes final action, at least to take a look at the merits of the charges and counter charges in order to determine whether or not there are imbedded in those charges sufficient reason to cast doubt upon the wisdom of the nomination.

I am not trying to prejudge that. I want to make very clear that I am not trying to prejudge that suit. I just think the committee ought to take some testimony, ought to look at it, ought to be able to tell the Senate what they have been able to find after an open and impartial investigation of the facts.

If they are able, after having done that, to say they find no reason to disqualify him, then I would look at this matter much differently than I look at it today, when I have asked the committee, "What about this suit," and they can only say, "We don't know; we have heard something about it."

I am certainly in no position to judge, on the basis of what I have heard about it, and it may be that I asked more questions than the committee did about that particular lawsuit.

For those reasons, it seems to me there should be further proceedings before the committee, and that is the reason for my motion.

Mr. PELL. Mr. President, actually there was a discussion by the committee as to the lawsuit, I might say the astronomical lawsuit—I think one side was for $15 million, and the other side upped that.

The committee did discuss that matter. In this connection, I ask unanimous consent to have printed in the RECORD two articles from the Detroit Free Press which I think pretty well describes the political flavor of these lawsuits.

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

CAVANAGH BATTLES OLD CHARGES

(By Remer Tyson and Billy Bowles)

Jerome Cavanagh: "I don't intend to sit still for it, and we're going to do something forthrightly about it."

Former Detroit Mayor Jerome P. Cavanagh has been pressed into trying to turn to his advantage in Michigan's Democratic race for governor the introduction this week of old reports that had attempted to tie him to the underworld.

The old charges, which have thus far proved unfounded, surfaced at a time when polls showed that Cavanagh had begun to overcome the politically damaging effects of those reports and close a big gap in his race against the primary's Democratic frontrunner, former state Senator Sander M. Levin.

Louis Rome, former state crime commission chief who resigned in 1970 in the wake of charges that he was a slum landlord in Ann Arbor, renewed attention to reports that Cavanagh had been accused of having underworld connections.

Earlier this week, Rome called a press conference in Lansing and issued a five-page statement declaring that Cavanagh shouldn't be elected governor because of his "proximity to Detroit's underworld" when he was mayor from 1962–70.

Cavanagh angrily branded Rome's charges as Watergate-type "dirty tricks . . . a gutter style of approach."

He likened Rome to Donald Segretti, a 1972 Nixon campaign worker who was jailed for slandering Democratic candidates.

Cavanagh declared that he and his fam-

ily have been plagued by these kinds of tactics for years.

"I don't intend to sit still for it, and we're going to do something forthrightly about it," he said.

The former mayor met with his lawyers in Detroit Thursday and called a press conference for Friday morning to announce the action he plans to take.

Rome's charges against Cavanagh have had the effect of putting the public spotlight on Cavanagh as an aggressive campaigner, something that may be doing the former mayor a major favor.

Cavanagh has been campaigning for governod for a year when he announced in April that he faced surgery for removal of a cancerous kidney.

After the operation, Cavanagh returned to the campaign.

Polling information available to the Free Press showed that Cavanagh's political image had improved substantially since the surgery.

While he still trails Levin, Cavanagh is moving up in voter support, according to the survey, independent of both Cavanagh and Michigan Democrats.

While Cavanagh was conferring with his lawyers, officials and supporters in his campaign organization called for investigations to determine if Rome's charges were made at the prompting of Levin or former State Democratic Chairman Neil Staebler of Ann Arbor.

Amos Stewart, president of the Detroit and Wayne County Port Council of the AFL–CIO's Maritime Trade Department, sent a letter to National Democratic Party Chairman Robert Strauss demanding an investigation.

Stewart, whose union had endorsed Cavanagh, said in his letter:

"We have heard that before Jerry Cavanagh went to the hospital several months ago for a cancer operation, that a high-ranking Democratic official and supporter of Sander Levin stated that the Sander Levin supporters were going to release such an allegation if Jerry Cavanagh ran for governor . . ."

Stewart refused to identify the Democratic official.

If an investigation shows Levin was involved in the Rome charges, the state's union membership will ask Levin to withdraw, Stewart said.

Mrs. Patti Knox, Cavanagh's campaign manager, sent a letter to State Democratic Chairman Morley Winograd asking for the party to establish "some basic standard of ethical conduct for this campaign."

Mrs. Knox said she was "utterly amazed" to read a newspaper report that Staebler, now a Democratic national committeeman from Michigan, "had advised" Rome to "carry on in this deplorable fashion."

In response to the Cavanagh campaign's countercharges, Rome said he consulted with Staebler in mid-March.

"I told him I was privy to some matters regarding Jerry Cavanagh and felt they ought to be developed within the confines of the leaders of the Democratic Party and, hopefully, quietly. He told me that this information I was suggesting ought to be developed carefully by me and made available in a public forum."

Staebler said he is not involved in Levin's campaign. Asked if he advised Rome on holding the press conference about Cavanagh, Staebler said:

"In this sense, that he came to me with this information, I said I couldn't use it, but I said if this is supported, if this is factual, you owe it to the public to let the people know about it."

Rome conceded that charges he made against Cavanagh had been thoroughly investigated by grand juries and newspapers previously and that he knows of no criminal laws broken by Cavanagh.

Levin issued a statement denying any connection with Rome.

"My entire campaign has been devoted exclusively to the issues," Levin's statement said. "There is no place in politics for personal attacks and I deplore Rome's remarks."

Rome was executive director of the Michigan Commission on Law Enforcement and Criminal Justice from 1966–70.

He resigned just hours before being convicted of building code violations in connection with student housing he owned in Ann Arbor. Rome was fined $70.

Rome is now a private consultant on law enforcement in East Lansing.

CAVANAGH SUES OVER CHARGES OF TIES TO CRIME

(By Remer Tyson)

Democratic gubernatorial candidate Jerome P. Cavanagh responded Friday to charges that he had underworld connections by filing a $15 million damage suit and a series of complaints about unfair tactics in the Aug. 6 primary campaign.

In doing so, the former Detroit mayor embarked on a go-for-broke strategy in quest of the Democratic nomination for governor.

He raised attention to a new high on what has proved politically damaging to him in the past—old, unproven charges that he had ties to organized crime.

Cavanagh clearly hopes to turn resurrection of the old charges to his political advantage, enabling him to defeat former state Sen. Sander M. Levin in the Democratic primary.

At a press conference in Detroit Friday, Cavanagh:

Announced that he was filing a $15 million libel, slander and conspiracy suit against Democratic national committeeman Neil Staebler and East Lansing lawyer Louis Rome in connection with the old charges.

Asked Attorney General Frank J. Kelley to investigate whether Rome, when he called a press conference earlier this week to list old charges against Cavanagh, violated Michigan's election law.

Said he filed a complaint against Rome with Michigan's Fair Campaign Practices Committee.

Issued a statement under the name of Wayne County Prosecutor William Cahalan saying there is not evidence that indicates Cavanagh was guilty of any wrongdoing before, during or after he served as Detroit mayor from 1962–70.

Said he wrote a letter to candidate Levin, demanding that Levin repudiate the attacks on Cavanagh.

Levin issued a statement saying that the attacks on Cavanagh had hurt both candidates because the charges take attention away from the "failure of (Republican Gov.) William Milliken to better the lives of the people of Michigan."

"When this primary is over," Levin said, "we must stand together to help Michigan's people get their government back again. I'm sure that will happen."

Levin is regarded by most Democratic leaders, including Cavanagh, as the frontrunner in the primary.

Cavanagh said his lawyers will attempt to take depositions from Staebler and Rome next Wednesday, and that they will be made public.

Mr. PELL. I wish to read into the RECORD the telegram that the committee received on March 22 from the attorney for Mr. Staebler, Eugene Driker. He says:

I am attorney for Neal Staebler re is pending litigation with Jerome Cavanagh. Cavanagh has taken no action on his suit since July 1974 when he took his own deposition. In mid-November 1974 Mr. Staebler sued Cavanagh for defamation. Service could not be obtained on Cavanagh until January 1975. Cavanagh has not yet answered the complaint although his time to do so expired some weeks ago.

I think that in the heat of an election, one finds many extreme statements, overstatements which should not have been made, perhaps, by both sides, and then, with the elections past, the situation seems to cool.

This seems to me to be one of those cases. I repeat my hope that the Senate can approve this nomination. Incidentally, the approval of five of the nominations to the Election Commission still does not mean that the Election Commission can function, because under the law they cannot function, appoint a staff director, and get rolling until all six members are aboard.

Mr. PHILIP A. HART. Mr. President, will the Senator yield me a few minutes?

Mr. PELL. As much time as the Senator desires.

Mr. PHILIP A. HART. Mr. President, before the roll is called, I want to take just a few minutes to state for the RECORD my own very deep convictions that President Ford has found, in Neil Staebler, one of the extraordinarily gifted and thoroughly decent persons who, over long periods of years, have been identified with political activity in this country.

I express publicly my appreciation to the President for the nomination. I have known Neil Staebler for about 25 years. As the Senator from Rhode Island has indicated, those of us who have had the privilege of association with him in a political setting have indeed found him to be a goad to the conscience of all of us. He is a burr. His is a voice that can be counted upon always to be raised when any question of doubtful propriety is suggested, or any course of action which would have the appearance, if not the reality, of impropriety.

The Democratic Party in Michigan, and I think the whole political process in Michigan, has been enriched and its integrity raised, because of the presence, over long years, of the nominee.

With respect to the lawsuit, I think the telegram that was just read into the RECORD by the chairman of the subcommittee who presided over the hearings is an effective response.

I know four of the six nominees. I do not know the nominee of the minority leader, and except by reputation I do not know our former colleague in the House of Representatives, Mr. Thomas. But the four whom I do know, Mr. CURTIS, the chairman, Mr. HARRIS, Mr. TIERNAN, and Mr. Staebler are persons of decency, sensitivity, and integrity. But, at the risk of offending the other three, I say that in my book Neil Staebler is just about the most decent person that I have had an opportunity to deal with in political life, and I conclude by expressing the hope that my colleagues will not return the name to the committee, but that we will confirm the nomination of Neil Staebler, and I again express my appreciation to the President, who knew Neil Staebler as we did in Michigan, for having sent his name to us.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I am pre-

pared to yield back the remainder of my time, unless there is any wish to proceed further on the part of the other side.

Mr. McCLURE. Mr. President, I yield the Senator from Alabama whatever time he needs.

Mr. ALLEN. I thank the Senator.

Mr. President, I do not know Mr. Staebler. I have never had the pleasure of meeting him. In the Rules Committee, when a motion was made—and this is shown in the report—that the six nominations to the Federal Election Commission be reported with a recommendation that they be confirmed, I cast my vote against that motion. My vote was cast against this favorable en bloc report on all six nominees at that time, because I felt that additional consideration should be given to Mr. Staebler's nomination.

The subcommittee had information—which of course was passed on to the full committee—about the pendency of a damage suit in the amount of $15 million against Mr. Staebler, growing out of alleged—and, I reiterate, alleged—political activities in a Michigan poltical campaign. The basis for the allegations contained in that lawsuit needs to be investigated and weighed, and that has not been done, in the judgment of the Senator from Alabama.

Also, Mr. Staebler is a member or has been a member of a number of political organizations and lobbying groups, and I am not entirely satisfied that he has sufficiently severed his connections with such organizations. The distinguished Senator from Rhode Island (Mr. PELL) has read a telegram into the RECORD in which Mr. Staebler says he resigned from everything. But it seemed to be something that was drawn from him in connection with getting the approval of his nomination.

The statement that he gave the subcommittee indicated—not the wire, the previous statement, indicated—that he was assuming inactive status in one or more of these organizations. I am not convinced even yet of his objectivity, and I fear that he does not recognize the necessity of representing the public interest on this Commission as distinguished from the public interest as seen by the political and lobbying organizations of which he has been so much a part, for conceivably they might not coincide in every instance. My vote in committee was intended to reflect my view that additional consideration should be given to Mr. Staebler's nomination. In fact, I believe, the Rules Committee was put on inquiry as to the advisability of further consideration, and I stated in my dissenting views that I would keep an open mind on Mr. Staebler's nomination pending the receipt of additional information on the points that I raised in my dissenting views.

Now, Mr. President, I have no doubt that by a top-heavy vote Mr. Staebler's nomination will be approved, and that prior to that vote the motion of the Senator from Idaho (Mr. McCLURE) to send the nomination back to the Rules Committee for further investigation will be defeated. I will support that motion, because I believe that now the Senate has been put on inquiry as to what is involved in this $15 million lawsuit growing out of a political campaign. I think the Senate now has been put on notice as to the possible lack of objectivity on the part of Mr. Staebler who wants to retain his right to make contributions to political parties, who wants to retain his right to attend political conventions, party meetings, and it would seem to me that even though this is the regulation of political campaigns, a member of the Commission ought to withdraw from party politics as a condition precedent to effective and unbiased service on this Commission.

Now, Mr. President, it is well known by many that I have not supported the public financing, that is the Treasury, taxpayer, financing of election. I did support throughout the idea of an independent election commission to regulate the conduct of the financing of Federal elections, because I did not feel that it was right to have the Clerk of the House in House elections, and the Secretary of the Senate in Senate elections, to be the policing authority, so to speak, regarding House and Senate elections. I thought obviously we needed an independent election commission, and I supported that concept. I supported also the idea of reducing the amount of contributions that might be made, individual contributions, reducing the amount of total contributions that could be received or spent by a candidate. I supported every reduction in the cost of campaigning, because I believed that we need to reduce the cost of political campaigns. They are getting entirely out of hand. I supported all of those concepts in order to properly regulate Federal elections, and then the idea of an independent commission, that means a commission that is not controlled by the Members of the House and Senate who may be running for election. It also means freedom from control by outside forces.

Now, Mr. Staebler is a member of a list of political and lobbying organizations as long as your arm, and it is doubtful in my mind if the idea has sufficiently gotten through to Mr. Staebler that he has got to lay these lobbying eforts, these political considerations, aside, and these two aspects of his qualifications, in my judgment, should be checked out further by the Rules Committee.

It is not a long procedure. I daresay it could be done in 2 days' time. It would take about 2 days to have an adequate hearing in this matter. So I do not believe that the motion to send the nomination back to the Rules Committee is an unreasonable request. I think that the Senate will be very much embarrassed if this suit, this $15 million suit, is pushed to conclusion, and a large judgment rendered in that case as a result of what are now only alleged activities by Mr. Staebler.

I certainly want to accord Mr. Staebler every presumption of being a man of the highest integrity, and I have no personal doubt that he is. But still the Senate has been put on inquiry as to what is involved in this suit. Nothing is brought before the Senate that will pinpoint that matter.

So, in choosing people who are to regulate the conduct of Federal elections, we do not need to speedily confirm someone who is a defendant in a $15 million lawsuit growing out of a political campaign nor do we need to be in a hurry to confirm someone who, it would seem, might possibly lack a sense of objectivity in connection with the outside activities with which members of this commission might become involved.

So, Mr. President, I say, in all likelihood, if the investigation is made, further hearings held, and they disclose nothing that would indicate in any way that he should be disqualified from being confirmed, I would certainly vote for his confirmation, and I am not stating that it is my purpose to vote against his confirmation.

It is my purpose to investigate this matter further out of fairness to Mr. Staebler, out of fairness to the obligation of the Senate to set up or to approve as commissioners for this independent commission men and women who are, in fact, independent of outside influences and men and women who are not under any attack by way of damage suits growing out of a political campaign.

So I would certainly want to support the motion to be made by the distinguished Senator from Idaho and I thank him for yielding this time to me.

Mr. McCLURE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. McCLURE. I reserve the remainder of my time.

Mr. PELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. PELL. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, being from the State of Michigan and being also a member of the Rules Committee, I feel something of a special responsibility with respect to this particular nomination.

First of all, I can join my senior colleague from Michigan (Mr. PHILIP A. HART) in some of the observations he has made.

As one who has been active in the political arena in my State, I can say—viewing his performance from the other side of the fence—that Neil Staebler has been a very active and very effective political leader. He has gained a great deal of respect, not only from those who are affiliated with him politically, but also from those who have been opposed to him.

When Mr. Staebler came before the committee, I advised him that—being from Michigan and serving on the committee, as I do, I could not allow to go unnoticed by the committee the pending lawsuit in which he is involved, filed by the former Detroit mayor, Mr. Cavanagh.

As I understand it, the lawsuit had not been mentioned in the course of the House committee hearings. After advising him of my concern, I can say that

the nominee did voluntarily bring the matter up in the course of his testimony.

It is true that the public record of the committee deliberations is not adequate or complete concerning the lawsuit. But it is also true, as the Senator from Rhode Island, the chairman of the subcommittee, has indicated, that there was some additional inquiry was made concerning the lawsuit, and there was an executive session held by the committee, at which time a member of the staff of the Rules Committee did make a report of his investigation of the matter.

Although no vote was taken, it seemed to be the consensus that the Rules Committee could not try the lawsuit, and that it would be very difficult to say, without trying it, which of the two parties has the better legal position.

Obviously, there was some disagreement within the committee as to the appropriate course to be taken under such circumstances. The committee voted to report the nomination, but did not recommend, one way or the other, as to confirmation.

I want to say that I have shared the concern of the Senator from Alabama concerning a reluctance expressed by the nominee, during the course of the hearings, to sever connections with some of the political and lobbying organizations with which he has been associated in the past. However, I do think that we must now take notice of a different position indicated by the telegram and letter already referred to.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PELL. I yield as much time to the Senator from Michigan as he desires.

Mr. GRIFFIN. I refer to the letter dated March 21, in which Mr. Staebler did clearly and flatly state that he will resign from all such organizations.

I welcome that expression on his part. His position now is in line with commitments made by the other nominees for the commission.

This is an important development, because we need to recognize, and nominees need to recognize, that this new commission is supposed to be a quasi-judicial body which is expected to conduct itself as an independent body serving the public interest, and not any special interest.

I thank the chairman for yielding.

Mr. PELL. I thank the Senator from Michigan for his remarks. I think that the confirmatory process, itself, which we have seen in the Rules Committee, is sometimes a very intense shortcut to education for the people who undergo it. We saw it in the case of Vice President ROCKEFELLER where, when he started out, he saw nothing wrong with giving large sums of money to those he wished, whether they were in the Government service or not. By the end of the process he realized that that was not such a good idea. He had previously thought there was nothing illegal or wrong about it.

We have a similar example here.

At the beginning of the process on the House side, and at the beginning of the Senate process, Mr. Staebler felt there was nothing wrong in remaining in an inactive status in lobbying groups, inactive. But with the confirmatory process moving along, with this letter and telegram, he came to realize, as the other members of the commission must recognize, they should have no formal connection whatsoever with any political or lobbying organization.

I agree with the Senator from Michigan that this commission should be a semijudicial body. We must also bear in mind that three members of that commission are former Congressmen from a political party. So they, too, I am sure, will be educated by this experience of their colleague, Mr. Staebler, that they must not have political connections with lobbying groups or political parties. Likewise, they must realize that when they go on the bench, which this really is, just like a judge, they should try to be as impartial as they can be, recognizing the fact that we all recognize, as in the New Hampshire election, the subjectivity of being from a political party that you cannot help. But beyond that they should be as objective as they possibly can.

I would hope that this confirmation would proceed rapidly, I share completely the views of the senior Senator from Michigan with regard to Mr. Staebler. I find myself hard to be objective about this, because I would like to admire him. I have such a high regard for his own personal decency and integrity that I personally join in supporting this nomination as well as carrying out this part of my official job.

I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I cannot help but note that in almost every instance when we seek to select someone for an agency or board in the Federal Government, we have insisted that they sever all connections with the businesses that they are now called upon to regulate. We have come dangerously close to insisting that they know nothing about the businesses which they are going to regulate.

I cannot help but note when the Congress goes about the business of selecting someone to oversee the political process we do not make the insistence that they know nothing about it, but we select six people out of six who have been intensely involved in it. It is a little like selecting the president of Exxon to be head of FEA.

Mr. BENTSEN. Mr. President, the 93d Congress took an important step toward reforming the system by which Federal election campaigns are financed by passage in 1974 of the Federal Elections Campaign Act. I was a strong supporter of that bill which will have the effect of taking Federal elections off the auction block and minimizing the influence of big money in our political system.

A key role in implementing the provisions of the Federal Elections Campaign Act will be played by the Federal Elections Commission as it moves to implement the act and see that the election laws will be applied in an impartial and equitable manner.

Consequently, it is imperative that members of the Commission not only be of the highest integrity, but also have sufficient experience in practical politics to enable the Commission to effectively implement the law. President Ford did well in his nomination of Neil Staebler to be a member of the Federal Elections Commission.

Mr. Staebler has a long and outstanding record of practical political experience. He served on President Kennedy's Commission on Campaign Financing as well as on the Haber Commission and the 20th Century Fund's Task Force on Congressional Campaign Financing. This experience only partially represents his ability to contribute to the Commission's most important goal of carrying out the mandate of the Federal Elections Campaign Act. His long history of outstanding service in State as well as national politics will serve the Commission well.

The PRESIDING OFFICER. All time of the Senator from Idaho has expired.

Mr. PELL. I yield——

Mr. McCLURE. Mr. President, I move that the nomination of Neil Staebler to be a member of the Federal Election Commission be rereferred to the Committee on Rules and Administration.

The PRESIDING OFFICER. The question is on the motion to recommit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on the motion to recommit. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (after having voted in the negative). Mr. President, the Senator from South Carolina (Mr. THURMOND) is absent today. I have agreed to give him a live pair. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I, therefore, withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from North Carolina (Mr. MORGAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death of family.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. HATHAWAY), and the Sena-

tor from Nevada (Mr. CANNON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The result was announced—yeas 24, nays 58, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—24

Allen	Fannin	Roth
Bartlett	Garn	Scott,
Beall	Goldwater	William L.
Bellmon	Hansen	Stafford
Brock	Helms	Stevens
Buckley	Hruska	Tower
Curtis	Laxalt	Weicker
Dole	McClure	
Domenici	Packwood	

NAYS—58

Abourezk	Hart, Gary W.	Nelson
Bayh	Hart, Philip A.	Nunn
Bentsen	Haskell	Pastore
Biden	Hatfield	Pearson
Brooke	Hollings	Pell
Bumpers	Huddleston	Percy
Burdick	Humphrey	Proxmire
Byrd,	Jackson	Randolph
Harry F., Jr.	Javits	Ribicoff
Byrd, Robert C.	Johnston	Schweiker
Case	Kennedy	Scott, Hugh
Chiles	Leahy	Sparkman
Church	Mansfield	Stennis
Clark	McGee	Stevenson
Cranston	McGovern	Stone
Culver	McIntyre	Symington
Eagleton	Mondale	Talmadge
Eastland	Montoya	Tunney
Ford	Moss	Young
Glenn	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—16

Baker	Inouye	Morgan
Cannon	Long	Taft
Fong	Magnuson	Thurmond
Gravel	Mathias	Williams
Hartke	McClellan	
Hathaway	Metcalf	

So the motion to recommit the nomination was rejected.

The PRESIDING OFFICER. The question, Will the Senate advise and consent to the nomination of Neil Staebler to be a member of the Federal Election Commission? (Putting the question.)

The nomination was confirmed.

Mr. GRIFFIN. Mr. President, I request that the President of the United States be notified of the confirmation.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 30 seconds.

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

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, on page 10 of the committee report, my name is listed among those Senators who are listed as having voted yea on the question "Shall the six nominations to the Federal Election Commission be reported with the recommendation that they be confirmed?"

I did not vote on that kind of question. I voted, and I think the transcript will show that I voted, to report the nomination. I did not vote to report with the recommendation that the nominations be confirmed. I wish to state that for the record.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. GARY W. HART). Under the previous order, the Senate will now return to legislative session.

Mr. ROBERT C. BYRD. Mr. President, under the order of yesterday, all of the other nominations for the Federal Election Commission were to have been confirmed. Have they been confirmed?

The PRESIDING OFFICER. They have been acted upon already.

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

NURSE TRAINING AND HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1975

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 66 which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 66) 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.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare to strike out all after the enacting clause and insert the following:

TITLE I—NURSE TRAINING ACT OF 1975

SHORT TITLE; REFERENCE TO ACT

SEC. 101. (a) This title may be cited as the "Nurse Training Act of 1975".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PART A—CONSTRUCTION ASSISTANCE

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 102. (a) (1) Section 801 is amended by striking out "and' after "1973,"; and by inserting before the period a comma and the following: "$25,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $25,000,000 for the fiscal year ending June 30, 1977".

(2) Section 802(c)(1)(A) is amended (A) by inserting "(i)" after "proposed facilities", and (B) by inserting before the semicolon ", or (ii) in expanding the capacity of the school to provide graduate training".

(b)(1)(A) Subsections (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1977".

(B) (i) The last sentence of subsection (a) of section 809 is amended (I) by striking out "(1)" and (II) by striking out all after "the project" and inserting in lieu thereof a period.

(ii) The amendment made by clause (i) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Public Health Service Act after the date of the enactment of this Act.

(2) Subsection (e) of such section is amended by striking out "and"' after "1973," and by inserting after "1974" a comma and the following: "$2,000,000 for the fiscal year ending June 30, 1975, $3,000,000 for the fiscal year ending June 30, 1976, and $4,000,000 for the fiscal year ending June 30, 1977", and by inserting a period after "Treasury" the second time it appears in the fourth sentence and by striking out the remainder of that sentence.

(c)(1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal financing bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 103. (a)(1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance

(2) The heading for part A is amended by striking out "Grants" and inserting in lieu thereof "Assistance".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

PART B—CAPITATION GRANTS

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 111. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $400 for each student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive $275 for each student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive $250 for each full-time student enrolled in such school in such year."

(b)(1) Subsections (c), (d), and (f) of section 806 are repealed and subsections (e), (g), (h), and (i) are redesignated as subsections (c), (d), (e), and (f), respectively.

(2) Section 806(f)(1) (as so redesignated by paragraph (1) of this subsection) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977,".

(c) For the fiscal year ending June 30, 1975, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Public Health Service Act (as in effect before the date of the enactment of this Act) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of such Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1974.

TECHNICAL AMENDMENT

SEC. 112. Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

PART C—FINANCIAL DISTRESS GRANTS

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 121. Title VIII is amended by inserting after subpart II of part A (as provided by part B of this title), the following:

"Subpart III—Financial Distress Grants

"FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary

determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b) (1) No grant may be made under subsection (a) unless an application thereof is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976, and $5,000,000 for the fiscal year ending June 30, 1977.".

TECHNICAL AMENDMENT

SEC. 122. Sections 805 and 808 (as in effect on the date before the date of the enactment of this Act) are repealed.

PART D—SPECIAL PROJECT ASSISTANCE

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 131. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 121(a) of this title) the following:

"Subpart IV—Special Projects

"SPECIAL PROJECT GRANTS AND CONTRACTS

"SEC. 820. (a) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions,

leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve curriculums of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) providing continuing education for nurses;

"(5) provide appropriate retaining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"ADVANCE NURSE TRAINING PROGRAMS

"SEC. 821. (a)(1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977.

"NURSE PRACTITIONER PROGRAMS

"SEC. 822. (a)(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners.

"(2)(A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such a program, be qualified to effectively provide primary health care.

"(B) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum require.

"(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;

"(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and

"(iii) a minimum level of enrollment in each year of not less than eight students.

"(b) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a)(2)(B); and no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a)(2)(B).

"(d) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977."

(b) Sections 810 and 868 are repealed.

PART E—ASSISTANCE TO NURSING STUDENTS

EXTENSION OF TRAINEESHIPS

SEC. 141. (a) Subsection (a) of section 821 (as in effect on the day before the date of the enactment of this Act) is amended to read as follows:

"(a) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000

for the fiscal year ending June 30, 1977, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

"(2) to serve in administrative or supervisory capacities,

"(3) to serve as nurse practitioners, or

"(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(b) Subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a)(2)(B)."

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 142. (a) Section 882(b)(4) (as in effect before the date of the enactment of this Act) is amended by striking out "1975" and inserting in lieu thereof "1977".

(b) Section 823(b)(2)(B) is amended by inserting "(or training to be a nurse anesthetist)" after "professional training in nursing".

(c) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $30,000,000 for the fiscal year ending June 30, 1975, $35,000,000 for the fiscal year ending June 30, 1976, and $40,000,000 for the fiscal year ending June 30, 1977. For the fiscal year ending June 30, 1978, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1977, to continue or complete their education.".

(d) Section 826 is amended by striking out "1977" each place is occurs and inserting in lieu thereof "1980".

(e)(1) Section 827 is repealed.

(2) The nurse training fund created within the Treasury by section 827(d)(1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered into under section 827(b) of the Public Health Service Act before the date of the enactment of this Act.

EXTENSION OF SCHOLARSHIP PROGRAM

SEC. 143. Effective July 1, 1974, section 860 is amended—

(1) by striking out "1972" in subsection (b) and in subsection (c)(1)(A) and inserting in lieu thereof "1975";

(2) by striking out "1975" in the second sentence of subsection (b) and in subsection (c)(1) and inserting in lieu thereof "1978"; and

(3) by striking out "1974" in the second sentence of subsection (b) and in subsection (c)(1)(B) and inserting in lieu thereof "1977".

PART F—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 151. (a)(1) Section 802 is amended—

(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

(B) by striking out "subsection 806(e) of this Act" in subsection (b)(2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council')" in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out "subsection (e) of section 806" in the second sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(F) by striking out "section 806(e)" in the last sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(G) by striking out in such last sentence "806(a)" and inserting in lieu thereof "810(a)"; and

(H) by striking out "paragraph (A)" in subsection (c)(1)(B) and inserting in lieu thereof "subparagraph (A)".

(b)(1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school,

"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment,

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made."

(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

(d) Section 805 (as redesignated by section 102(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810.

(f) Section 807 is redesignated as section 811 and is amended—

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting in lieu thereof "this subpart"; and

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing;".

(g)(1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships"

(2) Section 821 (as amended by section 501) is redesignated as section 830.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Sections 822, 823, 825, 826, 828, and 830 (as in effect before the date of the enactment of this Act) are amended as follows:

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(2) Sections 82(b), 823(b), 823(c), 825(b)(2), and 826(a)(1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 82(b)(2)(A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4)(A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827," in subsection (b)(1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans".

(5) Section 830 is—

(A) transferred to section 823 and inserted after subsection (i) of such section; and

(B) is amended by striking out "SEC. 830. (a)" and inserting in lieu thereof "(j)".

(i)(1) Sections 822, 823, 824, 825, 826, 828, and 829 (as in effect on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j)(1) Part D of title VIII is inserted after subpart II of part B of such title and redesignated as subpart III; and sections 860 and 861 are redesignated as sections 845 and 846, respectively.

(2) Section 845(a) (as so redesignated) is

amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 869 is repealed.

(k) (1) Sections 841, 842, 843, 844, and 845 (as in effect on the day before the date of enactment of this Act) are redesignated as sections 851, 852, 853, 854, and 855, respectively.

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a) (2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a) (1)" and inserting in lieu thereof "(a)"; (D) by striking out "(12)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (i) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively;

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices.".

PART G—MISCELLANEOUS

INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF AND REQUIREMENTS FOR NURSES

SEC. 161. (a) (1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis—

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, nurse's aides, registered nurses with advanced training or graduate degrees, and nurse practitioners;

(B) the number of nurses who are practicing full within each State, of such nurses so as to determine those areas of the United States which are oversupplied, undersupplied, or which have an adequate supply of such nurses in relation to the population of the area and the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1976, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a) (1) and the data gathered under subsection (a) (2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under this section before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

TITLE II—HEALTH REVENUE SHARING AND HEALTH SERVICES

SHORT TITLE

SEC. 201. This title may be cited as the "Health Revenue Sharing and Health Services Act of 1975".

PART A—HEALTH REVENUE SHARING

SHORT TITLE

SEC. 202. This part may be cited as the 1975".

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 203. Section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

"(d) (1) From allotments made pursuant to paragraph (4), the Secretary may make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services under State plans approved under paragraph (3).

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary and unless—

"(A) the State has submitted to the Secretary a State plan for the provision of comprehensive public health services and has had the plan initially approved by him under paragraph (3); or

"(B) in the case of a State which has had a State plan initially approved under such paragraph, the Secretary, upon his annual review of the State plan of the State determines that the plan and the activities undertaken under it continue to meet the requirements of such paragraph.

An application for a grant under paragraph (1) shall be submitted in such form and manner and shall contain such information as the Secretary may require.

"(3) A State plan for the provision of comprehensive public health services shall include such information and assurances as the Secretary may find necessary for approval of the plan and shall be comprised of the following three parts:

"(A) An administrative part setting out a program for the performance of the activities prescribed by the public health service and mental health service parts of the State plan, which program shall—

"(i) provide for administration, or supervision of administration, of such activities by the State health authority or, with respect to mental health activities, by the State mental health authority;

"(ii) set forth policies and procedures to be followed in the expenditure of funds received from grants made under paragraph (1);

"(iii) contain or be supported by assurances satisfactory to the Secretary that (I) the funds paid to the State public and mental health authorities under grants made under paragraph (1) will be used to make a significant contribution toward providing and strengthening public health services in the various political subdivisions of the State; (II) such funds will be made available to other public or nonprofit private agencies, institutions, and organizations, in accordance with criteria which the Secretary determines are designed to secure maximum participation of local, regional, or metropolitan agencies and groups in the provision of such services; (III) such funds will be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided and not to supplant such non-Federal funds; and (IV) the plan is compatible with the total health program of the State;

"(iv) provide that the State health authority or, with respect to mental health activities, the State mental health authority, will, from time to time, but not less often than annually, (I) review and evaluate its State plan and submit to the Secretary appropriate modifications thereof, (II) report to the Secretary (by such categories as the Secretary may prescribe) a description of the services provided pursuant to the public health service and mental health service parts of the State plan in the preceding fiscal year and the amount of funds spent by such categories for the provision of such services, and (III) report to the Secretary State plan for persons with developmental disabilities and for the prevention and treatment of alcohol and drug abuse are integrated with services provided under the plan through community mental health centers;

"(v) provide that the State health authority or, with respect to mental health activities, the State mental health authority

will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(vi) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid under grants under paragraph (1), and

"(vii) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis;

"(viii) contain such additional provisions as the Secretary may find necessary for the proper and efficient operation of the State plan.

"(B) A public health service part setting out a plan for the provision within the State of public health services (other than mental health services). Such plan shall be prepared by the State health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious public health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of public health problems within the State and upon other appropriate information; and

"(iii) provide for programs relating to environmental health, health education, preventive medicine, health, manpower and facilities licensure, and, commensurate with the extent of the problem, services for the prevention and treatment of hypertension, drug abuse, drug dependence, alcohol abuse, and alcoholism.

"(C) A mental health service part setting out a plan for the provision within the State of mental health services. Such plan shall be prepared by the State mental health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious mental health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of mental health problems within the State and upon other appropriate information;

"(iii) include a detailed plan designed to eliminate inappropriate placement of persons with mental health problems in institutions and to improve the quality of care for those with mental health problems for whom institutional care is appropriate;

"(iv) prescribe minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) within the State and for the enforcement of such standards; and

"(v) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or, if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

The Secretary shall approve a State plan submitted to him which meets the requirements of subparagraphs (A), (B), and (C) of this paragraph and such other requirements as he is authorized to prescribe under this paragraph. The Secretary shall review annually each State plan which has been initially approved by him and the activities undertaken under the plan to determine if the plan and such activities continue to meet the requirements of such subparagraphs.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services pursuant to its State plan, and not less than 22 per centum of a State's allotment under paragraph (4) shall be available only for establishing and maintaining under the State plan programs for the screening, detection, diagnosis, prevention, and detection of hypertension; and

"(B) not less than—

"(i) 70 percentum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision under the State plan of services in communities of the State.

"(7) For the purpose of making grants under paragraph (1) there are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1975, and $160,000,000 for the fiscal year ending June 30, 1976."

PART B—FAMILY PLANNING PROGRAMS

SEC. 221. This part may be cited as the "Family Planning and Population Research Act of 1975."

SEC. 222. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $150,000,000 for the fiscal year ending June 30, 1975; and $175,000,000 for the fiscal year ending June 30, 1976".

(b) Section 1003(b) of Such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $4,000,000 for the fiscal year ending June 30, 1975; and $5,000,000 for the fiscal year ending June 30, 1976".

(c) Section 1004 of such Act is amended to read as follows:

"RESEARCH

SEC. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public and private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

"(b)(1) To carry out subsection (a) there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

"(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $1,500,000 for the fiscal year ending June 30, 1975; and $2,000,000 for the fiscal year ending June 30, 1976".

(e) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

SEC. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section:

"PLANS AND REPORTS

"SEC. 1009. (a) Not later than four months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in such report;

"(2) indicate steps being taken to achieve the objectives during the remaining fiscal years of the plan contained in such report and any revisions necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed.

PART C—COMMUNITY MENTAL HEALTH CENTERS

SEC. 231. This part may be cited as the "Community Mental Health Centers Amendments of 1975".

SEC. 232. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources.

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community mental health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purpose of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

SEC. 233. The Community Mental Health Centers Act is amended to read as follows:

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"PART A—PLANNING AND OPERATIONS ASSISTANCE

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"SEC. 201. (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided—

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b), and (2) which is organized in the manner prescribed by subsection (c).

"(b) (1) The comprehensive mental health services which shall be provided through a community mental health center shall include—

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services;

"(B) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area with respect to the nature of mental health problems and the type of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(i) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies in the center's catchment area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

"(c) (1) (A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care services.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1974 was operated by a governmental agency and received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care services.

"(C) For purposes of subparagraphs (A) and (B), the term 'provider of health care services' means an individual who receives (either directly or through his spouse) more than one-tenth of his gross annual income from fees or other compensation for the provision of health care services or from financial interests in entities engaged in the provision of health care services or in producing or supplying drugs or other articles for use in the provision of such services, or from both such compensation and such interests.

"(2) A center shall have established, in accordance with regulations prescribed by the Secretary, (A) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (B) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (C) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (D) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b) (1) (D). The Secretary may waive the requirements of clause (D) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

"SEC. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection with a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourage continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) may be made for not more than one year, and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for

grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL OPERATION

"SEC. 203. (a)(1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services,

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b)(1) of such section, and

"(iii) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their costs of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974), such center or other entity shall, for purposes of grants under subsection (a), be considered as being in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it received under this subsection.

"(b)(1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a)(1)(B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1)(B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2)(A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 40 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of any grant under the section for a community mental heatlh center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, the amount of such grant for the center's cost of operation may not exceed 90 per centum of such costs for the first year of its operation, 90 per centum of such costs for the second year of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs of the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year.

"(d)(1) There are authorized to be appropriated for payments under initial grants under subsection (a) $85,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(2) For the fiscal year ending June 30, 1976, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for the fiscal year ending June 30, 1975, or the next fiscal year and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e)(1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) from appropriations under this title for a fiscal year ending before July 1, 1974, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendments of 1974, may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements, which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in that year for such services shall be disregarded in applying subparagraph (A) and the provision of the repealed section applicable to the amount of the grant the grantee may receive under this subsection for that year.

"(2) An entity which receives a grant under this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 204. (a)(1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b)(1)(D) if the center—

"(A) received from appropriations for a fiscal year ending before July 1, 1974, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Centers Amendments of 1974) and may not because of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

"(B) has received or is receiving a grant under subsection (a) or (e) of section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a)(2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b)(1)(D)) during the third or fourth years of its operation without a grant under this subsection.

"(2) The Secretary may also make annual grants to a public or nonprofit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1974),

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation services described in section 201(b)(1)(D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center, for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-fourth of the amount received by the center in such year from

charges for the provision of such services; and

"(3)(A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Amendments of 1974) or section 203 of this title, as the case may be, was determined on the basis of the center, providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a)(2).

"(c) There are authorized to be appropriated for payments under grants under this section $4,000,000 for the fiscal year ending June 30, 1975, and $9,000,000 for the fiscal year ending June 30, 1976.

"CONVERSION GRANTS

"SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211, and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application,

for the entity's reasonable costs in providing mental health services which are described in section 201(b)(1) but which the entity did not provide before the date of the enactment of the Community Mental Health Centers Amendments of 1974. For purposes of this section, the term 'projected operating deficit' with respect to an entity described in the preceding sentence means the excess of its projected costs of operation (including the costs of operation related to the provision of services for which a grant may be made under this subsection) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements to be collected by the entity during that period.

"(b)(1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made.

"(c) There are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

"SEC. 206. (a)(1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

"(b) No grant may be made under this part unless—

"(1) an applicant (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary; and

"(2) the proposed use of grant funds in any area under the jurisdiction of a State or area health planning agency established under the Public Health Service Act has been reviewed to the extent provided by law by such agencies to determine whether such use is consistent with any plans which such agencies have developed for such area, and with respect to—

"(A) the need for a community mental health center in such area;

"(B) the definition of the catchment area to be served, which shall be determined after consideration of any such area previously designated;

"(C) the need for the services to be offered;

"(D) in the case of an applicant described in section 203(a)(1)(B), the applicant's plans for developing comprehensive mental health services;

"(E) the adequacy of the resources of the applicant for the direct provision of mental health services and the adequacy of agreements with the applicant for the indirect provision of such services;

"(F) the adequacy of the applicant's arrangements for the appropriate use of and integration with existing health delivery services and facilities to assure optimum utilization of and nonduplication of such services and facilities and to assure continuity of patient care, including arrangements of the applicant with health maintenance organizations and community health centers serving individuals who reside in or are employed in the area served by the applicant for the provision by the applicant of mental health services for the members and patients of such organizations and centers;

"(G) the adequacy of arrangements of the applicant for the coordination of its services with those of other health and social service agencies including, where appropriate, exchange of staff resources; and

"(H) any other factor which the State or area health planning agency determines to be significant for purposes of planning and coordination of health services for the area within the jurisdiction of such planning agency.

"(c)(1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 203, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclose at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that its services are responsive to the needs of the residents of the catchment area;

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations serving residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs of the center in providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available, to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b)(1)(D) and 201(b)(1)(E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services, which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(J) such community mental health center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b)(1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated sources of non-Federal funds to pay such increased costs.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant;

"(ii) the application contains or is supported by satisfactory assurances that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds;

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, determines that during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c)(2)(B) or 204(b)(3)(B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, that the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be utilized by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203(a) for an entity described in section 203(a)(1)(B), or

"(B) for the first grant under section 203(e), the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evaluation of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under section 203, 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) An application for a grant under section 203, 204, or 205—

"(A) may not be disapproved, and

"(B) may not be approved for a grant which is less than the amount of the grant received by the applicant under such section in the preceding fiscal year,

on the ground that the applicant has not made reasonable efforts to secure payments or reimbursements in accordance with assurances provided under subparagraphs (I), (J), and (K) of subsection (c)(1) unless the Secretary first informs such applicant of the respects in which he has not made such reasonable efforts and the manner in which his performance can be improved and gives the applicant a reasonable opportunity to respond. Applications disapproved, and applications approved for reduced amounts, on such grounds shall be referred to the National Advisory Mental Health Council for its review and recommendations respecting such approval or disapproval.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submitted its comments or on the expiration of such forty-five-day period, which ever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1974.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203(a), 203(e), or 204(a)(2).

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which—

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section; or

"(B) received a grant or grants under section 203(a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b).

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4)

to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of section 201(c).

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c)(1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, an amount of funds (other than funds for construction, as determined by the Secretary) from non-Federal sources which is at least as great as the average annual amount of funds expended by such applicant for purpose (excluding expenditures of a nonrecurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1974), or

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 213. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

"SEC. 221. (a) From allotments made under section 227 the Secretary shall pay, in accordance with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, or constructed with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipient to acquire or remodel an existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part.

"(2) the Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to such projects; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon the completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of the fifty States and the District of Columbia.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States subject to such Federal percentages and of the fifty States and the District of Columbia for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"SEC. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(6) a certification by the State agency of the Federal share for the project; and

"(7) the assurances described in section 206(c)(2).

Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 274 of this title (as in effect before the date of the enactment of the Community Mental Health Center Amendments of 1974) from appropriations for a fiscal year ending before July 1, 1974, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to significantly expand its services and which demonstrates exceptional financial need for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"SEC. 223. (a)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a construction or remodeling project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the

applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project.

"(2) In case an amendment to an approved application is approved or the estimated cost of a construction or remodeling project is revised upward any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236;

"(B) any assurance required to be in an application filed under section 222 is not being carried out;

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237,

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"SEC. 224. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237(c), such State,

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon 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. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"SEC. 225. If any facility of a community mental health center remodeled, constructed, or acquired with funds provided under this part is, at any time within twenty years after the completion of such remodeling or construction or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"SEC. 226. No grant may be made under the Public Health Service Act for the construction or modernization of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the construction or modernization of such facility.

"ALLOTMENTS TO STATES

"SEC. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 228 to the several States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose in the next two fiscal years (and in such years only), in addition to the sums allotted to it for such purpose in each of such next two fiscal years.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 228. There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for allotments under section 227.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

"SEC. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

"(b)(1) The Secretary, acting through the Center, may, directly or by grant, carry out the following:

"(A) A continuing study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and the courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks,

"(II) motivations of offenders, and

"(III) the impact of the offense on the victim and the family of the victim;

"(v) sexual assaults in correctional institutions;

"(vi) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and

"(vii) the effectiveness of existing private and local and State government education and counseling programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing

study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assist community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the control and prevention of rape, including projects (i) to research and demonstrate alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders; and (ii) involving the application of such methods.

"(F) Assist community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes forcible, statutory, and attempted rape, homosexual assaults, and other criminal assaults.

"(c) The Secretary shall appoint an advisory committee to advise, consult with, and make recommendations to him on the implementation of subsection (b) The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 235. For the purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority responsible for the mental health service part of a State's plan under section 314(d) of the Public Health Service Act.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act.

"REGULATIONS

"SEC. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which—

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and requiring special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of a particular community or communities, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor.

The Federal Hospital Council (established by section 641 of the Public Health Act) and the National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

"SEC. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan which council shall include (i) representatives of nongovernment organizations or groups, and of State agencies, concerned with planning, operation, or utilization of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services provided by such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

"(A) be consistent with the mental health services part of the State's plan under section 314(d) of the Public Health Service Act;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inventory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor;

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital srevices; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to the construction projects for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"SEC. 238. Each agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the size of such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure tht the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that

the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

"SEC. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any comunity mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

"SEC. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

"SEC. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secetary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"SEC. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research.

"REIMBURSEMENT

"SEC. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers.

"SHORT TITLE

"SEC. 245. This title may be cited as the 'Community Mental Health Centers Act'.".

SEC. 234. The amendment made by section 233 shall take effect as of July 1, 1974.

SEC. 235. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

PART D—MIGRANT HEALTH CENTERS

MIGRANT HEALTH CENTERS

SEC. 241. (a) Section 310 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

"SEC. 310. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for paritcular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services,

for migratory agricultural workers, seasoned agricultural workers, and the members of the families of such migratory and seasoned workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental service.

"(7) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(b)(1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and programs in such areas. The highest priorities for such assistance shall be assigned to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

"(c)(1)(A) The Secretary may, in accordance with the priorities assigned under subsection (b)(1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migra-

tory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1)(A) for the same project, and if a grant or contract is made or entered into under paragraph (1)(B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f)(2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) The Secretary may enter into contracts with public and private entities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

"(f)(1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c)(1)(B), (d)(1)(C), or (e) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications of its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) The Secretary may not approve an application for a grant under subsection (d)(1)(A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a)(1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations,

(II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available trnsportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(3) In considering applications for grants and contracts under subsection (c) or (d)(1)(C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f)(2).

"(h)(1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c)(1) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this paragraph for the fiscal year ending June 30, 1975, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c)(1)(B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d)(1) (other than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $60,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30 1976. Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1975, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount equal to the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C). Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1976, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount equal to the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C) which received grants under this section for the fiscal year ending June 30, 1974. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d)(1) for the provision of inpatient and outpatient hospital services $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976."

(b) Section 217 of the Public Health Service Act is amended by adding after subsection (f) the following new subsection:

"(g)(1) Within one hundred and twenty days after the date of the enactment of this subsection, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 310.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 310. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers and seasonal agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.".

(c)(1) The Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of—

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

In conducting or arranging for the conduct of such study the Secretary shall consult with the Secretary of Housing and Urban Development.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of this first Act making appropriations for such study.

PART E—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 251. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

"SEC. 330. (a) For purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primary health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services,

for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(2) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitation services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition, educational, and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and

the services referred to in the preceding subpargaraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(c)(1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;

"(B) the design of a community health center program for such population based on such assessment;

"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(2) Not more than two grants may be made under this subsection for the same project.

"(3) The amount of any grant made under this subsection for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations.

"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e)(2).

(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of community health center programs.

"(3) Not more than two grants may be made under paragraph (1)(B) for the same entity.

"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e)(1) No grant may be made under subsection (e) or (d) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (a)(1)(B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations prescribed by the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insure benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeting the requirements of subsection (e)(2).

"(g)(1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $240,000,000 for the fiscal year ending June 30, 1975, and $260,000,000 for the fiscal year ending June 30, 1976."

(b) Section 314(e) of the Public Health Service Act is repealed.

PART F—MISCELLANEOUS

DISEASES BORNE BY RODENTS

SEC. 261. (a) Section 317(h)(1) of the Public Health Service Act is amended by striking out "RH disease" and inserting in lieu thereof ", RH disease, and diseases borne by rodents."

(b) Section 317(d)(3) of such Act is amended by striking out "$23,000,000 for the fiscal year ending June 30, 1975" and inserting in lieu thereof "$38,000,000 for the fiscal year ending June 30, 1975".

HOME HEALTH SERVICES

SEC. 262. (a) (1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

(b) (1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations prescribe.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 263. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting—

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons,

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection.

(c) (1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, or attainments be exceptionally qualified to assist in carrying out the functions of the Committee.

(2) Members of the Committee shall receive compensation at a rate to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

SEC. 264. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed on nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b) (4).

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 265. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State Governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

HEMOPHILIA PROGRAMS

SEC. 266. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such centers but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

"(b) No grant or contract may be made under subsection (a) unless an application thereof has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall—

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such a red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins.

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(d) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976."

TECHNICAL AMENDMENTS

SEC. 267. (a) Section 399c of the Public Health Service Act (added by Public Law 93-222) is redesignated as section 399A.

(b) The section 472 of the Public Health Service Act (entitled "Peer Review of Grant Applications and Control Projects") is redesignated as section 475.

(c) Section 31(d) of the Public Health Service Act is amended (1) by striking out "communicable disease" in paragraphs (1) and (2), and (2) by striking out "communicable disease" the second time it occurs in paragraph (3).

The PRESIDING OFFICER. The time for debate on this bill is limited to 1 hour, to be equally divided and controlled by the Senator from Montana and the Senator from Pennsylvania, with 30 minutes on any amendments and 20 minutes on any debatable motion or appeal.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, the time not to be charged to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHWEIKER. Mr. President, I yield 5 minutes to the Senator from New York.

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

Mr. JAVITS. I yield.

Mr. PERCY. I ask unanimous consent that Lorna Thompson, of the staff of the Subcommittee on Nutrition and Human Needs, be accorded the privilege of the floor during the discussion and votes on S. 66.

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

Mr. SCHWEIKER. Mr. President, I make the same request in behalf of the following staff members: John Hunnicutt, Jay Cutler, Nik Edes, and Don Elisburg.

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

Mr. BARTLETT. Mr. President, I ask unanimous consent that two of my staff members, David Russell and Toni Thornbrugh, be accorded the privilege of the floor during the consideration of and voting on this measure.

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

Mr. JAVITS. Mr. President, I make a similar request in behalf of David Dunn of the staff of the Committee on Labor and Public Welfare.

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

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

Mr. President, I ask unanimous consent that Mr. Allan Fox and Mr. Peter Harris be accorded the privilege of the floor during the consideration of this measure.

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

Mr. KENNEDY. Mr. President, S. 66 was unanimously reported from the Committee on Labor and Public Welfare on January 28, 1975. It contains the provisions of two bills which the President pocket-vetoed in the waning days of the 93d Congress—nurse training and health revenue sharing.

The Congress and the Executive have had very different views concerning the need for health legislation like that embodied in S. 66 for several years.

I was, therefore, very disappointed when the President held this legislation until after the 93d Congress had adjourned sine die, in order to prevent us from having an opportunity to override his vetoes. I believe his vetoes would have been overridden.

The bill the committee brings to the Senate today is the same as those which passed and were pocket-vetoed several months ago. The Congress deserves the opportunity to attempt to override a veto, and the swift passage of this legislation may lead to that circumstance. I, of course, am hopeful that the President will find it possible to sign this urgently needed bill. The programs it reauthorizes expired last June 30. The need for this legislation is, therefore, critical.

Mr. President, I would like to make special note of one point. The President cited budgetary concerns as his major reason for vetoing this legislation. In his February 10 letter to the Senate minority leader, Secretary Weinberger repeated these concerns with respect to both nurse training and health services.

Mr. President, I do not believe this is valid for S. 66.

S. 66 is authorizing legislation, not an appropriations bill. The size of the authorization level for each of the grant programs in the bill is determined by such considerations as the extent of the Nation's need, the readiness of communities to move ahead in establishing centers and other service programs, the availability of the know-how to get the job done, and the appropriate upper limit of Federal involvement in the program. Authorization levels in bills reported by this committee have never been intended to reflect precisely the amount that should be appropriated in any given fiscal year within the constraints of the overall budget. In fact, since these considerations concerning appropriation levels on a year-to-year basis are not under the jurisdiction of this committee, it would be inappropriate for the committee to attempt to perform this function.

It is, therefore, unwarranted to criticize S. 66 on the grounds that authorization levels exceed requests in the President's fiscal year 1976 budget. To the extent that this is the case, and to the extent that budgetary constraints for fiscal year 1976 must limit how much of the need for health services can be met in that year, the Congress will have ample opportunity to consider this during debate on the Labor-HEW appropriations bill for fiscal year 1976.

The committee believes it is useful to the Congress, to the executive branch, and to the Nation, to include in authorizing legislation, levels of authorization which reflect the extent of need, the limits on Federal involvement and other factors. The committee, in fact, insists that to reduce such authorization levels so that they amount to a rehash of budget proposals is to lose sight of our Nation's need and to remove legitimate pressure to meet them.

In his letter of February 10 to the Senate minority leader, the Secretary of HEW listed five principal objections to the nurse training provisions, title 1 of the bill. He argues that, first, authorizations are excessive; second, capitation and construction authorities are continued; third, enrollment increases are required as a condition for receiving capitation funds; fourth, geographic maldistribution is scarcely addressed; and fifth, nursing is separated from other health manpower training authorities.

I do not share Secretary Weinberger's view on these issues.

Regarding excessive authorizations, S. 66 authorizes $30 million less than was authorized for fiscal year 1974. It provides funds for 1,359 programs and more than 230,000 students.

Regarding the continuation of capitation and construction grants, the Institute of Medicine Cost Study of January 1974 endorsed a capitation grant program as an appropriate Federal undertaking to provide a stable source of financial support for the health professional schools.

It recommended that capitation grants ranging between 25 and 40 percent of net educational expenditures would contribute to the financial support for the stability of public and private health professional schools.

S. 66 includes capitation grants at 12½ percent of the cost study figures which can hardly be called excessive.

Two-thirds of all health professional students are in nursing. In 1972–73 authorized capitation as a percent of average net educational expenditures for nursing schools ranged from 13 percent in associate degree programs to 22 percent in diploma or hospital schools. This compared to 32 percent for veterinary medicine, 41 percent for osteopathy, 38 percent for dentistry, and 29 percent for medicine. The formula in S. 66 for capitation grants will not increase funding in this category for nursing. Capitation grants in S. 66 are for the last year of associate degree schools and the last 2 years of 4-year programs. This is a cut for many schools.

Appropriations and Presidential budgets are always exceeded by authorizations. Why does the administration continue to try to confuse the public? I might say they underestimate the level of the public's sophistication on such issues. We have heard from many nursing students who do know the difference between authorization and appropriations. S. 66 does not require the spending of $187 million this year. It merely sets that as the limit for possible appropriations.

Construction grants are continued at the same level of authorization as in the expired law. This is in fact a real cut as the inflation rate in the construction industry has exceeded the general cost of living increases for several years. With more than 1,300 programs able to apply for renovation funds as well as for new facilities the authorization is really very low. Graduate programs in nursing have to have space to expand. Nursing schools historically have been literally "in the cellar" of hospitals and colleges. Many still are having problems meeting the fire codes.

If schools are to have outreach programs to prepare students for service in the underserved areas they have to have a place to teach. Many schools of nursing have rented trailers to be located near community health agencies so they have a place for faculty and students to work. We do not think the construction program, therefore, is in any way inflationary or unnecessary. Several States are awaiting funding of approved but unfunded construction grants for which they have earmarked the necessary State matching funds. Costs are escalating so fast States should not have to wait for Federal funds while the cost of the buildings go up month by month.

Regarding requirement for enrollment increases, the same base line enrollment data that applied under the expired law holds for S. 66. That is that the enrollment requirements are based on the year selected between 1966–71 first-year class enrollments. Therefore, no additional increases are required. A school eligible for capitation in 1974 would, under S. 66, be eligible in 1975.

These capitation grants will assist those schools that responded to the previous congressional directive to increase their enrollments by giving them some assistance in meeting the additional costs involved. Students admitted in 1972, the first year for which the formula applied, are still in the baccalaureate nursing programs. We do feel that if the true health needs of people are to be met we must have more and better prepared nurses.

Regarding geographic maldistribution, the sections of S. 66 title 1 that deal with maldistribution are: Project grants, practitioner projects, and grants for advanced nurse training. Construction grants also relate to distribution of personnel.

A review of the special grants awarded to date shows that a significant number of those have focused in preparing students to work in rural areas, inner cities, health clinics, and so forth. With the additional focus provided in S. 66 to prepare geriatric nurse practitioners and bilingual nurses for practice in neighborhoods with large numbers of non-English speaking people, the question of maldistribution is even more significantly dealt with.

The nurse practitioner section which is new is totally directed at getting primary health care to underserved areas and to promoting better utilization of physicians and nurses.

The advanced training grants, also a new section, will provide assistance for major expansion at the graduate level for preparation of teachers, nursing service leaders, and nurse clinicians. Again, those categories of nurses must be increased if agencies and schools of nursing are to be available in currently underserved areas.

The 1976 President's budget has funds for practitioner projects and continuation of funded projects only with no dollar amount earmarked for nursing. In what way does the President's budget address maldistribution of nurses?

And regarding the separation of nurse training from health manpower, nursing is unique among the health professions. In the area of preparation it is the only one with three types of initial preparation. As mentioned earlier, we are dealing with more than 1,300 programs and a quarter million students. By far, this exceeds the numbers of all of the other health professions put together.

What rationale is there for treating all health professions exactly the same way when, in fact, it does not benefit the people involved?

We think if funds are to be well administered, they must be supervised by experts that know the field. Experience has demonstrated that at the regional office level health programs are being staffed by very few experts. In fact, staff job descriptions have been designated as generalists titles rather than nurse consultant titles for those supposed to be the expert consultants on nursing education. That is only one example.

The Public Health Service used to have a good reputation for providing leadership in health matters. Lately, that reputation has changed. We have designated the Nurse Training Act as a separate

piece of legislation to give to nursing schools and students the specific type of assistance we in the Congress think they need. It assures line items in the budget so that Congress can monitor the actual use of the funds. There is no possibility of lumping all project funds in one line item to be allocated at the will of the administration.

This is another attempt by the Congress to hold the executive branch accountable for carrying out the congressional intent.

In his letter of February 10 to the Senate minority leader, Secretary Weinberger offers the following criticisms of title II of S. 66, which contains the Health Revenue Sharing and Health Services Act of 1975:

1. Services grant programs funded under S. 66 would duplicate services financed under Medicare and Medicaid;

2. Selected communities receive grant funds under these programs resulting in inequities on national basis;

3. Authorizations for grant programs in S. 66 exceed, in many cases, the recommended appropriation levels in the President's FY '76 budget;

4. The Community Mental Health Centers program has "demonstrated the concept of community oriented mental health care delivery", and should be phased out as recommended in the FY '76 budget, rather than extended and strengthened as proposed in S. 66—moreover, CMHC services are similar to services available under Medicaid and other social service programs, and in any case, should be integrated with other forms of health services rather than offered separately; and

5. S. 66 authorizes new programs, such as studies on mental health and illness of the elderly, epilepsy, and Huntington's Disease, which are inconsistent with the President's commitment to veto new spending programs.

The administration overlooks basic characteristics of the programs proposed or extended by S. 66.

S. 66, in fact, contains broad flexibility for the Secretary of DHEW to implement the programs in ways that are not duplicative, that encourage grantees to strive for independence of Federal grant support, and that make efficient and equitable use of grant funds. S. 66 represents in my judgment a fair compromise between the legitimate prerogative of the Congress to define grant programs, and the concerns of the administration.

First. S. 66 grant programs in no way duplicate services available under medicare and medicaid. Grant programs to support mental health centers, community health centers, migrant centers, and most other programs authorized in the bill are basically aimed at helping communities set up the staff and clinic needed to provide health services to the people in their area. These services may in some cases be reimbursable under medicare or medicaid for some of the people which the centers serve. Whenever this is the case, S. 66 specifically requires that centers collect from medicare or medicaid, and that no funds be awarded under the grant for such services. The bill also requires centers to collect fees for their services from patients, private insurance companies, and other local sources of support. S. 66 only pays for health services which cannot be reimbursed from any of these sources—and which must be offered by the center as a part of a coherent program of health care.

Second. S. 66 grant programs aim at correcting inequities—not causing them as the administration argues. The bill is aimed at assisting communities which otherwise could not obtain the kinds of health services described in the bill. The real inequity in health is the fact that while some communities are rich in health services—others cannot even obtain basic care because decent services are not available. The community health centers and migrant health centers programs, in fact, are aimed at Americans who might otherwise be unable to secure decent health care at all. Unfortunately, in recent years shortages of funds have prevented the startup of enough migrant and community health centers to serve all of the populations in our Nation who urgently need such services.

However, it makes no sense whatever to eliminate the centers we have, or cut them back substantially, just because we are not at this point ready to assist everyone who needs it.

It makes even less sense to insist that the mental health centers program is inequitable and should be phased out. In fact, the Congress has intended that eventually approximately 1,500 CMHCs be funded in order to make CMHC services available to every community in our nation. We are, in fact, one-third of the way to that goal. S. 66 reaffirms that this goal should be reached. It makes no sense to cut back existing CMHCs on the basis of the argument that we are being inequitable to those communities which have not yet been reached.

S. 66 proposes instead to perfect and maintain existing centers of all kinds and to move steadily ahead with the establishment of new services in areas of highest need.

Third. S. 66 does disagree in many instances with the President's fiscal year 1976 budget request. The committee does differ with the policy implications of the President's fiscal year 1976 budget proposals in a number of specific respects. Whereas the administration would cut health services in existing centers programs by over 20 percent, S. 66 would specify a standard package of services which every center must offer in order to prevent centers from cutting back essential services which cannot be readily reimbursed. S. 66 would also require centers to offer their services to anyone in their areas who request them, in order to prevent centers from discriminating against low-income families in order to reduce their bad debts, fed by the high unemployment among the low-income families they serve. It would be unconscionable to cut Federal grant support by 20 percent at a time when centers find the need for their services undiminished, and their sources of income most limited.

At the presummit conference on the economy with respect to health, a strong consensus was expressed that it would be tragic to attempt to solve our economic problems by cutting programs that service low-income Americans, especially in a vital area such as health care. These Americans are hurt most by inflation and unemployment. To ask them to also give up essential health services on top of this is a great social inequity. S. 66, therefore, contains authorization levels high enough to allow these existing centers to continue at their present levels and even to steadily expand if the Congress should choose to appropriate the funds.

S. 66 also differs with the proposed fiscal year 1976 President's budget by authorizing funds for the creation of new mental health centers. As indicated in paragraph 4 below, the committee intends to continue the growth of the CMHC program until every community has access to CMHC services.

Fourth. S. 66 reaffirms the committee's intent that the community mental health center program be continued and expanded until every community in our Nation receives these services. The administration continues to insist that this program is a "demonstration program," which should be phased out now that it has shown that this new form of health services is effective. In fact, since the inception of the program, the Congress has made it clear that the CMHC's should eventually be made accessible, with Federal support, to every community in our Nation. This legislative history is documented later in the report on this bill. The administration's agreement that the CMHC is demonstrated to be a successful approach to providing mental health services is an excellent argument not for stopping the program, but for continuing toward our original goal of a nationwide network of CMHC's.

Nor do CMHC services duplicate the services of medicaid and other social service programs as the administration argues. As with the other centers programs funded under S. 66, great care has been taken to assure that such duplication does not occur. In fact, the CMHC program is basically aimed at helping communities start up centers with the intent that ultimately public and private insurance programs, State and local government, and their patients themselves, will reimburse them for their service and allow them to become independent of grant funds. Indeed, S. 66 maintains a limit of 8 years of steadily decreasing Federal support for the operation of mental health centers and allows grants beyond this phasedown period only in situations of financial distress—and then only for 3 more years.

With respect to the integration of mental health services with other health service activities, the committee feels S. 66 contains numerous assurances that CMHC's will work closely with other health service providers in their area—especially HMO's.

S. 66 does establish new programs such as studies on mental health and illness of the elderly, epilepsy, and Huntington's disease and grant programs for rape prevention and control, hemophilia services, and home health services. All of these new programs together amount to only 3 percent of the total amount of funds authorized by this legislation, or $50 million.

These small but vital new programs aim at investing very limited Federal dollars in areas of high demand more as

an expression of intent and future direction than as a full-scale program of support. The studies of Huntington's disease and epilepsy by HEW and of the mental health problems of the elderly will provide future Congresses with an outline of meaningful Federal support in these areas. Frankly, were the budget not so strained, more might have been done in these areas now based on existing knowledge.

The bill also contains a 1-year program of support for demonstration of home health agencies, a 2-year program of support for rape prevention and control programs in the National Institutes of Mental Health, and a 2-year program of support for blood fractionation and diagnostic centers for hemophilia. I believe these programs are so modest that by eliminating them we would do little or nothing to change the cost of the bill, but would set back work in these vital areas of health care several years.

NURSE TRAINING PROVISIONS

The authorizing legislation for the Nurse Training Act expired at the end of June 1974, and a great deal of deliberation has gone into the provisions of this bill by the Health Subcommittee and the Labor and Public Welfare Committee. This is really the only Federal support for nursing education and as such is vital to assuring registered nurse manpower for this country.

Great strides have been made in the supply of registered nurses since the first enactment, in 1964, of comprehensive legislation for support of nursing education.

The total estimated number of employed registered nurses in 1964 was 582,000. The total estimated in January 1973 of 815,000 registered nurses represents 696,500 full-time working registered nurses. We in the Senate can be very proud of the increased supply of nurse manpower as a result of the Nurse Training Act.

The bill before us today would continue Federal support to assure that the gain made in the supply of nurse manpower is not diminished and that progress can continue especially in the face of predictable new demands such as a national health insurance program.

Estimates indicate a need for 1,100,000 R.N.'s by 1980. These estimates are made without the reference to the need that would result from a national health insurance program.

We, in the committee, recognized the concern of the administration for decreased spending and, in tune with this, the authorized funds in this bill have been substantially reduced from previous bills. For example, the authorized funds for fiscal year 1975 are $182 million as compared with $254.5 million authorized in fiscal year 1974. These figures exclude scholarships which are funded on a formula basis. The total authority in the bill before us is $654 million which is $30 million less than the Nurse Training Act of 1971. This represents a deep cut, especially in view of the increased number of students and the inflation in today's economy. It is really very modest funding considering that two-thirds of all health professional students are in nursing. Nursing schools get no significant amount of research funds and, as I mentioned earlier, this is really their only significant Federal support.

The President indicated that this bill does not concentrate on shortages of certain nurse specialists or on geographic maldistribution. However, this bill does create two new sections specifically moving priorities more rapidly in those directions; namely, the nurse practitioner and advanced nurse training sections. These new sections are an expression of the current need in the country and in the profession to provide nurse practitioners prepared to provide primary care and to practice in areas of the country where there is a shortage of health personnel such as in the rural and inner city populations.

This is an exciting expanded role for registered nurses and this assistance in planning new programs, expanding current programs and in continuing practitioner programs now in existence provides this Senate with a real opportunity to help meet the health needs of the people in all our States. We estimate that more than 50 percent of the authorization deals directly with the maldistribution issue.

Registered nurses are moving to meet the needs of our rural and inner-city populations where there is a dearth of available health care. Authority in the Nurse Training Act of 1971 provided for special projects to develop training programs for new roles, types, or levels of nursing personnel. This included programs for pediatric nurse practitioners and other types of nurse practitioners. Projects and contracts are ongoing in many States from my State of Massachusetts to California, Minnesota, Alabama, Mississippi, Alaska, and Puerto Rico.

More than 1,700 nurse practitioners were graduated in 1974. There are 184 nurse practitioner programs now in existence.

As I indicated, this new bill, S. 66, provides a new program especially for the education of nurse practitioners. It is authorized at $20 million, $25 million, and $30 million for the 3 years of this bill—1975, 1976, and 1977. Nurses, educated as a result of such programs, will be prepared to provide primary care in shortage areas of the United States.

In Maine, for example, the 2,500 residents of Deer Isle and Stonington would be virtually without health care execpt for the services of a registered nurse practitioner who, among her many responsibilities, makes house calls, provides health counseling and referral services, conducts clinics for children, and gives emergency first aid.

In New Mexico, three Albuquerque clinics have been started where little or no health care was available. A nurse practitioner is in charge in each clinic. Physicians are available in the clinic or on call but the bulk of care is provided by the nurse practitioners.

One continuing problem that must be kept in mind is that third-party payers usually do not reimburse for nursing services. If we hope to fully utilize the ability of these nurses, we must alter the reimbursement situation.

I am sure we all are interested in doing whatever we can to improve conditions in nursing homes such as those we read and heard about recently as a result of the hearings in New York. This same section provides for funding programs for the education of geriatric nurse practitioners.

Along with this is a second new section in the Nurse Training Act. This section is a very high priority—that of advanced nurse training. It provides for funds for graduate programs to educate nurses for faculty, supervisory and administrative roles, and as clinical nurse specialists, and providers of primary care. Clinical nurse specialists provide the expertise in coronary care units, in surgical intensive care units, in burn units, as nurse-midwives and other specialty areas. Authorizations for advanced nurse training are $20 million for fiscal year 1975, $25 million for fiscal year 1976, and $30 million for fiscal year 1977. Therefore, this bill does provide for meeting present-day health care needs and, again I will point out, it does focus on the problems of maldistribution.

I will briefly describe for you the other major section of this bill:

CONSTRUCTION GRANTS

Priority in construction grants is given to establishing the capacity required if enrollment of nurses for advanced training are to be adequately expanded—$25 million is authorized for each fiscal year, 1975–77, for construction grants.

CAPITATION GRANTS

Different amounts for each of the three types of nursing schools is specified for the first time. This is a result of the Institute of Medicine Cost Study which was requested by the Congress in 1971. Capitation is restricted to undergraduate programs since there is the special section for advanced education.

Baccalaureate degree programs are eligible for $400 per student enrolled in the last 2 years of the program.

Associate degree programs are eligible for $275 per student enrolled in the last year of the program.

Diploma schools are eligible for $250 per full-time student enrolled for each year of the program.

Authorizations for appropriations for capitation are $45 million in fiscal year 1975, $50 million for fiscal year 1976, and $55 million for fiscal year 1977. Provision is made for funds to be appropriated to continue payment for "enrollment bonus students" for students enrolled as first year students in such schools for school years beginning before June 30, 1974.

FINANCIAL DISTRESS GRANTS

The Secretary of the Department of Health, Education and Welfare may make grants to assist schools of nursing which are in serious financial straits to meet operational costs required if quality educational programs are to be maintained or if there is a special need for financial assistance to meet accreditation requirements.

The authorization is $5 million for each of the 3 years.

SPECIAL PROJECTS AND GRANTS AND CONTRACTS

Special projects are of great importance in terms of effectiveness in improving nursing education nationwide. As I mentioned earlier many of the early nurse practitioner programs came about through such special projects. In Massachusetts, for example, a regional clinical experience in public health nursing was developed which offers increased opportunity for nursing students to study and use community resources and become involved in health planning as a result of a special project grants. In South Dakota, a four-county area without health facilities or physicians, nurse practitioners were established and the care provided was evaluated by a Nurse Training Act funded contract. Many innovative curriculum developments have come about through these grants.

This bill provides for special projects grants and contracts:

(1) to assist in—

(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve existing programs of nursing education;

(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

(A) identifying, recruiting, and selecting such individuals;

(B) facilitating entry of such individuals into schools of nursing;

(C) providing counselling or other services designed to assist such individuals to complete successfully their nursing education;

(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education;

(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education; and

(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools.

(4) provide continuing education for nurses;

(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing professions; or

(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

The National Advisory Council on Nurse Training must review all applications for these project grants.

ASSISTANCE TO NURSING STUDENTS

The administration has preferred to consider nursing student assistance to be in the form of basic opportunity grants or guaranteed loans. We all know how small the basic opportunity grants are and in the economically difficult times such loans hardly seem realistic; 3,800 R.N.'s are receiving traineeships for advanced education. Only 20,000 students are receiving scholarships since the President's budget eliminates any new awards.

Authorized funds for traineeships are $20 million for 1975, $25 million for 1976, and $30 million for the final year of the bill.

Student loan authorizations are $30 million, $35 million and $40 million for the 3 years.

The scholarship program is an open-ended authorization to provide for the formula based on number of students.

This is, then, a summary of the Nurse Training Act.

As I have said, this is a modest bill with authorized funds below the past levels and a priority piece of legislation if we are to adequately meet the health care needs of our population.

The President's veto message indicated there were persistent reports of registered nurse unemployment. Unpublished Bureau of Labor statistics would indicate that the estimated annual rate of unemployment has not been altered significantly from 1962 to 1973. The sampling done shows a very low rate of unemployment; in fact, less than 2 percent.

HEALTH REVENUE SHARING AND HEALTH SERVICES PROVISIONS

Title II of the proposed legislation contains substantive revisions of five expiring programs for provision of health services which were each extended for 1 year without change by the Health Programs Extension Act of 1973—Public Law 93-45. The legislation also includes a number of small but important new programs as described below. During the 93d Congress, the committee reviewed these programs carefully and held hearings on April 30, and May 1, 1974. Four days of hearings on S. 1708, the Family Planning Services and Population Research Amendments of 1973, were held in May 1973. S. 1708 was reported from the Special Subcommittee on Human Resources on October 1, 1973. The full committee did not complete action on S. 1708 in the 93d Congress. The original health revenue sharing and health services bill, S. 3280, which revised and extended the other four expiring programs was extensively revised by the Subcommittee on Health and was unanimously approved by the full committee on August 7, 1974. Similar legislation, H.R. 14214, was reported out of the Committee on Interstate and Foreign Commerce on June 27, 1974, and passed by the House on August 12, 1974.

After several conferences, the Senate and House conferees adopted a compromise measure which retained the basic principles of both the Senate and House bills. In that conference, the Senate agreed to accept, with some modification, the provisions extending and revising the authorities for family planning services and population research which were included in the House bill, H.R. 14214. This compromise, as described in the conference report to accompany H.R. 14214 (S. Rept. No. 93-1311), was concurred in by the Senate and House during the closing days of the 93d Congress. The President pocket-vetoed this measure subsequent to the recess of the 93d Congress. The health revenue sharing and health services provisions of S. 66, as filed in the 94th Congress, are identical in every respect to the provisions of the conference report on H.R. 14214 cited above from the 93d Congress.

The Committee on Labor and Public Welfare is ordering these same provisions reported to the Senate for its further consideration. These provisions are as valid in February of 1975 as they were in December of 1974, and I recommend that the Senate again give them favorable consideration. The provisions represent a reasonable compromise with the views of the administration on health revenue sharing and health services, and I am hopeful the President will reconsider his earlier veto and sign these provisions into law.

Mr. President, following is a summary of the major health revenue sharing and health services provisions of S. 66:

1. *Community Health Centers.*—Authorizes for 2 years grants for the planning and development and operation of community health centers and other entities, including existing neighborhood health centers, which would offer a medically underserved population a broad range of ambulatory, medical care referral, and environmental health services.

2. *Migrant Health Centers.*—Authorizes planning and development, and operation grants to migrant health centers and other entities which would offer a broad range of health services—including ambulatory medical, referral, and environmental health—in an area in which not less than 6,000 migrants and their families reside. Would also provide certain assistance to entities which do not meet the minimum migrant population requirement. Includes a separate authorization to cover the reasonable costs of inpatient and outpatient hospital services for migrants.

3. *Community Mental Health Centers.*—Extends the Community Mental Health Centers Act to continue progress toward the goal of establishing a center in each of the approximately 1,500 catchment areas across the Nation, and to assure continued support of the 500 centers already begun. Also revises the Act to consolidate all the existing grant authorities into programs of grants for planning and development, start-up costs including costs of construction and renovation, and initial operating costs. All centers are required to move toward comprehensive services which include the five essential services under the current program plus half-way house services and specialized services to children, the elderly, alcoholics and drug dependent persons. In addition, Centers which have come to the end of their eight year initial operation support may be provided up to three additional years of financial distress grants for the difference between costs and payments from non-Federal resources. A special grant program for consultation and education is established.

4. *Health Revenue Sharing.*—Extends existing section 314(d) of the Public Health Service Act for two years with a total authorization of $160 million per year, of which 22 percent each year would be for allocations

to the States through the 314(d) formula for purposes of screening, detection, diagnosis and treatment of hypertension.

5. *Family Planning Programs.*—Extends the authorizations of appropriations in Title X of the Public Health Service Act and clarifies that population research shall be conducted under the authorities of that title. Also incorporates in Title X the requirement of an annual plan to carry out family planning programs.

6. Section 317 of the PHS Act is also extended for one year with increased authorization level and expanded to provide support for control of diseases borne by rodents as well as communicable diseases.

7. *Home Health Services.*—Establishes a demonstration program of start up grants to home health agencies and grants for training personnel to provide home health services.

8. Establishes a Committee on Mental Health and Illness of the Elderly for a one year period to review the mental health needs of the elderly and recommend policy for the care and treatment of mentally ill aged persons.

9. *Rape Prevention and Control.*—Establishes a new center within the National Institute for Mental Health to study the causes, control and treatment of rape and to establish a clearing-house of information on these subjects. In addition, the bill provides support for demonstration projects in the prevention and control of rape.

10. *Epilepsy.*—Establishes a temporary Commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of Epilepsy and its consequences, and the role of State and Federal government in research on Epilepsy and on the identification, treatment, and rehabilitation of persons with Epilepsy.

11. *Huntington's Disease.*—Establishes a temporary Commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of Huntington's Disease and its consequences, and the role of State, and Federal government in research on Huntington's Disease and on the identification, treatment and rehabilitation of persons with Huntington's Disease.

12. *Hemophilia.*—Establishes a new hemophilia diagnosis and treatment program under the Public Health Service Act. Provides grants to establish treatment centers for hemophilia and to establish and expand blood separation centers to provide blood products needed for the treatment of hemophilia.

Mr. President, I urge my colleagues to support this legislation.

Mr. KENNEDY. Mr. President, I believe that the level of funding for migrant health programs is essential and the reforms in these programs crucial for improving the quality of health care for these individuals.

When many think of migrants they visualize California and the Southwest. However, throughout the east coast there is a separate and substantial migrant stream that extends from Florida to Maine. In my own State of Massachusetts, there is a continuing migrant use, the majority of whom are Puerto Ricans who travel to the State under a separate arrangement with the Commonwealth of Puerto Rico.

I have followed the development of migrant health services by the New England Farm Workers Council in western Massachusetts and it is clear that the Federal migrant health program is essential to insure the provision of health services.

The bill now before us extends the authorizations for grants to operate migrant health centers and provides separate annual authorizations for hospitalization and planning and development.

I believe the levels of authorization which are within this bill are essential if we are to begin to improve the coverage of this program.

The current migrant health program offers services to barely 10 percent of the population and, until now, the services have been limited by the available funding. Hopefully this bill will mark a major change in that pattern.

At the same time, I want to emphasize that this legislation reflects the growing recognition that having services in an area does not insure the people will take advantage of those services. If the community is comprised largely of limited English-speaking persons, they all too often will not know what services are available. Even then, they may have great difficulty in communicating their needs to the health services personnel.

For that reason, this measure includes amendments to insure that the health services provided by community health centers, migrant health centers, and community mental health centers will reach the limited English-speaking population in their regions.

The bill requires the development of programs to meet their language and cultural needs. Such programs would include bilingual services and the employment of persons sensitive both to the culture and language of the population being served.

Mr. President, I ask unanimous consent that the portion of the committee report on the migrant health program be printed in the RECORD to further detail the history of the migrant health program and the specific provisions of the legislation we have approved. I also ask unanimous consent to have printed the relevant provisions of the report describing the bilingual-bicultural provisions of the act.

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

PART D. MIGRANT HEALTH CENTERS (MHC)

BACKGROUND

In 1962 Congress amended the Public Health Services Act by enacting P.L. 87–692. This first Migrant Health Act added a new section 310 to the PHS Act and provided for Federal grant support to health clinics which offered health services to domestic migratory farm workers and their families. The original legislation, sponsored by Senator Williams, authorized $3 million in grant support, of which only $750,000 was ultimately appropriated. At this limited level of support, funds were restricted primarily to preventive health service programs—e.g., immunization, health education, and environmental safety—which had already been initiated by State and local health agencies at the time of enactment.

In 1965 a Congressional re-evaluation of section 310 activities indicated that the program had not met the health care objectives of the original act. The Community Health Services Extension Amendments of 1965 (P.L. 89–109) addressed itself to several of the program's inadequacies and to that end included provisions for amending section 310 which would provide broader authority for program activities and would increase authorizations to support migrant health projects. In addition to authorizations during fiscal year 1966 which more than doubled those of the first year of the program and tripled them by fiscal 1968, the legislation also authorized the use of section 310 funds for the costs of the necessary hospitalization of migrants.

In 1968 Congress passed the Heath Services Amendments of 1968 (P.L. 90–574). Among other things, these amendments extended section 310's authority through 1970 and increased the authorization level for project support. Between 1968 and 1970 the program was unable to increase, as the result of this continued commitment, the number of migrants receiving Federally-supported personal health services from 85,000 to 102,000.

At the expiration of section 310's authority in 1970, Congress once again extended the program's authority and increased its authorizations with the enactment of P.L. 91–209. In addition, P.L. 91–209 included provisions which expanded program activities in two significant ways. First, this act authorized support to projects which would provide health services to resident seasoned farm workers and their families living in communities which experienced seasonal influxes of migrant farm workers. This same enactment also required consumer involvement in migrant health projects receiving Federal support; specifically, the act mandated: "Persons broadly representative of all elements of the population to be served must be given an opportunity to participate in the development . . . (and) in the implementation of such programs." This provision was adopted following Migratory Labor Subcommittee hearings which determined that there existed little if any opportunity for migrants to influence the content of policies and programs intended to improve their lot.

With the expiration of the migrant health authority in June 1973, Congress enacted P.L. 93–45, the Health Programs Extension Act of 1973, which provided a one year extension of the authority of the migrant health program, including an authorization of $26.75 million. A budget history of section 310 for recent years appears below:

TABLE 5.—FEDERAL FUNDING OF HEALTH SERVICES FOR DOMESTIC AGRICULTURAL WORKERS AND THEIR FAMILIES, PHS ACT, SEC. 310

[In thousands of dollars]

Fiscal year	Authorization	Request	Budget appropriation	Obligation	Outlays
1970	15,000	12,000	15,000	14,893	11,172
1971	20,000	14,000	14,000	13,997	14,581
1972	25,000	17,000	17,950	17,864	13,709
1973	30,000	23,750	23,750	23,750	19,060
1974	26,750	23,750	23,750	(25,759)	(23,151)
Total	116,759	90,500	94,450	(92,254)	(81,673)

[1] Parentheses indicate estimated amounts.

During fiscal 1974, the 103 migrant health projects receiving assistance under section 310 provided health services to an estimated 355,000 patients; patient visits amounted to approximately 630,000. Projects include both full-time centers offering a wide variety of comprehensive health services and specially scheduled clinics offering categorical services which are supplemented by referrals. Services provided at migrant health projects include diagnostic and therapeutic care, follow-up, certain dental services, health counseling, preventive care and outreach services. In addition, the program has begun experiments to provide more hospital coverage to migrants. One such demonstration project has been designed to provide hospital care to a selected migrant population in order to study patterns of hospital ultiliza-

tion and cost of hospital services for migrants and to compare the migrant hospitalization experience with that of other low-income groups. Six migrant health projects have initiated programs with hospitals in their areas to provide access for approximately 50,000 migrants to inpatient services at a fixed daily rate. Still other demonstration projects explore the feasibility of the delivery of care through prepaid capitation. An indication of the progress made by the program in the last few years—as measured by several key indicators—has been tabulated below:

TABLE 6.—KEY INDICATORS OF MIGRANT HEALTH SERVICES PROGRAM

Program indicator	1972	1973	1974
Program scope:			
Number of projects	101	102	103
Target population	3,000,000	3,000,000	3,000,000
Patient visits	460,000	600,000	630,000
Costs:			
Appropriation	$17,950,000	$23,750,000	$23,750,000
Average project costs	177,722	208,330	228,365
Cost per person per year (based on visits)	69	70	67

Despite this record of progress and accomplishment, the unmet health care needs of migrants remain profound and critical. The migrant health program reaches barely 10 percent of the population eligible for services. The infant mortality rate for migrants is 25 percent higher than the national average. Mortality rates for tuberculosis and other infectious diseases among migrants are 2½ times the national rate, and for influenza and pneumonia, the rate is 20 percent higher for migrants than it is for the general population. The rate of hospitalization for accidents is 50 percent higher for migrants than it is for the nation as a whole, while migrant births occur outside of hospitals at a rate nine times higher than the national rate. If there are to be real and major improvements in the health of migrants, continued Federal commitment and significantly higher levels of support are required. The Committee recognizes the inadequacy of prior levels of funding for migrant health projects and proposes higher authorizations for program activities.

In addition to inadequate levels of funding, the program has encountered a number of obstacles which complicate efforts to improve and maintain the health of migrants. These include problems in hospitalization for migrants, migrant camp sanitation, and Medicaid coverage. The problem of hospitalization has persisted in part because Federal support available for migrant health projects has been limited primarily to the development of ambulatory programs. Normally less than $500,000 is allocated each year for hospitalization of migrants; and at this level of support, hospitalization must necessarily be limited to emergency cases. The legislation proposes to correct this deficiency by establishing a separate authority for payment of hospitalization costs for migrants and to support this authority at adequate levels of funding.

Inadequacies in migrant camp sanitation—including housing, water supplies, sewage treatment, waste disposal—are well-known and documented. They compound the basic health care needs of the migrant and, in many cases, transcend them. In many communities the migrant health center is the only institution actively providing environmental health services to migrants. With other pressing health problems competing for its resources, these services provided by the centers are frequently limited in scope and inadequate in response. As indicated below, the proposed legislation would require the center to undertake environmental health activities. It is recognized that problems as profound as these cannot be addressed with inadequate levels of funding and the legislation proposes to correct this deficiency. It is not intended, however, that migrant health centers duplicate in their environmental health services the functions of State or local agencies or establish standards relating to the environment where standards already exist. In such cases, the center could better monitor the enforcement of existing standards in their communities.

Finally, mention should be made of those barriers which exclude migrant participation in Medicaid. It should be noted that these same barriers ultimately limit the portion of a center's operating expenses which can be met by third-party reimbursements for services provided. Migrants are frequently excluded from coverage under Medicaid as the result of their failure to meet State residency requirements and their inability to meet definitions of "categorically needy" or "medically needy." In most States, State Medicaid policy requires a Medicaid applicant to demonstrate an intent to reside in the State before he can be certified as eligible. Since migrants are generally unable to demonstrate an intent to reside because they are required to move from State to State with changes in the harvest season, they are repeatedly ruled ineligible. In addition, some States, which serve as major home-base areas for migrants—Florida, for example—fail to recognize the legitimacy of the claim of large numbers of migrants that their home-base State is considered their residence. In such States, it is common practice to consider all migrants as non-residents and to automatically disqualify those potentially Medicaid-eligible migrants from entitlement.

Other problems in eligibility for assistance under Medicaid relate to migrants' failure to meet non-economic definitions of need, Medicaid eligibles must be blind, aged, disabled, or dependent children as defined in SSI and Title IV-A or in certain instances in State regulations for these groups. Because few migrants are aged, blind, or disabled, most of those who could qualify would be eligible only under the Aid to Families with Dependent Children. Because most migrant families are male-headed, however, they are ineligible for Medicaid unless they reside in a State with an Unemployed Fathers program. Of the 23 States with migrant populations over 10,000, only nine provide Medicaid coverage to families headed by unemployed fathers. In none of these States, however, does it appear that more than half of the migrants are home-based. Approximately 470,000 migrants reside in or travel through the nine States with Unemployed Fathers programs. It is estimated that approximately 70,000 migrants would be eligible for Medicaid because they would be unemployed during the off-season and at the same time home-based.

Proposals have been offered which would reduce or eliminate such barriers for migrants. While these are under consideration, the Committee considers it advisable that centers continue to upgrade their facilities and services in order that they meet those standards which would qualify them as institutional providers eligible for reimbursement under Medicare and Medicaid. To this end, the legislation proposes, as conditions for receiving grants, a number of requirements consistent with those required of institutional providers under Title XVIII, of the Social Security Act. If centers demonstrate a capacity to meet these requirements, the Committee might recommend amendment of Title XVIII to permit reimbursement of centers as institutional providers.

With only limited resources at its disposal, the migrant health program has proven that progress can be made in meeting the critical, unmet health care needs of the migrant through the center concept. Despite those barriers and obstacles to care discussed above—not to mention additional factors such as rural isolation—which might have severely limited the scope of services provided and activities undertaken, migrant health projects have been established which offer a comprehensive range of services. They have developed on-site laboratory capabilities, basic diagnostic services, family-oriented primary care centers rather than fragmented categorical clinics, bilingual personnel, on-site medical services, and referral services to specialty practices. As the subsequent summary of the proposed legislation indicates, the Committee has recommended that support be continued and that funding be increased to accommodate both an expansion of services offered at established centers as well as the initiation of new projects which will reach those migrants who presently are not served by a center.

INTENT OF LEGISLATION

S. 66 proposes to amend section 319 (prior to July 23, 1974, section 310) of the Public Health Service Act to extend and modify this authority for the funding of migrant health centers and projects.

REQUIREMENTS FOR MIGRANT HEALTH CENTERS

The legislation defines a migrant health center as a public or private nonprofit entity which provides (1) primary health services; (2) such supplemental health services as may be necessary and as may be appropriate to the particular center for the adequate support of primary health services; (3) referral to providers of supplemental health services and payment therefore, as appropriate and feasible for the center; (4) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health; (5) as may be appropriate for particular centers, infectious and parasitic disease screening and control; (6) as appropriate, accident prevention, including prevention of excessive pesticide exposure; and (7) information on the availability and proper use of health services.

These services are to be provided to migratory agricultural workers, seasonal agricultural workers, and the members of their families within the area the center serves. The center may provide services either directly through its own professional staff and supporting resources or through contracts or cooperative arrangements with other providers in the area, so long as these arrangements assure the patient maximum accessibility to efficient, economical and high quality services.

It is the Committee's intent that services be provided, within the limits of the center's capacity to all individuals in the population served by the center regardless of ability to pay for services, current or past health conditions, or any other factor. A center's services should be of high quality and should be provided to the individuals it serves promptly, as appropriate, and in a manner which preserves human dignity and assures continuity of treatment.

MIGRATORY AGRICULTURAL WORKERS

The bill defines the term "migratory agricultural worker" as an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes a temporary abode for the purposes of this employment. "Seasonal agricultural worker" is defined as an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker. Agriculture is also

defined in the bill and indicates farming in all its branches.

PRIMARY HEALTH SERVICES

The legislation specifies a number of primary health services which must be provided by a migrant health center. These include diagnostic, treatment, and consultant referral services provided by physician. Where feasible, these services may be performed by physicians' assistants and nurse clinicians. The Committee intends that services performed by these personnel shall always be under the general supervision of a physician (although this does not mean that the physician need be physically present) and shall not be permitted in contravention of any appropriate State statute. This provision is intended to permit optimum use of nonphysician providers when appropriate in order that the specialized expertise of physicians may be maximized and extended.

Diagnostic laboratory and radiologic services are another category of primary health services specified in the legislation. The Committee does not intend that migrant health centers be required to include as a primary health service those radiologic services which are necessary for the treatment of disease by radiation and which are covered under supplemental services.

Primary health services include as well preventive health services. The legislation specifically includes, among those preventive health services a center should offer, children's eye and ear examinations conducted to determine the need for vision and hearing correction, perinatal services, well child services, and voluntary family planning services. Primary health services also include preventive dental services for persons served by the center. It should be noted that, with respect to preventive dental, vision, and hearing services, the Committee does not intend that a center necessarily retain on its staff a full time dentist, ophthalmologist, optometrist, otolaryngologist, or audiologist. Arrangements could be made for these providers to be available at the center on a regular or periodic basis. In addition, a portion of these services could be performed, as appropriate, by other health professionals. It should be noted that by singling out the abovementioned preventive health services, the Committee does not intend to exclude from primary health services still other preventive health services which may be requird in particular areas.

Also included among primary health services are emergency medical services. Appropriate arrangements should be established so that the center can assure provision of necessary health care in the case of most medical emergencies on a 24 hour a day, 7 day a week basis, and ready access to adequate back-up emergency care for serious emergencies.

Finally, the legislation stipulates that primary health services include transportation services as required for adequate patient care. This is to assure that workers and their families with special difficulties of access to services provided at the center receive the medical care and attention they require.

SUPPLEMENTAL HEALTH SERVICES

Supplemental health services which may be necessary for the adequate support of primary health services and which may be particularly appropriate for the health needs of the population served by the center can include the following:

(1) hospital services;
(2) home health services;
(3) extended care facility services;
(4) rehabilitative services (including physical therapy) and long-term physical medicine;
(5) mental health services;
(6) dental services;
(7) vision services;
(8) allied health services;
(9) pharmaceutical services;
(10) therapeutic radiologic services;
(11) public health services (including education and social services);
(12) health education services; and
(13) services which promote and facilitate the optimal use of primary and supplemental health services. In communities where a substantial number of individuals in the population served by the migrant health center are of limited English-speaking ability, outreach workers, fluent in the language spoken by a predominant number of residents, should be included on the center's staff in order to encourage residents to utilize the center's services.

It is recognized that the health needs and deficiencies of a population served by a migrant health center may be unique to that particular community; it is expected, therefore, that the specific number, combination, and scope of supplemental services offered at any one center will vary from location to location. In addition, the Committee wishes to note its intent that in the case of the provision of pharmaceutical services, centers establish and implement appropriate methods and procedures for dispensing and administering drugs and biologicals.

REFERRAL SERVICES

The migrant health center should provide referral services for those supplemental health services not offered at the center. The health needs of any one migrant community are expected to vary, and, as a result, to account for differences in supplemental health services provided at the center itself or upon referral to other providers. When it is appropriate and within the fiscal capacity of the center to do so, the services provided on referral should be paid for by the program.

ENVIRONMENTAL HEALTH SERVICES

Centers are also required to provide environmental health services. Because of the special needs of migrant communities for these services, the legislation provides specifications as to the range and scope it is considered desirable for these services to assume. They should include the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasite infestation, field sanitation, housing, and other environmental factors related to health. Migrant centers should not duplicate the functions of other agencies or establish standards relating to the environment where standards already exist but could well monitor the enforcement of existing standards in their areas. The center should, of course, treat any diseases or symptoms arising from unhealthful conditions and should do all in its power to seek correction of unhealthful conditions through notification of pertinent agencies and the public of the existence of such conditions and working with those agencies in attempting to alleviate the conditions.

INFECTIOUS AND PARASITIC DISEASE SCREENING AND CONTROL AND ACCIDENT PREVENTION SERVICES

Related to the requirement to provide environmental health services are requirements for the centers to conduct infections and parasitic disease screening and control and to attempt to prevent accidents and accidental pesticide exposure. These requirements are mandates to inform and educate migrant populations on these matters and to do what is within their capabilities as health providers to achieve alleviation of any problem in this regard.

These services and the environmental health services mentioned above are to be provided "as may be appropriate for particular centers." This is not a grant of blanket discretion for the Secretary in administering the program to waive the requirement for their provision. These services shall be available unless he affirmatively finds they are inappropriate for a particular center.

INFORMATION SERVICES

The final mandatory service for a migrant health center is that it must provide information on the availability and proper use of health services. This provision covers not only outreach services but also instruction with respect to routine good health practices. Dissemination of information on the availability of services through the center and elsewhere should be vigorously pursued so that services will in fact reach those in need of care and attention.

HIGH IMPACT AREAS

When more than 600 migratory agricultural workers, seasonal agricultural workers, and members of their families reside in a health service area or other area for more than two months in any calendar year, the legislation specifies that this area be designated a "high impact area." The legislation also requires the Secretary to establish priorities for assistance among high impact areas and any other areas where appropriate, with highest priorities assigned to areas where there reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time. No application for assistance for migrant health centers or projects can be approved for an area which has no migratory agricultural workers unless assistance has been provided for all projects with approvable applications which propose to serve areas where there are migratory agricultural workers.

PLANNING AND DEVELOPMENT GRANTS

Upon submission and approval of an application meeting the specifications set out by the Secretary, the Secretary may make grants to any public or private nonprofit entity to plan and develop migrant health centers in high impact areas (i.e., areas where 6000 migrant and seasonal agricultural workers and their families reside for more than two months per year). In planning and developing a program, the grantee should—

(1) assess the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center have for primary health services, supplemental health services, and environmental health services;

(2) design a migrant health center program for such workers and the members of their families, based on this assessment;

(3) make efforts to secure, within the proposed catchment area of the center, financial and professional assistance and support for the project; and

(4) initiate and encourage continuing community involvement in the development and operation of the project.

The proposed legislation specifically indicates that planning and development grants in high impact areas may be awarded to applicants in order to assist them in meeting the costs of the acquisition and modernization of existing facilities (including the cost of amortizing the principal of, and paying the interest on loans); and training in program management. It is the intent of the Committee that projects eligible for planning and development grants include as well programs for (1) the development of primary supplemental, environmental health and information services, including additions to services already offered; and (2) the development of the resources and techniques required to achieve compliance with conditions for approval of operating grant applications as described below. No more than two grants may be awarded to the same project for planning and developing a migrant health center and it is the Committee's intent and understanding that DHEW regulations already provide that the period for which such

grants are made would not usually exceed one year.

The bill also authorizes the Secretary to award planning and development grants or contracts for programs in areas where no migrant health center exists and where less than 6000 migratory agricultural workers and their families reside for more than two months. The grants and contracts would be awarded for projects to plan and develop programs for—

(1) the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of their families;

(2) the provision of primary care (as defined in regulations of the Secretary) for such workers and their families;

(3) the development of arrangements with existing facilities to provide primary health services (not included in the definition of primary care) to these workers and their families; or

(4) the development of other projects which might otherwise improve the health of such workers and their families.

Grants and contracts for such areas may cover, as in high impact areas, the costs associated with the acquisition and modernization of existing buildings and the costs of training in program management, but are limited to only one grant or contract for each project.

The amount of planning and development grants and contracts would be determined by the Secretary, but it is the Committee's intent that no grant exceed 100 percent of the costs of the project.

OPERATING GRANTS

The legislation authorizes the Secretary to award grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas. The Secretary may, in addition, make grants for the costs of operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas, but which do not meet each of the conditions for approval of operation grant applications as described below. These latter entities are limited to two grants.

The legislation specifies that, in addition to the costs of operation of centers, these grants may be awarded for (1) acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on loans); and (2) providing training related to the provision of primary health services, supplemental health services, and environmental health services, and program management.

The bill also authorizes the Secretary to award operating grants and contracts to public and nonprofit private entities to provide certain limited services for areas which do not have a migrant health center and in which less than 6000 migratory agricultural workers and their families reside for more than two months. These services would include (1) the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of their families; (2) the provision of primary care (as defined in regulations of the Secretary) for such workers and their families; (3) the development of arrangements with existing facilities to provide primary health services (not included in the definition of primary care) to these workers and their families; or (4) other services which might otherwise improve the health of such workers and their families. Grants and contracts for such areas may cover, as in high impact areas, the costs of acquiring and modernizing existing buildings and the costs of training.

The amount of an operating grant would be determined by the Secretary and it is the Committee's intent that no grant exceed 100 percent of the costs of the project. The Committee intends and understands that DHEW regulations already provide that the period for which such grants are made would not normally exceed one year. In determining the amount of an operating grant, the Committee in addition intends that the Secretary consider the applicant's projected reasonable costs of operation and training for that year as well as the revenues which the applicant may reasonably be expected to collect and to apply to its costs of operation from (1) State, local, and other sources, and (2) out-of-pocket payments by consumers, premiums, and third-party reimbursement payments during the year.

CONTRACTS FOR ENVIRONMENTAL HEALTH STANDARDS

The legislation would authorize the Secretary to enter into contracts with public and private entities to—

(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control programs; and

(2) conduct projects and studies to assist the State in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health problems faced by migratory agricultural workers, seasonal agricultural workers, and members of their families.

CONDITIONS FOR APPROVAL OF APPLICATIONS

Planning and development and operating grants and contracts are authorized to be made by the Secretary based on the receipt and approval of an acceptable application as prescribed by the Secretary.

All applications for grants for the modernization of facilities should contain a description of the site; plans and specifications for modernization; and reasonable assurance that workers employed with respect to such work will be paid not less than prevailing wages for the locality as determined by the Secretary of Labor who should also have authority with respect to labor standards.

For approval of operating grants, the Secretary is required by the legislation to determine that the applicant has or intends to comply with the following additional conditions:

(1) The primary health services of the center or project should be available and accessible and be provided to the individuals the applicant serves promptly, as appropriate, and in a manner which assures continuity.

(2) The applicant has established, in accordance with regulations prescribed by the Secretary, an ongoing quality assurance program, including utilization and peer review systems, and a medical records system which preserves and maintains the confidentiality of patient records.

(3) The applicant will demonstrate its financial responsibility by the use of such accounting procedures as the Secretary may by regulation specify.

(4) The applicant has made or will make every reasonable effort to enter into a contractual arrangement with the State agency responsible for administering that State's Medicaid program, in order to assure payment to the migrant health center or project of all or a part of the applicant's costs in providing services to individuals who are eligible for medical assistance under Title XIX.

(5) The applicant has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Medicare, to medical assistance under Medicaid, or to assistance for medical expenses under any other public assistance program or private health insurance program.

(6) The applicant has prepared a schedule of fees or payments for the services it provides; these should be designed to cover a center's reasonable costs of operation. Another schedule should be prepared to allow for discounts in these fees and payments adjusted to the patient's ability to pay for services provided (but not when payments are collected from third parties). The schedules should be approved by the Secretary.

(7) A governing board has been established by the applicant which is composed of individuals a majority of whom are being served by the project and who, as a group, represent the individuals being served by the project. The board should establish general policies for the applicant, including the selection of services to be provided by the center or project and a schedule of hours during which services will be provided. This board should also be charged with the responsibility of approving the applicant's annual budget and its selection of a director.

(8) The applicant has developed an effective procedure for compiling and reporting to the Secretary statistics and other information relating to the costs of its operations, the patterns of utilization of its services, the availability, accessibility, and acceptability of its services. In addition, the applicant should develop, in accordance with regulations of the Secretary, an overall plan and budget that meets the requirements of section 1861 (z) of the Social Security Act.

(9) The boundaries of the area served by the applicant have been reviewed periodically to insure that the services provided by the center (including any satellite) or project are available and accessible promptly and as appropriate and that barriers to services are, to the extent possible, eliminated, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation. Boundaries should be relevant boundaries of political subdivision, school districts, and Federal and State health and social service programs.

(10) When a substantial proportion of the population served by the applicant is of limited English-speaking ability, the applicant has developed a plan and made arrangements for providing services in the language and cultural context most appropriate to such individuals. Under such circumstances, the applicant should have on its staff one or more individuals who are bilingual and whose responsibilities include providing guidance to these individuals served by the project and assisting other members of the staff to bridge linguistic and cultural differences by making them aware of cultural, health-related sensitivities of this segment of the population served by the applicant.

TECHNICAL ASSISTANCE

The Secretary would be authorized by the legislation to provide grantees, either through DHEW or by grant or contract, all technical and other nonfinancial assistance (including fiscal and program management and training in fiscal and program management) necessary for the applicant to plan, develop, and operate a migrant health center in compliance with the conditions for grant approval cited above.

AUTHORIZATION OF APPROPRIATIONS

[In millions of dollars]

	Planning and development grants	Operating grants	Hospitalization	Total
Fiscal year:				
1975	[1] 5	[1] [2] 60	10	75
1976	[1] 5	[1] [2] 65	10	80
Total	10	125	20	155

[1] Not more than 30 percent in 1975 and 25 percent in 1976 of appropriated funds are to be used for projects other than migrant health centers except that if it represents a greater amount, 90 percent of the funding support such projects received in the previous year for operating grants may be used in each year.

[2] Not more than 10 percent of appropriated funds under this section are to be used for environmental control activities.

PRIORITIES IN AWARDING GRANTS

In awarding grants, the Secretary would be required to consult the priorities he establishes for assistance among high impact areas and any other areas where appropriate. The Secretary would also be required to accord priority to applications submitted by community-based organizations which are representative of the populations proposed to be served by the projects.

NATIONAL ADVISORY COUNCIL ON MIGRANT HEALTH

Within one hundred and twenty days after the date of the enactment of this legislation, the Secretary of HEW would be required to appoint and organize a National Advisory Council on Migrant Health to advise, consult with, and make recommendations to the Department on matters concerning the organization, operation, selection, and funding of migrant health centers and other projects proposed by this bill. The Council would consist of 15 members, at least 12 of whom should be members of the governing boards of migrant health centers or other grantees assisted under this part. Of these twelve, at least nine should be chosen from among those members of governing boards who are being served by centers or grantees and who are familiar with the delivery of health care to migratory agricultural and seasonal agricultural workers. The remaining three Council members should be individuals qualified by training and experience in the medical sciences or in the administration of health problems.

STUDY OF MIGRANT HOUSING CONDITIONS

The legislation requires the Security of HEW to conduct or arrange for the conduct of a study of—

(1) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(2) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(3) Federal, State, and local government standards respecting housing conditions for such workers during such periods, and the adequacy of such standards.

In conducting or arranging for the conduct of this study, the Secretary of HEW would be required to consult with the Secretary of the Department of Housing and Urban Development. A report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) should be submitted to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce within eighteen months of the date when appropriations for migrant health centers and projects become available.

PROGRAMS TO MEET SPECIAL NEEDS OF NON-ENGLISH SPEAKING POPULATION GROUPS

The Committee was concerned by the very special problems in securing health care faced by minority population groups whose members have limited English speaking ability. These problems are many times intensified by different cultural heritages which make an individual's perception of health care at variance with that of the providers of health care, who, by and large, are members of the majority population group. The traditional health practices, the dietary practices, and the family traditions and relationships of the members of the minority population group may well create barriers to the ability of the patient to fully comprehend and carry out the treatment regimen recommended by the physician. In addition, the language barrier makes communication very difficult especially in the essential task of describing symptoms with specificity and clarity, or describing the history of an illness. The physician is limited in his ability to describe to the patient the treatment regimen he should follow. Furthermore, in many cases, members of minority population groups are unaware of the availability of health services and of the means of access to such health services.

All these factors mitigate against the provision of quality health care to population groups with different linguistic and cultural traditions.

To ensure that the health services provided by community health centers, migrant health centers, and community mental health centers, are appropriately utilized by members of the population groups they serve and are responsive to their needs, the reported bill requires any center serving a population with a substantial number of individuals of limited English-speaking ability to develop programs which would overcome any linguistic or cultural barriers to the receipt of health care.

The committee observes that existing health centers which have strong consumer participation at the policy making level have recognized the linguistic and cultural communications gap and have taken steps to bridge that gap. The provisions in the reported bill would reinforce these efforts and would do so in a manner which recognizes the importance of the individual's cultural heritage and would be in consonance with that heritage.

Mr. KENNEDY. This is it, Mr. President. I withhold the remainder of my time so that my good friend and colleague can make a comment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I yield myself such time as I might consume.

I ask unanimous consent that Dr. David Banta be allowed access to the floor during debate on S. 66.

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

Mr. SCHWEIKER. Mr. President, the provisions of the bill before the Senate today were adopted by the Senate during the 93d Congress. This bill is the combination of two bills approved by the Congress and vetoed by the President, the Nurse Training Act and the Health Revenue Sharing and Health Services Act of 1974. The provisions of those bills, adopted by the Senate, are contained without change in the pending legislation.

In brief, S. 66 extends for fiscal years 1975 through 1977 the nurse training authorities contained in the Public Health Service Act with some additions and modifications. In addition, the bill extends for 2 years, fiscal years 1975 and 1976, programs for community health centers, migrant health centers, community mental health centers, and programs of family planning. The bill extends for 2 years the health revenue sharing authorities contained in section 314(d) of the Public Health Service Act. Under the bill the programs of the Center for Disease Control in Atlanta will now include a program for the control of diseases borne by rodents. Also the bill establishes a demonstration program of startup grants to home health agencies, a Committee on Mental Health and Illness of the Elderly, a center within the National Institute of Mental Health to deal with rape prevention and control, temporary commissions to draw up a national plan for the control of epilepsy and Huntington's disease, and a new hemophilia diagnosis and treatment program.

It should be pointed out, however, that the new programs contained in the bill represent only 3 percent of the total funds authorized by the legislation. Thus, S. 66 essentially represents an extension of existing programs.

Mr. President, as we seek to deal with the problem of appropriate utilization of health personnel, so that the right person is doing the right job, thus avoiding the misuse of skills, the role of the nurse becomes more important and expanded. Therefore, the support of nursing education should not be allowed to shrink. Nevertheless, the pending bill authorizes $30 million less than authorized for fiscal year 1974 in support of nurse training. Although regrettable, the formula in S. 66 for capitation grants to schools of nursing will not increase funding in this category. As pointed out in the committee report, capitation grants in the bill are for the last year of the associate degree nursing schools and the last 2 years of 4-year programs. This is a cut for many schools. Regarding construction grants, the same level of authorizations is contained in the bill as existed in prior law.

There are two areas in title I, nurse training, which should be pointed out. First, the bill continues the program of financial distress grants to provide special assistance to schools of nursing facing serious financial problems which will affect the quality of their education programs or jeopardize their accreditation. Contained in this provision is language requiring the Secretary of HEW to consult with the National Advisory Council on Nurse Training before approving or disapproving any application for a financial distress grant.

Among the special projects for which grants are authorized under the bill, I would like to mention three: Projects designed to increase nursing education opportunities for individuals from disadvantaged backgrounds; programs providing retraining opportunities for nurses who desire to reenter the profession; and efforts to increase the supply or improve the distribution by geographic area or by specialty group of trained nursing personnel. In my judgment, these are vital areas and should be given special attention.

One additional section of title I which should be mentioned is the section dealing with nurse practitioner programs. As the committee points out in its report, the nurse practitioner and nurse clinician activities within the profession hold great potential for improving our ability to provide primary care to the American public. In this regard the bill provides authority for grants to meet the cost of projects to plan, develop, and operate as well as significantly expand or maintain existing programs for the training of nurse practitioners. I believe such programs are essential.

In title II of the pending legislation the community mental health centers program is extended. I trust that the committee's action in this regard and its comments in the report accompanying the bill and the action of the Senate and House on previous occasions can finally establish that the community mental health centers program is not a demonstration program. It has been in the past, and is now, the intent of the Congress that community mental health centers be started with Federal support where necessary throughout the Nation so that we may meet our standard goal of providing mental health services through community mental health centers to every American. By present estimates, this can be accomplished with the establishment of 1,500 centers. Despite the insistence of the Secretary of Health, Education, and Welfare to the contrary, the community mental health centers program is not a demonstration program and the legislative history in this regard is clearly spelled out in the committee's report.

One of the significant provisions in the section of the bill dealing with community mental health centers is the creation of a separate grant program for programs of consultation and education. Such services to the community which are an essential responsibility of a mental health center are not reimbursable from third party payment sources. By establishing a separate funding mechanism we will be able to insure that centers will be able to provide these vital preventive mental health services. I consider this a most important provision in the extension of the community mental health centers program.

The bill extends the migrant health centers program as a separate authority in order to provide this program the emphasis, visibility, and definition that is needed to properly serve the needs of the migrant population of this country. In addition to required primary health services, which include diagnosis and treatment, preventive health services, emergency medical services, as well as transportation services, and supplemental health services, migrant health centers are required to provide environmental health services designed to detect and correct unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent infestation and other factors related to good health.

Also, it should be emphasized that the legislation requires the Secretary to establish priorities for high impact areas which involve large numbers of migratory, agricultural workers and their families who remain in a single area for more than 2 months. A provision of the bill which is particularly noteworthy is the requirement that the migrant health center establish a governing board which is composed of a majority of persons being served by the particular center.

In the area of family planning services and population research the legislation extends the present provisions in the Public Health Service Act with modest increases in the authorizations consistent with the projections provided by the Department of HEW in its 5-year plan. In this connection I wish to emphasize, as the committee has emphasized in its report, that participation in any program under title X of the Public Health Service Act, family planning services, is to be purely voluntary and free of any compulsion or coercion. As stated in the committee's report:

> No person will be required to receive family planning services or information under the act as a prerequisite to eligibility for, or receipt of, any other services assistance or information.

In addition, appropriate, complete and unambiguous informed consent must be obtained from every person participating in the program.

Mr. President, I want to make clear that the pending bill makes no change whatsoever in the present requirement contained in section 1008 of title X of the Public Health Service Act requiring "that none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

Mr. President, the legislation repeals section 314(e) of the Public Health Service Act under which neighborhood health centers have previously been funded and replaces it with a new community health center authority which more clearly spells out the type of centers which the Congress wishes to support under the Public Health Service Act. The committee believes that the neighborhood health center model described and required in the bill is fundamentally a good model for health care delivery and that Federal startup support continues to be necessary to assure that the comprehensive health centers are established in the many underserved areas of the country needing these services.

One of the primary thrusts of the pending bill in the provisions regarding migrant health centers, community mental health centers and neighborhood health centers is the strong incentive for "self-sufficiency" so that these centers can get to a point where they can support themselves from non-Federal sources. This will allow limited Federal funds to be invested in bringing centers to additional areas still in need. In each of these programs the centers, in order to be eligible for operating assistance, must make every reasonable effort to collect for services from appropriate third party payers, State and local governments, and clients.

The centers must have a fee schedule with a schedule of discounts for those unable to pay and must make an effort to collect fees for services rendered. The Secretary is required to consider whether the centers have adequately sought to recover the costs from non-Federal sources in considering approval of grant requests.

Mr. President, I urge my colleagues to support the pending bill. This is a good piece of legislation which in my judgment the President should not have vetoed. The bill does not establish excessive authorization levels but seeks to continue essential health programs and makes what only can be termed modest efforts at dealing with some new problem areas. The Senate is already on record in support of this legislation and I hope that today we will reaffirm that support.

Mr. President, the administration has had longstanding policy that community mental health centers should capture as much as possible from third party payments, including Federal programs which reimburse for the cost of services. But the policy has not been consistent. Recently, for example, HEW Secretary Weinberger ruled that community mental health centers could not be reimbursed under the social services programs—titles IVA and VI of the Social Security Act—for services to eligible recipients if the services were delivered by someone whose salary was paid for in whole or part by an NIMH staffing grant. My understanding is that it is a well established congressional intent that community mental health centers should not be discriminated against in this manner, that the staffing grant is a "seed" grant designed to enable the center to build a program and eventually become independent.

Would the chairman of the subcommittee, the Senator from Massachusetts, agree?

Mr. KENNEDY. The Senator is absolutely correct. To deny centers access to Federal reimbursement programs violates not only congressional intent but good sense and programmatic development.

Mr. SCHWEIKER. Mr. President, I also would like to ask the Senator from Massachusetts, is it the purpose of this legislation, following on the foundation built by earlier CMHC legislation, to require the administration to remove the barriers that prevent centers from capturing all types of third-party payments?

Mr. KENNEDY. It certainly is.

Mr. SCHWEIKER. Am I not also correct that sections 206(c) (D) (J) and (K) of title II, part C of the pending bill require centers to make every effort to get all they can from other payment mechanism, including specifically Federal third-party payments, before they are eligible for new or continuation operation grants?

Mr. KENNEDY. Yes, the gentleman is absolutely correct. This is a fundamental principle of the act—designed to insure that all centers become free from the need for support through an operational grant. It leads the center to independence. It is what the administration wanted.

Mr. SCHWEIKER. Finally in the Senator's judgment would the administration be violating a requirement of the law if, after enactment of this legislation, it continued to refuse reimbursement for services delivered by community mental health centers to persons eligible under titles IVA and VI of the Social Security Act, and under the new title XX?

Mr. KENNEDY. The administration most certainly would be in violation of the law, specifically sections 206 and 244, in my judgment.

Mr. SCHWEIKER. I thank the distinguished chairman of the subcommittee, the Senator from Massachusetts, for making the legislative intent abso-

lutely clear about the will of our committee and the intent of this legislation.

Mr. President, I ask unanimous consent that a statement outlining the administration's position on the bill be inserted at this point in the RECORD.

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

STATEMENT

Title I of the bill would amend Title VIII of the Public Health Service Act to provide continuation of institutional support to schools of nursing through capitation grants; grants, loan guarantees and interest subsidies for construction; support for advanced nurse training and nurse practitioner training; and student assistance. Title II of the Act would continue an expanded health revenue sharing program, revise and expand the community mental health centers, continue the family planning program, and create several narrow categorical programs.

The Department strongly opposes this bill for the following reasons:

TITLE I—(NURSE TRAINING)

Excessive authorizations.—Exceed 1975 Budget of $46.2 million by over $140 million; exceed 1976 Budget of $32.5 million by over $185 million.

Need for Subsidies.—Capitation and related enrollment subsidies no longer needed. Overall supply of nurses adequate, projected to increase to almost 1.1 million by 1980 under current programs. No need to construct new nurse training facilities.

Nursing is an Undergraduate Field.—For the most part, no need to separate nurse training from other undergraduate fields for continued categorical Federal institutional and student aid activities, in view of other Federal higher education assistance programs.

Geographic Maldistribution.—This should be addressed through general special projects in other health professions educational assistance legislation, to assure nurse training activities are fully integrated with other types of health professions training.

TITLE II—(HEALTH REVENUE SHARING AND HEALTH SERVICES)

Excessive Authorizations.—Authorizations in S. 66 exceed the 1975 Budget of $604 million by almost $500 million and the 1976 Budget of $419 million by over $700 million.

Duplicative Services.—S. 66 would authorize $160 million in 1975 grants to States for health services, even though the health services that would be paid for are already available to individuals, on national and State-wide eligibility standards, through Medicare or Medicaid. Medicare and Medicaid in total will spend over $22 billion in 1975.

Inequitable Distribution.—Funds would be made available to selected communities, but not many others similarly situated.

Community Mental Health Centers.—CMHC concept has already been successfully proved. Eight years of Federal subsidy is more than adequate and Federal responsibility should be phased out. CMHCs duplicate the same mental health and social services available though Medicaid and Social Services programs on which Federal and State and local governments will spend more than $16.4 billion in 1976.

New Narrow Categorical Authorities.—In general, Title II of S. 66 is not consistent with the need to integrate all health services. In addition, the proposal for several small study commissions and narrow categorical health programs are inappropriate as Federal approaches to health services and research financing. No hearings were conducted on a number of these new proposals.

Mr. JAVITS. Mr. President, I shall speak now only briefly on the bill itself, and reserve my remarks about the struggle over the so-called antiabortion amendment of the Senator from Oklahoma (Mr. BARTLETT) for the debate on that amendment. I think the Senate is well acquainted with the fact that there will be a motion to table the Bartlett amendment, to be made either by me or another Senator.

Mr. President, I urge my colleagues to support the Nurse Training and Health Revenue Sharing and Health Services Act of 1975 (S. 66) which I joined in introducing with Senators KENNEDY, WILLIAMS, and SCHWEIKER. The measure is identical to the conference substitute on H.R. 14214, Health Revenue Sharing and Health Service Act of 1974 and on H.R. 17085, Nurse Training Act of 1974, but combines them into a single bill.

Each of the bills combined into this measure expresses more than a year's careful legislative consideration in preparing each measure, and also was passed by the Senate and House in the 93d Congress—but pocket-vetoed by the President. Thus Congress did not have the opportunity to challenge the veto.

The White House memorandum of disapproval for each of the bills provided no new factor not previously considered by the Congress when it passed each bill.

With respect to both the nursing education and health service programs provided by the bill I will focus on why I believe, there is no new rationale in the President's disapproval memo with respect to either health service programs or nursing education which was not previously considered when these respective measures were first introduced; deliberated upon by the Committee on Labor and Public Welfare when ordered favorably reported; reflected upon when each bill was passed by the Senate and House; and carefully considered once again when the conference substitute was agreed to and adopted by the Senate and House.

NURSING EDUCATION

In regard to nursing education the thrust of the disapproval memo is opposition to categorical nursing student assistance and institutional support through capitation grants to nursing schools. This same theme was at the heart of the administration position in 1971 and was rejected by Public Law 92–158. The administration sought to frustrate that law through zero budget requests for capitation support but was overturned regularly by congressional annual appropriations of approximately $38,000,000 to carry out the purpose of the law, to provide nursing schools a stable source of financial support.

I believe the nursing education title of this bill is essential to meet the health needs of the American people. Health systems cannot operate, and quality programs of care cannot be developed, unless an adequate supply of this critical human resource is assured. As we consider national health insurance and pass other measures to improve health care, we must also act to ensure that adequate numbers of nurses will be available to carry out our plans. Without the support of the nurse training provisions in this bill, the number of nursing students will decrease, even in the face of growing health care demands.

Last year, our committee studied in detail the current nursing crisis and heard expert witnesses forecast an even greater shortage in the coming years. At present, the nation requires 150,000 additional nurses; by 1980, it is expected, there will be a need for over one million.

We need these nurses because their services are crucial to all medical care. Their work is focused upon care of patients and upon assessment of patients' individual health needs. Their responsibilities include clinical services and also health counseling, public education, disease detection, and a variety of vital activities in the area of preventive medicine and general health promotion.

In performing these tasks, nurses work in physicians' offices and in patients' homes, in schools and in industry, in emergency rooms and in chronic care centers. In each setting, they bring medical skill and personal attention to the population-at-large.

Nurses, in increasing numbers, are moving to fill our health-care gaps. Already, they are bringing needed health services to people in remote rural communities and underdeveloped urban locations. Our committee has heard of a number of exciting projects throughout the Nation, where nurse practitioners are now caring for persons in desperate need of medical care and health education, and the bill responds to this need.

Our Nation faces a problem of specialty maldistribution, as well. Again, the nursing profession has assumed a leadership role in meeting this critical health need. Today, there are specialists in psychiatric nursing, family nursing, maternal, child and geriatric nursing. These nurses provide continuity of patient care, whether this be a preventive, curative, or rehabilitative service.

Thus, the nursing profession has broadened its traditional role in a way which directly meets our most urgent health programs. But nurses can, and must, do more.

As our population increases and as medical knowledge and technology expand, there develop new strains upon our medical resources. The demand for skilled nurses is increasing, and those nurses who are practicing are assuming new responsibilities. Medical care is becoming increasingly complex, and there is a special need for nurses trained in the management of medical programs. Most important, skilled nurses are needed to provide the personal link between the health care establishment and the people in need of care.

This bill provides basic Federal assistance to nursing health services, by promoting and supporting the growth of quality nursing care. It authorizes construction, startup, capitation and special assistance grants which will encourage the expansion of nurse-training enrollments, and facilitate the development of innovative curricula. These and other grants provide educational assistance to upgrade the skills in the fields of greatest need. In addition, there are provisions in this bill to identify, and then support, students who are financially,

culturally, or educationally needy and who show special potential for nursing.

I believe that this title for the bill represents our commitment to nursing education and our recognition that the nursing profession plays a vital role in providing health care to the American people.

The committee response to such administration objections is carefully articulated at pages 3 to 5 of the report.

HEALTH SERVICES PROGRAMS

In regard to the health revenue sharing and health services, the thrust of the disapproval memo is opposition to the carefully articulated categorical programs which Congress has chosen to support, as contrasted to the administration proposal to consolidate funding support for health service programs under broad generic authority, as for example at one time available under section 314(e) of the Public Health Services Act; and the administration insistence that the community mental health center program is a "demonstration" program that has proven itself.

With regard to the community mental health center program, I believe in initiating the CMHC program in 1963, the Federal Government made a firm commitment to all Americans—that a nationwide system of community care, provided through approximately 2,000 community mental health centers which offer fully comprehensive services, would be in place by 1980. This commitment is clearly laid out in the legislative history of the CMHC Act and has encouraged communities in every State to apply for CMHC funding under the Federal program.

The Federal Government cannot and should not withdraw from its commitment, particularly where in the federally funded CMHC program we have a system of health delivery which can provide patients all the mental health services which they need within their own community at a cost they can reasonably afford.

I would remind my colleagues of the position of Congress summarized in National Council of Community Mental Health Centers against Weinberger:

> The Act was never viewed by Congress as a demonstration program to get communities to follow the examples of others and start their own centers, but rather a national effort to redress the present wholly inadequate measures being taken to meet increasing mental health treatment needs.

The disapproval memo fails to recognize that 98 percent of the $1,951,000,000 in authorizations in title II of this bill are involved with the three centers' programs—strengthened and improved neighborhood health centers, migrant health centers and community mental health centers—plus family planning and the health revenue sharing program hereinafter discussed. The administration has proposed that such centers programs—exclusive of its view to terminate any support of new mental health centers, and not to extend support for existing centers beyond the current 8-year limit, be allowed to expire—along with family planning and other programs, be funded out of the very general authority for health services under section 314(e) of the Public Health Service Act.

The Congress has considered these approaches and they do not allow the Congress to specify in sufficient detail the nature of the programs it wishes to be funded.

Neighborhood health centers and migrant health centers have taken a vast variety of forms since the programs were created. The Congress should define what the Congress looks for in such a center in terms of the type of services to be offered and the type of management and operation that is best for providing health care. Section 314(e) of the Public Health Service Act, under which the administration wishes to consolidate funding, does not provide this specificity. Indeed, the Department of Health, Education, and Welfare has used this authority to start programs never authorized by Congress.

I believe the Congress should insist on its prerogatives to define the programs it wishes to see supported. At the same time I believe it is necessary to continue a separate migrant health program lest these already underserved and frequently forgotten Americans will once again be lost in the competition for funds for health services. Moreover, there are requirements associated with providing health services to migrants that require separate and specific definitions in the law.

I believe the centers' programs must be extended and there should be a legitimate representation of the interests of the Congress in defining these programs.

The bill also extends the authority to provide funds to states for public health services. The authority is increased from $90 to $160,000,000 because of the impact of inflation on the state public health budgets, and in order to initiate hypertension screening, diagnosis, treatment and control programs at the state level pursuant to provisions in this bill I authored.

Mr. President, hypertension is a silent killer and it is urgent that, as provided in this bill, we focus our Federal resources and launch the appropriate national attack on this disease which afflicts 23 million Americans.

The bill's provisions which I authored provide that 22 percent of the appropriations is set aside by each State for hypertension screening, treatment and diagnosis programs. Thus, we offer an opportunity to bring to hundreds of thousands of Americans the benefits of advances in our medical technology with respect to heart disease. The program is retained in the bill in exactly the form in which it was sent to the President on December 10.

Also, there are a number of small but vital new programs aimed at investing very limited Federal dollars in areas of high demand as expressions of future direction not as full-scale programs of support. For example, the bill calls for studies of Huntington's disease and epilepsy by HEW in order that future Congresses can provide a meaningful program of support in these areas.

The bill also provides a 1-year program of support for demonstration of home health agencies; and a 2-year program of support for vitally needed rape prevention and control programs, as authored by Senator MATHIAS.

Rape is a problem of increasing significance, FBI statistics indicate that the number of reported rapes are increasing more than 10 percent a year, and the FBI adds that this is a markedly underreported problem. The woman who is a victim of rape may experience both physical and mental trauma, and has problems requiring adequate treatment. I believe that now is the time to begin to develop a nationwide response to this problem.

There is also a 2-year program of support for blood fractionation and diagnostic centers for hemophilia, all these programs involving approximately $50 million over the life of the bill.

The committee response to such administration objections is carefully articulated at pages 5 to 10 of the report.

Mr. President, I believe that the provisions of this bill can make an important contribution to the health of all Americans, and I urge its support.

HUNTINGTON'S DISEASE

Mr. CLARK. Mr. President, today the Senate is considering S. 66—the Nurses Training Act and the Health Services Act of 1975. This legislation was designed to bring better health care to every citizen in this country, but for over 100,000 American families who have members afflicted with Huntington's disease, S. 66 will have a special meaning because it establishes a national commission to help combat this dreaded disease.

Huntington's chorea is a chronic, degenerative disorder of the nervous system. The disease is genetically inherited, and the children of an affected parent have a 50-percent chance of developing the disease.

The manifestations of Huntington's chorea usually do not appear before the age of 30 or 40, and because of this, many people who develop the disease have become parents, unknowingly subjecting their children to the possibility of Huntington's disease as well. If an effective means could be developed to detect the disease earlier, it would then be possible to offer genetic counseling about the risks of Huntington's chorea. More importantly, through an ambitious research effort, the victims of this disease could be treated and perhaps cured.

Presently, the National Institute of Neurological Diseases and Stroke and the Division of Research Resources of the National Institute of Health, the National Institute of Mental Health, the National Institute of Arthritis, Metabolism and Digestive Diseases, and the National Institute of Child Health and Human Development each have some type of program to study Huntington's chorea, However, there is no overall, unified plan to combat this disease.

LEGISLATIVE HISTORY

On September 10, 1974, the Senate accepted an amendment that I offered for myself and Senator BAYH that would have established a special comprehensive program to combat Huntington's disease. The amendment was added to the Health Services Act, and it would have provided Federal assistance for the diagnosis, prevention, treatment and research with this most serious illness. This legislation originally was introduced on April 5, 1974 as S. 3305, and it was cosponsored by 35 Members of the Senate.

The House of Representatives did not pass similar legislation on Huntington's disease when it considered the Health

Services Act. And as a result, the House-Senate conference committee that considered the bill did not support the grant program that Senator BAYH and I originally had proposed. However, it did agree to the establishment of a national commission for the study and control of Huntington's disease. Subsequently, both Houses of Congress approved the legislation, but President Ford vetoed it on December 23, 1974. There was not an opportunity to override the President's action.

NATIONAL COMMISSION ON HUNTINGTON'S DISEASE

The proposal to establish a commission for the control of Huntington's disease was reintroduced in the Senate this year as a part of S. 66—the Nurses Training Act and the Health Services Act of 1975. Similar legislation has been introduced in the House of Representatives and, hopefully, a bill can be approved by the full Congress in the near future.

The Commission for the control of Huntington's disease will be responsible for making a comprehensive study of the disease for a year, and it will suggest the roles the Federal and State governments, national and local public and private agencies should play in the research, prevention, identification, and treatment of people afflicted with Huntington's disease. Most importantly, the commission is charged with developing a comprehensive national plan to accomplish these goals. Within a year, the commission is to report to the President and the Congress with its findings and conclusions—together with legislation and appropriations to combat Huntington's disease.

The Commission would be funded through the Department of Health, Education, and Welfare. It is to have nine members appointed by the Secretary of HEW, members with experience in treating and researching the disorder as well as people who have been directly affected by it.

Mr. President, there are many people in this country who do not enjoy good health, and we have a special responsibility to do whatever we can to help them regain it. Helping individuals afflicted with Huntington's disease is a responsibility that has been shirked for too long, and I believe that establishing a commission to study the disease would be an important first step in bringing these people better health.

Mr. BENTSEN. Mr. President, S. 66 returns to the Senate floor today after a similar measure was unwisely vetoed by the President last year. It contains vitally needed funds for programs in community mental health, migrant health, family planning, home health care, and it establishes a center for the prevention and control of rape. Many of these programs have had their funds frozen for several years, as Congress and the administration have haggled about procedures and costs. Now it is my hope that the President will reverse himself and decide to sign this measure into law.

I am particularly pleased that the committee has once again decided to fund migrant health as a separate program. Some 355,000 patients were served under this program during fiscal year 1974, but the need for it far outruns the available resources. Statistics on migrant health remain profoundly disturbing: The infant mortality rate among migrants is 25 percent higher than the national average; migrants tend to suffer more acutely from diseases such as influenza and pneumonia; and migrants suffer from tuberculosis and other infectious diseases at 2½ times the national average. The program should be continued as it has been reported in this bill.

I would also like to commend the committee for continuing the community mental health centers program, despite repeated administration attempts to phase it out. When the legislation establishing this program was enacted in 1963, the object was to set up a series of community health centers which would serve as legitimate alternatives to State institutions. Today there are over 440 operational centers in the United States, with a nationwide goal of 591 centers. They relieve the burden on our larger mental hospitals, and provide, largely to lower income groups, counseling services they could not otherwise receive.

The bill also sets up a National Center for the Prevention and Control of Rape in the National Institute of Mental Health. The intent is to coordinate efforts in controlling rape with various local organizations, such as community mental health centers, to assure that we make a truly national effort to decrease the incidence of this brutalizing crime. Crime statistics show that the number of forcible rapes in the Nation have increased an astonishing 62 percent in the last 5 years. In fact, rape is the fastest growing violent crime in the United States. It is time now that we had a national center to coordinate efforts to curb rape and to suggest more humane ways of treating the rape victim.

Mr. President, the bill under consideration contains other important health programs, and it has been worked out with some diligence by the members of the committee. It deserves the support of the Senate.

Mr. HOLLINGS. Mr. President, I would like to express my support for S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975. A major portion of this bill would authorize renewal of Community Health Centers, Migrant Health Centers, Family Planning Services, and Community Mental Health Centers. While all of these programs have been accepted as models for health care delivery and have proven to be very beneficial to the underserved areas of our Nation, the Community Mental Health Centers have been particularly beneficial to South Carolinians. The South Carolina Department of Mental Health has heavily utilized these centers as a vital part of their overall mental health program. There are presently nine centers operational and one which began March 1, 1975. With completion of four more, there will be a network of mental health services locally accessible to every area of the State of South Carolina.

I fully realize that it is imperative to cut back on Federal spending, but I should point out that State and local governments share approximately equal sums in this program, so it is by no means a totally federally funded program. For the record, I ask unanimous consent to have printed in the RECORD some key figures showing the proportionate sums contributed for the South Carolina centers.

The funds provided by this program have helped many distressed South Carolinians regain productive lives, and I, therefore, urge passage of this important legislation.

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

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, DIVISION OF COMMUNITY MENTAL HEALTH SERVICES

ANDERSON-OCONEE-PICKENS MENTAL HEALTH CENTER

1. Serves Anderson, Oconee, and Pickens Counties.

2. Recipient of Construction, Staffing, and Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—2391.

4. Employs 56 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$177,635
State	175,222
Federal	90,770

GREENVILLE AREA MENTAL HEALTH CENTER

1. Serves Greenville County.

2. Recipient of Construction (Greenville General Hospital System), Staffing, and Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—3684.

4. Employs 51 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$115,804
State	117,756
Federal	180,516

SPARTANBURG AREA MENTAL HEALTH CENTER

1. Serves Spartanburg, Union, and Cherokee Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—4080.

4. Employs 55 personnel Who Reside in the Area.

5. Budget for fiscal year 1973–74:

Local	$147,807
State	147,788
Federal	258,450

BECKMAN CENTER FOR MENTAL HEALTH SERVICES

1. Serves Greenwood, McCormick, Saluda, Edgefield, Laurens, Abbeville, and Newberry Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—3510.

4. Employs 29 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$75,198
State	74,475
Federal	227,326

COLUMBIA AREA MENTAL HEALTH CENTER

1. Serves Richland, Lexington, and Fairfield Counties.

2. Recipient of Construction, Staffing, and

Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—6015.

4. Employs 96 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$347,031
State	344,719
Federal	260,133

SANTEE-WATEREE MENTAL HEALTH CENTER

1. Serves Sumter, Clarendon, Kershaw, and Lee Counties.

2. Recipient of Construction, Staffing, and Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—2451.

4. Employs 33 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$96,098
State	94,757
Federal	202,234

CHARLESTON AREA MENTAL HEALTH CENTER

1. Serves Charleston, Berkeley, and Dorchester Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—3072.

4. Employs 42 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$211,577
State	215,733
Federal	235,989

YORK-CHESTER-LANCASTER MENTAL HEALTH CENTER

1. Serves York, Chester, and Lancaster Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—1827.

4. Employs 27 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$54,912
State	56,227
Federal	9,131

PEE DEE MENTAL HEALTH CENTER

1. Serves Florence, Darlington, and Marion Counties.

2. Recipient of Staffing grant under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—1141.

4. Employs 33 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$68,346
State	67,256
Federal	9,766

COASTAL EMPIRE MENTAL HEALTH CENTER—To become operational March 1, 1975

1. Serves Allendale, Beaufort, Colleton, Jasper, and Hampton Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—1869.

4. Employs 29 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$87,536
State	86,392

AIKEN-BARNWELL MENTAL HEALTH CENTER

1. Serves Aiken and Barnwell Counties.

2. Active Cases During Fiscal Year 1973–74—1695.

3. Employs 17 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973–74:

Local	$81,794
State	80,833

MENTAL HEALTH CENTER FOR HORRY-GEORGETOWN-WILLIAMSBURG COUNTIES

1. Serves Georgetown, Horry, and Williamsburg Counties.

2. Active Cases During Fiscal Year 1973–74—944.

3. Employs 18 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973–74:

Local	$81,296
State	80,773

ORANGEBURG AREA MENTAL HEALTH CENTER

1. Serves Bamberg, Orangeburg, and Calhoun Counties.

2. Active Cases During Fiscal Year 1973–74—754.

3. Employs 18 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973–74:

Local	$50,747
State	50,022

TRI-COUNTY MENTAL HEALTH CENTER

1. Serves Chesterfield, Marlboro, and Dillon Counties.

2. Active Cases During Fiscal Year 1973–74—1041.

3. Employs 14 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973–74:

Local	$55,581
State	54,910

AID FOR THE NURSING PROFESSION

Mr. RIBICOFF. Mr. President, I urge my colleagues to approve S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975, which is now before us.

Title I of this bill is extremely important for the nursing profession in Connecticut. It provides needed financial assistance to both nursing schools and students in Connecticut.

The nursing profession is in the front line of our health care system. Over 700,000 nurses provide care for patients throughout the United States. This includes over 17,800 employed nurses in my own State of Connecticut. But there are still not enough nurses. By 1980 we will need at least 1,100,000 nurses in America and this does not even take into account the increased demand which will result from national health insurance.

Congress recognized this fact as early as 1964 when it began to provide assistance to the nursing profession. As a result of this aid the nurses population has increased. And the increases are directly traceable to opportunities in nursing made possible by Nurse Training Act funds. The schools of nursing have done a remarkable job in a relatively short period of time in expanding their enrollments. Total admissions to schools of nursing, for example, showed an increase of about 17 percent of 1972 over 1971. In terms of numbers of employed nurses in Connecticut, the figures increased from 15,438 in 1966 to 17,887 in 1972.

Unfortunately, both the Nixon and now the Ford administration have virtually abandoned the effort to encourage the education of nurses and the development and expansion of schools of nursing. The President's proposed 1976 budget severely slashes funds for nursing. Now the administration opposes the continued existence of the Nurse Training Act.

This is a most shortsighted view of our health manpower needs.

As the cost of health professions education rises we must be able to assure that any man or woman can attend nursing school whether or not he or she is rich or poor. With tuition and expenses skyrocketing only Government assistance can—and has—helped tens of thousands of students get a nurses' education. We are on the brink of passing a national health insurance program. With it we will need increased health manpower. This does not happen overnight. We cannot turn off the spigot of assistance to nurses and expect to produce them overnight to meet the increased demands for health care which will come about through national health insurance.

The legislative situation regarding nurses is uncertain. Both schools and nursing students do not know from week to week whether funds will exist.

The Nurse Training Act of 1971 expired June 30, 1974. Congress passed new authorizing legislation in the waning days of the 93d Congress. It, however, was pocket vetoed, and to this date there is still not a new Nurse Training Act. It is imperative that we pass legislation now.

For Connecticut, this bill will meet an emergency situation. Approximately 10 schools of nursing have closed within the past 1½ years in Connecticut. Certainly, without continued Federal assistance more schools will be forced to close. With a national health insurance bill, we can expect an increased demand for nursing services, particularly for nurse practitioners and nurse clinicians. We certainly cannot afford to cut off assistance to nursing schools and students.

With funding from the Nurse Training Act of 1971, a pediatric nurse specialist training program is underway at Yale University. This prepares R.N.'s at a master's level to become clinical specialists and leaders in pediatric nursing. Under S. 66 such programs would be possible through the advanced training provision. This provision provides assistance for graduate education; a big need exists for more nurse faculty members and for clinical specialists in pediatrics, coronary care, renal units, and other specialty areas.

I urge my colleagues to approve S. 66 to assure that the profession of nursing will receive the aid, which is needed to assure a high quality health care system.

Mr. WILLIAMS. Mr. President, I am pleased to express my enthusiastic support for S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975.

It is indeed tragic that we must once again be considering this important legislation. It contains the provisions of two bills which were already acted upon by the Congress in the waning days of the last session, but which were pocket-vetoed by the President at year's end. Frankly, it is my view that the Congress deserves the opportunity to override a Presidential veto, and swift congressional action at this time may well lead to that circumstance.

On the other hand, I am hopeful that the President will find it possible to sign this urgently needed bill, since the programs it reauthorizes expired last June, and the need for the legislation is, therefore, critical.

Mr. President, this bill is divided into two major titles. Title I would extend through fiscal year 1977 the nurse training authorities of title VIII of the Public Health Service Act. It would—

Extend the authority for construction grants while establishing a priority in funding for those schools expanding their capacity to enroll nurses in advanced training programs.

Continue the capitation grant program, but with revisions, to more accurately reflect the differential in costs between baccalaureate degree, associate degree, and diploma schools of nursing.

Extend the financial distress grant program for nursing schools having financial difficulties in meeting their operational costs for maintaining quality programs or their accreditation requirements.

Extend and modify the special project grants provisions to assist schools of nursing in trying out better methods of teaching, better utilization of faculty, expanded enrollments, and recruiting and retaining students from disadvantaged backgrounds.

Provide funds for graduate and other advanced training programs for professional nurses to teach, serve as administrators or practice in nursing specialties.

Extend the nursing loan, scholarship, and traineeship programs to meet current demands and needs.

These and other provisions of the nurse training title of this bill are vital if we are going to assure a well educated and continuing supply of skilled nurses in the United States. If the true health needs of people are to be met, we must have more and better prepared nurses.

Title II of the bill contains substantive revisions of four expired programs and several new, but small, initiatives for the provision of health services. The bill attempts to respond to the administration's legitimate concerns over administrative efficiency and the need for these programs to grow to self-sufficiency whenever possible while at the same time reaffirming congressional intent to stimulate comprehensive health services in every community where they are needed. This title would—

Extend the community mental health centers program and reaffirm our view that it is not a demonstration program, but rather is designed to assure that such centers be started with Federal support throughout the Nation. Over 500 mental health centers have been funded, leaving us one-third of the way toward our goal of approximately 1,500 such facilities.

Extend the migrant health program, which I authored more than 10 years ago, as a separate authority to give this tragically underserved population clear attention in our Federal health efforts.

Extend the program for family planning services and population research.

Establish a new authority for the old neighborhood health centers, replacing them as community health centers and providing planning, development, startup, and operational assistance, so that they can better offer a broad range of ambulatory, medical referral, and environmental health services.

In addiiton this title extends existing section 314(d) of the Public Health Service Act for grants to States so that they can flexibly target funds and set priorities for solving their individual health care problems. Twenty-two percent of these funds would be for allocations to States for purposes of screening, diagnosis, detection, and treatment of hypertension.

The new initiatives of this part of the bill are also of vital importance. They have been incorporated to meet various health problems which require specific Federal attention. These are:

Section 317 of the Public Health Service Act, which is extended for 1 year with increased authorization level and expanded to provide support for control of diseases borne by rodents, as well as communicable diseases.

Home health services: Establishes a demonstration program of startup grants to home health agencies and grants for training personnel to provide home health services.

A Committee on Mental Health and Illness of the Elderly established for a 1-year period to review the mental health needs of the elderly and recommend policy for the care and treatment of mentally ill aged persons.

Rape prevention and control: Establishes a new center within the National Institute for Mental Health to study the causes, control, and treatment of rape and to establish a clearinghouse of information on these subjects. In addition, the bill provides support for demonstration projects in the prevention and control of rape.

Epilepsy: Establishes a temporary commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of epilepsy and its consequences, and the role of State and Federal Government in research on epilepsy and on the identification, treatment, and rehabilitation of persons with epilepsy.

Huntington's disease: Establishes a temporary commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of Huntington's disease and its consequences, and the role of State and Federal Government in research on Huntington's disease and on the identification, treatment, and rehabilitation of persons with Huntington's disease.

Finally, Mr. President, I am particularly gratified that this bill includes my proposal to establish a program for the treatment and diagnosis of hemophilia. This legislation was first introduced as S. 1326 on March 22, 1973. Since that time, 24 of my Senate colleagues joined me as cosponsors of the bill.

I find great hope in the fact that hemophiliacs are unique among chronic disease victims, because they are not born crippled, and they can be treated if they are able to take advantage of newly developed forms of therapy. Without this ongoing care, severe and moderate hemophiliacs must suffer tragic consequences throughout their lifetime and become an unnecessary burden to themselves, their families, and to our whole society. For not only is there a severe physical crisis confronting such an individual, but he is constantly threatened with great uncertainty since a bleeding episode may strike without a warning. As a result, there is a tendency among family members and the hemophiliac himself to curb many otherwise routine day-to-day activities. This kind of toll is impossible to measure—and in many cases it is devastating.

So, I say once again, the hemophiliac has a right to care.

Mr. President, we know that in the last two decades medical research has been successful in developing fractionated concentrates of factor VIII and factor IX. This development, together with new treatment techniques, has made it possible for most hemophiliacs to self-administer the appropriate clotting factor at home.

Unfortunately, despite these remarkable breakthroughs, this replacement therapy is out of reach for the average hemophiliac. And it is unavailable for several reasons; the same reasons which plague the whole of our health care system. It is unavailable, because the minimum costs for replacement therapy for the severe and moderate hemophiliac run upward of $5,000 per year.

It is unavailable, because this Nation has simply been wasting its precious blood resources. We have yet to develop a rational and efficient blood policy and are threatened with a major crisis in medical treatment which requires the use of blood and blood products.

It is unavailable, because at the present time there are only a scattering of medical centers in the United States which provide any major emphasis on the treatment and diagnosis of this disease. Thus there are only a few areas in the country where there are adequate treatment and diagnosis facilities or where there is a decent social and vocational counseling for hemophilia patients.

And, it is unavailable, because we face a short supply of professional and paraprofessional personnel trained in hemophilia diagnosis, treatment, and research.

Nor do we have adequate mechanisms whereby physicians in outlying areas have ongoing contacts with those centers which run hemophilia diagnostic and treatment programs.

It is clear, therefore, that we must begin now to develop a comprehensive approach to treating hemophilia.

As incorporated in S. 66, this is a very modest but vital beginning.

It calls for the establishment of hemophilia diagnostic and treatment centers. These centers would train professionals in diagnosis, treatment, and research; would offer diagnosis and treatment programs together with programs of social and vocational counseling; and would provide individualized written programs

for each person treated by or in association with such centers.

In addition, a provision is included authorizing grants and contracts for the establishment of blood separation centers to extract necessary blood components.

This is important for hemophilia replacement therapy and can have a significant impact on the development of a nationwide blood separation policy.

These two provisions are important initiatives since, in my view, reform of the health care delivery system must go hand in hand with universal access to that system through some sort of financing mechanism.

To attack the financing problem without assuring that the services and resources are equally available would only aggravate an already intolerable situation. This new program will, therefore, serve as the foundation for the time when that financing mechanism is put in place.

Since the time this bill was first introduced it has received a great deal of attention and support. We have made enormous progress in finding new therapies, but they are useless unless an individual can find services and facilities to provide them. Let us vigorously pursue that course. We must not delay any longer in that endeavor.

Mr. CRANSTON. Mr. President, the Health Revenue Sharing and Health Services Act of 1975 contains two important pieces of legislation which were passed by the Senate last year, agreed to in conference with the House, overwhelmingly accepted by the Senate again, and sent to the President for signature, only to be pocket-vetoed after the 93d Congress had adjourned.

The two pieces of legislation are the Nurse Training Act and the Health Revenue Sharing and Health Services Act of 1974. Both of these measures extend programs which have been proven by experience to provide the incentives and support necessary to enable nurse training institutions, on the one hand, and centers providing comprehensive health services, including mental health services, to their surrounding areas, on the other hand, to contribute most effectively to the health needs of the Nation. I am confident Congress will once again give both these measures, as embodied in S. 66, overwhelming support.

NURSE TRAINING ACT OF 1975

Mr. President, I am delighted to support the Nurse Training Act of 1975.

Under the nurse training authorities of title VIII of the Public Health Service Act, nursing schools throughout the Nation have been able to increase the number of students trained, to improve the quality of training programs, to establish new roles for nurses in the provision of health care, and to improve curriculum to be more responsive to changing social needs, in addition to the establishment of many other beneficial programs.

The bill as reported continues the Federal role in support of nurse training; it retains the incentive to assist nursing schools in meeting their responsibilities to provide the nurses needed by our continually expanding national needs and to train nursing personnel who can fulfill the new responsibilities required by changing health care patterns.

Mr. President, I am pleased that the bill includes a number of amendments, which I proposed. First is an amendment to emphasize the importance of continuing the program for recruitment of students who, due to socioeconomic factors, are financially or otherwise disadvantaged, by earmarking a minimum of 10 percent of the funds appropriated for special project grants for these programs.

Second, my amendments also clarify the need to recruit students with the ability to speak a language, in addition to English, used by major U.S. population groups with limited English-speaking ability, and add to the list of programs eligible for support under the special project grant authority, programs to provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Other amendments I proposed and the committee has included in the bill would encourage the establishment of programs for training nurse practitioners by making institutions and entities other than collegiate schools of nursing eligible for grants, and amending the limitations in the bill as to duration and size of class to reflect more accurately the diversity of programs which have already proven their excellence. My amendments also clarify that geriatric nurse practitioners and pediatric nurse practitioners are among the types of nurse practitioners who should be trained under the special projects authority for nurse practitioners.

I would like to clarify, Mr. President, that in deleting the special program "full utilization of educational talent" and, in its place, including programs for the recruitment and retention of students from disadvantaged backgrounds among those authorized under the special project grant authority of the new section 820 of the Public Health Service Act, there was no intent to change the intent or scope of the current program which has been administered under the authorities of the current section 868 of the Public Health Service Act. In addition to the categories of individuals who are specified in the current section 868, it is our intention to include the recruitment of individuals with the ability to speak a language—in addition to English—used by major U.S. population groups with limited English-speaking ability. This intent is made clear in the new section 820(a)(6) of the bill as we propose to amend it—which authorizes special project grants for increasing the supply of bilingual nursing personnel.

To insure that the level of support available for programs for the recruitment and retention of prospective students who are disadvantaged due to socioeconomic factors is maintained at least at the level of previous years, we have provided that no less than 10 percent of the funds appropriated for special projects under the authority of the new subsection 820(d) is earmarked for this purpose.

I am pleased that the bill authorizes the Secretary to provide assistance to the heads of other Federal Agencies to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

As chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee, I am very familiar with VA programs in this regard. The Veterans' Administration hospitals currently are operating a great many educational programs for nurses; 145 VA hospitals are affiliated with 407 nurse training schools; 24,995 nurses received a portion of their training in VA hospitals in fiscal year 1974. In addition, Mr. President, the VA has several programs for the advanced training of nurses. To date, about 150 nurse practitioners have received their training in Veterans' Administration-university-based programs.

VA programs for the training of nurses began as long ago as 1943. At first, students from three hospital schools of nursing were accommodated for instruction in psychiatric and tuberculosis nursing in VA hospitals. Thirty years later, the VA is providing educational opportunities in fundamentals of nursing, and in all clinical specialties for students from many schools of professional nursing. More than 50 percent of these programs are in cooperation with university schools of nursing. Other dimensions have been added and the large clinical nursing resources of the VA are being utilized for clinical experience for graduate education in nursing, for nurse intern-residency programs, for practical nurse education, and for preservice nurses' aide training programs.

The VA nursing service's education and training of professional nurses and other nursing personnel shows a substantially increasing number of students in training and the number of VA hospitals participating in these programs. Since fiscal year 1970, the number has increased from 14,191 nursing students receiving training in 123 hospitals to 24,995 in 145 hospitals. The number of schools affiliated with VA hospitals also increased from 254 schools in fiscal year 1970 to 407 schools in fiscal year 1974, representing 28 percent of all the schools in the country.

In order to further the concept of extending the scope of nursing practice in the VA, the VA has been striving to prepare nurses for the nurse practitioner role. This is a concept and practice which I have strongly encouraged. In 1972, 57 nurses were trained to perform expanded roles in 12 test-model sites for VA admission services. Most of the preparation and training has been occurring on the job. Today, there are approximately 150 nurse practitioners who have been trained through VA university-based programs.

Mr. President, I believe close coordination already exists between those who administer these programs in the Veterans' Administration Department of Medicine and Surgery and those who administer nurse training programs in the

Department of Health, Education, and Welfare. The language in the bill as reported would encourage further coordination along these lines, and I thus support that provision.

HEALTH REVENUE SHARING

Mr. President, an important provision of S. 66 would extend the authorities for formula grants to States for support of comprehensive public health services. These grants were first authorized by the Partnership for Health Act in 1966, and have formed a strong base for Federal-State-local sponsorship of needed health programs. The act extends these authorities—commonly referred to as 314(d) grants—for 2 years, and makes certain revisions which will provide for greater accountability as to the purposes for which these funds are expended.

HEALTH SERVICES

Other important provisions of S. 66 will extend the authorities for community health centers, community mental health centers, and migrant health centers. These authorities are of paramount importance in insuring the accessibility and acceptability of health services to all elements of society. Each of the programs which will be strengthened as a result of the legislation which has been reported in the Senate—for community health centers, for community mental health centers, and for migrant farmworker health centers—bring critically needed health services to communities throughout the Nation and in particular to those communities which historically have been underserved.

GENERAL PROVISIONS

These health centers have been subjected to a great deal of uncertainty as to their future because of the administration's efforts to reduce the level of Federal support, or to phase out that support entirely. The Health Services Act of 1975 provides these centers with the statutory base which will assure their continuity and, at the same time, make them as financially self-reliant as possible. In many communities, these health services still are nonexistent, and the resources are not available within the community to support the necessary startup costs of establishing a health center. The bill under consideration today will insure that where it is demonstrated that a new center is necessary, Federal support will be available to help cover the initial expenses. The legislation also requires that all centers establish effective procedures for the collection of third party payments for services they provide. This will insure their optimal self-sufficiency in the long run.

I was pleased that several amendments I offered to this legislation were accepted and are included in the measure before us today. These amendments were directed toward the necessity for these community health services to be highly attuned to the needs of the community served where that community has a substantial number of individuals who have limited English-speaking ability. The amendments were cosponsored when first introduced in the last Congress by the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) and by the distinguished Senator from New Mexico (Mr. MONTOYA). I am grateful for their help and support.

PROVISIONS RELATING TO SPECIAL NEEDS OF INDIVIDUALS WITH LIMITED ENGLISH-SPEAKING ABILITY

My amendments require community health centers, community mental health centers, and migrant health centers, where they serve populations with substantial numbers of individuals of limited English-speaking ability to identify on their staffs an appropriately bilingual individual. This individual would be responsible for developing programs to increase the awareness of the staff—and the staff of contract providers—about the cultural sensitivities related to health of the population served, and for helping staff and patients to bridge cultural and language differences. These centers would also be required, under my amendments, to utilize the services of bilingual outreach workers, who optimally would be recruited from the community to be served, to encourage residents of limited English-speaking ability to utilize community health and related resources in the most appropriate and effective manner.

I believe existing community health centers, community mental health centers, and migrant health centers which have strong consumer participation at the policymaking level have recognized the linguistic and cultural communications gap and have taken steps to bridge that gap. My amendments would reinforce these centers in such efforts and would expand these efforts to include contract providers as well.

Mr. President, I ask unanimous consent that the portion of the committee report (No. 94–29) dealing with these amendments be printed in the RECORD at this point.

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

PROGRAMS TO MEET SPECIAL NEEDS OF NON-ENGLISH SPEAKING POPULATION GROUPS

The Committee was concerned by the very special problems in securing health care faced by minority population groups whose members have limited English speaking ability. These problems are many times intensified by different cultural heritages which make an individual's perception of health care at variance with that of the providers of health care, who, by and large, are members of the majority population group. The traditional health practices, the dietary practices, and the family traditions and relationships of the members of the minority population group may well create barriers to the ability of the patient to fully comprehend and carry out the treatment regimen recommended by the physician. In addition, the language barrier makes communication very difficult especially in the essential task of describing symptoms with specificity and clarity, or describing the history of an illness. The physician is limited in his ability to describe to the patient the treatment regimen he should follow. Furthermore, in many cases, members of minority population groups are unaware of the availability of health services and of the means of access to such health services.

All these factors mitigate against the provision of quality health care to population groups with different linguistic and cultural traditions.

To ensure that the health services provided by community health centers, migrant health centers, and community mental health centers, are appropriately utilized by members of the population groups they serve and are responsive to their needs, the reported bill requires any center serving a population with a substantial number of individuals of limited English-speaking ability, to develop programs which would overcome any linguistic or cultural barriers to the receipt of health care.

The committee observes that existing health centers which have strong consumer participation at the policy making level have recognized the linguistic and cultural communications gap and have taken steps to bridge that gap. The provisions in the reported bill would reinforce these efforts and would do so in a manner which recognizes the importance of the individual's cultural heritage and would be in consonance with that heritage.

PATIENT DRUG PROFILES

Mr. CRANSTON. Another amendment I offered, Mr. President, which has been included in S. 66 as reported, would clarify that the medical records maintained by community mental health centers would specifically include a patient drug-use profile. It is estimated by initial studies that from 3 to 6 percent of hospital admissions are due to adverse drug reactions, and that a minimum of 15 to 18 percent of hospitalized patients suffer an adverse reaction subsequent to their admission. By maintaining a drug-use profile on each patient, the incidence of such adverse drug reactions and interactions can be substantially reduced.

I would like to see this practice followed in the community health centers and in the migrant health centers as well, and will shortly introduce legislation to this effect in order to rectify an oversight in the vetoed conference report on S. 3280, to which S. 66 as reported is identical.

OTHER PROVISIONS OF S. 66

HYPERTENSION

In addition, Mr. President, this legislation includes important new authorities for a program of special support to States in carrying out screening, detection, diagnosis, and treatment programs for individuals who have high blood pressure or hypertension, as it is also called. It is estimated that 23 million Americans suffer from hypertension and that it can be controlled if the patient receives appropriate medical treatment. However, half the people suffering from hypertension do not realize it, and as a result, these people fail to seek the treatment that will prevent the heart attacks, the strokes, and the kidney failures which result from hypertension.

HOME HEALTH SERVICES

The legislation also includes new authorities to encourage the development of home health care agencies and the training of home health care personnel. Mr. President, among various systems of health care services, one of the most promising yet least recognized is the system of home health care. Availability of home health care services in the community can offer an alternative to the more expensive nursing home care or hospitalization when the patient's family is unable to provide all the support

necessary to meet fully the patients needs.

HEMOPHILIA

Mr. President, I am pleased the legislation also includes an authorization for support of programs to treat victims of hemophilia and to increase the supply of blood so desperately needed for this treatment. These provisions are based on legislation introduced by the distinguished chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS), which I cosponsored.

Section 66 as reported provides for a program for screening and treatment of hemophilia, and for a better utilization of blood resources, so essential to the treatment of this tragic disease.

Other specific provisions establish a Committee on Mental Health and Illness of the Elderly, a Commission for the Control of Epilepsy, and a National Center for the Control and Prevention of Rape. These new entities will focus the necessary national resources on the means of alleviating these three major social and health problems.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

Mr. President, older people, who are often subject to depression and anxiety resulting from changes in status, as well as in health, still have enormous potential for growth and change. Far too often, however, the confusion and uncertainty that besets older people is considered degenerative and irreversible and results in institutionalization.

The Committee on Mental Health and Illness of the Elderly, which was first recommended by the White House Conference on Aging in 1971, represents a significant step forward in advancing the understanding and mobilization of resources necessary to deal with the issues involved in the mental health care needs of the elderly persons and to formulate a national policy for the proper maintenance of mental health for aged and aging individuals.

RAPE PREVENTION AND CONTROL

I am also pleased with the inclusion of the bulk of the provisions of the proposed Rape Prevention and Control Act, which I cosponsored in the last Congress. I feel very strongly about the need for Federal legislation in this area. The crime of rape is increasing at an alarming rate—up to 10 percent as reported in FBI statistics for this past year—causing untoward suffering by women and creating needless anxiety and uncertainty in their lives.

COMMISSION FOR CONTROL OF EPILEPSY

Mr. President, one of the most misunderstood disorders today is epilepsy. Current estimates are that from 1 to 2 percent of all Americans are affected by epilepsy. The general misunderstanding about this disorder has led to restrictions on drivers licenses, employment bias, and health and automobile insurance limitations, all of which have prevented the victim of epilepsy from living a full life. With proper treatment, this condition can be controlled.

However, the lack of public understanding about the nature of this disease has inhibited the development of adequate treatment and rehabilitation programs. The bill as reported establishes a temporary commission for the control of epilepsy to study existing resources for the prevention, treatment, and rehabilitation of victims of epilepsy, as well as to make recommendations for the proper role of Federal, State, and private agencies, in the development of such resources.

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

The bill also establishes a temporary commission for the control of Huntington's disease and its consequences which is charged with making a comprehensive study of national resources related to the medical and social management of Huntington's disease, and making recommendations concerning the proper role of Federal, State, and private agencies in the development of such resources. The commission is also charged with developing a comprehensive national plan for the control of Huntington's disease based on its findings. Hopefully, through this concerted effort the tragedy of Huntington's disease can be averted.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH

Mr. President, the original passage of the Family Planning Services and Population Research Act of 1970 (Public Law 91–572) was the culmination of years of effort on the part of many groups and individuals to make family planning services available to all those who wanted but could not afford them, as well as to improve our knowledge in the field of human reproduction and population dynamics so that each individual family could determine its size by choice rather than by force of circumstances.

Public Law 91–572 created a new title X in the Public Health Service Act, providing for grants and contracts to assist in the establishment and operation of voluntary family planning projects; to provide training for personnel to carry out such programs; to promote research in the biomedical, contraceptive development, behavorial, and program implementation fields related to family planning and population, and to train researchers for such fields; and to assist in developing and making available family planning and population information to all those individuals desiring such information. The legislation carried clear expressions of congressional intent that—

First, priority would be given in furnishing such services to persons from low-income families, and no charge would be made to such individuals, except to the extent payment would be made by a third party;

Second, acceptance of any services or information must be voluntary and cannot be made a prerequisite to eligibility for or receipt of services; and

Third, no funds appropriated under title X are to be used in programs where abortion is a method of family planning. All of these concepts are continued in the bill as reported.

In addition, Public Law 91–572 provided for the establishment in the Department of Health, Education, and Welfare, of an Office of Population Affairs, directed by a Deputy Assistant Secretary for Population Affairs, whose functions were described in the law as being responsible for creating liaison and coordination among all Federal programs relating to population research and family planning, and being responsible for the administration, coordination, and evaluation of all programs in the Department of Health, Education, and Welfare related to population research and family planning.

The law further required the Secretary of Health, Education, and Welfare, to make a report to Congress setting forth a plan to be implemented over a period of 5 years to carry out the purposes set forth in the act, and to report annually to Congress on its progress in reaching the objectives outlined in the plan.

THE 5-YEAR PLAN

This plan was submitted to Congress in October of 1971 and outlined the goals as follows:

In research, the plan described three areas requiring attention: The development of improved methods of fertility regulation, including the improvement of contraceptive technology and the control of infertility; studies of biologic and genetic implications of contraceptive use; and investigations of the social science aspects of population problems.

In services, the plan projected as its goal, making family planning services available by 1975 to the estimated 6.6 million women who wanted such services, but could not afford them.

In training, the plan estimated 90,000 family planning personnel would be needed by fiscal year 1975, and, in addition, 6,000 to 8,000 physicians.

In education, the plan defined the goal as an educational program which would help individuals to plan their families effectively and to be aware of the effects of population change on the individual and on society.

ACHIEVING 5-YEAR PLAN GOALS

Mr. President to date, we have not made enough headway in the research field. Today, there is as yet no completely safe and effective means of contraception available to any women, rich or poor. Research is urgently needed to develop a means of voluntary control of reproduction. There is much scientific opinion that the technology is there to make this breakthrough if adequate funding is provided.

In the field of education, some steps have been taken to assess the information development and dissemination resources available, but sufficient staff and budget have not been made available to the Office of Population Affairs to really make a perceptible impact of the expansion of such programs or the development of new ones.

In the field of services, Mr. President, organized programs receiving support under the authorities of title X have developed the capacity to reach only about 45 percent of HEW's announced objective of reaching 6.6 million women who want family planning services, but are unable to afford them. The Department

estimates that only 3,000,000 women have been reached through organized family planning programs thus far. This is a level approximately 2 years behind the projection in the 5-year plan.

In the field of training, Mr. President, 16,200 personnel were trained by the end of fiscal year 1974 and an additional 6,200 will be trained in the current fiscal year as a result of funds made available through the National Center for Family Planning Services.

This is a beginning, but nowhere near the objective that has been set in the 5-year plan to train a total of 98,000 individuals by this year.

This program must be given increased attention and emphasis if it is ever to make up this incredible lag in performance.

The Special Subcommittee on Human Resources, which I am privileged to chair and which has jurisdiction over the title X programs, heard compelling testimony on the contributions made by nurse midwives to more responsive and effective family planning services. The committee in its report thus urged the Department to encourage the development of training programs for these highly trained and specialized nurses under all appropriate training authorities.

PROVISIONS OF S. 66

Mr. President, the legislation we are considering today extends and consolidates the provisions of the Family Planning Services and Population Research Act of 1970 and generally improves and tightens up its provisions to reflect more clearly the original congressional intent in the 91st Congress, and to insure that programs can be implemented in accordance with this intent.

The bill as reported extends for 2 years the authorizations of appropriations for project grants and contracts for family planning services. The funding level included in the bill as reported—$150 million for fiscal year 1975 and $175 million for fiscal year 1976—are based on the estimates made in the 5-year plan for family planning services as the amount needed to meet the goals set forth in that plan.

The bill also extends for 2 years the authorizations of appropriations for grants and contracts for training and for information and education programs related to family planning, at very moderate levels.

One important change has been made in the provisions authorizing research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

Mr. President, Congress has long taken the position that, when a specific authority is provided to the Secretary for the conduct of an activity, the Secretary should use that authority rather than his more general standing authorities. Family planning research activities since 1970 have, despite the existence of section 1004(a), been conducted under the authority of section 301 of the PHS Act.

The bill as reported, as did the bill I authored last Congress, S. 1708, as approved by the Special Subcommittee on Human Resources, requires that no funds appropriated under any other provision of the Public Health Service Act—other than title X—are to be used to conduct or support the research authorized by title X. This provision is designed to prevent the use of section 301 for these activities. The research authorization amounts chosen reflect the amounts presently being appropriated under section 1004(a) for the few operational research activities for which it has been used, the amounts presently being appropriated under section 301 for family planning research, and additional amounts needed for appropriate growth.

Another clarification of congressional intent is included in amendments to section 1006(c) which presently provides for definition by the Secretary, in accordance with criteria which he prescribes, of the term "low-income family." The bill as reported adds to the end of the provision the phrase "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title."

The amendment is designed to insure that the definition of "low-income family" prescribed by the Secretary would not have the effect of excluding from services a family which is unable to afford such services. The committee intends by this provision that the Secretary in defining "low income" take into account the decisionmaking required by a marginally low income family in weighing the cost of preventive services, such as family planning services, against the cost of more immediate needs such as food, shelter, and clothing and the probability of a decision being made to budget family income for these latter more immediate needs.

Another change in existing legislation made by the bill as reported, also made by my bill, S. 1708, last Congress, is the deletion from Public Law 91-572 of that section requiring the submission of a 5-year plan for carrying out the goals of the Family Planning Services and Population Research Act of 1970 and its addition to title X of the Public Health Service Act.

This new section has essentially the same provisions as the existing requirements of the Family Planning Services and Population Research Act of 1970 for the preparation and submission to the Congress of a 5-year plan for family planning services. That act, however, directed that 6 months after its enactment the Secretary submit a plan, setting forth a program to carry out the objectives of the act over the subsequent 5 years, and directed that annual progress reports be submitted to Congress on the degree to which the objectives set forth in the plan were met in each succeeding fiscal year.

Congress has found these progress reports useful in determining achievements under the act, but has found them of limited value in projecting future program needs.

Accordingly, the bill as reported requires each annual report to include updated projections of program goals for the succeeding 5 years.

Because the programs authorized by title X are a major resource for implementing the objectives set forth in the plan, the committee believed the plan provisions are more appropriately set forth as part of that title, rather than as a separate statute.

In addition, the bill as reported requires that the 5-year plan must, at a minimum, indicate on a phased basis—

First, the number of individuals to be served by the family planning programs under title X and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

Second, an estimate of the costs and personnel requirements needed to meet the purposes of title X and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

Third, the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department are to be based.

The provision again is essentially identical to one contained in the existing requirement for a 5-year plan. It should be emphasized that the committee intends the requirement for a systematic reporting system to be one which will report on services provided under all authorities for which the Secretary is responsible for family planning, including those provided under title IV-A as well as XX of the Social Security Act. It is further anticipated that the reporting system will function nationwide on at least an annual basis to provide to the Secretary, the public, and the Congress systematic and complete data on the number, costs, and effectiveness of family planning services being provided by the Department, either directly or indirectly.

In addition, the annual report must compare the results achieved each year by Federal programs related to family planning with the objectives established for that year under the plan, and indicate the steps that must be taken in subsequent years to achieve the objectives projected by the plan.

The annual report is also required to indicate any recommendations with respect to additional legislation or administrative action necessary or desirable in carrying out the plan contained in the report.

Mr. President, during the 4 days of hearings held before the Special Subcommittee on Human Resources on the predecessor legislation last Congress, S. 1708, excellent testimony was presented which indicated the need to extend these programs for an additional several years.

The committee has also been watching the administration of these programs very closely. Two areas have merited our close attention.

The first is the issue of informed consent in connection with sterilization procedures.

Considerable controversy surrounds this issue. The title X regulations require that all methods of contraception be offered in family planning clinics, and medical opinion supports vasectomies and tubal ligations as safe, effective contraceptive procedures. New regulations, issued by HEW in response to a recent decision by the U.S. District Court for the District of Columbia in the *Relf* case, require that projects using Federal funds for nontherapeutic sterilizations instruct legally competent candidates for the procedure of the full nature of the operation, its irreversibility, and side effects, and specifically inform them in writing that a decision not to be sterilized will not result in the denial or withdrawal of any other benefits to which the candidate is entitled. The regulations in addition, in response to suggestions made along with other members of the Special Subcommittee on Human Resources, require a 72-hour period to lapse between the time the patient voluntarily gives formal consent to be sterilized and the time the procedure is performed.

Recent reports of violations or lack of knowledge of these regulations have raised very serious questions about the effectiveness of HEW implementation of those regulations and its activities to oversee compliance. I have brought the committee's concerns in this regard to the attention of the Secretary in a letter urging that: First, emergency steps be taken to bring the regulations to the attention of every hospital and obstetrician throughout the Nation; second, all State officials responsible for administering any family planning programs under the Social Security Act or coming into contact with programs supported under title X of the Public Health Service Act be contacted immediately by appropriate HEW officials to insure they are fully aware of the regulations and to secure their assistance and cooperation in insuring compliance within the State; third, the Department immediately institute a nationwide surveillance program through the Center for Communicable Disease to monitor compliance with the regulations; and fourth, the Department move promptly to improve and issue regulations governing sterilization procedures.

Guidelines establishing a moratorium on Federal support for sterilization of persons under 21, or otherwise legally incapable of giving informed consent, remain in effect pending resolution of the court case.

The more complete and protective regulations which we have worked out with HEW, however, remain in abeyance because HEW has appealed portions of the district court decision. I have urged the appropriate officials of HEW to issue so much of the new regulations as are consistent with the lower court opinion, and have also urged the plaintiff's attorneys to join in this effort.

I have specifically urged HEW to add to the regulations a requirement that an adjudicated incompetent person could receive a sterilization procedure which he or she had requested—and which had been unanimously approved by a review committee—only if the court of competent jurisdiction also approves such procedure.

Mr. President, I ask unanimous consent that the text of my correspondence with Secretary Weinberger on the sterilization regulations be printed in the RECORD at this point.

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

COMMITTEE ON
LABOR AND PUBLIC WELFARE,
Washington, D.C., February 8, 1974.

HON. CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR CAP: I am writing to express some serious concerns I have with the Department's regulations on the subject of voluntary sterilization, published on February 6, 1974, and now held in abeyance for 30 days pending a determination in the Relf/N.W.R.O. case. These regulations are in two parts: (1) for health services projects under Public Health Service Act title X and other authorities and Social Security Act title V (part 50); and (2) for public assistance programs under Social Security Act titles IV, VI, and XIX (part 205).

1. *Approval of Review Committee Membership:* My most serious concern is with the failure of the part 205, the so-called S.R.S., regulations to provide for the same Secretarial certification process, as required in part 50 (§§ 50.205(a) and 50.208(a)) for health services projects, to approve the nature of representation on the local Review Committee ("that the Committee meets the criteria for Committee membership established in this section"). Given the extreme sensitivities and suspicions surrounding this subject area, I deem this Secretarial approval process absolutely essential to ensure that the Review Committee deliberations will in fact be characterized by a diversity of viewpoints, impartiality, and sensitivity to the needs and concerns of the individual patient.

Given the circumstances of the Relf/N.W.R.O. case, the Wyatt case, and other allegations made with respect to the predisposition of some welfare departments and officials to see sterilization as a means of limiting the size of their welfare caseload, I believe that an S.R.S. responsibility "to enforce such membership requirements through existing compliance procedures" (as expressed in your commentary on the regulations on page 9) provides no real assurances against abuse under all the circumstances prevailing in this situation.

I find it absolutely imperative that the same secretarial certification procedure be applied to Review Committee composition in the public assistance programs. Indeed, it may well be even more necessary there.

I say this with appreciation of the principle which I believe underlies the difference between the two sets of regulations on this point: namely, that in true Federal-State programs, such as public assistance and Medicaid, the amount of direct Federal intervention after approval of a State plan and compliance review should generally be kept to a minimum and be clearly justified in terms of the needs in a particular situation or to carry out a Congressional program mandate. In this case, however, I believe that application of this general principle leads inescapably to the conclusions that, in this field so fraught with extreme sensitivities, a further Federal role is essential to achieve the extremely strong Federal policy against permitting any unfair, or even slightly coerced, sterilization.

I, therefore, strongly urge that the guidelines to be issued under part 205 specify that the procedure of prior submission of membership names and Secretarial certification as to the composition of Review Committees, as set forth in §§ 50.205(a) and 50.208(a), will apply to part 205 programs. In addition, it is extremely important that you specify further than the same Regional and Headquarters staff reviewing and submitting recommendations to you on compliance with the regulatory criteria be the same individuals doing so under the part 50 regulations. It would be not only duplicative and, therefore, wasteful for there to be a separate S.R.S. review process, but also potentially causative of differing interpretations of the criteria (which are identical in the two sets of regulations). The whole reason for establishing the Office of the Deputy Assistant Secretary for Population Affairs in Public Law 91-572 (sections 3 and 4) was to avoid any such contradictions and to provide for maximum coordination of policies and procedures in Federally-funded projects and programs.

The procedure I am suggesting could, of course, be amended into the regulations themselves as part of § 205.35(c), or be issued as guidelines pursuant to that subsection.

2. *Initial Recommendation of Review Committee Membership:* For all of the reasons discussed under point 1. above, and particularly because of the perception that many welfare departments and officials are considerably more oriented toward limiting welfare rolls than protecting or respecting human rights and liberties, I believe it is most unwise to leave totally to the discretion of welfare agencies under part 205—or, indeed, to health services or family planning projects under part 50—responsibility for proposing to the Secretary the composition of the Review Committee. This is manifestly the case if there is no Secretarial certification, as at present, for the S.R.S. part 205 regulations—a deficiency discussed at length above.

An acceptable and workable alternative might be to require that the initial Review Committee composition be proposed to the Secretary by the welfare agency—or services project—in question jointly with the local or state human rights agency. This would enhance both the quality and sensitivity of the persons being recommended as well as the appearance of fairness in the selection process.

3. *72-Hour Delay to be Applied to Non-Emergency Therapeutic Sterilization:* I think there is a relatively easy answer to the concerns expressed that the definition of "nontherapeutic sterilization" in the regulations (§§ 50.202(b) and 205.35(a)(2)(iv)) might permit pressure on a patient to accept a sterilization. Such a possibility could be rendered extremely remote by applying the 72-hour delay period to the informed consent regulations for non-emergency therapeutic sterilizations (§§ 50.203(b) and 205.35(a)(1)(iii)). (In this connection, I recognize that the full protections of the written informed consent requirement have been applied under the published regulations to therapeutic sterilizations of a non-emergency nature (§§ 50.203(b) and 205.35(a)(1)(ii)).)

4. *Attempt to Secure Federal Court Review:* I recommend that §§ 50.208(d) and 205.35(a)(5)(iii) be amended to provide, as to the court determination of the Review Committee determination and procedure for a person legally incapable of giving consent:

"The Committee shall seek such a determination from the appropriate U.S. District Court, the determination of which shall be binding. If such a determination is not secured because of a finding of lack of Federal judicial jurisdiction in a particular case, such a determination may be sought from the appropriate State court of competent jurisdiction."

Again because of all the sensitivities involved in these questions, because applica-

tion of Federally-prescribed standards and procedures is entailed, and because Federal Constitutional questions might well arise, I think that it is extremely important that Federal District Court jurisdiction be sought. In view of the Federal nature of the questions involved, a body of Federal case law and precedent in this area would provide greater uniformity and hence predictability for Review Committee operations around the country.

5. *Appointment of a Guardian Ad Litem:* I also recommend in connection with the court determination that the following sentence be added following the addition recommended in point 3 above:

"The petition filed in court shall seek the appointment of a guardian ad litem, in accordance with appropriate court rules and procedures, to protect the interests of the individual whose reproductive rights are sought to be curtailed."

I think that the appointment of such a guardian would be most helpful to establishing that a "case or controversy" does in fact exist in order to secure Federal judicial jurisdiction, and would provide an additional, necessary check to protect the potential patient's reproductive and other rights. I believe it is a fiction to hold that the Review Committee determination to proceed with a sterilization is in fact not adverse to certain rights and interests of the individual who is, in these instances, legally incapable of choosing to give up these rights.

6. *Sterilization Permitted Without Parental Consent for Minors Only when Legally Married:* Since I believe the principal reason that you have provided for the rare contingency of a sterilization of an individual under age 18 without the consent of the parent (in §§ 50.203(c) and 205.35(a)(5)(ii)) is to permit the sterilization of a young adult married person, I recommend that you specifically so limit the exceptional circumstances, that is, to an individual legally married under applicable state law. This limitation would avoid the difficulty of trying to define in the regulations "emancipated" (the other term which might be applied as a limitation), and make clear the precise circumstances under which it is contemplated that sterilization of a "child" over parental objection—a proposition I find distasteful even to postulate—would be permissible.

Thank you for your prompt attention to these recommendations. I would appreciate a reply at your earliest convenience.

Best regards.

Sincerely,

ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 20, 1974.

Hon. ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources, U.S. Senate, Washington, D.C.

DEAR ALAN: Thank you for your letter of February 8 concerning the sterilization regulations which were published in the Federal Register of February 6, 1974.

As you are aware the regulations have been deferred till March 8 pending resolution of certain legal questions.

During the Department's intensive review of public comments, both following publication of the guidelines on July 19, 1973 and following the issuance of the preliminary regulations on September 21, we gave careful consideration to each of the issues mentioned in your letter. I wish to assure you, however, that the regulations are not "cast in concrete" and they remain open to discussion and review.

I have instruoted Dr. Louis M. Hellman, Deputy Assistant Secretary for Population Affairs, to keep in touch with your office regarding the sterilization regulations.

Thank you for your continuing interest in these important issues. Please feel free to call on me at any time.

Sincerely,

CAP,
Secretary.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., January 21, 1975.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR CAP: Recent reports of violations of the Department's regulations governing sterilization procedures in cases of Federal reimbursement raise most substantial questions about the effectiveness of H.E.W. implementation of those regulations and its activities to oversee compliance. As you will recall, I have worked closely with your office in the development of these regulations over the last year.

In a matter so closely identified with fundamental individual rights under the Constitution, I believe extraordinary steps are warranted on the part of H.E.W. to ensure the widest possible compliance with existing regulations and those ultimately worked out in connection with the *Relf* case.

First, I urge that emergency steps be taken to bring the regulations to the attention of every hospital and every obstetrician throughout the nation, both directly and through the national organizations representing them. State officials responsible for administering Social Security Act title XIX or title V, or coming into contact with programs supported under title X of the Public Health Service Act, should be contacted immediately by appropriate H.E.W. regional officials to ensure that appropriate State officials are fully aware of the regulations and that their assistance and cooperation is secured in the process of ensuring compliance by practitioners and health facilities within the State.

Second, it is my understanding that the Department had planned, upon final promulgation of the final, stricter regulations, to institute a nationwide surveillance program conducted as part of the Center for Communicable Disease's ongoing surveillance of the status of public health generally. The information reported by the Nader Health Research Group, and the report that Dr. Hellman has generally confirmed much of it, indicates that further delay in implementing this surveillance program may seriously impair the nation's ability to guarantee individual rights of patients, and to ensure that any sterilization procedure is performed only with competent, full, and informed consent and with a clear understanding that eligibility for any Federal or other program cannot be jeopardized by a patient's decision with respect to sterilization.

In addition, I urge that Departmental activities in developing and improving the guidelines governing sterilization procedures be made a first priority.

I note in this regard that I can understand the difficulty in establishing a compliance mechanism occasioned by the fact that medical procedures reimbursed under Medicaid are not presently identified by disease category or by the therapy which was followed—surgical or otherwise. It may well be necessary and feasible to require the States to provide details to the Department regarding certain medical procedures where more data would be beneficial for scientific research or, as in the case of sterilization procedures, to protect individual rights, or for another compelling reason. Of course, every safeguard would have to be followed to ensure full protection of patient confidentiality.

Your comments on the feasibility of requiring the States to provide more detailed information in seeking Medicaid reimbursement from the Federal government would be very helpful.

Cap, I consider this a matter of considerable urgency, and would, therefore, appreciate an expedited response on the points discussed in this letter as well as your keeping the Subcommittee advised on a continuing basis of any actions which are taken to finalize the Department's regulations and to ensure compliance with them.

With every good wish.

Sincerely,

ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 14, 1975.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR ALAN: Please accept my apology for the delay in responding to your letter of January 21 concerning recent reports of violations of this Department's regulations governing sterilization procedures in federally funded family planning programs. I share your concern that the regulations must be fully complied with and that adequate monitoring procedures must be in place to ensure such compliance. I would like to tell you what steps we have already taken and those we plan to take in this regard.

As you know, the March 15, 1974, order of the United States District Court in *Relf* v. *Weinberger* and *National Welfare Rights Organization* v. *Weinberger* specifically required that the Departmental regulations be amended to provide that any person seeking sterilization be advised at the outset, and prior to the solicitation or receipt of his or her consent, that no benefits provided by programs or projects receiving Federal funds may be withdrawn or withheld by reason of his or her decision not to be sterilized, and that such advice must appear prominently at the top of the consent document. The Departmental regulations were amended on April 18 to carry out the Court's mandate in this regard.

On April 18 interim regulations were published, and Mr. James S. Dwight, Jr., Administrator of the Social and Rehabilitation Service (SRS), sent the interim regulations to each State agency which administers programs that include family planning services under the social services and medical assistance titles of the Social Security Act, notifying them of the requirements of the moratorium and the just-issued regulations. At the same time, the Public Health Service (PHS) advised each of its 10 Regional family planning service directors of the terms of our requirements and instructed that they immediately notify each diretcor of the some 300 family planning projects funded under the PHS program.

Shortly thereafter preprinted plan amendments were sent by SRS to each State so that the States could formally conform the provisions of their State plans under titles IV–A, VI and XIX of the Social Security Act to the requirements in the regulations. Regional Office staff have reviewed the plan amendments which have been submitted by the States, identified those States which report that there are legal barriers which prevent their full compliance with the regulations, those States which have failed to submit the required plan material and those States which do not appear to have notified providers of the requirements of the regulations. Based upon material submitted by Regional Office staff, necessary administrative action is being taken at Headquarters to bring States into compliance with the require

ments of the regulations. Additionally, Regional Office staff have contacted the States to make sure that appropriate State officials are aware of the regulations and the importance of complying; through onsite field trips and telephone and written communications, Regional Office staff are working with the States to overcome barriers to the proper implementation of regulations.

With respect to the family planning projects under the PHS program, action has also been initiated to determine the adequacy of compliance wtih the regulations. Spot checks of the projects disclosed that compliance was uneven. The projects were using various, and in some instances quite different written forms for consent, and a significant number of these did not sufficiently reflect this Department's requirements as expressed in the regulations. As a result of the spot checks, the Office of Population Affairs of PHS has developed a prototype consent form with the advice of medical service professionals both inside and outside the government. A draft of such a form has been prepared and is presently under consideration. You are welcome to have a copy of the present draft if you wish to see it. This consent form, when approved, will be sent to each family planning service project so that the consent forms and procedures will be consistent. The Office of Population Affairs will follow up with the projects to determine that the consent form, or an acceptable equivalent which meets the requirements of the regulations, is being used by each project. SRS will make this same form available to the various State agencies administering welfare service programs as an example of a form which can be used to meet the requirements of the regulations.

At the same time, SRS will continue its efforts to impress upon the State agencies their responsibility to assure that the providers comply with the Federal requirements. Where deficiencies are found as a result of these efforts, we will also act to assure that they are corrected and, as necessary, will take appropriate action.

The second concern expressed in your letter is that the Department should have an adequate nationwide surveillance program to further ensure compliance with the regulations. We are presently in the process of developing a data reporting system to fulfill this need. We hope that all or part of it can be implemented prior to the final decision in the pending litigation defining the circumstances in which sterilizations can be federally funded.

Again, let me express my appreciation for your letter and for your concern. I have directed my staff to keep your office advised of the additional steps as they are developed to implement the Departmental regulations.

Sincerely,

CAP,
Secretary.

COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., March 7, 1975.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR CAP: Since my letter to you of January 21, urging immediate steps by H.E.W. to implement the regulations governing sterilization procedures for mentally competent adults, I have had an opportunity to review the Health Research Group report "Sterilization Without Consent: Teaching Hospital Violations of H.E.W. Regulations".

That report lists all the hospitals covered in the study undertaken by the Research Group. I believe the Department is obliged to review immediately the situation at each of the hospitals listed in the report, and I would apprepciate your advising me of the result of your review at your earliest opportunity.

Closely related to the Research Group report is a study by Dr. Bernard Rosenfeld, a physician-researcher in Los Angeles. He surveyed attitudes in major hospital centers throughout the country towards patients on whom sterilization procedures are performed as well as the degree of compliance with the H.E.W. regulations governing sterilization of mentally competent adults.

Enclosed is a list of some twenty hospitals where Dr. Rosenfeld's study was made, as well as a copy of his letter to me for your information.

Also enclosed are copies of a series of articles, based on his findings, published in the *Los Angeles Times* last December, which describe serious violations of the regulations as well as unethical behavior on the part of the staff of the hospitals.

I would appreciate your immediately reviewing the procedures followed at the twenty hospitals in question to ascertain the degree of compliance with the regulations and taking any action which is appropriate as a result of your review.

Please let me know the result of your study on each report as soon as it is completed.

With best wishes and many thanks for your continuing cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources.

Mr. CRANSTON. Mr. President, the second issue which has merited the committee's close attention is the administration's consistent effort to consolidate family planning projects at the State level. Just 1 month ago, Senator WILLIAMS joined me in writing to Secretary Weinberger outlining our objections to the sometimes arbitrary fashion in which efforts have been made to bring about these consolidations. I have recently received what I consider a far from satisfactory reply from the Secretary.

I ask unanimous consent Mr. President, that the full text of those letters be inserted in the RECORD at this point.

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

COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., March 7, 1975.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: We were very concerned upon reading the statement in your press release dated February 3, 1975, accompanying the Fiscal Year 1976 H.E.W. budget request:

"Beginning in 1975, a number of existing family planning project grants will be consolidated and will be awarded as single project grants made directly to the State governments rather than directly to individual grantees. The consolidation will give States a greater opportunity to decrease administrative overhead costs since some functions can now be conducted centrally rather than by each individual grantee. Such savings also can help to offset the proposed reduction in Federal funds for project grants."

Last year the Department's efforts to consolidate family planning project grants into single grants to state agencies was the subject of a number of meetings between representatives of your office and representatives of the members of the Committee on Labor and Public Welfare.

At those meetings our grave reservations as to the deleterious effect of adding an additional level of government to the grants process was made very clear. In addition, we expressed considerable concern that a substantial portion of the project grant funds would be diverted to state administrative costs rather than being used for the purposes for which they are intended. In some cases, it had been brought to our attention that those states, which the Administration proposed to designate as recipients of single project grants, did not have staff with the experience to administer or provide direction to family planning programs.

As a result of that meeting, an agreement was reached and confirmed in a letter dated May 31, 1974, from Stephen Kurzman, H.E.W. Assistant Secretary for Legislation, which stated:

"3. In the future, prior to the final sign off in the regional office of any grants awarded which would further consolidate family planning projects, the Regional Health Administrator would advise the Deputy Assistant Secretary of his plan to award a consolidated grant, giving the Office of Population Affairs opportunity to review the decision and comment on it; the opportunity to review does not give authority to override the Regional Health Administrator's decision prior to his sign off;

4. The Deputy Assistant Secretary would continue to have the authority to override such a consolidation after the fact if it was determined to be unwarranted."

Congressional doubts as to the benefits to be derived from consolidation of project grants at the state level were stated clearly in the House Committee Report (No. 93-1161) on H.R. 14214, the Health Revenue Sharing and Health Services Act of 1974. That report stated on page 19:

"A systematic attempt by HEW to consolidate local project grants under the control of state agencies and to shift a large part of the administrative responsibilities and of the decisions as to resource allocations to these state agencies would be contrary to the intent of the law."

The Joint Explanatory Statement accompanying the Conference Report (No. 93-1311) on that legislation reaffirmed that position, referred to and quoted from the letter from Assistant Secretary Kurzman, and, in addition, stated:

"The conferees believe the objective enunciated in the third progress report on the five-year plan submitted in April, 1974 ("consolidating projects to encourage State agencies to take responsibility for grants administration and to obtain the benefits of economies of scale . . .") is in direct opposition to the project grant approach authorized by title X.

"The conferees agree that since family planning services projects are established to meet the needs of the residents of the community, consolidation at the State level, and particularly through a State agency, would place an unnecessary barrier between the administration of the program and the individuals it seeks to serve."

The Senate Committee Report accompanying S. 66, which includes provisions identical to those in H.R. 14214, and which was ordered reported from Committee, reemphasizes this position and, in addition, specifically notes with disapproval the statement in the press release accompanying the 1976 H.E.W. budget request.

The legislative history we have summarized clearly shows that, whereas Congress has not ruled out consolidation of individual grants in rational catchment areas where such consolidation would improve program management and operation, arbitrary con-

solidation into state grants is in direct contravention of Congressional intent.

In view of this history, we urge that your office advise the appropriate Committees of Congress of all proposed consolidation efforts and the appropriate members of both Houses of Congress of proposed consolidation efforts in the geographic area which they represent, prior to taking steps to effect such consolidations. Such notification should include the Department's justification for proposing the consolidation as well as findings that the state has demonstrated a capacity to administer the program in a way superior to the original project sponsors. Since many of these decisions are made at the regional office level under general policy direction from your office, we would appreciate your notifying your regional representatives of this suggestion and requesting their compliance.

Despite the consistent expressions of Congressional reservations about proposals to shift responsibility for administering family planning services programs to the state agencies, the Department has continued to move in this direction unilaterally. Although we believe we must achieve every economy possible in administering title X family planning programs, at the same time we believe that we must ensure that such economies are not achieved on the basis of administrative convenience for the Department rather than on the basis of program improvement.

We look forward to hearing from you on this recommendation.

With best wishes.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare.

ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 3, 1975.

HON. ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for letter of March 7 concerning the consolidation of family planning project grants funded under Title X of the Public Health Service Act. As you are aware, this Department has consistently attempted to improve the efficacy and efficiency of all health service programs which it administers either directly or through grants and contracts. Such emphasis to assure maximum utilization of tax resources—especially in these times of fiscal stringency—is, I trust, shared by you and all the members of the Committee on Labor and Public Welfare.

For the family planning program in particular, we take considerable pride in the broad nationwide coverage it has achieved and the large number of individuals served through our family planning service programs. This program is a commendable example of what can be accomplished through Federal, State and local cooperation and with very significant participation by the private sector. Moreover, in this period of financial constraints the services available through the family planning program have continued to increase. Part of this can be attributed to the greater efficiency and coverage achieved through consolidation efforts.

As you know, Title V of the Social Security Act also supports family planning activities in addition to those supported through Title X of the Public Health Service (PHS) Act. Beginning July 1, 1974, the Title V statute required the State to assume responsibility for a program of projects, including family planning. Funds which previously went to various types of individual projects became a part of the Formula Grant to State for Maternal and Child Health activities. In addition, the law required the State to have a plan whereby family planning services are available to mothers in all parts of the State by July 1, 1975.

Title X PHS-supported project activities cannot be and are not operated independently of such other legislative requirements. In the past, many projects have received joint funding from both Titles V and X and this situation continues now, even though Title V funds are awarded solely through State agencies. It is our intention to continue to promote the optimal operation of all projects supported by Federal funds. Where appropriate, this has resulted in smaller projects being consolidated to provide access to other funding sources.

I regret that the statement accompanying this Department's 1976 Fiscal Year budget request was misleading. The statement indicated that consolidation of family planning grants would begin in 1975 and that grants would be in the form of single awards to official State agencies. Actually the bulk of consolidation of family planning services grants took place in prior fiscal years. Also there is no intention that official State agencies be the only vehicle for consolidation. However, it is necessary that State agencies carry out their federally mandated responsibilities and that they be involved in planning for the improvement and expansion of services since they are the only conduit for Social Security Act Title V family planning funds.

Dr. Hellman advises me that the agreement delineated in Mr. Kurzman's letter to you dated May 31, 1974, is being followed. Subsequent to this agreement, all regional offices were notified of the policy and reminded of it on a continuing basis, again, as recently as March 11, 1975, when Dr. Hellman met with all Regional Health Administrators to re-enforce the importance of adhering to this review process during the consolidation of any family planning service projects.

In view of the fact that the family planning program is operating very satisfactorily, we do not believe that your proposal to modify the procedure in effect with respect to grant consolidation is necessary.

Sincerely,

CAP,
Secretary.

Mr. CRANSTON. Mr. President, I ask unanimous consent that appropriate excerpts from the committee report on the family planning provisions be printed in the RECORD at the close of my remarks.

CONCLUSION

Mr. President, I believe this bill addresses some of the most urgent categorized health services problems facing the Nation today. I would like to express my support for this legislation and my admiration for the leadership and imagination which the chairman of the Subcommittee on Health (Mr. KENNEDY) has brought to the development and consideration of this legislation. He has been, as always, very ably supported in these efforts by the chairman (Mr. WILLIAMS) and the ranking minority member (Mr. JAVITS) of the Committee on Labor and Public Welfare, and by the ranking minority member of the Subcommittee on Health (Mr. SCHWEIKER). They have brought their special insights and experience to bear on the important issues covered in the legislation. I would also like specially to thank for their help to me and my staff, Stan Jones, Leroy Goldman, and Jay Cutler of the majority and minority professional staffs, respectively, of the Health Subcommittee, and pay special tribute to Jon Steinberg and Louise Ringwalt for their fine staff work for me on this measure.

There being no objection, the excerpts from the committee report were ordered to be printed in the RECORD, as follows:

PART B. FAMILY PLANNING

BACKGROUND

Until the 1960's, public attitudes toward family planning were characterized by ignorance or silence. Medical family planning services were generally available only to those who could afford them through private physicians and clinics. In recognition of this fact and the role that birth spacing played in prevention of birth defects and maternal illness, the broad authority of title V of the Social Security Act, was used to provide Federal support for family planning services for the poor. In addition to the services provided through maternal and child health formula grants and maternal and infant care project grants, low income people received *family* planning services through the Economic Opportunity Act of 1964.

Neither of these legislative authorities, however, gave special emphasis to family planning and there was no national focus on the field until the passage of the Social Security Amendments of 1967 (P.L. 90-284), which included the Child Health Act of 1967, the first Act to establish a special project grant authority for family planning services. That Act, furthermore, required that not less than six per centum of the funds appropriated for Maternal and Child Health under title V be obligated for family planning services. In the same year, the Economic Opportunity Amendments of 1967 established family planning as a special emphasis program of the Office of Economic Opportunity. The amendments to these Acts formed the basis for Federal policy with regard to family planning, a policy which emerged from the earlier recognition of the health benefits associated with family planning services and the desire to provide access to these benefits to those who had been denied such access.

In 1968, President Lyndon Johnson appointed a Committee on Population and Family Planning asking the Committee:

To determine ways of providing meaningful information to the Nation about population change and assuring that its significance will be understood by the rising generation;

To define the Federal Government's direct role in research and training in population matters;

To define the responsibility of the Federal Government, in cooperation with State, community, and private agencies in assuring that all families have access to information and services that will enable them to plan the number and spacing of their children; and

To suggest actions the United States should take in concert with other countries and with international organizations to help the developing countries of the world to understand and to deal effectively with their high rates of population growth.

That committee responded to the President's questions by recommending that:

The Federal Government rapidly expand family planning programs to make information and services available by 1973 on a voluntary basis to all American women who want but cannot afford them;

The Department of Health, Education, and Welfare and the Office of Economic Opportunity develop specific five-year plans for their population and family planning programs;

The Office of Education provide significant

assistance to appropriate education agencies in the development of materials on population and family life;

The United States continue to expand its programs of international assistance in population and family planning as rapidly as funds can be properly allocated by the U.S. Government and effectively utilized by recipient countries and agencies;

Experienced specialists from other countries be invited to serve on advisory groups for both our domestic and international programs; and

The newly established Center for Population Research accelerate the Federal Government's research and training programs in both the biological and social sciences and that within two years the Center be expanded into a National Institute for Population Research, established by act of Congress.

The recommendations of that Committee formed the basis for subsequent Federal activities in the area of family planning services and population research and education.

Federal activity in the area of population was focused in the Center for Population Research, established within the National Institute of Child Health and Human Development in 1968. The Center, with funds appropriated under Section 301 of the PHS Act, sponsors research in contraceptive development, medical effects of contraceptives, human reproduction, and the social sciences including demography.

The growing Federal commitment toward direct provision of family planning services was embodied in the establishment, in October, 1969, of the National Center for Family Planning Services in HEW's Health Services and Mental Health Administration. The creation of the NCFPS, to administer the family planning funds appropriated under title V of the SSA, reaffirmed the traditional Federal position that family planning services should be made available to those who desire such services, but because of income or other circumstances, are denied access to such services.

In 1970, a major new Congressional initiative in the fields of both population research and family planning was launched. The result was enactment of S. 2108, the Family Planning Services and Population Research Act of 1970 (P.L. 91–572). The Act's intent was to greatly expand the availability of voluntary family planning services with priority on low-income individuals. The Family Planning Act of 1970 amended the PHS Act by adding to it a new title X. The new title X provided authority to the Secretary of HEW to award project grants and contracts to entities establishing and operating voluntary family planning projects (sec. 1001). It also authorized (sec. 1002) a limited formula grant program to support the planning, establishment, maintenance, coordination and evaluation of family planning services offered by State health authorities. It should be noted that funds have never been requested by HEW or appropriated for this formula grant program. Training related to individual and State projects in family planning was provided for in a specific authorization (sec. 1003). The grant and contract authority and authorizations for appropriations for research in family planning and population was enlarged, and new authority (sec. 1004) was provided for the development and distribution of informational and educational materials pertaining to family planning and population growth. Specific provisions were also included in the new title X to insure that participation in family activities would be completely voluntary (sec. 1007)—a principle consistently adhered to with regard to Federal support of family planning services—and that none of the funds appropriated under the title would support programs using abortion as a method of family planning (sec. 1008).

The ACT (P.L. 91–572) contained two other major provisions. One called for the establishment of an Office of Population Affairs within HEW to be headed by a newly created and appointed Deputy Assistant Secretary for Population Affairs. The other called for the formulation by HEW of a five-year plan for accomplishing the objectives of P.L. 91–572. The Five-Year plan was to include an indication of the number of individuals to be served by family planning programs for which the Secretary of HEW has responsibility, the type of informational and educational material to be developed, plans for its distribution, the focus and objectives of Federally supported population research and training to be supported under title X, and an estimate of the costs and personnel requirements needed to meet the objectives of the Act and title X. A provision was also included calling for the establishment of a reporting system for gathering comprehensive data on family planning services administered or supported by HEW. The data gathered by this system was to serve as the basis for HEW's evaluation of the family planning services being provided.

Each year for the five years following formulation of this plan, the Secretary was required to submit a report to Congress. Each report was to include a comparison of the results achieved in the preceding year with the objectives established for such year by the plan and was to indicate the steps projected for implementing the plan in its remaining years. The Secretary was also to report on revisions in the plan and to make recommendations for additional legislative or administrative action necessary for carrying out the plan.

The first funds to be appropriated under the new title X of the PHS Act became available in fiscal year 1971. Regulations governing project grants were published in September 1971. The appropriation was small, less than one-tenth the amount authorized, and served primarily as developmental money for a limited number of project grants.

In October, 1971, the Five-Year Plan was submitted. It provided the basis for directing programs, authorized by title X and other appropriate laws for which the Secretary has responsibility, toward reaching the goals set forth in that plan.

The plan set forth goals in four basic areas: population research, family planning services, training, and education.

In research, the plan described three areas requiring attention: The development of improved methods of fertility regulation, including the improvement of contraceptive technology and the control of infertility; studies of biologic and genetic implications of contraceptive use; and investigations of the social science aspects of population problems.

In services, the plan projected at its goal making family planning services available by 1975 to the estimated 6.6 million women who wanted such services, but could not afford them.

In training, the plan estimated that 90,000 family planning personnel would be needed by fiscal year 1975, and, in addition, 6,000 to 8,000 physicians.

In education, the plan defined the goal as an educational program which would help individuals to plan their families effectively and to be aware of the effects of population change on the individual and on society.

With an appropriation ten times that of the preceding year, it was possible in fiscal year 1972 to begin widespread title X support for family planning services. Administrative authority for distributing this funding was vested in the National Center for Family Planning Services (NCFPS) which had been established earlier. Revised regulations governing project grants and new regulations for training grants were also published in 1972. As a result of these developments, by the end of fiscal year 1972, 271 projects were being funded with monies authorized under title X. These increases took place, in part, as family planning services under title V of the Social Security Act decreased.

Since 1972, actual support for family planning programs has been frozen at the same level. The increase in appropriation levels has reflected mainly the administrative transfer to HEW of family planning projects previously funded under the Office of Economic Opportunity's special emphasis program. Each year, since 1972, large numbers of OEO family planning projects came under the administration of HEW and the funds for these projects were appropriated under title X instead of the Economic Opportunity Act. Table A provides a budget history of title X.

TABLE A.—FAMILY PLANNING SERVICES, PHS ACT, TITLE X

[In millions of dollars]

Fiscal year and grant program	Authorization	Budget request	Appropriation	Obligation	Outlays
1971:					
Project grants, sec. 1001	30.000	[1] 6.000	6.000	0	0
State formula grants, sec. 1002	10.000	0	0	0	0
Training, sec. 1003	2.000	0	0	0	0
Research, sec. 1004 [2]	30.000	0	0	0	0
Information and education, sec. 1005	.750	0	0	0	0
Total	72.750	6.000	6.000	0	0
1972:					
Project grants, sec. 1001	60.000	55.000	55.500	61.467	15.844
State formula grants, sec. 1002	15.000	0	0	0	0
Training, sec. 1003	3.000	3.000	3.000	2.988	.17
Research, sec. 1004 [2]	50.000	2.615	2.615	2.586	.287
Information and education, sec. 1005	1.000	.700	.700	.686	.50
Total	129.000	61.815	61.815	67.727	16.198
1973:					
Project grants, sec. 1001	111.500	111.500	111.500	79.500	87.570
State formula grants, sec. 1002	20.000	0	0	0	0
Training, sec. 1003	4.000	3.000	3.000	2.991	2.536
Research, sec. 1004 [3]	65.000	2.615	2.615	2.507	2.054
Information and education, sec. 1005	1.250	.909	.909	.600	.347
Total	201.750	118.024	118.024	85.565	93.507

Footnotes at end of table.

TABLE A.—FAMILY PLANNING SERVICES, PHS ACT, TITLE X—Continued

[In millions of dollars]

Fiscal year and grant program	Authorization	Budget request	Appropriation	Obligation	Outlays
1974:					
Project grants, sec. 1001	111.500	[3] 124.909	94.500	[3] (124.909)	(117.674)
State formula grants, sec. 1002	0	0	0	0	0
Training, sec. 1003	3.000	3.000	3.000	(3.000)	(4.230)
Research, sec. 1004 [2]	2.615	2.515	2.515	(2.515)	(2.286)
Information and education, sec. 1005	.909	.600	.600	(6.00)	(.494)
Total	118.024	[3] 131.024	100.651	[3] (131.024)	(124.684)
Total, existing law	521.524	316.863	286.454	(284.316)	(202.183)
1975:					
Project grants, sec. 1001	150.000	94.500			
State formula grants, sec. 1002	0	0			
Training sec. 1003	4.000	3.000			
Research, sec. 1004 [2]	60.000	2.515			
Information and education, sec. 1005	1.500	.600			
Total	215.000	100.615			
1976:					
Project grants, sec. 1001	175.000				
State formula grants, sec. 1002	0				
Training, sec. 1003	5.000				
Research, sec. 1004 [2]	75.000				
Information and education, sec. 1005	2.000				
Total	257.000				
Total, S. 66	472.500				

[1] Supplemental appropriation requested with availability until the end of fiscal year 1972.

[2] Sec. 1004 funds have not been used to support basic research on family planning and population growth. Funds authorized under the broader authority of Public Health Service Act sec. 301 have been used for this purpose and are reflected in related obligations, National Institute of Child Health and Human Development, set forth below.

[3] Includes $30,409,000 of released, impounded 1973 money.

FAMILY PLANNING SERVICES, RELATED OBLIGATIONS

[In millions of dollars]

Fiscal year	Social Security Act title V project grants for services	Office of Economic Opportunity	National Institutes of Child Health and Human Development, PHS Act, sec. 301 Population Research	Total
1971	31,285	23,800	28,400	103,485
1972	27,000	24,000	40,000	91,000
1973	19,000	15,000	38,800	73,800
1974	19,000		51,100	70,100
1975		[1]	45,900	

[1] Transferred to formula grants.

In fiscal year 1973, about 400 family planning services project grants and approximately 3300 clinics were supported by funds appropriated under section 1001 of the PHS Act. These projects provided services to an estimated 1.3 million women, up from 860,000 in fiscal year 1971 and 1.05 million in fiscal year 1972. By the end of fiscal year 1974, there were 282 project grants and over 3500 clinics serving upwards of two million women. The decrease in the number of project grants between fiscal years 1973 and 1974 is due to the HEW policy of consolidating numbers of small clinics under one grant. The grantee is a public or private, State-wide or substate coordinating agency, with which the individual clinics contract to provide services in their localities.

The individual projects receiving support vary considerably in the number of clinics they contract with and in the size and characteristics of the population and geographic areas they serve. Programs offer both social services and medical services. The social services include counseling which is often based on the informational and educational materials prepared by HEW under section 1005 of the PHS Act. The medical services provided include general medical examinations, pelvic and breast examinations, pap smears and other diagnostic laboratory tests, as well as the provision of infertility services and contraceptives. In addition to being of specific utility in dealing with the medical aspects of family planning, the medical services provided are of major value as a source of preventive health care for women of childbearing age.

As family planning centers have developed and become fully operational, the cost per patient visit has been reduced, further optimizing the benefits obtained from funds provided to individual projects. Although family planning services have continued to expand and demonstrate their effectiveness and value, it appears that certain population groups requiring these services are not being reached. These groups include teenagers, especially males, emotionally ill persons, and American Indians. The problem of reaching these individuals is being pursued through various educational programs conducted with funds authorized by section 1005 of title X.

In efforts to expand the accessibility of family planning services to these currently underserved groups, there must be strict adherence to the statute's mandate that all family planning services may be provided only on a voluntary basis and with full and informated consent. In reaching these new groups, which have been underserved in the past, the Committee believes that provision of contraceptive services should be preceded by counseling about the consequences and significance of a decision to use contraceptives.

In the process of such counseling, the Committee believes that unmarried teenagers, where feasible, should be encouraged to involve their family in their decision about use of contraceptives.

It is estimated there are at least 3 million individuals wishing family planning services but unable to obtain them either due to economic reasons or the inaccessibility of the services. Many rural areas still do not have easily accessible family planning services.

The broad authority for family planning services contained in title X is designed to insure that these services are available to persons of all incomes who want them but would not otherwise be able to obtain them. Because family planning services have been particularly inaccessible to low income women, priority attention has been given to serving this particular disadvantaged group by Congressional enactment of specific legislative authorities to supplement title X: amendments to title IV–A, Aid to Families With Dependent Children (AFDC), and title XIX of the Social Security Act. These changes, contained in the Social Security Amendments of 1972 (P.L. 92–603), made it mandatory under title IV–A for States to offer and provide voluntary family planning services to AFDC recipients who are of childbearing age; increased the Federal matching share under title IV–A; made family planning a mandatory benefit under title XIX; and increased the Federal share for family planning services under title XIX.

An almost total revamping of the social services provisions of the Social Security Act was enacted in P.L. 93–647, the Social Services Amendments of 1974, which created a new title XX of that Act reshaping and replacing much of the title IV–A social services provisions. The provisions will take effect October 1, 1975.

The new title XX contains all three key family planning provisions which are part of the current title IV–A legislation; a priority federal matching rate of 90 percent (all other services are matched at 75 percent) established in 1972; the requirement that states must provide family planning services under their social services and welfare programs; and a one percent penalty of state AFDC payments for non-compliance with the statutory requirements established by the 1972 Social Security Amendments.

Section 1003 of PHS title X provides specific authorizations for appropriations for training grants and contracts for training of personnel to carry out family planning services programs. 16,200 personnel have been trained in fiscal years 1972 through 1974, and it is projected that 6200 will be trained in fiscal year 1975. These trainees represent all elements of the family planning clinic staff with special attention being given to regional and local staff priorities in the establishment of training programs.

The Special Subcommittee on Human Resources heard compelling testimony on the contributions made by nurse midwives to more responsive and effective family planning services. The Committee urges the Department to encourage the development of training programs for these highly trained and specialized nurses under all appropriate training authorities.

Section 1004 of title X provides specific authorization for appropriations to promote and support research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population policy. General authority for conducting biomedical research on family planning and population growth was already contained in section 301 of the PHS Act when title X was added to this Act in 1970. HEW chose to use the appropriations made under section 1004 for delivery oriented, or operations, research. This is research of an evaluational nature so that, rather than increasing basic information about population growth and the biomedical aspects of family planning, it focuses on modes of operation and administration of services and on methods of planning service programs. Contrary to Committee intent, the other family planning and population research which could have been carried out under section 1004, has instead been conducted through the National Institutes of

Child Health and Human Development using funds available under section 301 of the PHS Act. The reported bill would amend section 1004 to clarify and reinforce this Congressional intent.

Section 1005 of title X provides specific authorizations for appropriations for grants and contracts to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information or materials. Some efforts have been taken to assess the information development and dissemination resources available, but sufficient staff and budget have not been made available to the Office of Population Affairs until 1973 to make a perceptive impact on the expansion of such programs or the development of new ones. During testimony before the Special Subcommittee on Human Resources in May 1973, the Department advised that a special assistant to the Assistant Secretary for Population Affairs had been named who would have as a primary responsibility the stimulation of population education activities.

The development and dissemination of educational and informational materials under title X have been instrumental in reducing information barriers about the availability of family planning services funded by H.E.W.

Only through the expanded provision of both information and services can all couples be enabled to make and effectuate free decisions on the size and spacing of their families. In addition, the materials have helped family planning professionals to interpret the latest medical, social, and cultural developments in the family planning field, thereby enabling them to improve the quality of services they provide.

One of the factors contributing to the success of the Federal family planning program has undoubtedly been the Five-Year Plan called for by P.L. 91–572. This Plan and the annual reports submitted to Congress outlining progress toward fulfilling its objectives have made possible Congressional evaluation of existing policies and practices in the field, and determination of the need for new ones. However the Committee wishes to note with dissatisfaction that the Plan and reports have lacked the information needed to delineate the actual measures to be taken to fulfill the Plan's objectives, and have always been submitted late. The reports have also failed to specify what new initiatives are planned to provide services to the large number of low and marginal income families currently unable to obtain them.

Another area of difficulty in Federal support for family planning services comes from a new Federal emphasis on seeking third-party payments for services received. While it is certainly reasonable and desirable to obtain all third-party reimbursements appropriate for services provided, there is the danger that financial policies formulated to insure such reimbursements will limit the provision of subsidized family planning services to only those persons receiving public assistance under Medicaid. Should such a fiscal policy emerge, it would restrict services to only certain low-income persons, whereas the legislation requires that priority be given to all low-income persons and does not limit services to only low-income persons.

An issue which has raised considerable controversy is the issue of informed consent in connection with sterilization procedures. The title X regulations require that all methods of contraception be offered in family planning clinics, and medical opinion supports vasectomies and tubal ligations as safe, effective contraceptive procedures. New regulations, issued by HEW in response to a recent decision by the U.S. District Court for the District of Columbia, require that projects using Federal funds for nontherapeutic sterilizations instruct legally competent candidates for the procedure of the full nature of the operation, its irreversibility, and side effects, and specifically inform them in writing that a decision not to be sterilized will not result in the denial or withdrawal of any other benefits to which the candidate is entitled. The regulations in addition, in response to suggestions made by the Chairman and members of the Special Subcommittee on Human Resources, require a 72-hour period to lapse between the time the patient voluntarily gives formal consent to be sterilized and the time the procedure is performed.

Recent reports of violations or lack of knowledge of these regulations have raised questions about the effectiveness of H.E.W. implementation of those regulations and its activities to oversee compliance. The Chairman of the Special Subcommittee on Human Resources has brought the Committee's concerns in this regard to the attention of the Secretary in a letter urging that (1) emergency steps be taken to bring the regulations to the attention of every hospital and obstetrician throughout the nation; (2) all State officials responsible for administering any family planning programs under the Social Security Act or coming into contact with programs supported under title X of the Public Health Service Act be contacted immediately by appropriate HEW officials to ensure they are fully aware of the regulations and to secure their assistance and cooperation in ensuring compliance within the State; (3) the Department immediately institute a nationwide surveillance program through the Center for Communicable Disease to monitor compliance with the regulations; and (4) the Department move promptly to improve and issue regulations governing sterilization procedures.

Guidelines establishing a moratorium on Federal support for sterilization of persons under 21, or otherwise legally incapable of giving informed consent, remain in effect.

Another policy which has given rise to concern in some sectors is that of consolidation of small grants under one "umbrella" grantee, mentioned above. This policy evolved with the transfer of many small OEO clinics to HEW, and was an attempt to streamline the management of the clinics and to reduce costs. In most cases, clinics were consolidated under the existing HEW grantees, which were either health departments or private nonprofit coordinating councils. With the completion of the OEO transfers during fiscal year 1974, only minimal further consolidation should be undertaken by HEW.

On the other hand, the Committee does support HEW's intention to stress greater integration of comprehensive family planning services into other health care settings such as neighborhood health and migrant health centers. This move was initiated—in keeping with the intent of the legislation to make family planning services widely available—because it was felt that other ambulatory health service programs funded by HEW did not provide a sufficient range of family planning medical and social services to their clients. The new policy also highlights the preventive health nature of family planning services and the value of such services as an integral part of ambulatory health care.

PROPOSED LEGISLATION

In considering the family planning program conducted under the 1970 Act the Committee was generally impressed that it has worked very well and on the whole has simply extended the title X authorizations of appropriations through fiscal year 1976 with a modest increase in the amounts authorized to be appropriated. Several sections of the present law were viewed as needing strengthening and clarification, and are therefore amended substantially. The increased authorizations, amendments, and other Committee concerns are discussed below.

Increases in Authorizations of Appropriations

The extension of the family planning services project grant program for two more years indicates the high regard with which the Committee views the accomplishments of this program in providing excellent family planning services to more than a total of 3 million women in the United States. This program must continue to increase its capacity to assist all who want and need such services so they can successfully plan their families and avoid unwanted pregnancies.

Therefore, the Committee has authorized $150 million for fiscal year 1975 and $175 million for fiscal year 1976 for the continuation and expansion of the program under the Act. This is an additional authorization of $25 million and $50 million, respectively, above the funding level of $125 million available this year for obligation after the release of formerly impounded funds. The Committee has provided this additional authority so that approximately 400,000 new patients may be provided with family planning services each year, bringing the total number served by organized programs and other resources, assuming current levels of commitments are maintained, to 5 million individuals by the end of fiscal year 1976.

For other parts of the program the Committee has chosen to authorize appropriation of the amounts which the Five-Year Plan shows as needed and capable of effective expenditure. The unused State formula grant authority has not been reauthorized. The various authorizations of appropriations are shown in the cost estimates table.

The Five-Year Plan for carrying out the mandate of the 1970 Act estimated needed Federal expenditures for population research at $75 million for fiscal year 1973, $100 million for fiscal year 1974, and $125 million for fiscal year 1975. However, due to budget stringencies and executive impoundment of funds, the program has consistently remained at the fiscal year 1972 funding level of about $40 million until this fiscal year. The Committee has thus revised funding authorization levels for the program in order to reflect the present capacity of the field to expand and absorb increased funds over the next two fiscal years.

In view of the $51 million level of H.E.W. expenditures for population research programs in fiscal year 1974, the Committee believes that $60 million can be used wisely and effectively in fiscal year 1975 and proposes to enable the program to return to orderly growth in fiscal year 1976 by increasing the authorization to $75 million.

Amendments to research authority

The present law in section 1004 provides authority for the Secretary to make grants and contracts for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

However, appropriations in the past under this section have provided for support of only operational research activities in the field of family planning. Population research has been conducted, directly and through contracts and grants, by the Center for Population Research in the National Institute of Child Health and Human Development. Research areas with which the Center is concerned are development and medical evaluation of contraceptives, human and animal reproductive biology, behavioral sciences, and social sciences, including demography. Appropriations for these activities have been made under the general authority provided by section 301 of the PHS Act, rather than the specific authority of section 1004. They have been conducted within the facilities of the National Institutes of Health and by grants and contracts to universities,

research institutions, and other private or public entities.

The amended section 1004 clarifies earlier Congressional intent to provide specific funding under title X of the PHS Act for the study of biomedical and behavioral aspects of population and population growth; the investigation of new contraceptive drugs and devices; and the conduct of operational research as it relates to the implementation of family planning service programs. Thus, a specific requirement has been added to section 1004 that it, rather than section 301, be used for all family planning research in order to increase program accountability and integration under the Deputy Assistant Secretary for Population Affairs and to encourage program growth. Recognizing that, with the exception of family planning operational research, much of the authorized population research is conducted by scientists in the facilities of the National Institutes of Health, the Committee has provided, through the amended section, authority for the Secretary to conduct research as well as make grants and enter into contracts with public or private entities and individuals for the conduct of such research.

The requirement that research in human reproduction and population dynamics be supported under the specific authority created by title X of the Public Health Service Act is intended to foster the program accountability and visibility of these activities and to increase coordination among all authorities in title X and related programs in H.E.W. and other Federal agencies and departments through the Office of the Deputy Assistant Secretary for Population Affairs. With population research a clearly identifiable item in the budget, Congress will be better able to monitor the progress and growth of the program.

While population research and family planning services research will continue to be, respectively, the responsibilities of the Center for Population Research and the Health Services Administration, the Deputy Assistant Secretary for Population Affairs will continue to coordinate these activities and will report, through the Secretary, to Congress on the results of these activities as provided in the proposed section 1009.

FAMILY PLANNING 5-YEAR PLAN

The Family Planning and Population Research Act of 1970 (P.L. 91–572) called for the development of a plan, which would set forth the objectives of the Federal population research and family planning programs and for the training of the necessary manpower for such programs. That law required the Five-Year Plan to indicate, on a projected annual or other calendar basis, in quantitative terms the specific objectives to be reached in such periods in fulfilling the goals of the Five-Year Plan.

The Act required submission of the Five-Year Plan to Congress six months after enactment of P.L. 91–572 and of annual progress reports each January 1 thereafter setting forth the degree to which objectives were achieved for the preceding fiscal year.

The Committee has repealed this section and inserted the plan provisions into a new section 1009 added to PHS title X. These provisions have been amended to provide that an updated and revised Five-Year Plan be submitted not later than four months after the close of each fiscal year, rather than the simple chronicle of a record of achievement which had been required previously under the annual progress report provision.

The Committee believes planning should be a continuous process and that this holds especially true in the rapidly changing fields of population research and family planning. Thus, a continuous update and revision of the plan is required to reflect the prevailing and anticipated role of family planning within the context of the total health system, and prevailing and anticipated changes resulting from behavioral, biomedical, and social research in the population field. The Committee recognizes that public attitudes towards family planning, for example, have measurably changed since the enactment of the Family Planning and Population Research Act of 1970, due in substantial part to the Federal activities authorized by the Act, and believes that these changes must be reflected in the Plan as it is updated each year.

The Committee intends that the next Five-Year Plan and its subsequent revisions specifically address and assess the availability and adequacy of the provision of family planning services for the general population, and identify the deficiencies in the provision of services to certain groups or subgroups. Within this context, the plan and each annual update should delineate which services needs can and should be met by organized programs generally, and which service needs can be met under this title and under other laws for which the Secretary has responsibility. Both the research and service plans should be designed to provide Congress with projected timetables to meet their stated goals, including the Federal funding projections for title X, and for other laws for which the Secretary has responsibilities, which are necessary for the achievement of the objectives.

The Committee expresses displeasure that H.E.W. has failed to meet its January 1 deadlines for plan submission in the past, and, in conformance with the aims of Congressional budget reform, the reported bill requires that the next plan and its subsequent revisions be submitted to Congress not later than four months after the end of each fiscal year. The importance of the plan being submitted in accordance with this schedule has been intensified by enactment of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) which requires legislation authorizing appropriations in the succeeding fiscal year to be reported to the floor of both Houses of Congress by May 15 prior to the commencement of such fiscal year (under that Act moved to October 1). In order to meet the deadline, the Congressional Committees must have the information contained in the plan before them in ample time to give full consideration to any changes in legislation which may be necessitated by information contained in the plan.

The Committee recognizes that the authorization under the present bill is for two years duration and that the plan called for covers a five year span. Thus, the plan should be specific for the years in which the authorization applies and general for the years beyond. The general portion should present alternatives for consideration by Congress in the formulation of sound policy in the fields of family planning and population research with suggested authorizations of appropriations for the alternatives. It is not the intent of the present bill to set up a planning process in which measurement of success will be simple statistics on numbers of people served. There should be a substantive status report with comparisons of achievements against objectives established for the fiscal year in question. Should objectives change between the time the plan was drafted and the time the report is developed, such changes and the reasons therefor should be explained.

Voluntary Participation and Informed Consent

With the enactment of the Family Planning and Population Research Act of 1970 (Public Law 91–572), Congress provided explicit directions (in the new title X added to the Public Health Service Act) to guarantee that participation in the program be entirely voluntary and free from any form of coercion or pressure. Voluntary participation has remained a basic premise of programs supported by title X funds and by other laws for which the Secretary has responsibility. The Committee continues to require that participation by any individual in the program is to be voluntary and free of compulsion or coercion of any kind, and that no person will be required to receive family planning services or information under the Act as a prerequisite to eligibility for or receipt of any other services, assistance, or information. The Committee believes that appropriate informed consent should be obtained from each person and that the basic elements of informed consent shall include (1) a fair explanation of the procedures to be followed, including an identification of any which are experimental; (2) a description of any attendant discomforts and risks reasonably to be expected; (3) a fair explanation of the likely results should the procedure fail; (4) a description of any benefits reasonably to be expected; (5) a disclosure of any appropriate alternative methods or procedures that might be advantageous; (6) an offer to answer any inquiries concerning the procedures; and (7) an instruction that the subject is free either to decline entrance into a project or to withdraw his or her consent and to discontinue participation in the project or activity at any time without prejudicing future care. The Committee believes that these guidelines must be applied with regard to the provision of any medical procedure or service, and in connection with the participation of a patient in any research program authorized under the provisions of title X of Public Health Service Act.

Grant Consolidation

The original title X legislation authorized two funding mechanisms for the support of family planning programs: a project grant program of direct assistance to local public and private nonprofit agencies and a program of grants to state health agencies, on a formula basis, to enable them to assist local programs in planning for, and delivering family planning services. HEW did not request any funds for the formula grant authority in its first three years and accordingly, the Congress let the authority lapse in the Public Health Services Extension Act of 1973. Few state health agencies have made substantial progress in assuming a stronger role in the provision of effective administrative, planning and technical assistance support to local programs.

The number of full-time state health agency administrative personnel assigned to family planning has remained almost constant for the past three years and is far below what the HEW Five Year Plan itself indicates is appropriate.

In extending the project grant program, the Committee is mindful of these facts and intends that HEW must continue to have direct responsibility for the monitoring of local projects, the provision of technical assistance and training, as needed, and the allocation of resources between projects. There may be circumstances which warrant the consolidation of the applications of local grantees within specific communities, where their programs may be better coordinated as a result, or gain certain cost benefits through sharing of operational costs. When any such consolidation is undertaken, however, it is imperative that it takes place at the community level, that it be undertaken only with the agreement and participation of all affected programs, that no one agency be in a position to determine or unduly influence the allocation of resources to other potential family planning providers, that all potential providers be able to participate in the basic policies governing the implementation of the grant, and that HEW provide adequate resources to foster a meaningful, program-

matic consolidation and coordination. A systematic attempt by HEW to consolidate local project grants under the control of state agencies and to shift a large part of the administrative responsibilities and of the decisions as to resource allocations to these State agencies would be contrary to the intent of the law.

The Committee believes the objective enunciated in the third progress report on the Five-Year Plan submitted in April, 1974 ("consolidating projects to encourage State agencies to take responsibility for grants administration and to obtain the benefits of economies of scale . . .") is in direct opposition to the project grant approach authorized by title X.

In addition, the Committee notes with disapproval the statement made in the documents released to the press February 3, 1975, by H.E.W. accompanying the announcement of the fiscal year 1976 budget that:

Beginning in 1975, a number of existing family planning project grants will be consolidated and will be awarded as single project grants made directly to the State governments rather than directly to individual grantees. The consolidation will give States a greater opportunity to decrease administrative overhead costs since some functions can now be conducted centrally rather than by each individual grantee. Such savings also can help to offset the proposed reduction in Federal funds for project grants.

The Committee believes that since family planning services projects are established to meet the needs of the residents of the community, consolidation at the State level, and particularly through a State agency, would place an unnecessary barrier between the administration of the program and the individuals it seeks to serve.

Although the Committee believes that strict adherence to the directions in this Report would limit the necessity or applicability of such procedures, the Committee does approve the written assurance made in a letter from the Assistant Secretary for Legislation, Stephen Kurzman, of May 31, 1974, to Senator Cranston, the Chairman of the Special Subcommittee on Human Resources, with respect to certain kinds of consolidation activities, as follows:

3. In the future, *prior* to the final sign off in the regional office of any grants awarded which would further consolidate family planning projects, the Regional Health *Administrator* would advise the Deputy Assistant Secretary of his plan to award a consolidated grant, giving the Office of Population Affairs opportunity to review the decision and comment on it; *the opportunity to review does not give authority to override the Regional Health Administrator's decision prior to his sign off;*

4. The Deputy Assistant Secretary would continue to have the authority to override such a consolidation *after* the fact if it was determined to be unwarranted.

Program Staffing

The Committee believes that the clear line of authority, under the Act, between the Deputy Assistant Secretary for Population Affairs and the Office of Population Affairs and family planning services and research programs have become eroded and blurred despite statutory requirements. The massive reorganizations which have occurred within H.E.W., both at the national and regional levels, and the reassignment of specialized staffs to general and often multitudinous responsibilities have resulted in a situation which threatens the accountability that should stem from line authority.

It is imperative that in each region, in the Health Services Administration, and in the Office of Population Affairs, there be sufficient, full-time, specialized staff assigned solely to monitor, evaluate, and assist programs on an ongoing basis. The Committee directs that a minimum of one senior staff be assigned solely to this program in each region and that, when warranted (by size, workload, program and fiscal responsibilities of the individual region), they be supplemented by additional full-time specialized staff.

National Reporting System for Family Planning Services

The Committee has added language to the law mandating the continuation and improvement of the National Reporting System for Family Planning Services. The existence of this reporting system has made it possible for the program to develop rapidly in an accountable way. Not only has it facilitated program development and management but it has also made it possible to monitor the types and amounts of services rendered, and the financial and social characteristics of those served. The purpose of the System is twofold: to provide national statistical data, and to provide statistical data for clinic, project, and agency management and evaluation. The System's output could be improved to provide local project administrators more useful and timely information, and HEW is urged to make such modifications and to provide the resources to finance them. It is imperative for the Secretary to mandate that other departmental reporting systems for family planning services (such as for Medicaid and titles IV-A and XX family planning services) be developed and be compatible with the NRSFPS. In spite of the existence of the National Reporting System, HEW has yet to develop an agency-wide system which is capable of providing the Congress with unduplicated counts of services given and accurate expenditure reports. The Committee expects this deficiency to be corrected promptly.

Economic Nondiscrimination

It is the Committee's belief that the health, social, and economic benefits of family planning to both individuals and to our society warrant a program approach which guarantees that a person's economic status shall not be a deterrent to obtaining and utilizing services. It has accordingly added language to express this intent. There is evidence that HEW has occasionally adopted a contrary approach. Although the Committee supports a genuine effort to strengthen the participation of Medicaid and other third-party reimbursement mechanisms in the financing of family planning and other health programs—the current financial policies pursued by the Department—in an attempt to make programs self-sustaining, the Committee is concerned that such an effort could limit the provision of subsidized family planning services only to public assistance and Medicaid recipients. Such a policy would make it impossible for family planning to assist individuals and couples to avoid the dependency that often results from involuntary pregnancy.

An additional by-product of such a policy could, if sufficient safeguards are not instituted, be the application of a means test to determine ability to pay for services should there be no third-party coverage. The Committee directs that guidelines be developed which would state that any collection of personal financial information, while permissible for research purposes, shall not be used to deny access to services. The requirement that low-income individuals be given priority for services can effectively be met by locating projects in areas where significant numbers of persons are in need of title X services by virtue of lack of income or the inaccessibility of services.

The Federal family planning effort must serve not only the poorest of the poor but also persons of marginal low income for whom the cost of preventive services is a particular burden as well as all persons who for economic or other reasons have difficulty in obtaining the services they need and want.

Family planning services are vital preventive health services and, though widely available to the majority of Americans who are not poor, may not be accessible to economically less fortunate individuals. Family planning services, as defined in this amendment, must be made available through a variety of delivery systems designed to serve low-income persons. The Committee encourages the use of funds otherwise authorized by this bill for the provision of family planning services, not only in specialty clinics, but, where such facilities do not exist or are impractical, in entities devoted to comprehensive health care for low-income families.

The Committee believes that comprehensive health care programs, particularly those concerned with maternal health, should include family planning in the services they routinely provide, and stresses that it is essential that there be close coordination and, whenever possible, integration of family planning services into all general health care programs. In addition, the Committee believes that family planning services under title X generally are most effectively provided in a general health setting and thus encourages coordination and integration into all programs offering general health care.

The Committee further believes that it is essential that family planning services programs provide an opportunity for active participation of representatives of the community in the policy-making decisions of each program.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. KENNEDY. I thank my ranking Republican member (Mr. SCHWEIKER) for illuminating these thoughts on this important provision. We have attempted to work with the administration's concerns. We recognize that there has to be an administrative tightening up of these programs, and I would say this bill accomplishes it.

Mr. President, I send an amendment to the desk for the distinguished Senator from Washington (Mr. MAGNUSON), Mr. JAVITS, and myself.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 291 insert between lines 8 and 9 the following:

NATIONAL HEALTH SERVICE CORPS

SEC. 265A. Section 329 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end thereof the following new subsection:

"(j) notwithstanding the provisions of any other law or any regulation issued thereunder, the Secretary of Health, Education, and Welfare may for the fiscal year ending June 30, 1975, recruit, employ, and assign health professionals as members of the National Health Service Corps: *Provided*, That at no time during such fiscal year may the total number of individuals serving as field assignees in the National Health Service Corps exceed five hundred and fifty one.".

Mr. KENNEDY. Mr. President, I submit this amendment today on behalf

of my close friends and colleagues Senators MAGNUSON, JAVITS, and myself. This simple but necessary amendment will permit the orderly and absolutely essential expansion of the National Health Service Corps during this fiscal year. The basic authority for the Corps expired last June along with the rest of the health manpower legislation. Accordingly, the funding for the Corps is contained in the continuing resolution which limits the Corps' field strength to the fiscal year 1974 level of 405 positions. The planned expansion of the Corps for fiscal year 1975 requires that this ceiling be increased by 146 to a total of 551. That is all this amendment does. This amendment is consistent with the Department of Health, Education, and Welfare recruitment program for the Corps. The amendment does not require any additional appropriations for this fiscal year. And the amendment in no way prejudices the consideration in the Congress of the substantive revisions of the health manpower legislation, including the National Health Service Corps, now underway.

The senior Senator from Washington initially authored the National Health Service Corps legislation 5 years ago. As chairman of the Labor HEW Appropriations Subcommittee, he has been instrumental in the growth of the Corps. As chairman of the Health Subcommittee, I have always been a strong supporter of the Corps. Our commitment to its vitality and expansion will continue.

Last year the Congress saw fit to consider revisions to the Corps' basic authority in the context of the comprehensive health manpower legislation. This, of course, made good sense given our interest in attempting to overcome the fundamental problem of geographic maldistribution of health professionals. 1975 will be the year in which the Congress passes legislation which for the first time will significantly attack this problem. And the National Health Service Corps is an essential ingredient in meeting this problem. Consequently I believe that the Congress must consider the changes in the Corps' basic authority in the context of its consideration of the overall manpower program. This is particularly the case, if we reach the decision that student aid must become the principal mechanism for the funding of health professions education instead of institutional support.

The amendment we have offered today is an appropriate stopgap measure which will permit the Corps to continue without interruption or dislocation for this fiscal year.

The executive branch and particularly the Office of Management and Budget should be aware of the fact that there has been, is now, and will continue to be overwhelming bipartisan support in the Congress for the Corps. If this amendment is adopted, the Congress will expect that all of these positions will be made available to the Corps.

Mr. SCHWEIKER. Mr. President, I certainly want to agree with the Senator from Massachusetts and urge the support of this amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator MAGNUSON's statement in support of this amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR MAGNUSON

I offer this amendment for myself and for the Chairman of the Health Subcommittee, Senator Kennedy.

The amendment Senator Kennedy and I offer is identical to S. 915 a bill that we jointly introduced on March 3.

Our amendment is very short and will—I am sure—have the support of the entire Senate.

Its enactment will enable the National Health Service Corps to assign critically needed doctors and other health personnel to more than 100 communities this summer.

If it is *not* enacted then those communities may well *not* get those doctors and other health personnel.

The issue is just that clear.

As the author of the legislation that created the National Health Service Corps and as Chairman of the Health Appropriations Subcommittee, I feel strongly that this problem deserves our quick action.

We just cannot afford to let a technicality stand between those communities and these doctors.

Briefly—let me explain how the problem arose and how our amendment would solve it.

The National Health Service Corps Authorization expired at the end of Fiscal 1974.

Last year a new Authorization was considered by the Congress in conjunction with the much broader and controversial health manpower bill.

The Conference Committee that was convened last year to consider that legislation essentially agreed on a new authorization for the Corps.

However, the conferees were unable to reach agreement on the broader health manpower bill. Consequently—no legislation emerged from the conference and the National Health Service Corps was left without authorization.

Without authorization the Corps is operating under the continuing resolution. It is—therefore—limited to its Fiscal 1974 field strength of 405 positions or assignees.

Because of the constant prodding from the Congress, the Department of HEW has over the past several months carried out an intensive and quite successful recruitment program.

As a result of that effort over 200 physicians and other health professionals have been recruited and are scheduled for assignment this summer. But—and this is the critical point—the Corps will not be able to accept those new recruits this summer unless its current authorized field position strength is increased from the 405 positions allowed under the Continuing Resolution to 551. That is precisely what our amendment would do and all it would do.

It would *not* require any additional appropriations for this Fiscal Year. It would *not* interfere with the legislative committees' proper role in writing new authorizing legislation and it is entirely consistent with the Department's recruitment effort.

But time is of the essence and I urge the Senate to adopt our amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. KENNEDY. I yield back the remainder of my time.

Mr. JAVITS. Will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Louise Ringwalt, of Senator CRANSTON's office, be allowed the privilege of the floor.

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

Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SCHWEIKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 180, insert between lines 23 and 24 the following:

"(viii) provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by the plan required under this section, including, but not limited to, preservation of employee rights and benefits, maximum efforts to guarantee employment to employees who may be affected by any plan or program funded in whole or in part under this title, and training and retraining where necessary.".

On page 180, line 24, strike "(viii)" and insert in lieu thereof "(ix)".

On page 182, strike lines 11 through 15 and insert in lieu thereof the following:

(iii) include a detailed plan designed to eliminate inappropriate placement of persons with mental health problems in institutions and to insure the availability of appropriate non-institutional services for such persons and to improve the quality of care for those with mental health problems for whom institutional care is appropriate;".

Mr. SCHWEIKER. Mr. President, on behalf of myself, Mr. KENNEDY, Mr. WILLIAMS and Mr. JAVITS, I offer this amendment.

The planning requirements under title II of S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act recognize the need for a balanced system of mental health care. The plan requires both the upgrading of mental institutions and the reduction of inappropriate placement of persons in institutions.

Deinstitutionalization, however, could have harmful consequences for many employees of mental health institutions across the country, which the committee does not intend. Deinstitutionalization has meant and could continue to mean the closure or merger of hospitals, cutbacks in hospital staffs or the transfer of a hospital from one employer to another.

This amendment is designed to improve the state planning process by providing protection for mental health em-

ployees, who, as a result of actions taken under authorizations provided under this bill and through no fault of their own, may lose their present jobs or find themselves working for a different employer. It would be particularly ironic if we did not address this problem while at the same time we are considering measures to cope with the current recession.

Legislative precedent for this amendment can be found in the Urban Mass Transportation Act of 1964 and the Juvenile Justice and Delinquency Prevention Act of 1974. The juvenile delinquency bill encouraged a shift in emphasis from institutional to community-based programs similar to that in the legislation before us today. The employee protection language was added to that bill on the Senate floor last year by a substantial margin.

The amendment I am offering today merely specifies certain existing rights, which the Congress intends to guarantee for employees affected by activities authorized by this legislation. It makes it clear that it is not the Congress intent to weaken or undermine the economic well-being of these employees. The cost of the amendment would be minimal.

The amendment would insure that hospital employees do not lose such accumulated rights and benefits as seniority rights, pension rights, vacation benefits, and collective-bargaining rights. It merely preserves what the employees already have. It applies when the employee is transferred to a different job with the same employer or when a whole group of employees are transferred to a different employer—for example, when the administration of a State hospital is transferred to a county or regional board. It does not apply when an employee finds an alternative job independently.

Collective-bargaining rights would be preserved when the administration of a facility is turned over to another employer, when the entire employee group is moved intact to a new facility with no additional employees or when employees move into different jobs which are under the same employer and which are covered by the same collective bargaining agreement.

The amendment protects the employees against a worsening of their positions with respect to their employment. Employees would be protected from a reduction in their pay and benefits and a worsening of their working conditions. The amendment implies a reasonable effort to obtain comparable standards rather than exact equality in wages, status, hours, and working conditions.

The employer would be required to make every possible effort to find employment, within the preceding guidelines, for employees who may be involuntarily displaced as a result of the requirements of this legislation. It should be emphasized that the employer referred to in this amendment is the State government—and in some limited instances the county or local government. Methods of achieving this goal should include first priority for other jobs under the same employer. The amendment also implies a substantial and good faith effort to find employment for displaced employees under a different employer, if necessary.

It would not, however, require employing a person in a job which he or she is not qualified to perform nor would it require hiring a person in the same job capacity or locality. The subsection is not a featherbedding provision nor does it require continued employment in extinct jobs until the employee chooses to leave.

It is impossible to predict how many people would be involved because it is difficult to predict with accuracy how many institutions actually will close. In the last 5 years, 14 State mental health institutions have closed down. However, we would be unwise not to use the talents and knowledge of thousands of mental health employees, when the country has a shortage of such personnel and when a major problem in State mental health institutions has been too high a patient/staff ratio.

Finally, the amendment would require training and retraining to facilitate the transfer of employees to different jobs and to prevent disruptions from threatening career opportunities. Such training would be on a case-by-case basis and should not be costly. In California, for example, State employees working in programs for the mentally ill which closed down were transferred to State programs for the mentally retarded. They were retrained at a minimal cost—primarily per diem and travel expenses. In addition, many State hospitals have some kind of in-service training which, with some good planning, could be converted into retraining programs with not too great an expenditure of funds.

Mr. KENNEDY. Mr. President, this is an excellent amendment and I am pleased to accept it. There is no cost attached to the amendment, it is simply designed to protect the interests of employees who might be displaced from their jobs directly or indirectly as a result of the health services provisions of S. 66.

In many States, the philosophies of inpatient care for the mentally ill are undergoing a revolution partly as the result of the existence of community mental health centers. Many States are curtailing radically the size and staffing of State mental hospitals as they move more and more patients to an out-patient setting.

Many aspects of this revolution hold great promise for the future of mental health care in our Nation, and we should do nothing to discourage it. In fact, we have addressed one of the problems encountered by States in this area by requiring in S. 66 that community mental health centers establish halfway houses in order to ease the transition of patients from in-patient care to an outpatient setting.

During the process of this shift in mental health treatment, however, it would be tragic in these difficult economic times to leave valuable health professional personnel unemployed or underemployed. The amendment which Senator SCHWEIKER has introduced and which I cosponsor would simply require that States submit as a part of their health plan required under section 314(d), plans for retraining or taking whatever steps are necessary to assure that the employees of these institutions are properly utilized in our health care system in the future.

I urge the Senate to accept this amendment.

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

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I see the Senator from Oklahoma in the Chamber. We have two other brief amendments which I would like to complete. I understand that the Senator from Utah and the Senator from Maryland are on their way to the Chamber.

I suggest the absence of a quorum, with the time to be evenly divided.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of MATHIAS).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY, for the Senator from Maryland (Mr. MATHIAS), proposes an amendment: in the appropriate section of the bill, add the following new section:

"The Secretary shall, within 3 months after the date of enactment of this Act, issue regulations in final form to implement section 799A and section 845 of the Public Health Services Act."

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of my colleague and friend, the distinguished Senator from Maryland. He had offered an amendment in 1971 when we considered the Nurse Training Act, to prohibit discrimination on the basis of sex in the admissions policy of the Nation's health professions schools.

However, HEW has refused to implement this provision and issue regulations for it. This amendment would require HEW, within a period of 3 months, to file those regulations. It seems to be to make eminently good sense.

I support the amendment, and I hope it will be agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mr. MATHIAS.

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

STATEMENT BY MR. MATHIAS

This amendment I am proposing to S. 66 is very simple, yet quite important. This

amendment, incidentally, was adopted by the Senate in September, 1974, during consideration of S. 3585, the Health Professions Educational Assistance Act o 1974. Unfortunately, however, the 93rd Congress failed to reach an agreement on the different House and Senate versions of the bill prior to adjournment.

In 1971, the distinguished senior Senator from Michigan (Mr. Hart) and I sponsored amendments to the Health Manpower Training Act and the Nurses Training Act of 1971 designed to prohibit discrimination on the basis of sex in admissions to health related training programs receiving funds under Titles VII and VIII of the Public Health Service Act. These amendments became law in November, 1971.

Under the Mathias-Hart amendments, a health professions institution must provide satisfactory assurances to the Secretary of HEW that it is taking positive steps to assure nondiscrimination in its admission policies. The Office of Civil Rights within HEW has been delegated the difficult and often delicate task of obtaining these assurances and verifying compliance with the assurances on a continuing basis.

The legal ban on sex discrimination covers practically all health profession schools as well as schools of nursing in the country Yet, the Department of HEW delayed the publication of proposed regulations for nearly two years after the Mathias-Hart amendments became law. In fact, it was September 30, 1973, almost 1½ years ago this month, that proposed regulations were published. At that time, HEW set a one month period for public comment on the proposed regulations with a closing date of October 23, 1973. Today, we find that HEW has still failed to issue final regulations to implement the ban on sex discrimination despite the fact that my office was promised in September, 1974, when I initially proposed this amendment to S. 3585, that final regulations would be issued within two weeks.

Congress cannot allow this delay to continue any longer. While I am encouraged by the progress of women since the enactment of the 1971 amendments (according to the American Association of Medical Schools, the number of women enrolled in medical schools has more than doubled), there is little question but that much more can be accomplished if the final regulations were issued and strictly enforced. The amendment I am offering will require the Secretary to issue final regulations within three months following the enactment of this legislation. That is a reasonable time, this is a reasonable amendment, and I urge its adoption.

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

Mr. SCHWEIKER. Mr. President, this amendment is perfectly acceptable to our side. I think it is a good amendment, and I support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I see the Senator from Oklahoma in the Chamber. Since other Senators are not here, he could proceed at this time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 336

Mr. BARTLETT. Mr. President, I call up my amendment No. 336.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT) proposes an amendment numbered 336:

At the end of the bill add a new section as follows:

SEC. . No funds authorized under the Social Security Act may be used to pay for or encourage the performance of abortions, except such abortions as are necessary to save the life of a mother.

The PRESIDING OFFICER. Is this an amendment for which there is a 2 hour time limitation agreement?

Mr. BARTLETT. That is correct. This is the amendment upon which the time agreement was reached.

Mr. President, time and time again, the U.S. Congress has gone on record opposing the use of Federal dollars to finance abortions. We have done this in defense bills, foreign aid bills, and HEW bills.

Presently our law prohibits HEW from administering Federal funds as a means of family planning under the Family Planning Act of 1970.

Unfortunately, the Family Planning Act just scratches the surface of eliminating the Federal Government from the abortion business; and evidently the record of Congress' opposition to abortion financing has gone unheeded.

The last records which were made available to me indicate that in 1973 our Department of Health, Education, and Welfare spent some $40 to $50 million to pay for approximately 270,000 abortions.

Reports I have recently received indicate about the same record for 1974. They do fail to provide us accurate figures in either case.

Mr. President, after learning this information, I introduced last fall an amendment to the HEW appropriations bill which would prohibit the use of HEW funds, our tax dollars, from being used for abortions. This amendment passed the Senate on a voice vote after a motion to table failed in a 50 to 34 vote.

However, the amendment was deleted in conference primarily because the conferees ruled it was substantive legislation in an appropriation bill. However, a majority of the conferees indicated their support for the measure. In their report they said:

A majority of the Conferees strongly support the apparent intent of the Senate amendment to prohibit the use of public funds to pay for or encourage abortions. Nevertheless, they are persuaded that an annual appropriation bill is an improper vehicle for such a controversial and far-reaching legislative provision whose implications and ramifications are not clear, whose constitutionality has been challenged, and on which on hearings have been held. The rules and traditions of both the House and the Senate militate against the inclusion of legislative language in appropriation bills. The Conferees urge the appropriate legislative committees of the Congress to give early consideration to the enactment into basic law of carefully drawn legislation dealing with the subject of abortion.

Consistent with the wishes of the conference, I am offering this amendment to an appropriate authorization bill.

The effect of this amendment is specific and clear. It would be to prohibit the use of Federal funds for abortions. To my knowledge Federal aid currently comes from aid for dependent children and medicaid funds.

I wish to make it clear that this bill has nothing to do with contraceptives or birth control.

As a matter of fact, when I was Governor of Oklahoma in 1967, I initiated the first program to the State welfare department to make counseling and contraceptive devices available to the poor. Later, as Governor, I signed the first bill making these services available to the general public. I still strongly support these programs on a voluntary basis on both the Federal and State levels.

I believe we in Congress must make a moral decision whether we want to participate in the taking of unborn life.

The Supreme Court dodged the issue of when human life begins by saying:

When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer. We need not resolve the difficult question of when life begins.

Now, although the Supreme Court may find that question difficult to answer, as a matter of fact there is virtually unanimous consent among scientists, biologists, philosophers, and theologians as to when life does begin. Life begins at the moment of conception when the ovum is fertilized by the sperm, forming that unique genetic organism called the zygote or fetus. From that moment forward, life, the product of God and two human beings, is in existence.

Accepting this thesis, we in the Senate must make a decision whether it is appropriate for Federal tax dollars to be used for the purpose of taking human life, no matter how small or insignificant.

Frankly, I shudder that we have come to the point that we must even discuss this issue: That a division of the Government, the Department of Health, Education, and Welfare, has taken on the Orwellian task of encouraging mothers to eliminate their unwanted unborn. Thomas Jefferson expressed my thoughts when he said:

Indeed I tremble for my country when I reflect that God is just: That His justice cannot sleep forever.

Mr. President, if this amendment is passed into law, we can eliminate those programs whose purpose is the taking of human life. That act will be consistent with our historical inclination to endow government with at least a hint of morality.

From the very beginning of the American adventure on July 4, 1776, the Declaration of Independence proclaimed that certain truths were self evident. "That all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness." Immediately following this, in the same sense our forefathers recognized that government might become "destructive of those ends," and it then recognized an obligation of the governed to alter the government.

Certainly, I am not advocating altering our form of government, but, to the

contrary, I am advocating that we return to the guarantees established under the Declaration of Independence; namely, a reverence for human life.

It will be one step, albeit a major one, toward reordering the priorities of a government which has become seemingly uncontrollable by either the Executive or the Legislature.

In a notorious decision attacked by numerous constitutional scholars, the Supreme Court made the performance of abortions legal in America; but it certainly did not, and cannot, mandate the Congress to follow suit by spending taxpayers' dollars to pay for abortions. Hopefully, we have not arrived at the point that a legal right carries with it a concomitant legal duty by the Congress to pay for the exercise of that right. Hopefully we are not to the point that, because we have a right to read our morning newspaper, the Government has an obligation to provide all of us with home delivery.

Mr. President, I have received many letters from constituents asking why the Federal Government is spending good tax dollars for questionable programs. The elimination of federally financed abortions will be a good omen to the American taxpayer. I dare say, if the question were put to a vote of each taxpaying citizen of the United States, it would be overwhelmingly in opposition to federally financed abortions. As a matter of fact, a recent national poll revealed that only 35 percent of the American people support the use of their tax dollars to pay for abortions. It is now up to us to reflect the wishes of our constituents.

Mr. President, I am convinced that our country morally believes strongly in the sanctity and inviolability of human life. Moral conviction however, is not enough. We must declare legislatively that life is not the gift of the state, the Supreme Court, or any other organization or individual. It is given by God and is innate in the nature of man. We must reaffirm what our forefathers said in the Declaration of Independence, when they stated in most powerful terms, that the individual is supreme and above the state, not secondary to it.

Congress has a real opportunity by passing this amendment to guarantee the right to life of thousands of the unborn of the poor who otherwise will lose their lives.

This Congress would be guaranteeing for many the challenge of the Declaration of Independence that governments should guarantee the right to human life.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, at some later time during the course of the debate, a motion will be made to table this amendment, but I do think it is appropriate for those who have views on this issue—and I know there are those who have extremely strong views—to be able to express them during the course of the debate.

I think, quite frankly, as appropriate as it may be as a public policy issue for us to consider the question of the use of taxpayers' funds in support of this particular procedure, this is not the place to resolve the issue. So I am opposed to the amendment on the basis of the procedure that is being followed.

This amendment has not been the subject of any hearings, either in our Health Committee or even in the Committee on Finance. Since this is an amendment to the Social Security Act, the Finance Committee should have hearings on this issue, and I have no knowledge of whether the chairman of the Finance Committee is willing to even consider it.

But it does seem to me appropriate, as we talk about this issue of abortion that we also consider the services that are being provided within the various health programs such as the medicaid programs for maternity care and delivery; because there have been six different court decisions that have said that if the Federal Government is going to make a decision to supply maternity care and pay for deliveries on the one hand, and make that decision as a matter of Federal policy, there are serious constitutional questions whether we can deny the opportunity to someone who wants to use Federal funds for an abortion.

This is a 14th amendment issue. It is an equal rights issue. It is an issue, I think, of very great importance and significance. As I say, there are six different district court decisions at the present time that have held that if we are going to fund maternity care and delivery on the one hand, we cannot deny funds for abortion on the other hand.

So we are moving into an equal rights issue, without the benefit of either the Judiciary Committee's judgment on court decisions, or the Finance Committee making any recommendations on the basis of public policy considerations. At a time when there is at least one case before the Supreme Court of the United States that will be covering a number of the fundamental issues which are being addressed by the Senator from Oklahoma—though not precisely the issue he poses here—because of this care, we will know a good deal more, from a legal point of view, within the next few months based on the Supreme Court's decision, and the courts may very well resolve for us some of the constitutional issues which are being raised by this amendment today.

So, for reasons of procedure, the failure to have any kind of examination or hearings, and the serious constitutional questions which the amendment raises, I shall vote to lay the amendment on the table. But I would like to ask the Senator from Oklahoma a few questions on the amendment.

As I understand the amendment, it prohibits any funds from being used to pay for or to encourage the performance of an abortion. In listening to the Senator's description, it seemed to me that that would mean from the time of fertilization. Is that correct?

Mr. BARTLETT. The Senator is correct.

Mr. KENNEDY. So this amendment would, in effect, as I understand from the medical experts that I have talked to, virtually prohibit payment under the Social Security Act for any woman in this country using an IUD, or from getting any kind of advice or guidance about the use of an IUD, since, as I understand it, from a medical point of view, IUD actually works after the point of conception.

Does this not mean that there would be a prohibition of the use or the counseling of any person on the use of an IUD? Any indigent person or any person who comes in to any center under a social security program, in any neighborhood health center, mental health center, or child and maternity center?

Mr. BARTLETT. If I may respond, the distinguished Senator said that this amendment would not permit anyone to seek advice on IUD's. As he knows, this amendment affects the funds for the poor, and so just on that basis his statement would be incorrect.

Second, this amendment has absolutely nothing to do with IUD's. It has to do with abortions in the normal sense that we know them, where people who are pregnant consult their doctors about abortions.

Further, I would like to say as to the matter of IUD's that it is impossible for doctors to say how they do work, whether by contraception or by the prevention of implantation—in other words, whether they are abortifacients or not. There is no doctor, according to my understanding, who can testify that an IUD has caused an abortion. There are instances where women wearing IUDs have had babies, where obviously the IUD was not an abortifacient.

So, is it an abortifacient?

Mr. KENNEDY. The Senator is quite correct, or at least I would like to redirect the question. With regard to people that are going to be under Medicaid; can they be counseled or not counseled? The Senator says the effect of the IUD is medically uncertain, from a medical point of view. If studies do show that the physiological impact of wearing an IUD is that it does result in an abortion, they would actually be prohibited by this amendment from receiving any kind of funding under the Social Security Act? Is that not right?

Mr. BARTLETT. The answer, of course, is no. This amendment does not cover IUDs. It is very clear that it does not, and I want the Senate to know it does not cover IUD's.

Mr. JAVITS. Mr. President, is the Senator from Massachusetts proceeding on his time? I would like to ask a question.

Mr. KENNEDY. All right.

Mr. JAVITS. What is the ambit, if I may ask the Senator from Oklahoma, of the word "encourage"?

Line 2 of the amendment says "may be used to pay for or encourage the performance of abortions." Does the Senator feel it would be straining that word to adopt the interpretation of the Senator from Massachusetts, or not? You encourage abortions, do you not, if the intrauterine device operates as he says it does medically, and therefore it falls within the ambit of this standard, bearing in mind that these departments are going to con-

strue anything very strongly on the worst case theory, if there is any support for anything the Senator is arguing that would be included in the word "encourage"; does not the Senator agree?

Mr. BARTLETT. Well, by "encourage" we mean proselytizing for abortions in the normal sense, and I would like to reiterate for the distinguished Senator from New York that there is no doctor, in my opinion, who can testify that an IUD has caused an abortion. It is not known how it does work, whether it works by contraception or by the prevention of implantation, so this does not cover IUDs.

Mr. JAVITS. May I say to my colleague that whether he is right or wrong on the medical conclusion, and whatever happens to this amendment, the fact that he is the author of this amendment and is making this statement is very important as to its legislative history and what happens in the days ahead. I think it is all very constructive, and I thank my colleague from Massachusetts for yielding.

Mr. KENNEDY. On the issue of abortion, what about a "morning-after pill" in the cases of rape, where someone has been raped, and they take a "morning-after pill" for a period of time. Does this amendment include prohibition of funding for that?

Mr. BARTLETT. The morning after pill is, as I understand it, today not being prescribed. It is considered to be quite dangerous.

We are talking here about surgical abortions; we are talking about $150, $200 surgical——

Mr. KENNEDY. The Senator knows the "morning-after pill" is being used at the present time, does he not?

Mr. BARTLETT. It is my knowledge that it is quite dangerous, and I am not advised that it is being used.

Mr. KENNEDY. Well, it is; it has been used.

Mr. BARTLETT. It has been used?

Mr. KENNEDY. It is being used. As a matter of fact, I think there are serious questions with regard to the danger, but it is being used, and what is even more interesting is that the pharmaceutical companies are working day and night to try to eliminate what dangers exist.

So now is that going to be prohibited from use?

Mr. BARTLETT. This does not cover that.

Mr. KENNEDY. But if they do not take the pill they are going to be pregnant or they are pregnant already, and the Senator says he is going to prohibit abortion. Tell us what the Senator's amendment does to it. It is this kind of imprecision, I think, that is troublesome as a procedural matter.

Mr. BARTLETT. Well, this amendment, of course—I mean, the morning after pill, as the Senator knows, costs very little.

Mr. KENNEDY. We are not talking about costs, are we?

Mr. BARTLETT. It is also in the experimental stage.

Mr. KENNEDY. Is the issue cost?

Mr. BARTLETT. The issue is cost. We are trying to take away Federal funding, and I think that the issue is cost as well as the moral issue.

Mr. KENNEDY. The Senator does not mind paying a little money for an abortion but he does not like to pay a lot, is that what the issue is?

Mr. BARTLETT. This would cut out all abortions. If the Senator is including the morning after pill as an abortion——

Mr. KENNEDY. I am giving the Senator a situation where many medical doctors believe that is an abortion.

Mr. BARTLETT. All right, then it would cut it out.

Mr. KENNEDY. Then the Senator would prohibit it now. Is this the Senator's decision?

Mr. BARTLETT. This would prohibit abortions.

Mr. KENNEDY. If a medical judgment were made that the physiological impact of an IUD was post-fertilization, would the Senator prohibit the IUD under the language of his amendment?

Mr. BARTLETT. If the IUD's would be determined to be abortions, then this would prohibit it.

Mr. KENNEDY. Under whose interpretation that it would be an abortion?

Mr. BARTLETT. Under the record I am making on this bill, in my interpretation.

Mr. KENNEDY. And, as the Senator knows, at the present time there is a very substantial body of medical opinion that believes that that is exactly the case. Of course it is not a medical certainty, but there is a very substantial body of medical opinion that believes that is the case. Under the Senator's amendment, then, he would prohibit the morning after pill and he would prohibit the use of an IUD.

Mr. BARTLETT. Let me say, in complete answer to the distinguished Senator, that I agree that there is a substantial number of people who agree that the morning after pill, is committing an abortion. There are those who do not.

Mr. KENNEDY. How are we to know? How does the Senator's amendment give us the answer? The Senator just said a minute ago that it would be barred, and now the Senator is kind of qualifying it. What is the HEW person supposed to interpret from this legislative history?

Mr. BARTLETT. No. I am saying if it creates an abortion it would be barred.

Mr. KENNEDY. But how are we going to know? The Senator does not define abortion in his amendment.

Mr. BARTLETT. Well, if there would ever need to be a decision it could, of course, go to court.

Mr. KENNEDY. How is the court going to know? They read the legislative history, and we have two different answers.

Mr. BARTLETT. The court, of course, is going to know. They created, of course, the moral issue that is——

Mr. KENNEDY. How do we know what the Senator's amendment means?

Mr. BARTLETT. So I do not think the Supreme Court would find any difficulty at all in coming to a conclusion on this matter.

Mr. KENNEDY. Well, they read the legislative history, and it has been back and forth just in the time we have had it here.

What happens in the situation of rape? A woman is brutally raped, or incest? What is going to be the answer? A poor person comes on down now to the clinic; what kind of a prohibition exists? How does the Senator's amendment apply to that? It will prohibit the morning after pill, and what else will it prohibit?

Mr. BARTLETT. As I understand, I think the Senator's question was about rape?

Mr. KENNEDY. Take rape and incest.

Mr. BARTLETT. The person who is raped, very fortunately in the first place, very seldom becomes pregnant.

Mr. KENNEDY. Is that the Senator's answer now that the person who is raped very seldom becomes pregnant and, therefore—all right.

Let us continue. [Laughter.] I do not think that is very consoling to the people who have had that tragic experience.

Mr. BARTLETT. Mr. President, I was not accorded the courtesy of completing my answer. But if the Senator would like an answer I will be glad to give it. The answer is, first, that the figures show, the statistics show that i is very rare. In fact, in some statistics that have been assembled there have been no pregnancies resulting from rape, and in others there have been a very minor number. So I think when the Senator laughs about that statement as part of the answer, I think he is laughing at statistical medical evidence that is very important.

Second, as the Senator knows, a raped person can go immediately to a doctor for a D. & C. and in that way presumably would not become pregnant and, presumably, would not have the need for an abortion.

Mr. KENNEDY. Well, I would be interested in any material that the Senator would have that would show that raped victims do not become pregnant.

Mr. BARTLETT. I hope the Senator will state what I said correctly. I said in most cases they do not. There are cases where they do.

Mr. KENNEDY. They do.

Mr. BARTLETT. It is a very small number, and I said that for those, all those, who are raped, they can, as the Senator knows, immediately have a D. & C.

Mr. KENNEDY. All right.

Does the Senator know who pays for that at the present time in the centers?

Mr. BARTLETT. Who pays for the D. & C.?

Mr. KENNEDY. Yes.

Mr. BARTLETT. I do not think there would be any difficulty in that.

Mr. KENNEDY. Well, difficulty in what? They are paid now under the medicaid programs. Does the Senator's amendment apply to those, to the drugs and other kinds of treatment and advice or counseling? Is the Senator going to prohibit that?

Mr. BARTLETT. No; this does not pertain to that.

Mr. KENNEDY. Well, where does it say, because it does not——

Mr. BARTLETT. As the Senator knows, there is nothing in the present law that says that abortions are to be financed. It does not say it at the present time so, obviously, the D. & C. can be financed.

Mr. KENNEDY. But, there is a prohibition against any kind of abortion. The Senator says it is the moment of fertilization. So someone that is a rape victim does become pregnant, goes down to a center and receives either drugs or the other kinds of treatment. I do not see how the Senator can say that is not going to be touched by his amendment, which is a prohibition of an abortion, or at least can be interpreted that way by medical officials.

Mr. BARTLETT. As the Senator knows, there is no provision in the law providing that an abortion should be funded. There have been no hearings on the funding of abortions.

I would like to ask the Senator on my time, does the Senator from Massachusetts favor public funding of abortion?

Mr. KENNEDY. Well, I am interested at this time in talking about the Senator's amendment. That is what we have before us and that is what the Senator is called to defend on and that is the issue, as I see it. We are considering an amendment whose legislative history and interpretation is being altered and refined on the floor of the Senate to reach a basic judicial question in which six courts of this country have found that, if we provide maternity care or delivery services under public programs, and funding to others for the purposes of a medically necessary abortion, that it violates the equal rights amendment, so we have constitutional question here.

And we are considering an amendment that does not even come to our health committee. It is perhaps an amendment for Finance Committee legislation.

So I think on the basis of procedures, on the basis of interpretation, that this amendment is——

Mr. BUCKLEY. Will the Senator yield?

Mr. KENNEDY. I would like to let someone else——

Mr. BUCKLEY. Will the Senator yield?

Mr. BARTLETT. Will the Senator yield?

Mr. KENNEDY. Just briefly.

Mr. BARTLETT. Yes.

I would like to make it very clear that the whole purpose of this amendment raises the question of whether or not the Congress favors the public funding of abortions and I think it is important to interpret the questions that have been asked of the distinguished Senator, for him to answer that question.

Do I take it that the Senator refuses to answer the question of whether he favors or does not favor public funding of abortions?

Mr. KENNEDY. The Senator is quite correct. I am not going to answer that. I do not think I have to. I am debating the Senator's issue here today.

I personally am opposed to abortion, that is my own value, but I think I will make my decision on yea and nay votes when the time comes.

But what we are talking about is the Senator's amendment that is here and being constantly refined and reinterpreted.

Let me just point out, the reason I did not hear the Senator's complete statement is because we do have statistics on rape and rape victims and they show a—well, let me just read this part.

The Uniform Crime Report related that forceful rape is the fastest growing crime of violence in the United States; 51,000 females were victims of forceful rape in 1973, a 10-percent increase over 1972, 62 percent over 1968.

The FBI adds that forceful rape is one of the most underreported crimes in the country, so not only the 51,000 that are actually reported, but we have many more thousands that are not reported, and they estimate 3.5 to 9 times greater than that reported. Four percent of these rapes produce pregnancies—which means as many as 18,000 a year.

Mr. BARTLETT addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT and Mr. BUCKLEY addressed the chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. I yield time to the distinguished Senator from New York.

Mr. BUCKLEY. Mr. President, I would like to have as much time as I may utilize.

What time limitation are we operating under?

Mr. BARTLETT. We have an hour.

Mr. BUCKLEY. Mr. President, I would like to ask a question of the distinguished sponsor of the bill, the Senator from Massachusetts.

Mr. President, may I have the attention of the Senator from Massachusetts?

I would like to ask the Senator, the cosponsor of the amendment, a question. It could be that it is superfluous but I would like to have an answer to this question. Does the present bill permit Federal funding of abortions?

Mr. KENNEDY. What is the Senator talking about the medicaid bill, or what?

Mr. BUCKLEY. The law that is being amended.

Mr. KENNEDY. The Nurse Training Act?

Mr. BUCKLEY. Does existing Federal law permit the Federal funding of abortions?

Mr. KENNEDY. As I understand it, under the various provisions that would apply to, say, a neighborhood health center, it funds services which are medically necessary and appropriate, as the language is used within the Social Security Act.

That is not language which is included in this legislation.

Mr. BUCKLEY. Right.

Mr. KENNEDY. But that is in the Social Security Act.

Mr. BUCKLEY. But it is the understanding of the Senator from Massachusetts that existing law does permit Federal funding of abortions?

Mr. KENNEDY. The Senator from Massachusetts understands that the definition which I have given has been used by doctors as well as patients to include the use of Federal funds for abortions when medically necessary—where medically necessary.

Mr. BUCKLEY. Where medically necessary, and under the interpretation of the Supreme Court, medical necessity involves anything that goes to the sense of well-being of a woman.

In other words, it is abortion on demand. There is no argument about that.

So, therefore, under the interpretation of the Supreme Court and the interpretation of existing law by the Senator from Massachusetts, Federal funding of abortions on demand is, in fact, lawful?

Mr. KENNEDY. Well, no, the Senator is quite incorrect. As I say—if a judgment is made from a medical point of view about the medical necessity, then it is funded.

I do not know, maybe there are some doctors that would feel and interpret as medical necessity an abortion on demand, but that would be the interpretation of the Senator from New York not the Senator from Massachusetts, and would, quite frankly, be an interpretation which is neither justified nor warranted by the language of the Social Security Act.

Mr. BUCKLEY. May I ask this, then. Does existing law authorize the funding of any abortions that the Supreme Court decisions in Wade and the other case declared to be the prerogative of women?

Mr. KENNEDY. Well, it is up to the doctor and the patient. It is up to the doctor and the patient under the definitions of the Social Security Act.

If the Senator has something more specific, but generally, I've attempted to clarify this about medical necessity—that is the language used in the Social Security Act.

Mr. BUCKLEY. The Senator is not addressing my question.

Mr. KENNEDY. Well, what is it?

Mr. BUCKLEY. My question is, are abortions that fall within the definition and the ground rules established by the Supreme Court lawful, fundable by the Federal Government?

Mr. KENNEDY. Not if they are not medically necessary, no, that is my understanding.

Mr. BUCKLEY. Would the Senator from Massachusetts agree that 28 percent of all abortions in 1974 were paid for by the Federal Government?

Mr. KENNEDY. Well, I would be glad to look at whatever material the Senator has. He has asked whether they were being in compliance with the Supreme Court. I said that if the doctor is complying with the law, it is medically necessary, and I would certainly hope every doctor is complying with the law in exercising a judgment in terms of medical necessity.

Now, if the Senator has some other figures that show some doctors are violating that, then they are violating the law, but I do not see the Senator's point.

Mr. BUCKLEY. The argument of the Senator from New York——

Mr. KENNEDY. What is the Senator's point, may I ask that?

Mr. BUCKLEY. The Supreme Court has so defined health as to mean a condition of well-being which, therefore,

means any time a woman wants an abortion badly enough, which is on demand, she is entitled, under the Supreme Court decision, to have it.

My question to the Senator from Massachusetts is, does he agree that the Federal Government should fund abortions that are permitted under the Supreme Court decision?

Mr. KENNEDY. Well, as I understand——

Mr. BUCKLEY. May I have a yes or no?

Mr. KENNEDY. Well, I am sorry. I was trying to make a response to the earlier question, since the Senator indicated I had not answered it before. I was trying to get a better understanding.

As I understand the question it is, Are there abortions being funded now under the Supreme Court decision which defines health as well-being that should be funded under the social security rule of medical necessity? Is that correct? Is that what the question was before?

Mr. BUCKLEY. My question is——

Mr. KENNEDY. Let me talk.

Mr. BUCKLEY. It is a very simple question. Does the Senator agree that Federal funds should be used under social security to pay for abortions permitted under the Supreme Court decision?

Mr. KENNEDY. If they meet the guidelines of medically necessary in the Social Security Act, they are legal. If they are medically necessary as defined by the Supreme Court.

Mr. BUCKLEY. As defined by the Supreme Court. So the Senator believes that such abortions should be funded by the Federal Government under the social security laws.

Mr. KENNEDY. I think that is legal. I believe that is the question, whether it is legal.

I am not going to get into a position, as much as I am sure the Senator would like me to, of talking about my own philosophy or religious belief. I would be more than delighted, but I do not think it is appropriate here.

What I am trying to discuss is what the law or a particular amendment is, and I am prepared to make a judgment on that.

I have indicated I am personally opposed to abortions. The Senator has asked me a series of different kinds of questions.

Rather than get into my personal views, and I would like to get into them sometime with the Senator, I will not use up the limited time here.

I am sure the Senator from New York realizes it does not have any direct relevance to the matter we are talking about.

Mr. BUCKLEY. I am not talking here about the merits of the abortion question, but whether Federal funds should be utilized to pay for something which may be a legal right. We have any number of situations, such as those described by the Senator from Oklahoma, where an individual has a right under the law, but where he has no call on Federal funding for the exercise of that right.

This, to me, is what this particular amendment is all about. It is not a matter of whether we approve or disapprove of abortion, but whether we approve of the use of Federal funds for the funding of something which a lot of taxpayers do think is abhorrent to them. It has nothing to do with right. It has to do with funding.

Mr. President, I gather that the Senator from Massachusetts is unwilling to put himself on the record as to whether or not he agrees with the proposition—I take that back. He has. He has clearly put himself on the record as stating that he favors Federal funding for abortions that may be legally permitted in the United States under the Supreme Court decisions.

Mr. KENNEDY. The Senator can put whatever he wants to on the record, say whatever he wants to, but he is not interpreting my position accurately.

When the Senator from New York has asked questions on it, I have attempted to respond to those questions, what I consider to be the legal questions, and the present, current, legal situation. I am not going to get into a question—delighted as the Senator from New York likely would be—about my own personal views on it. The Senator can put up the amendment, and I will vote on it. I will vote yea and nay on any of the different kinds of resolutions that have been put, and I am prepared to do so. But that is not the issue here today.

I think the Senator would be much better off talking about the particular amendment, which has been redefined, redescribed, and which has been conditioned by the proponent of the amendment.

I think, as a matter of very judicial inquiry that they failed to have the chance to examine any of these kinds of issues in the committee. I think that would be useful.

Mr. LEAHY. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BUCKLEY. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator from New York still has the floor.

Mr. BUCKLEY. How much time is left to the proponents?

The PRESIDING OFFICER. The Senator from Oklahoma has 39 minutes remaining on the amendment.

Mr. BUCKLEY. Mr. President, as a cosponsor of the amendment introduced by the Senator from Oklahoma, I would like to say just a few words in support of this amendment.

I do not rise here today to reiterate my position on the subject of abortion on demand. I think it is safe to say, Mr. President, that my colleagues know where I stand on that issue. I have introduced a constitutional amendment to secure the right to life for all Americans. This amendment is now being studied by the Senate Subcommittee on Constitutional Amendments. It is my hope that such an amendment will be reported from the subcommittee soon.

What we have before us today is entirely different. Simply stated, it is this: Should taxpayers' dollars be used to fund abortion on demand?

Those who oppose this amendment suggest that it is discriminatory. They say that it would discriminate against the poor. The well-to-do can afford abortions, they tell us, but the poor need Government funds.

There are two points that should be raised about such a charge. First, it is simply not true that denying tax dollars for practices held to be rights by Supreme Court decisions is discriminatory. The taxpayer is under no obligation to fund with his money any and all rights. Traditional congressional policy prohibits this Federal financing, a policy which was first explicitly stated in the Family Planning Act of 1970 and reiterated in the first session of the 93d Congress by the enactment into law of an amendment proscribing the use of foreign aid funds for abortion. Both Houses of Congress are repeatedly on record as opposing Government funds for abortion.

The issue of Federal funding is wholly distinct from the constitutional question decided by the Supreme Court on January 22, 1973. It by no means follows from the fact that a woman is now legally permitted to seek an abortion, that the Federal Government is constitutionally or otherwise obligated to pay for it. It is apparent that abortion is now being promoted as a new-found panacea to certain social and economic problems. Several years ago, the arguments favoring liberalized abortion were couched almost exclusively in terms of the woman's "right to privacy." In the past few years, especially since the Supreme Court's ruling, the arguments for abortion have acquired a new and ominous focus, one that emphasizes the social, economic, and political utility of abortion. Abortions in general and publically funded abortions in particular, are now being advanced as a socially "progressive" and "enlightened" solution to the problems of poverty and welfare. When abortions are openly defended on the explicit grounds that they help to limit the welfare population and reduce public expenditures. I submit we are traveling rapidly down a road that will subject all human life, born or unborn, to the risks of some social planner's cost/benefit calculus. This reduces itself to the simple argument that the way to eliminate people's problems is to eliminate people.

The second point that should be raised is quite simply that the obvious intent of this amendment is not discriminatory. I point out this abvious fact only because it seems to me that it does not contribute to rational debate to set up strawmen. The amendment is not discriminatory in intent; it will not be discriminatory in practice. It seeks to reaffirm a principle already written into law in two cases and one agreed to in other cases in votes in the Congress.

It is my hope that the debate over this issue will not become bogged down in irrelevant issues. The issue is clear and precise: Should tax dollars be used to fund abortions? The question has been asked here before. The answer has always been the same, and that answer is "No." I believe it is in the interest of elementary justice that the same answer be given today by a vote in favor of the amendment before us.

Mr. President, I would like to comment on one other aspect of the objections raised to this amendment by the Senator from Massachusetts.

He has stated that, because there are lawsuits or legal cases now in progress on the question of whether or not there is a legal right in the Congress to deny funds to people who qualify under the social security for one use or another, that we ought to take no action.

I do recall that he voted in favor of the Campaign Reform Act, even though he had earlier expressed grave constitutional doubts about whether or not that act violated the first amendment.

I do not believe it is the duty of the Congress to stand paralyzed while we await court action that may take years to come to a definitive conclusion.

Mr. KENNEDY. Will the Senator yield on that point? It seems to me it is the Senator from New York who is questioning the constitutionality of the congressional campaign financing.

Mr. BUCKLEY. Unless the Senator from Massachusetts was misquoted, there was a quote back in 1971 or 1972 to the effect that he felt the campaign contributions were unconstitutional.

Mr. KENNEDY. The Senator is misquoting the Senator from Massachusetts a good deal today.

Mr. BUCKLEY. I am glad to have the record straightened out. I will send the Senator the reference. He may want to get to the source of that particular quotation.

Mr. KENNEDY. What was the basis of my reservation about the constitutionality?

Mr. BUCKLEY. I believe it was freedom of expression. I thought it was a brilliant constitutional analysis.

Mr. KENNEDY. It was what?

Mr. BUCKLEY. Limitation on freedom of expression.

Mr. KENNEDY. In what respect?

Mr. BUCKLEY. Limitation on campaign funding.

Mr. KENNEDY. Why should it be? The Corrupt Practices Act clearly indicates that Congress can put limitations on campaign financing.

Mr. BUCKLEY. Mr. President, at some other and more appropriate forum, I would be happy to argue the constitutionality.

Mr. KENNEDY. And I will discuss with the Senator from New York my own personal philosophy, as well.

Mr. BUCKLEY. When we come to this particular matter before us, we come to the simple proposition that the Senator from Massachusetts admits that existing law permits the public funding of abortions performed within the guidelines defined by the Supreme Court. He also opposes any attempt to limit——

Mr. KENNEDY. Will the Senator yield on that point? The Senator has misstated me completely in making that kind of a comment. I have never said that. I have never said that, and the debate will not reflect it.

What I have said is that it is only permitted under the language that is included under the social security for medical necessity. That is the only way that it is legal in this country. If there are going to be violations by other doctors, then the violations are of the regulations or the law.

If the Senator wants to persist in this, that is his prerogative. But I will not take the Senator from New York to interpret my position on a matter which the Senator from New York knows is as important and as significant as this particular issue and let him make ease with the words—because he distorts my position. If he did not understand it before, he ought to understand it now.

Mr. BUCKLEY. I believe the record will show that the Senator stated that abortions within medical necessity as defined by the Supreme Court could be funded under the Social Security Act, funded by the taxpayer.

He also resists any attempt to make it clear that it is the will of the Congress, and this is the will that was expressed in several votes last year, that public funding shall not be made available for such purposes.

This has nothing to do with the right to an abortion, but whether or not the taxpayers will pick up the tab.

Mr. President, I think the arguments are clear enough, and I urge my colleagues to vote as they have in the past and support this amendment.

Mr. KENNEDY. Is my friend from New York suggesting that medically necessary abortions should not be performed?

Mr. BUCKLEY. I am suggesting——

Mr. KENNEDY. Just answer yes or no as the Senator was asking me to.

Mr. BUCKLEY. I am suggesting that they should not be performed at the taxpayers' expense.

Mr. KENNEDY. Medically necessary abortions?

Mr. BUCKLEY. As currently defined and applied in practice. How would the Senator define medical necessity?

Mr. KENNEDY. I have difficulty defining the language of this amendment, let alone "medical necessity." That is why it is entirely inappropriate for us to be acting on it.

Mr. President, I yield to the Senator from Vermont.

Mr. BUCKLEY. I still have the floor.

The PRESIDING OFFICER. The Senator from New York had given up the floor.

Mr. LEAHY. Mr. President, I should state at the outset that there has been some discussion in this colloquy on the question of rape and abortion. While I have no firsthand experience with either situation, I was for 8½ years a prosecutor. I stress to my colleagues that a D. & C. procedure is not in all instances adequate to terminate pregnancies which do, although infrequently, result from rapes. Therefore, the question of abortion does on occasion arise as a result of rape.

Mr. President, it would be very unfortunate for all Americans if enactment of the Nurse Training and Health Revenue Sharing and Health Services bill now before us were to be delayed because of the pending amendment. Authorizing legislation for the Nurse Training Act expired at the end of June 1974. There is still no new authorizing legislation. In the meantime the health needs of the American people have not taken a holiday. They continue to mount daily. We must act promptly to see to it that S. 66 is enacted into law.

The addition of the Bartlett amendment to this legislation would only serve to embroil the bill in a lengthy debate followed by a prolonged conference. The appropriations bill to which a similar amendment was added last year languished in conference for 4 months. It would be tragic were we to allow this much needed legislation to become snarled in such a way.

Mr. President, I am totally opposed to any funding or policies which would require any medical personnel to be involved in abortion procedures against their personal or moral beliefs. I am also totally opposed to Federal funding for research on living fetuses resulting from abortion. Moreover, I would strongly oppose funding any programs which would encourage abortion as a method of birth control. In that regard, I do believe that opportunity should be presented for alternatives to abortion. Adoption agencies, counseling, and medical care should be provided for those seeking help of that nature.

I am personally opposed to abortion. However, I recognize the fact that many people honestly and conscientiously have no moral objections to it. Abortion is an issue on which many people of goodwill on both sides have strong personal beliefs. I have over the years opposed amending the Constitution as a means of overturning Supreme Court decisions, and I am extremely concerned that doing so may create more problems than those solved. However, if the question of abortion is to be debated in Congress, I believe that debate should center on the issue itself. It should not be used to hold hostage other vitally needed legislation.

The continuing resolution providing funds for the Nurse Training Act expires in June 1975. Therefore, passage of the pending bill must be prompt to assure a continuation of this important program which is really the only Federal assistance to nursing schools and nursing students. We simply cannot afford to have the bill stymied for months in conference. Action is needed now so that nursing schools and their students can plan rationally for the coming school year.

I urge my colleagues to approve S. 66 without amendments which can only serve to delay, and perhaps jeopardize, this very necessary legislation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time does the Senator from Maine desire?

Mr. HATHAWAY. Five minutes.

Mr. KENNEDY. I yield 5 minutes to the distinguished Senator from Maine.

Mr. HATHAWAY. Mr. President, I appreciate the Senator from Massachusetts yielding to me for the purpose of making a few brief remarks in opposition to the amendment of the Senator from Oklahoma.

My opposition is based on procedural, administrative, and substantive problems with the amendment.

Procedurally, I have problems with the

broad, sweeping language which prohibits the use of any funds authorized under the Social Security Act to pay for or encourage the performance of abortion. This health bill is an inappropriate vehicle for such a floor amendment covering all programs under social security. When we acted on S. 66 in the Committee on Labor and Public Welfare, we did not consider anything similar to the Bartlett amendment. No committee of the Senate has, to my knowledge. I understand Senator BARTLETT has introduced a bill, S. 318, to prohibit the use of HEW funds to pay for abortion. That bill is pending before the Finance Committee, and I would hope it would be subjected to thorough discussion and close scrutiny in the committee process before coming to the floor for a vote on this controversial and complex approach to a controversial and complex issue.

At the outset, the Senator from Oklahoma stated that this was an appropriate authorization to which to attach this amendment, and I suggest that it is not an appropriate authorization at all. His amendment purports to amend the Social Security Act, and the bill before the Senate has nothing to do with the Social Security Act. Furthermore, since the amendment refers to that act, the proper procedure would be to have this matter originate in the House of Representatives, as is provided in the Constitution for revenue-raising measures such as the Social Security Act.

Administratively, I am bothered by the vagueness in the amendment. Nowhere in the amendment is the term "encourage" defined. Were this amendment to become law, it would be very difficult for those administering the Social Security program to determine what constitutes "encouragement." For example, would referral of a woman to a doctor for pregnancy counseling constitute "encouragement"?

Might not a simple pregnancy test—which would certainly lead some patients to seek abortions—be viewed as an act of indirect encouragement?

As a technical matter, then, I believe the amendment should be tabled on the ground that it would be extremely difficult to administer and enforce. But, of course, I am not going to rest my argument on technical objections to the amendment. There are grave constitutional problems with this amendment, and these problems must be addressed.

Focusing as it does on funds authorized under the Social Security Act, the Bartlett amendment is aimed at one class of people—the poor. This amendment would not stop abortion in the United States. By denying the use of medicaid and other Social Security funds for abortions, the amendment effectively denies the opportunity for an abortion to the poor, and to the poor alone. This amendment would affect no one who could afford to pay a physician for an abortion. Since the Bartlett amendment applies only to low-income people, but not to the population at large, it is blatantly discriminatory on economic grounds, and therefore unconstitutional.

It is important to note that one of the fundamental purposes of Federal support for medicaid is the equalization of access to health care. Its aim is to assure that persons are not deprived of this access—or their rights—on the basis of income.

As every Member of this body knows, the Supreme Court has held that women do have a constitutional right to an abortion under the right of privacy. As Members of Congress, we do not have the right to deny constitutional rights to people because they are poor. That is what we would be doing by enacting this amendment.

The Senator from Oklahoma mentioned at the outset of his remarks that what we are doing here is spending Federal money for abortions. That is exactly what we are doing. But we spend money in many other areas to support people in exercising their constitutional rights. We spend money for public defenders. We spend money for the Legal Services Act, which helps poor people. We spend money to help people avail themselves of their civil rights under the Constitution. We spend money so that people will not be denied equal protection of the law. We spend money for all of these purposes, and I think that the money being spent under the Social Security Act for abortion achieves a similar purpose, because it does allow a poor person to avail herself of her constitutional right.

At the appropriate time, I shall support a motion to table the Bartlett amendment. I am not supporting this tabling motion because I am for or against abortion. I have not come to any definite conclusion with respect to that issue, and I shall await the outcome of committee hearings and floor debate on the various constitutional amendments regarding abortion before making a decision on this very important and complex issue.

I shall support the motion to table because I believe the Bartlett amendment is inappropriate, inequitable, and discriminatory in its effect.

Mr. President, I ask unanimous consent that a Washington Post editorial of April 7 regarding the Bartlett amendment be printed in the RECORD at this time.

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

THE ANTI-ABORTION AMENDMENT

One of the first things the Senate will have to deal with upon its return next week is the annual effort to bar the use of federal funds to pay for or to encourage abortions. Last year, the Senate passed the measure as a rider on an appropriations bill only to have it killed by a conference committee which said that was not the appropriate vehicle for such far-reaching legislation. This year, an attempt is planned to attach the same rider on the Senate floor to the nurse training and health services act. As a matter of both procedures and substance, the attempt should be defeated.

There are many objections to this proposal. No one really knows how far it reaches because it would bar, in its broadest form, the spending of funds under any federal program to "directly or indirectly" pay for or encourage abortions. The only exception it would make is for an abortion that is necessary to save the life of the mother, thus barring those designed to save the mother's health or to help women victimized by rape or to eliminate grossly deformed fetuses. Beyond this, it would be a major policy move of the U.S. government against abortion, a matter which we think should be left up to a woman and her doctor.

Leaving aside the larger issue, we would rest our objection to this particular proposal on a simple matter of equal justice. The effect of it, if made into law, would be to deny legal abortions to those women so poor they must rely on government help for medical care while permitting legal abortions to women who have money enough to pay for them. On these grounds alone, this would be bad government policy inasmuch as it would bring unwanted children into only those homes least able financially to provide for them. Beyond that, it is offensive to the fundamental principle that the exercise of legal rights should not turn on the size of one's bank account.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

CIVIL RIGHTS COMMISSION VOICES OPPOSITION TO BARTLETT AMENDMENTS

Mr. PERCY. Mr. President, last year when an antiabortion amendment was attached to the Labor-HEW appropriations bill, the U.S. Commission on Civil Rights indicated its intention to report on the constitutional aspects of the right to limit childbearing. Because similar amendments to S. 66 have been offered, I wrote to Dr. Arthur S. Flemming, the Chairman of the Commission, asking about the report which will be released next week.

Dr. Flemming's response is vital to the consideration of antiabortion legislation and I wish to share it with my colleagues. I have placed a copy of Dr. Flemming's letter on the desk of each of my colleagues. I urge their careful reading of it.

I ask unanimous consent that the text of Dr. Flemming's letter be printed at this point in the RECORD as well.

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

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., April 9, 1975.

Hon. CHARLES H. PERCY,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR PERCY: The Commission on Civil Rights appreciates being given the opportunity to comment at this time on Senator Bartlett's proposed amendments to 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." As we promised last year, we will release on April 14, a report entitled "Constitutional Aspects of the Right to Limit Childbearing." The principal thrust of the report is an analysis of the impact that a constitutional amendment designed to nullify the *Roe v. Wade* and *Doe v. Bolton* decisions of the U.S. Supreme Court would have on the First, Ninth and Fourteenth Amendments to the Constitution.

The Commission has based its conclusions on the results of factfinding studies, within a legal framework. The Commission therefore

takes no position on the moral or theological debate which presently surrounds the issue of abortion. Nor does it take a position on whether an individual woman should or should not seek an abortion. The Commission's sole position is its affirmation and support of each woman's constitutional right as delineated by the Supreme Court.

One of the report's three major recommendations is that "Congress should reject anti-abortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit child-bearing." The Commission makes this recommendation, and urges the Senate specifically to reject the proposed Bartlett amendments to S. 66, for several reasons. First, as indicated, we believe that such an amendment would undermine the constitutional rights of women as set forth by the U.S. Supreme Court. Next, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on low-income women, among whom racial and ethnic minority women are disproportionately represented.

The Commission's report discusses in some detail the impact on low income women of constitutional amendments prohibiting abortion, addressing the potential violations of the equal protection clause of the Fourteenth Amendment which would result.

Thus, Senator Bartlett's proposed amendments would effectively nullify the *Roe* and *Doe* decisions for poor women, as these are the women who must rely on Medicaid and other Federally funded health care programs for medical services. Our report states that:

"Statistical data demonstrate the suffering experienced by poor women when abortion is illegal. For the poor woman, restrictive abortion statutes have meant either another baby she could not care for, or the chance of death from an attempt to self-abort or at the hands of a backroom abortionist. Almost universally, where abortion is legalized the maternal rate drops and the incidence of septic abortion (abortion complicated by acute infection of the lining of the uterus) and incomplete abortion decreases. This points to the conclusion that legal abortion reduces the incidence of ill effects from criminal abortions and is, therefore, preferable to criminal abortion. For example, at San Francisco General Hospital in 1967, before abortion reform, there were 68 septic abortions per 1,000 live births; by 1969 there were only 22 per 1,000 live births. In New York City's Harlem Hospital there were 1,054 women admitted for aftercare following incomplete abortions in 1965 and only 292 in 1971, after abortion was legalized.

"Poor women face grave risks of endangering life and health by self-abortion or by seeking the services of nonphysician abortionists. If forced to continue an unwanted pregnancy, women, when unmarried, face a whole range of discrimination. If they are employed, their health insurance coverage may be inadequate to cover expenses associated with pregnancy and childbirth. Furthermore, employers are not obligated to transfer a pregnant woman to less arduous work, if this is medically advisable during any stage of pregnancy. Indeed, women have often been forced to leave their employment, either temporarily or permanently when they become pregnant, thus losing potential benefits, including health insurance coverage. If a pregnant woman is unable to find employment and does not qualify for compensation and has no one to support her, she may be forced to accept inadequate public assistance. Additionally, the existence of an out-of-wedlock pregnancy and birth may be used as evidence to deny employment or housing to a woman. The same economic factors which create her inability to gain an abortion in the first place might mean that a woman would not be able to file suit to challenge such patently discriminatory actions."

The recognition of abortion as a constitutional right by the Supreme Court has made it possible for more poor woman to gain access to safe abortions done by physicians, and paid for by Medicaid funds. They need not pay the higher fees demanded by illicit practitioners when the procedure is illegal. Senator Bartlett's proposed amendments to S. 66 would restrict that opportunity. Economic discrimination as such may not always be a violation of the Constitution, but racial discrimination is, and the effect of prohibiting states to pay for legal abortions with Medicaid funds would be to discriminate against those racial and ethnic minority women who are disproportionately represented among low income women.

Further, the Commission's report discusses various State actions which have been taken since the Supreme Court *Roe* and *Doe* decisions, as attempts to indirectly limit the right to abortion. One of the most important of these is the attempt to refuse Medicaid payments for abortion procedures. As is pointed out in the October, 1974, memorandum prepared by the Congressional Research Service of the Library of Congress, entitled "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL F.Y. 1975 Funds for Abortion," the courts have declared that all such State actions represent illegal interference with the reproductive freedom acknowledged in *Roe* and *Doe*. Our report describes these cases as follows:

"In one case, (*Doe* v. *Rose*) the Utah State Department of Social Services ruled that indigent pregnant women, entitled to medical services and care for pregnancy under its Medicaid program, were not entitled to abortions at the expense of Medicaid unless an application was approved by the department as being therapeutic. The department defined a therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. The Federal appeals court decided that this 'broad abortion policy is intended to limit abortion on moral grounds.' Such a policy 'constitutes invidious discrimination and cannot be upheld under constitutional challenge.' "

I hope that this reply is responsive to your concerns. Please feel free to call on me if the Commission can be of further help.

Sincerely,

ARTHUR S. FLEMMING,
Chairman.

Mr. PERCY. Mr. President, I wish to read just two sentences from that letter. Dr. Flemming said:

One of the report's three major recommendations is that "Congress should reject anti-abortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit childbearing." The commission makes this recommendation, and urges the Senate specifically to reject the proposed Bartlett amendments to S. 66. * * *

Mr. President, Senator Bartlett's anti-abortion amendment must not be attached to S. 66. I fully support the action to table this amendment.

Mr. President, allowing this amendment to remain on this bill could prove most serious for the major health programs whose extension depends on passage of S. 66. As my colleagues will recall, an antiabortion amendment was attached last year to the Labor-HEW appropriations bill. The controversy over that amendment contributed substantially to the 4-month delay of congressional approval of that bill. A similar delay for S. 66 must not be provoked. I need not recount the setbacks this legislation has already suffered. Programs authorized by this bill have not had a funding authorization increase since 1972, and their future should not be linked to a complex and highly controversial amendment that would unnecessarily complicate the House-Senate conference on S. 66 and certainly delay approval of the bill.

The issues raised by the Bartlett amendment are serious and should be discussed thoroughly and independently of the bill now before us. Senator BARTLETT himself has indicated his desire for his proposal to go through the full legislative process, including hearings before the Finance Committee, in his introduction of S. 318, which would prohibit expenditure of funds for abortions except where the woman's life is in danger.

The questions relating to this proposal are intricate and cannot be adequately answered in floor debate. For example, when does pregnancy actually begin? Does it begin at fertilization, as Senator HELMS suggested in his introduction of Senate Joint Resolution 6, a proposed amendment to guarantee constitutional rights to a zygote from the moment of fertilization? Or does pregnancy begin at implantation, 8 to 14 days later, as many scientists and physicians believe? If pregnancy begins at fertilization, are many common contraceptive methods that permit fertilization but prevent implantation to be considered abortifacient and therefore prohibited from use in federally funded family planning programs? Would the proposed amendment outlaw the use under medicaid of drugs commonly used in the treatment of disease because they also have abortifacient effects? Is the Federal Government prepared to pay an additional $500 million next year alone to provide medical care and welfare payments to medicaid mothers who were denied abortion services? Are we willing to enact an obviously discriminatory measure that would deny abortion services to women who rely on medicaid while those same services are readily available privately to women of greater wealth.

I cannot believe that my colleagues are willing to leave these questions unanswered. Nor can I believe that my colleagues wish to take up debate of these complex and sensitive questions without benefit of expert testimony.

In short, Mr. President, Senator BARTLETT's amendment does not belong on S. 66 and I believe the tabling motion to be offered by Senator JAVITS should be supported. I hope this matter will be thoroughly aired, with full hearings, prior to any vote on the floor of the Senate.

Mr. BARTLETT. Will the Senator yield for a short question?

Mr. PERCY. Yes, I yield.

Mr. BARTLETT. He stressed the unknowns existing in the abortion question and stressed the need for hearings and so on. Is it not commonsense that we not federally fund abortions, with all these doubts, without having any hearings, ever, on the funding, without this body ever taking action to fund abortions? In fact, this body voted——

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. BARTLETT. I yield myself a minute.

The Senate voted 50 to 34 against the tabling motion on this same provision in this particular amendment. Therefore, is it not commonsense that we have the hearings, but pass this amendment so that we are not going to be taking actions and continuing those actions without, really, a very careful study of the problem?

Mr. PERCY. I think it does make commonsense. I would only ask, has the distinguished Senator read the letter from the U.S. Commission on Civil Rights that I placed on the Senators' desks? Has the Senator had an opportunity to study that letter and would he care to state whether he feels that makes commonsense? And in the light of that kind of recommendation, should we move right ahead now precipitately and simply enact this amendment? Does that make good commonsense?

Mr. BARTLETT. I have not read the letter, so I cannot comment.

Mr. President, I yield to the Senator from Rhode Island whatever time he desires.

Mr. PASTORE. Mr. President, I think that we are gradually developing in the Senate a talent to divide our people. The question here, I might say to my friend, the question is not anybody's constitutional right. It is nobody's constitutional right to have the taxpayers of this country pay anybody anything. As a matter of fact, the Supreme Court took a very strong position on integration and desegregation, and on our educational bill we went out of our way to say that none of these funds shall be used to create a balance in any district and that busing could not be used for that purpose. This is not the first time we have done that.

Let us be fair and frank about it. This is a highly sensitive and very controversial and very emotional subject. Our country is divided right down the middle. I have received a lot of mail with reference to this amendment and I say, very frankly, I admit that it is pretty evenly divided. Our people are divided on the subject, for good reason, and I question nobody's point of view.

There are those who believe that an abortion is a personal right of an individual. There are those who believe that the fetus has a right. And so it goes, and goes on and on and on.

But that is not the question here today. The question is, Shall we use the taxpayers' money in order to perform an abortion? That is the question.

If I do not believe in an abortion, why should my money be paid for that purpose, any more than I would support an amendment that said Federal funds should be used in order to propagate and advance the idea of the "Right to Life?" I would be opposed to that, because I do not think it is the business of the government to begin to use taxpayers' money for that purpose.

That is the qustion before us now, and that is all we are saying. The question we hear is, "Why should not the poor have the same right as the rich?" This amendment does not stop anyone from setting up a private clinic, if they want to, to perform abortions. That is not the question here. That is not the question here at all. We are not saying the poor cannot have an abortion, that it would be illegal if they did. We do not say that. If anyone here wants to support the right of any poor person to have an abortion privately, that is his or her business.

The question here is, What are the rights of the taxpayers? And this is a very sensitive point. It is a very delicate, very serious, emotional situation, but it has tremendous logic.

I ask Senators, "Why do you not read the amendment?" The amendment says, "No funds authorized under the Social Security Act."

Whose money goes into the Social Security Act? It is the money of the people who believe in abortion and the people who do not believe in abortion, and the question here is, why should one side impose its will upon the other side?

All we are talking about here is, shall the taxpayers' money be used to do this or that? That is the question here. I am not arguing about the Constitution.

Mr. President, that is all I have to say. I had a fine group of Rhode Island citizens come to me during our Easter recess, and they asked me if I would not vote to lay it on the table.

I said, "I hope that some day you will come into my office and talk to me about something we can agree upon." I cannot agree upon the principle that the taxpayers' money should be used to advance either one side or the other side of this very controversial subject. It is a subject that involves the moral beliefs of people, and it does not necessarily mean that those who do believe are more moral or less moral than the other side, that does not believe. That is not the question here today.

The question here today is, Shall we sanctify, now, for any purpose, the use of Federal funds in order to carry out one side or the other side of the issue?

The argument is made that unless we pay for it out of the Public Treasury, the poor cannot have it done. Who have said they cannot have it done? It is being done every day. It is being done now and it will be done in the future. There are a lot of private funding organizations that would undertake it anyway.

But my argument here today is, this is the wrong time and the wrong place to begin to use public money in order to carry out one way or the other. The idea that it is the poor or the rich has nothing at all to do with the very fundamental principle involved, and it is the principle involved that shakes me no end.

I know that possibly the popular idea here today may be unpopular with many people, and I tell you very frankly, no matter how you vote here today, you just cannot win, because people have very strong feelings in this regard, and once you walk out that door, if you are for abortion, you will be damned by those who are for Right-to-Life, and if you are for Right-to-Life, you will be damned by those who are for abortion. That is the part that we all play. That is the way it has always been, and that is the way it always will be.

I am going to vote not to lay the amendment on the table. I do not know what the result will be, but if I had not said this I do not think I could sleep tonight.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Massachusetts yield me one-half minute?

Mr. KENNEDY. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Alice Saginoff of my staff and George Shanks of my staff be granted the privilege of the floor during the consideration of this measure.

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

Who yields time?

Mr. BARTLETT. Mr. President, I yield such time as he may require to the Senator from Utah.

FEDERAL FUNDING OF ABORTION

Mr. GARN. Mr. President, I rise at this time to express my support for the amendment of the Senator from Oklahoma. This amendment, which would prohibit the use of Federal funds for the performance or encouragement of abortions, concerns one of the most controversial, complex, and delicate issues being discussed in the country today. And no matter which public opinion poll is cited, the division of opinion in our Nation on this subject is obviously deep, with no side able to claim an absolute consensus. It is for this very reason I support passage of the amendment.

I urge my colleagues to keep in mind that to vote for or against this amendment is not to vote for or against abortion. A vote either way on this amendment will not stamp a Member of the Senate as being either on the side of right-to-life or a partisan of those who believe in abortion. The rightness or wrongness of abortion is not the issue being raised by this amendment. The issue before us is whether we can turn our backs to the intense debate and considerable differences of opinion now prevailing in our Nation and continue to use the taxpayers' moneys to fund a program that is offensive and abhorrent to a substantial portion of the citizens in this country.

The Federal funding of abortion cannot resolve the abortion issue. Indeed, it cannot but intensify and widen the gulf of feeling between the opposing factions. What we have before us is not a question of ethics, morality or even of constitutional rights. What we do have before us is the question of whether the taxpayer's money, under the guise of health treatment, should be spent for the performance of abortions, a practice which is contrary to the adamantly held view of a considerable segment of the American citizenry.

By passing this amendment we are not forbidding abortions. If abortions are allowed under the law of any State, they still may be freely sought under those laws. Further, by referring people back to their own States, we are recognizing

both the personal nature of the decision involved and the fact that the ultimate decision on this issue must be made by the people themselves. In other words, the action taken here will decide whether the Federal Government will continue to make funds available for States, funds that come from all the taxpayers to pay for the desires of some 16 States.

I do not happen to believe in abortions, but that is my prerogative. I would like to see restored to our Constitution the fundamental principle that the right to live and the equal protection of laws must be guaranteed to all human beings at every moment of their existence so that there is left no lingering ambiguity for the courts to wrestle with. However, this is not the point. My personal feelings are my business. But the taxpayers' money is everybody's concern. This is the issue before us now.

I am certain that there are those who will attempt to raise constitutional objections to Senator BARTLETT's proposal. While I would leave sophisticated constitutional analysis to those more intimately versed in the art, it appears to me that some fundamental constitutional facts still remain intact: No court, not even the Supreme Court, has held that a person or an unborn child has a constitutional right to welfare or medical benefits. And no court, not even the Supreme Court, has held that it has the power to tell the Congress how it shall spend the taxpayers' money.

Mr. President, the heated controversy over abortion is alive and well and the division over this issue will continue to persist. But while the differences are being discussed, there is no question in my mind that we should not use the money of all the people to finance a practice which in the view of many taxpayers affects the most fundamental rights on which this Nation was founded—the right to life, liberty and the pursuit of happiness.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think that the arguments which have been made have been very elucidating, but, as I shall make the motion to table, I think it is very important to specify why tabling, which is sometimes not greeted too happily by my colleagues, is uniquely appropriate in this situation.

First, Mr. President, notwithstanding what my beloved friend Senator PASTORE has said, the fact is that Federal money is being spent for medical treatment which would be defined by Senator PASTORE and his colleagues as abortion right now. It is not something that will happen, it is going on right now. Hence, if we stop it, we are affirmatively acting to perpetrate a discrimination upon the poor women of America. It is as bold as that.

That has been borne out by Senator BUCKLEY's figures. Without arguing the accuracy of the statistics and even if we concede that 28 percent of all money that is spent for abortion is Federal money, the fact remains that 72 percent is not Federal money. So if we abandon it now, that 28 percent of women utilizing Federal money will be discriminated against, because they cannot otherwise afford it.

What does Senator PASTORE say to that? He says, "Let them eat cake or get charity." That is the argument. You cannot defend it on any moral or humanitarian ground. And, Mr. President, we are at least 50 years beyond that time.

Mr. President, this goes to the issue without any regard to the details of the constitutional argument that the Bartlett amendment by denying abortions only to women who are poor is discriminatory. I respectfully submit to the Senate, and I have taken this position right along, that when you face the issue frontally, lower Federal courts have uniformly held under Roe against Wade that the Supreme Court has decided that a woman's right to abort a pregnancy is a fundamental right falling within her constitutionally guaranteed right of privacy and that a State action interfering with that right must be justified by a compelling State interest. Further, no Federal court which has directly addressed the constitutional issue has sustained a State's claim of any compelling interest in this area.

My colleague from New York has faced this issue with great credit. He says, "Let us leave it to a constitutional amendment to decide this issue." That is the fair way. Senator KENNEDY, who has been debating this issue as to his personal view should have a chance to vote on it, as should all Senators. But the reason this amendment should be tabled is that we should not tolerate an ongoing situation where 72 percent of the American people are enjoying a particular benefit, right, and privilege, as they are, and the Supreme Court has said to every State, "You cannot take it away from them," but we are going to change it. We are going to take it away from the 28 percent, even using those figures set forth by Senator BUCKLEY, just because they are poor women.

I do not believe that is fair. That is why I shall make the motion. It is uniquely within my own philosophy. It is the discrimination aspect; it is not the merits aspect. All the right-to-life groups still have the opportunity to come to my office and try to convince me otherwise. I do not know that they can, but there is nothing I shall do today which will inhibit their coming, or tell them the matter of a constitutional amendment is closed.

Mr. President, this is a very different issue, an issue of discrimination. This is borne out by the action of the Senate in respect of other bills. The Senate has been very careful about that. For example, in the measures which deal with this difficult problem, which are found under Public Law 93–45 and Public Law 93–348, we said, respectively:

> The receipt of any grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—
>
> (1) such individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or
>
> (2) such entity to—
>
> (A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or
>
> (B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.
>
> And—
>
> (2) No entity which receives after the date of enactment of this paragraph a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health, Education, and Welfare may—
>
> (A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or
>
> (B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,
>
> because he performed or assisted in the performance of any lawful health service or research activity, because he refused to perform or assist in the performance of any such service or activity on the grounds that his performance or assistance in the performance of such service or activity would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting any such service or activity.

I added the reverse discrimination amendments to each of said laws, which respectively provide:

> (c) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act after the date of enactment of this Act may—
>
> (1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or
>
> (2) discriminate in the extension of staff or other privileges to any physician or other health care personnel,
>
> because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.
>
> And—
>
> (d) No individual shall be required to perform or assist in the performance of any part of a health service program or research activity funded in whole or in part under a program administered by the Secretary of Health, Education, and Welfare if his performance or assistance in the performance of such part of such program or activity would be contrary to his religious beliefs or moral convictions.

Such provisions seek to avoid discrimination and to keep the situation

neutral, which is what the tabling motion will seek to do in this particular matter.

Then, on the argument, Mr. President, that we are expending Federal funds, I would like to see those opposed the Vietnam war and whose taxes were used for the war—I would like to hear them on that subject, Mr. President. That was their argument, and we voted them down time and again, collectively, and I am not going to say that X Senator or Y Senator acted that way. No matter how you vote on a proposition when you are a U.S. Senator and the body has acted, you are responsible as the fellow who voted the other way.

In short, Mr. President, if you are going to have the doctrine in this country of a selective right to pay taxes or to withhold taxes because you do or do not agree with a particular proposition, it is anarchy and chaos. Also, we have denied the right to fine young men who, in deep conscience, said they could not fight in a war, but we said:

It is the superior need of the Nation if you do or do not agree, and we must enforce it even if we hold you criminally responsible.

So, Mr. President, the upshot of this whole matter is that we are not dealing as yet, in this matter, with the substantive issue of abortion, but we are dealing with the substantive issue of discrimination against a particular class of the population on strictly economic grounds and, for that reason, and because the Senator from New York and his associates on the amendment have given us an opportunity to face frontally the way in which to undo the Supreme Court's decision respecting the constitutionality or unconstitutionality of State laws, I believe that this amendment should be tabled, and I shall, in due course at the proper time, move to table.

Mr. President, the reason why I had urged the Senate to take a little time to consider this amendment—as opposed to when it was first introduced—is that it is a matter of very great social and political importance in the country, both within the States and within the Nation, as to what we shall do with respect to abortion for a class of women who must look to the Federal and State governments for their health care.

I believe the amendment is an assault on the rights of millions of Americans and a backdoor effort to nullify the Supreme Court decision respecting abortion.

Certainly abortion is a delicate and trying issue, and no one should be compelled to have an abortion. Congress has, as I have previously indicated, consistently reaffirmed that principle—the right of individuals not to engage in medical procedures or receive medical services which are incompatible with their moral or religious beliefs (Public Law 93-45 and 348). I have supported and will continue to support, such individual protections which are fully consistent with the constitutionally protected right for every person to act, in accordance with the dictates of his or her personal conscience, without fear of reprisal or discrimination.

However, that is not the issue before us pursuant to the Bartlett amendment. I have chosen to again point that up so that we may be clear that we are not engaged in a debate respecting the philosophy, religious belief or moral conviction of any person engaged in providing or receiving health care.

Instead, the amendment would eliminate abortion as one of the medical services that may be rendered indigent women under the medicaid program, while at the same time continuing to allow all other medical services for such pregnant women.

Thus, the amendment would create an invidious classification which restricts the fundamental right of women in that class to decide whether to have abortions. It would conflict with the Supreme Court's decisions in Roe and Doe and lower court rulings interpreting those cases, and other Supreme Court rulings in analogous contexts, and would therefore violate the equal protection standards of the fifth amendment.

Congress has developed and expanded the Medicaid program as the primary means of assuring that the poor of this country have access to medical care. It is apparent from the millions of people who participate in the program—in fiscal year 1972, 22 million people were eligible for assistance under the program and over 18 million actually received benefits—that this program is vital to the health and well-being of economically disadvantaged individuals and their families.

I believe there is no benefit to individuals and families in Senator BARTLETT'S amendment. Access to medically supervised abortion under the rules laid down by the U.S. Supreme Court is now considered to bring about significant health advantages in many cases to individuals and their families. HEW has estimated that if reimbursement for abortion under medicaid were no longer legal, up to 250 deaths would occur yearly from women who would attempt to abort themselves, and up to 25,000 cases of serious medical complications from self-induced abortions, at a potential cost to the Government for these medicaid recipients of between $375 and $2,000 per patient for hospital costs alone. This is further illustrated by the statistics in New York State, where the maternal death rate has been cut in half and infant mortality rates have declined to a new low since enactment of a liberalized statute.

I ask unanimous consent that an article in the Medical Tribune, entitled "Legalized Abortion Credited With Some Health Advances," be printed in the RECORD at this point.

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

LEGALIZED ABORTION CREDITED WITH SOME HEALTH ADVANCES

(By Margery Barnett)

A year ago this month, a Supreme Court decision made abortion on demand United States law. In the first eight months of the law, the neonatal death rate dropped an astonishing 5 per cent below the first eight months of 1972.

In the same period, asphyxia of the newborn dropped 14.3 per cent, the National Center for Health Statistics reported in November.

The United States reduced its infant death rate from 29.2 per 1,000 live births in 1950 to 20 per 1,000 in 1970, 19.4 in 1971, and 18.7 in 1972. But in September, 1973—though the over-all death rate was slightly higher than in September, 1972—the infant death rate was 16.6 per 1,000 live births.

Although steadily improved prenatal and neonatal care largely account for the falling infant mortality in the United States, the dramatic drop immediately after the Supreme Court ruling cannot but suggest that legalized abortion contributes substantially to maternal and infant health.

THE BRITISH EXPERIENCE

Great Britain introduced legal abortion in 1967 and now performs approximately one legal abortion for every seven live births.

"The main features of the abortion situation in Britain today are the striking increase in the safety of legal abortions, and the stabilisation of the illegitimacy rate, which had nearly doubled in the decade before reform," writes Madeleine Simms, Research Fellow at the Eugenics Society, in the *New Scientist*, November 8, 1973.

There is a sharp contrast in mortality between Britain and those countries that lack both legal abortion and legal contraception. In 1972, of Britain's 160,000 legal abortions (50,000 performed on women from other countries) there was a total of 10 deaths, giving a legal abortion mortality of six per 100,000, which can be compared with the maternal mortality rate of 12 per 100,000—the lowest rate ever achieved in England and Wales.

For simple abortions performed at less than 13 weeks' gestation, the maternal death rate was down to three per 100,000 in 1972.

THE U.S. COMPARED

For a look at the long-range effects of the new U.S. law, the New York City experience may be more relevant than the British, though they are strikingly similar in many ways.

In mid-1970 the New York State Legislature liberalized New York's abortion law; because of its proximity to several populous states, its numerous and large facilities, and its population concentration, New York City became the nation's little England.

Between July of 1970 and June of 1973, there were 598,283 legal abortions in New York City. Eight women died in each of the first two years, four in the third. The national death rate—two deaths for every 100,000 legal abortions—is now lower than Britain's, though maternal mortality in the United States in 1972 was 24 per 100,000—double that of England and Wales.

New York City's health administrators tracked legal abortions with a scrupulously careful reporting system. The city was a mecca of safe abortion for women from all over the state, the country, the Western world. It was also the first large U.S. test of legal abortion, a microcosm of the national macrocosm from which benefits and pitfalls could be assessed.

As in Britain, legalized abortion produced a dramatic reduction in maternal and infant death rates. For the three years preceding liberalization, the New York City maternal death ratio was 51 per 100,000 live births; it dropped to 38.2 per 100,000 in each year under the new law.

INFANT DEATHS, RECORD LOW

In 1971 infant mortality hit a record low for the city of 20.8 per 1,000 live births, declining further to 19.8, in 1972. The neonatal mortality dropped from 16.3 in 1970 to 14.9 per 1,000 live births in 1971 and remained at that level in 1972.

The city's Health Services Administration cautiously concludes that the liberalized abortion law provides an important alternative to women who would otherwise risk death in childbirth or whose offspring would risk death in infancy.

But Dr. Jean Pakter, director of maternity services and family planning for New York City's Department of Health, views legalized abortion as neither the best nor the final answer.

Gratified by the city's abortion safety record, she pointed out recently that family-planning counseling remains vitally important, particularly to reduce the number of repeat abortions.

"We would be pleased to see fewer and fewer abortions performed as more and more women avail themselves of adequate contraception," she said.

The relationship between legalized abortion and contraceptive information for those who seek it is a subtle one. In the first two years of New York's liberalized law, 9,000 Connecticut women came to New York City for legal abortions. Less than a year after the Supreme Court ruling, Connecticut lifted its ban on the dissemination of contraceptive information in the state.

Between mid-1970 and mid-1972, fewer than a fourth of the city's legal abortions were performed on city residents; the great majority came from such places as Connecticut, upstate New York, New Jersey, Michigan, Florida, and Canada.

The proportion of teen-agers was very high—close to a third of the nonresidents and a sixth of the residents—and nearly half of these patients were 17 years old or younger. At the opposite end of the age spectrum, the number of abortions for women aged 35 or older declined slightly in the program's second year.

In both years, roughly 45 per cent of patients were white, 45 per cent nonwhite, and 10 per cent specifically listed as Puerto Rican. The majority of nonresidents were primipara; the majority of residents were multipara.

In the first year proprietary hospitals performed the largest number of abortions, but by the second year nearly half were done at free-standing clinics, Dr. Pakter, Dr. Donna O'Hare, Frieda Nelson, and Martin Svigir reported last June in the *American Journal of Public Health*.

Most significant is the drop in total maternal mortality. "During the two years prior to the enactment of the law, the total maternal mortality rate (abortion- and non-abortion-associated) was 5.2 per 10,000 live births [52 per 100,000], with a rate of 1.5 for abortion-associated and 3.7 for non-abortion-associated," Dr. Pakter notes.

"In the subsequent two-year period, July, 1970, to June, 1972, the total rate declined to 3.8 per 10,000 live births [38 per 100,000], the abortion-associated component being 1.1 per 10,000 live births and the nonabortion component 2.7 per 10,000 live births."

OUT-OF-WEDLOCK BIRTH DOWN

Predictably, the liberalized law was associated with a birth rate that declined slightly more than the nation's, the greatest decline being in out-of-wedlock and low-birth-weight babies. For the first time since New York City began collecting data on out-of-wedlock births, there was a reversal of what had been a steady rise.

In 1970 nearly 32,000 out-of-wedlock babies were born in New York City; in 1971 there were just over 28,000, a 12 per cent reduction. Cautious about drawing conclusions, Dr. Pakter and her colleagues report: "The decline in low-birth-weight infants and out-of-wedlock births, which have long been associated with much higher mortality rates, undoubtedly contributes to the decline in

Mr. JAVITS. Mr. President, the Bartlett amendment, without regard to medical need, would completely deny health benefits to women who are poor and most distinctly in need of adequate medical care to improve their health.

This amendment, by denying abortions only to women who are poor, is discriminatory for it deprives women too poor to pay of the rights which the Constitution and the Supreme Court accord to women with means. The amendment would effectively deny millions of low-income women their right to good health care by prohibiting the use of the only funds available to them for this medical service. Also, this amendment eliminates all decisionmaking and exercise of choice on the part of women who are poor, thereby infringing upon their civil rights and personal freedom.

The thrust of this amendment would be to deny indigent women the equal protection of the laws to which they are constitutionally entitled. They alone are subjected to state coercion to bear children which they do not wish to bear and no other woman is so coerced.

The amendment would deny the indigent woman medical assistance unless she resigned her freedom of choice and bears the child. Thus she is discriminated against by reason of her poverty and by reason of her behavioral choice.

I believe abortion, consistent with responsible medical practice, is a matter of private choice and personal conscience, and we must fight against an amendment which would constitute a legal impediment to equal protection for a class of women who must look to the Federal and State governments for financing of their health care.

Certainly, the impact of the amendment would be contrary to the intent of the medicaid legislation which is "to help such families and individuals (as are eligible) to attain or retain capability for independence or self care." The cost of bearing and raising a child is considerable and the burden created by an unwanted child can be devastating for a low-income family. In many instances, the effect would be to deprive a woman of her independence and ability to care for herself and any children she might already have. Besides forcing poor or near poor women to bear children they do not want, the Congress would be forcing these women into a position of greater poverty and subsequent dependence on public assistance.

The Department of Health, Education, and Welfare estimates that the $40 to $50 million spent yearly by medicaid for abortion reimbursements is offset by a direct saving to the Government of between $450 and $560 million in the next year alone. This was calculated by estimating the number of medicaid recipients who would carry their pregnancies to term and then require additional medical care and welfare payments for their unwanted children.

No less an authority that the U.S. Commission on Civil Rights has recently concluded that the denial of reimbursement for abortion under medicaid is discriminatory and unconstitutional. I ask unanimous consent that its letter to me be printed in the RECORD at this point.

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

COMMISSION ON CIVIL RIGHTS,
Washington, D.C. April 9, 1975.

Hon. JACOB K. JAVITS,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR JAVITS: The Commission on Civil Rights appreciates being given the opportunity to comment at this time on Senator Bartlett's proposed amendments to 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." As we promised last year, we will release on April 14, a report entitled "Constitutional Aspects of the Right to Limit Childbearing." The principal thrust of the report is an analysis of the impact that a constitutional amendment designed to nullify the *Roe* v. *Wade* and *Doe* v. *Bolton* decisions of the U.S. Supreme Court would have on the First, Ninth and Fourteenth Amendments to the Constitution.

The Commission has based its conclusions on the results of factfinding studies, within a legal framework. The Commission therefore takes no position on the moral or theological debate which presently surrounds the issue of abortion. Nor does it take a position on whether an individual woman should or should not seek an abortion. The Commission's sole position is its affirmation and support of each woman's constitutional right as delineated by the Supreme Court.

One of the reports' three major recommendations is that "Congress should reject anti-abortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit childbearing." The Commission makes this recommendation, and urges the Senate specifically to reject the proposed Bartlett amendments to S. 66, for several reasons. First, as indicated, we believe that such an amendment would undermine the constitutional rights of women as set forth by the U.S. Supreme Court. Next, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on low-income women, among whom racial and ethnic minority women are disproportionately represented.

The Commission's report discusses in some detail the impact on low income women of constitutional amendments prohibiting abortion, addressing the potential violations of the equal protection clause of the Fourteenth Amendment which would result.

Thus, Senator Bartlett's proposed amendments would effectively nullify the *Roe* and *Doe* decisions for poor women, as these are the women who must rely on Medicaid and other Federally funded health care programs for medical services. Our report states that:

"Statistical data demonstrate the suffering experienced by poor women when abortion is illegal. For the poor woman, restrictive abortion statutes have meant either another baby she could not care for, or the chance of death from an attempt to self-abort or at the hands of a backroom abortionist. Almost universally, where abortion is legalized the maternal mortality rate drops and the incidence of septic abortion (abortion complicated by acute infection of the lining of the uterus) and incomplete abortion decreases. This points to the conclusion that legal abortion reduces the incidence of ill effects from criminal abortions and is, therefore, preferable to criminal abortion. For example, at San Francisco General Hospital in 1967, before abortion reform, there were 68 septic abortions per 1,000 live births; by 1969 there were only 22 per 1,000 live births. In New York City's Harlem Hospital there were 1,-

054 women admitted for after care following incomplete abortions in 1965 and only 292 in 1971, after abortion was legalized.

"Poor women face grave risks of endangering life and health by self-abortion or by seeking the services of nonphysician abortionists. If forced to continue an unwanted pregnancy, women, when unmarried, face a whole range of discrimination. If they are employed, their health insurance coverage may be inadequate to cover expenses associated with pregnancy and childbirth. Furthermore, employers are not obligated to transfer a pregnant woman to less arduous work, if this is medically advisable during any stage of pregnancy. Indeed, women have often been forced to leave their employment, either temporarily or permanently when they become pregnant, thus losing potential benefits, including health insurance coverage. If a pregnant woman is unable to find employment and does not qualify for compensation and has no one to support her, she may be forced to accept inadequate public assistance. Additionally, the existence of an out-of-wedlock pregnancy and birth may be used as evidence to deny employment or housing to a woman. The same economic factors which create her inability to gain an abortion in the first place might mean that a woman would not be able to file suit to challenge such patently discriminatory actions."

The recognition of abortion as a constitutional right by the Supreme Court has made it possible for more poor women to gain access to safe abortions done by physicians, and paid for by Medicaid funds. They need not pay the higher fees demanded by illicit practitioners when the procedure is illegal. Senator Bartlett's proposed amendments to S. 66 would restrict that opportunity. Economic discrimination as such may not always be a violation of the Constitution, but racial discrimination is, and the effect of prohibiting states to pay for legal abortions with Medicaid funds would be to discriminate against those racial and ethnic minority women who are disproportionately represented among low income women.

Further, the Commission's report discusses various State actions which have been taken since the Supreme Court *Roe* and *Doe* decisions, as attempts to indirectly limit the right to abortion. One of the most important of these is the attempt to refuse Medicaid payments for abortion procedures. As is pointed out in the October, 1974, memorandum prepared by the Congressional Research Service of the Library of Congress, entitled "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL F.Y. 1975 Funds for Abortion," the courts have declared that all such State actions represent illegal interference with the reproductive freedom acknowledged in *Roe* and *Doe*. Our report describes these cases as follows:

"In one case, (*Doe v. Rose*) the Utah State Department of Social Services ruled that indigent pregnant women, entitled to medical services and care for pregnancy under its Medicaid program, were not entitled to abortions at the expense of Medicaid unless an application was approved by the department as being therapeutic. The department defined a therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. The Federal appeals court decided that this 'broad abortion policy is intended to limit abortion on moral grounds.' Such a policy 'constitutes invidious discrimination and cannot be upheld under constitutional challenge.' "

I hope that this reply is responsive to your concerns. Please feel free to call on me if the Commission can be of further help.

Sincerely,

ARTHUR S. FLEMMING,
Chairman.

Mr. JAVITS. Mr. President, it should be noted that court tests in six States, whose medicaid programs sought to limit reimbursements to those abortions deemed by the State to be "therapeutic" or "medically necessary," have resulted unanimously in orders that medicaid must reimburse for all legal abortions if the program reimburses for other pregnancy-related services. Forty-one States and the District of Columbia, either voluntarily or on court order, now reimburse fully for legal abortions under medicaid. The few remaining States still have restrictions of one sort or another, some of which are being challenged in the courts, but only West Virginia's restrictions are as stringent as those in the Bartlett amendment, only when the woman's life is threatened.

I respect those whose philosophy, experience, religious training, moral standards, and values lead them to conclude that abortion is wrong. However, I do not believe they should seek to impose involuntary requirements for other individuals who may have a difference of opinion. It is a matter of individual conscience.

Oliver Wendell Holmes said that "moral predilections must not be allowed to influence our minds in settling legal distinction." I urge my colleagues to support the motion to table, that I will soon offer, so the coercive powers of the State are not employed in the service of any sectarian view.

Mr. PERCY. Mr. President, before the Senator offers that motion will he yield for a moment?

Mr. JAVITS. Of course.

Mr. PERCY. The question has been raised by the distinguished Senator from Rhode Island about taxpayers' money. If we are really talking about taxpayers' money, what would be the judgment of the distinguished Senator from New York, what would be the net effect, when you consider the cost of abortion as against the probability that a large number of those children would be supported for many, many years by taxpayers' money if the abortion were not permitted?

Mr. JAVITS. The Senator is absolutely right, and the answer, as I previously alluded to, is that this comes under the Social Security Act, and that those who are recipients of medicaid and the recipients of maternal care, and so forth, under the Social Security Act are the very people who are very likely to continue that syndrome of dependence upon the Federal Government, and instead of having a woman who is subjected to this procedure, you will have her as an AFDC mother, which is costing billions and billions of dollars to this country.

So if you are going to tote it up on the basis of the provident use of the taxpayer's money, it is decidedly a losing proposition to pass this kind of an amendment.

Mr. PERCY. I mention that not that I do not look upon it as a moral issue—we have to face it as a moral issue—but the question was raised by the distinguished Senator from Rhode Island on the financial aspect of it, and the use of taxpayers' money.

Coming from an urban area such as Cook County in Chicago, and knowing the situation and the people this is aimed at to assist and help and to put them in a position of equality with others financially, certainly the taxpayer would be well ahead in the long run by the favorable action in tabling this amendment.

Mr. JAVITS. Well, Mr. President, it should certainly be pertinent at this particular point to read one sentence from the U.S. Commission on Civil Rights which wrote me exactly the same letter they wrote to Senator PERCY and I had previously referred to. They say:

Next, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on the low-income women among whom racial and ethnic minority women are disproportionately represented.

In short, Mr. President, the issue is one of discrimination, purely discrimination; not yet—we will get to it—the issue of abortion, pro or con. You will have an ongoing great majority of the country which has the opportunity to do what you deny poor women the opportunity to do simply because they have the misfortune to be Federal wards.

For those reasons, Mr. President, it is an appropriate remedy not to pass on the merits, but to table, the amendment.

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

Mr. JAVITS. Yes, of course.

Mr. PASTORE. I think we are stretching this argument about discrimination. There is nothing in the law which says you can use public money in order to grant permission or to support the abortion of a rich person and not a poor person. That is not in the law.

I do not see where this argument of discrimination comes in at all. The argument that the Senator is making is that the rich, because they use their own money, and the poor, because they have not got the money, that is discrimination and, for that reason, you have got to use the taxpayers' money in order to equalize it.

The Senator argues:

Well, it is going to cost us a lot more if we have a baby, the chances are, the mother does not want.

Here we are and we are adopting over 2,000 South Vietnamese babies, and there are a lot of people who want to adopt babies. This argument that it is going to cost us a lot more under the aid to dependent children then, by that token, we ought to have capital punishment because it is going to cost a lot of money to keep a murderer in jail all of his life. That is no argument.

Mr. JAVITS. Mr. President, the Senator has asked me a question, and I will answer it.

The fact is that the Senator omits the pertinent point, and that is that this practice is ongoing right now for poor women, and this amendment will take it away from them and, therefore, it is outright, blatant, outrageous discrimination and nothing else.

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

Mr. JAVITS. I do not have any more time.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT. I will yield myself whatever time is required.

I would like to ask the distinguished Senator from New York if he believes that the Federal Government has an obligation to finance every right guaranteed a citizen of the United States under the Constitution.

Mr. JAVITS. No. I believe the Federal Government has a right to finance what it desires and determines is the right thing for the Federal Government to finance. One of the things it has financed is medical care for the poor under medicaid, and that relates to the medical definition which Senator KENNEDY has already given that anything which comes legitimately within the province of medical care is a proper subject for those poor people to get the benefit of by the way of medicaid funds, and the Social Security Act itself defines this particular abortion procedure in medical terms, that is, where it is medically necessary or where it is medically appropriate.

Now, Senator BUCKLEY argues that the Supreme Court has said that the mere will of the woman in question is what is medically necessary or medically appropriate. But that is not the way I read Roe against Wade, and I would like to just read, if the Senator will allow me—it is very brief, and I will not intrude on his time—this paragraph from that case:

Although the results have been divided, most of the courts have agreed the right of privacy, however based, is broad enough to cover the abortion decision. But the right nonetheless is not absolute and is subject to some limitation, and that at some point the State interest in the protection of health, medical standards, and prenatal life becomes dominant. We agree with this approach.

I will ask unanimous consent that that excerpt be included in the RECORD.

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

Although the results are divided, most of these courts have agreed that the right of privacy, however based, is broad enough to cover the abortion decision; that the right, nonetheless, is not absolute and is subject to some limitations; and that at some point the state interests as to protection of health, medical standards, and prenatal life, become dominant. We agree with this approach.

Where certain "fundamental rights" are involved, the Court has held that regulation limiting these rights may be justified only by a "compelling state interest," *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (1969); *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969), *Sherbert* v. *Verner*, 374 U.S. 398, 406 (1963), and that legislative enactments must be narrowly drawn to express only the legitimate state interests at stake. *Griswold* v. *Connecticut*, 381 U.S. 479, 485 (1965); *Aptheker* v. *Secretary of State*, 378 U.S. 500, 508 (1964); *Cantwell* v. *Connecticut*, 310 U.S. 296, 307–308 (1940); see *Eisenstadt* v. *Baird*, 405 U.S. 438, 460, 463–464 (1972) (WHITE, J., concurring).

In the recent abortion cases, cited above, courts have recognized these principles. Those striking down state laws have generally scrutinized the State's interest in protecting health and potential life and have concluded that neither interest justified broad limitations on the reasons for which a physician and his pregnant patient might decide that she should have an abortion in the early stages of pregnancy. Courts sustaining state laws have held that the State's determinations to protect health or prenatal life are dominant and constitutionally justifiable.

Mr. JAVITS. A comment sustaining my construction of it I ask to be printed in the RECORD from the Columbia Law Review, Volume 74:237.

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

The Supreme Court, while recognizing a woman's right to obtain an abortion, rejected the conclusion that a pregnant woman has an absolute right to an abortion on demand.[37] The opinions suggest that limitations may be imposed by the woman's physician[38] or, at appropriate times, by the state.[39] The Court explicitly refused to decide whether a woman's right to an abortion might properly be limited by a requirement of consent by the potential father of the child, or by the parent of a pregnant minor.[40] Some states had statute predating *Roe* and *Doe* requiring such consent[41] others have passed such statutes in reaction to the Supreme Court's decisions.[42]

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

Mr. BARTLETT. I yield to the Senator.

Mr. BUCKLEY. Unfortunately, I do not have the capacity for instant recall, but in one or the other of the two decisions, Roe or Wade there is a definition of what health constitutes, and it defines health as a woman's state of well-being, taking into consideration all the factors, including a familial, and so on. In other words, it might be described as the occurrence or lack of occurrence of happiness. It has nothing to do with physical well-being as we normally think, and I think that scholars are agreed that the practical effect of the definition in the Supreme Court decision is to enable any woman to claim that her health is at stake, when what is really at stake is the consideration of her own will.

Mr. JAVITS. Now, the Senator used a number of key words, but that is not the definition in the Social Security Act. The Social Security Act requires a finding that it is medically necessary or appropriate.

I will accept the Senator's recollection on the decision. Indeed, I will ask unanimous consent that the Senator put into the RECORD whatever he feels excerpted from the decision is helpful to his case.

But that is a point, and I do not want to be contentious about it, there is no need for that—but the fact is that we base our view on the medical necessity of the decisionmaking process.

It is interesting, if I am allowed briefly, in reading a case out of the western district of Pennsylvania to see that the court is looking at this very same argument that we are having, and the court says in that particular case, Doe against Wohloemuth, a 1974 Western District of Pennsylvania District Court, which says that under traditional equal protection standards, once the State chooses to pay for medical services rendered in connection with the pregnancies of women, it cannot refuse to pay for the medical services rendered in connection with the pregnancies of other indigent women electing abortion, unless the disparate treatment supports a legitimate State interest.

The court rejected arguments that the fiscal integrity of the State was a legitimate interest and the court in fact found that abortions would cost the State less than full term pregnancies, that the restrictive regulations were approved by doctors, and that denying indigent women abortions would help discourage abortions. The court concluded:

We hold that the state's decision to limit coverage to "Medically indicated" abortions, as arbitrarily determined by it, is a limitation which promotes no valid state interest. In the PMAP, the state has instituted a program to provide benefits to the poor; the state has excluded certain of the poor from the program; the exclusion denies medical assistance benefits to otherwise eligible applicants solely because they have elected to have an abortion, and the state has been unable to show that the exclusion of such persons promotes a compelling state interest.

This case still has to be appealed, no one understands that better than I, but my argument is that we have an ongoing situation. I think it is rank discrimination to stop it for a particular class of women in the community.

Mr. BUCKLEY. Will the Senator yield?

Mr. BARTLETT. Yes, I yield.

Mr. BUCKLEY. I fully understand and appreciate the sincerity of the arguments presented by my senior colleague, but I would suggest two things in light of recent votes both in the House of Representatives and in the Senate on the express proposition that Federal funds be made available for the abortion process.

One, I believe that the practice that has grown up was never consciously mandated by the Congress.

Two, I believe that the Congress has a right to determine legislatively which definitions of health are to be applicable when one makes funds available for health purposes.

The definition presented in this amendment is one that coincides with what historically has been that line of demarcation, namely, where the life of the mother was in jeopardy an abortion may be performed at public expense, in any other set of circumstances it shall be denied.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the case of Doe against Bolton, to which reference has been made.

There being no objection, the excerpt

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[37] Doe v. Bolton, 410 U.S. at 189.

[38] Roe v. Wade, 410 U.S. at 164.

[39] *See* notes 17–19 *supra* and accompanying text.

[40] Roe v. Wade, 410 U.S. at 165 n. 67.

[41] *E.g.* FLA. STAT. ANN. § 458.22(3) (1972); N.C. GEN. STAT. § 14–45.1 (Supp. 1971).

[42] *E.g.* IDAHO CODE ANN. § 18–609 (Supp. 1973); LA. REV. STAT. ANN. § 40: 1299.33D (Supp. 1974); NEB. REV. STAT. §§ 28–4, 151–52 (Supp. 1973); S.D. CODE § 34–23A–7 (Supp. 1973); UTAH CODE ANN. § 76–7–304 (Supp. 1973).

was ordered to be printed in the RECORD, as follows:

The vagueness argument is set at rest by the decision in *United States* v. *Vuitch*, 402 U.S. 62, 71–72 (1971), where the issue was raised with respect to a District of Columbia statute making abortions criminal "unless the same were done as necessary for the preservation of the mother's life or health and under the direction of a competent licensed practitioner of medicine." That statute has been construed to bear upon psychological as well as physical well-being. This being so, the Court concluded that the term "health" presented no problem of vagueness. "Indeed, whether a particular operation is necessary for a patient's physical or mental health is a judgment that physicians are obviously called upon to make routinely whenever surgery is considered." 402 U.S., at 72. This conclusion is equally applicable here. Whether, in the words of the Georgia statute, "an abortion is necessary," is a professional judgment that the Georgia physician will be called upon to make routinely.

We agree with the District Court, 319 F. Supp., at 1058, that the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman.

Mr. BUCKLEY. Now, I think this is a definitional question that lies within the province of the Congress as a whole and does not involve matters of discrimination and I hope this amendment will be given the opportunity to be voted upon on its merits and not on the basis of a tabling motion.

Mr. JAVITS. I thank my colleague, but I think he knows my reluctance to make tabling motions and how unhappy I am when they are made against me.

But I really feel this is uniquely a case, because of my particular position on discrimination and in an ongoing situation, where it should be applied.

Mr. BARTLETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I believe the Senator from New York and other Senators wanted to adopt a position of neutrality, if they wanted to observe this question in all its ramifications and have it answered in a normal way through the legislative process, through the consideration of the findings of the House and Senate, by the executive branch, and placed into law, that would be one thing. To have hearing, to make definitions, to decide this question.

What this amendment offers is the opportunity to take a look at the questions that have been raised. The Senator from New York raised certain questions about IUD's and morning after pills. I would like to bring out to him that those questions have not been answered with the law we are now operating under, which is just a decision of the Supreme Court.

There has not been any input from this body into what is going on that is of real value. The definitions that govern the abortions are definitions in the Supreme Court decision.

I know those have made disclaimers about their personal feelings here and I do not question what is in anybody's conscience, but it is very obvious that if this amendment does not pass and become law, there is going to be a lot of abortions.

So when the Senator from New York says that it is not a substantive issue, it certainly is going to be the result of the action taken here that abortions will be continued in great numbers—about 300,000 per year and that taxpayers' money will be spent in large amounts of $30 to $40 billion without this body ever discussing that question, as such, with hearings and debate prior to coming on the floor.

So I ask that those who have reservations support this amendment, that those who question certain aspects of abortions, that we look at the terms, that we define those terms, that we have hearings, we have inputs from all sides.

But when it gets down to the matter of discrimination, discrimination against the poor, I think it is very obvious that if this amendment is not passed there is going to be discrimination against the unborn of the poor of about 270,000 to 300,000 lives. That is going to be the result.

So if we want to raise the question that it is discrimination of the unborn of the poor versus the mothers of the poor, and of the doctors if they are involved in the discrimination, then perhaps that would be a question that could be debated.

The fetus is discriminated against, in my mind, because it is very, very small, the smallest of human beings. It is because of its size, to a great extent, that this is taking place.

I feel very strongly that this body would like to be neutral on the matter of the moral questions involved which have been thrust onto us by the Supreme Court. I do not think anybody can say there is not a moral question here because if this amendment fails then there is going to be 270,000 to 300,000 unborn human beings who will have their lives terminated. So there is a moral question.

There is also a question of financing. Certainly, there is no obligation that this body must finance every right that the Supreme Court says exists. But I think this body has a great opportunity, recognizing that many, many people feel that the Supreme Court decision was perhaps the fuzziest decision they have ever made, that this body has a chance to say, "No, we are not going to finance that decision, we are going to study, we are going to look at it, we are going to consider the moral question, we are going to consider the ethical question, we are going to consider the definitions and see what we are doing, we are really going to make law ourselves, we are going to initiate it, not just take what the Supreme Court decides in a very, very fuzzy decision."

So I think it is important that this body stand up and speak and listen, listen to the American people, and listen to the questions and to the experts, and then make a decision based on that, but not just respond without even looking at the questions, without any study, without any hearings, and continue this kind of financing.

I yield to the Senator.

Mr. HATHAWAY. Perhaps the Senator from Oklahoma is correct on the Supreme Court decision, but certainly I do not think we should attack it on a piecemeal basis by just depriving the very poor of the opportunity to exercise what is now their constitutional right.

Mr. BARTLETT. Let me say to the distinguished Senator from Maine that a vote——

The PRESIDING OFFICER. The Senator from Maine has no time.

Who yields time on this colloquy?

Mr. BARTLETT. I will yield the time.

I would like to say to the Senator from Maine that a vote on this amendment is a vote against the Supreme Court decision, against just accepting it and acquiescing to it.

It gives us time, if we pass this amendment and it becomes the law, to look into the matter of the basic questions of the Supreme Court decision and also to look into the matter of financing the decision, both of those matters.

It seems to me that it is very illogical for us to proceed and just acquiesce, to have the one branch, as it so often has done, superimpose its beliefs and its feelings, 5 to 4, 6 to 3, or whatever it is—I think in this case it was more than that—making a decision by a very few people, rather than doing it by the legislative route with representatives of the entire population making that decision.

This is the way we should make law. We should not just acquiesce to the Supreme Court. This is what the Senate will be doing if they vote this down.

Mr. HATHAWAY. I would agree with the Senator 100 percent, that we should not acquiesce 100 percent in every decision made by the Supreme Court. But certainly we should be equitable in our overturning of any such decision. If we did not agree with the capital punishment decision that the Supreme Court handed down, would we say that one segment would be subject to capital punishment and another not, until such time as we would change the decision? That is what the Senator from Oklahoma is proposing. He is saying that one segment, the poor people, should not have the same freedom of choice the rest of the population may have under the Supreme Court decision.

Mr. BARTLETT. What I am saying is that I do not want to see the unborn children of the poor be discriminated against while we are trying to have hearings and have action taken on the resolution to amend the Constitution to change the action of the Supreme Court. But it makes no sense to me to support the Supreme Court decision when it has legislated in a very blatant way in an area that should be left to the decision of this body and the executive branch and then make its judgment on whether or not we were operating properly.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not intend to take much time, but I would like to present some final comments.

First of all, the Senator from Maine is

quite accurate that there are those who want to change the Supreme Court opinion and decision on the issue of abortion. We have means and ways of doing that before the appropriate committees, and we have procedures which have been described in the Constitution of the United States. If that is our desire and will, then those processes should go forward and we ought to act in that particular way and for that consideration and not attempt by a piecemeal manner to reach that particular issue.

Mr. President, we have gotten over what I think is the principal issue before us. That is what has been the decision that has been taken by the Congress and the Senate of the United States in the past under the medicaid program. That is to permit doctors in this country, in consultation with their particular patients, to make judgments about what is medically necessary.

With all due respect to the Senator from New York, it has never been a historical understanding in this country that they would only provide the question of abortion on the saving of the lives of the mothers. That has not been either the history or the background in terms of any kind of medical practice.

There was nothing at any time that the Congress considered the medicaid or the medicare program where we insisted that women be aborted in this country. I deplore that, I absolutely deplore it. Where there is the exercise of influence by companies or corporations or welfare agencies to put pressure on any individuals in this country for an abortion, it is absolutely outrageous—it is absolutely outrageous—just as it is unacceptable that there be an abortion on a woman in this country that is not a medical necessity—that is not a medical necessity. But to the Senator from Oklahoma, the Senator from New York, or the Senator from Massachusetts or any of the other 97 Senators, if that is what we are going to decide, what we can all agree about, what is a medical necessity, then we will be here not only all day and all year but for years to come. If we want to put restrictions on this, then we are entitled to do so, I suppose. But that is what the law is today. It is medical necessity.

I imagine that there are some doctors in some parts of the country who are making decisions on what is medically necessary that are entirely different from standards with doctors in other parts of the country. I have heard, as chairman of the Health Subcommittee, that what we do not want is uniformity in the practice of medicine. But we have described medical necessity—medical necessity—Doctors have interpreted that. If they interpreted it in a way which is not consistent with the medicaid and medicare program, they are in violation of the law. They are in violation of the law. If there are those suggestions that are made by this body that they are using the World Health Organization interpretation about the good mentality of the mother, or other interpretations or other courts, then they are risking violating the law. If they are violating the law, they ought to be prosecuted.

That is not what we are talking about here. That is not what we are talking about.

What we are talking about is an amendment of the Senator from Oklahoma that is going to place what he considers, with his language, to be restrictions on encouraging the performance of abortions, except such abortions as necessary to save the life of the mother.

Women get raped, Mr. President, and 51,000 women in this country got raped last year, the FBI says that that is one-ninth. Eighteen thousand pregnancies resulted in those who were raped last year.

Under the Senator's particular amendment no one of them is going to be able to take advantage of any Federal funds.

He is interpreting. He reinterpreted it. He said, "If you put it that way, the D. & C. procedure could be used. They are OK if they are funded under medicaid." What is the purpose of a D. & C. in such a situation? It is to get aborted—to get aborted. Just as anyone understands that if you are using an IUD, it is either to prevent or to get aborted. Most authoritative medical authorities would say that the effect of an IUD is not to prevent conception, but is to abort it after the conception. So you wear it to get aborted.

What do you take the morning after pill to do? To be aborted. He says we want to prohibit all abortions except for the life of the mother. That is okay. You can do a D. & C., you can take a morning after pill, you can use an IUD.

What is he trying to say, Mr. President? What is he trying to say on this? Under this particular language, what is he trying to say?

It is vague, it is indefinite, it is subject to a variety of interpretations and has no business being before the Senate this afternoon. There are no hearings on this matter. It should be before the Committee on Finance.

On the other issue of whether this provides equal rights or justice for the people of this country, I listened to my good friend from Rhode Island saying, Are we making a unilateral decision that we are favoring one side, and that is the abortion, against the expense of the other side, which is the right to birth?

Mr. President, Federal funds are already being used on maternity care and deliveries. We are doing that today. We are spending millions of dollars for poor people to have their children, and I support it. I support it. So we are providing that today.

We did not make a congressional action saying that we want to provide x billions of dollars to go into maternity care and delivery under medicaid. What six Federal district courts have said is not that you have to fund abortions. They never said that the Federal Government had an obligation and a responsibility to fund abortions. It does not say that. No, it does not say that. It does not even say you have a responsibility to provide maternity care. It does not say that. But six district courts say if you provide one you have to provide the other.

Maybe that is right and maybe that is wrong, but that happens to be what six district courts have stated. They are being appealed before the Supreme Court of the United States at the present time. I do not know what the Supreme Court of the United States is going to do. I do know what it is going to do on those particular measures. But I do think since we have that issue, and it is an equal opportunity amendment under the 14th amendment, that we have some responsibility to try to find out what this Supreme Court is going to do.

So, Mr. President, I hope that the motion of the Senator from New York is going to be favorably acted upon. I think it is the heighth of ridiculousness for us to be out there trying to ask each other what we think about what is medically necessary. I am sure that I have a view different from that of the other 99 Members and that the other 99 Members have a view different from mine.

What we are attempting to do at this time is to say that this particular amendment, for the legal reasons that have been pointed out in this debate and discussion, for the procedural reason that it has not been adequately and fully considered, for the fact of the ambiguity on the face of the language of the amendment itself and the constant interpretation we have heard on the floor of the Senate this afternoon on an issue which involves emotion and morality and ethics, that the motion of the Senator from New York should be acted upon favorably.

The PRESIDING OFFICER (Mr. PEARSON). The time of the Senator has expired.

The Senator from Oklahoma has 9 minutes.

Mr. BARTLETT. Mr. President, the distinguished Senator from Massachusetts talked about the medical necessity, and that has been spelled out very clearly in the Supreme Court decision to mean just what the whim of the mother is, just what the doctor and the mother decide. But it is not based on normal medical, scientific necessities.

In fact, the abortion is an extension of the normal kind of medical care, because it is not a sickness or an illness. It is an elective medical and surgical activity performed by a doctor.

The Senator said that there have been no hearings on this matter; that we are flying blind; that we should let Congress act as it sees fit, rather than just accept what the Supreme Court has decided. This has not been a product of congressional and executive action. This is a product of the unilateral action of the Supreme Court.

The fundamental question is very simple: Do we want the Federal Government to remain in and finance and encourage abortions or do we not? This is the question. If my colleagues favor the Federal Government financing, to the tune of some $30 million, $40 million, or $50 million per year, up to 300,000 abortions, aborting the fetuses of the poor, then they should vote against my amendment. But if they favor a neutral position or favor the Federal Government getting out of the abortion

business, then they should support this amendment.

It is a neutral position, because it would permit those who favor abortion to have the hearings and to decide what Congress wants to do by legislative action and what the executive branch wants to do, to be decided by them. But we would have a law in the normal way.

So I call upon those who feel that they are not inclined to see the Federal Government continue in the abortion business to support my amendment.

I do not think that this particular question can be approached or looked at by forgetting about the moral implications and forgetting about the fact that what we are really dealing with here is discriminating against the unborn of the poor. Do we want to continue to finance that encouragement and those abortive actions? I call upon my colleagues to answer this question. They cannot duck the question. It is a question of how the Senate feels on the matter of the Federal Government being involved in the abortive process of aborting the unborn of the poor.

Mr. MUSKIE. Mr. President, the question of abortion is a complex moral issue and one which many of us find troubling. I personally oppose abortion except for medically justifiable reasons, but I do not find it an easy proposition to impose my personal moral views on others.

For this reason, I have been reluctant to support a constitutional amendment which would overturn the Supreme Court's 1973 ruling on abortion. Similarly, however, I have been reluctant to support Federal programs which might encourage the use of abortions as a method of birth control. I have felt that the use of taxpayer dollars for such a purpose amounts to a questionable imposition of public policy on the deeply held moral convictions of millions of Americans.

I have, therefore, supported the general intent of the Bartlett amendment in the past. I will vote to table the amendment today, however, for the following reasons.

The amendment involves a range of complicated administrative questions as well as some basic constitutional issues. These should be fully explored at the committee level before any legislation of this nature is considered on the floor.

I would like to give a few examples to illustrate this point. The amendment would prohibit only those funds authorized under the Social Security Act from being used to pay for or "encourage" the performance of abortions. The bill before us contains no authorization for the Social Security Act. The effect of the amendment, therefore, on the programs funded under this bill is unclear. Would a Community Mental Health Center, for instance, be able to provide pregnancy counseling for a nonmedicaid recipient, but barred from doing the same for a medicaid recipient? Would a private physician be prevented from counseling a medicaid patient on abortion while at the same time being free to provide such counsel to a fee-paying patient?

The language of the amendment is disturbingly vague on two key points: First, "encourage" is nowhere defined. Could it be construed to mean referral by a health center for pregnancy counseling or would it apply only to direct counseling in favor of abortion? Could the teaching in medical or nursing schools of the medical facts about abortion techniques and pathology be construed as "encouragement"? Second, the term "abortion" itself needs definition. Of the principal proposed constitutional amendments presently pending before the Judiciary Committee, one places the commencement of life at fertilization and one at implantation—a distinction which leads to seriously differing interpretations of abortion. The lack of definition on this point in the amendment raises questions about the techniques or birth control devices that might be termed abortifacients and thereby outlawed. Would it mean, for instance, that a Rape Crisis Center would be prohibited from offering an abortifacient-type drug to a rape victim who was a medicaid or AFDC recipient?

Additionally, I am concerned about the constitutional implications of the amendment. Court tests over the past several years of State-level efforts to limit access by some to abortion have led to such efforts being denied by the courts. The court rulings clearly imply that the mandatory elimination of one medical procedure represents a discriminatory denial of the equal protection clause.

I do not think that the floor of the Senate is the appropriate forum in which these complex and controversial issues can be decided. I will, therefore, vote to table the amendment.

Mr. BROOKE. Mr. President, I oppose the Bartlett amendment, because I believe that it is unconstitutional and because I believe that it fosters an unwise national public policy.

Two years, ago, the Supreme Court ruled that a woman has the qualified right to terminate her pregnancy during the first trimester of that pregnancy. Her right to do so is based on the constitutionally protected right of privacy. Since that landmark decision, the lower Federal courts have consistently ruled against States' policies which would curtail that right. In particular, they have ruled that under the 14th amendment once a State makes medical services available to pregnant women, it cannot discriminate against those women who choose to terminate their pregnancy during the first trimester. Public programs by paying for childbirth, but not elective abortions, deprive indigent women of their right of privacy to decide whether or not to bear children and force them to carry their children to term of economic reasons. In judicial decisions no interest of the State has been compelling enough to override a woman's right to privacy in the matter of whether or not to choose an obortion during the first 3 months of pregnancy.

I believe that the same judicial reasoning which the courts have applied to States' actions under the 14th amendment would also be applied to Federal actions under the fifth amendment. I, therefore, believe the Bartlett amendment to be unconstitutional. The Federal Government as well as the States cannot provide funds and services for those women who choose to end their pregnancy through birth while denying funds and services to those who choose to end their pregnancy during the first trimester.

In addition to misgivings because of its dubious constitutionality, I also oppose the Bartlett amendment, because it would have far reaching effects on the whole range of Federal services and programs. I would call to your attention a few of the programs which might be affected.

Hospitals and other health facilities could not perform abortions under any HEW supported programs.

Medical schools receiving HEW funds—and virtually all do—would be severely constrained in instructing students about abortion or in demonstrating proper techniques.

HEW sponsored mental health centers could not counsel clients that one of their options in dealing with pregnancy was abortion.

Women who have had Rubella during the early stages of pregnancy, where the possibilities of an abnormal child are great, could not obtain abortions through HEW-supported programs.

State public welfare programs supported by Federal funds could be in violation if a caseworker responded to a client's request for a referral to an abortion agency.

Rape victims could not be provided abortions by HEW funded programs.

In particular, the Bartlett amendment would have an immediate and pernicious effect upon the medicaid program. Without medicaid many women would probably not be able to afford a legal and safe abortion. Unwanted children would thus be born into those homes least financially able to provide for them. Or poor women would be driven once more to dangerous back alley abortionists.

I would emphasize that the Bartlett amendment does not outlaw abortion; it only denies legal abortions to those women who are too poor to pay for them. Women who are financially able to pay for an abortion themselves would be completely unaffected.

In summary, I oppose the Bartlett amendment, because it is of questionable constitutionality and because it ends the present neutrality of the Government in an area which more than almost any other is one where privacy should be respected and protected.

ANTIABORTION AMENDMENT UNCONSTITUTIONAL

Mr. PACKWOOD. Mr. President, the Senate has under consideration an amendment that would prohibit the use of any Federal funds for abortions "directly or indirectly, except in a case where such abortion is necessary to preserve the life of the mother." I believe that this measure arises from an honest and deep conviction held by some that abortions are immoral. Yet the Supreme Court in its wisdom underscored the right

of a diversity of belief in this country, and the right of the individual to decide whether or not to have an abortion.

This, however, is not the question at hand. Many of my colleagues have stated that it would be improper to legislate so sweeping a measure in this manner. Beyond that, I believe that we should examine the serious constitutional questions that arise about this provision. Because the lower-income women who depend upon public assistance for medical care would be denied coverage of abortion-related care under medicaid, Morton Rosenburg, legislative attorney for the Library of Congress, has studied the constitutional questions raised by the Bartlett amendment. He has written an excellent opinion that thoroughly explores the issue of equal protection and abortion rights. Rosenburg points out that statutory restriction of the use of Federal and State funds for abortions has been overturned time and time again in the courts, leaving little doubt about the unconstitutionality of this amendment.

Mr. President, I ask unanimous consent to have the text of Mr. Rosenburg's enlightening work printed in the RECORD.

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

CONSTITUTIONALITY OF A STATUTORY PROVISION BANNING THE USE OF ANY FEDERAL FUNDS FOR ABORTIONS

On March 11, 1975, an amendment (No. 86) was offered to S. 66 (a bill to revise and extend certain health programs under title VIII of the Public Health Services Act) which would prohibit the use of any federal funds to pay for or encourage the performance of an abortion except to preserve the life of a mother. The amendment reads as follows:

"No funds authorized under this Act or under any other act may be used in any manner, directly or indirectly, to pay for or encourage the performance of abortions except in a case where such an abortion is necessary to preserve the life of the mother."

In response to inquiries as to the constitutionality of such a provision, we submit the following.

In view of the Supreme Court's decisions in *Roe* v. *Wade*, 410 U.S. 113 (1973) and *Doe* v. *Bolton*, 410 U.S. 179 (1973), and lower federal court decisions which have applied the principles of *Roe* and *Doe* in situations involving state attempts to withhold funds for abortions, and other relevant legal precedents, it would appear that the constitutionality of the above-quoted amendment would be open to serious attack in the courts on the ground that it creates a classification restricting the fundamental right of women in that class to decide whether not to have an abortion, in violation of equal protection standards.

I

Where the constitutionality of a federal statute is called into question on the ground that it invidiously discriminates against a particular class, the constitutional argument must rest upon the Fifth Amendment to the Constitution, rather than the Fourteenth. E.g., *Weinberger* v. *Wisenfeld*, No. 73–1892 (March 19, 1975) (slip opinion at p. 2 and n. 2). Although the Fifth Amendment does not contain any clause explicitly guaranteeing the equal protection of the laws, it nevertheless has long been settled that the amendment "does forbid discrimination that is 'so unjustifiable as to be violative of due process.'" *Frontiero* v. *Richardson*, 411 U.S. 677, 680, n. 5 (1973), quoting *Schneider* v. *Rusk*, 377 U.S. 168, 163 (1964); accord, *United States Department of Agriculture* v. *Moreno*, 413 U.S. 528, 533 n. 5 (1973). The Supreme Court has recognized, moreover, that both the concept of equal protection and the concept of due process stem "from our American ideal of fairness." *Bolling* v. *Sharpe*, 347 U.S. 497, 499 (1954). Accordingly, it is now equally well-settled that "The due process clause of the Fifth Amendment provides the same basic safeguards as the equal protection clause and the general principles of the latter apply to the former." *United States* v. *Craven*, 478 F. 2d 1329, 1338 (6th Cir. 1974), cert. denied 42 U.S.L.W. 3198; *United States* v. *Synnes*, 438 F. 2d 764, 777 (8th Cir. 1971), vacated on other grounds, 404 U.S. 1009 (1972). "Thus, if a classification would be invalid under the Equal Protection Clause of the Fourteenth Amendment, it is also inconsistent with the due process requirement of the Fifth Amendment. See *Richardson* v. *Belcher*, 404 U.S. 78, 81 (1971)." *Johnson* v. *Robison*, 415 U.S. 361, 364–365 n. 4 (1974). "This Court's approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment." *Weinberger* v. *Wisenfeld*, *supra*, p. 2, n. 2 (slip opinion). See also *Schlesinger* v. *Balard*, 42 L. Ed. 2d 610 (1975).

The threshold inquiry in an equal protection case concerns the appropriate standard by which a challenged provision is to be measured. *San Antonio Independent School District* v. *Rodriguez*, 411 U.S. 1 (1973); *Weber* v. *Aetna Casualty & Surety Co.*, 406 U.S. 164, 172–173 (1972). If the legislation operates to the disadvantage of persons in a suspect classification or infringes on a fundamental right explicitly or implicitly protected by the Constitution, strict judicial scrutiny is required. The challenged legislation is not entitled to the usual presumption of validity. In addition, the government must demonstrate that the legislative classification is justified by a substantial and compelling interest, that the statute has been narrowly drawn to serve legitimate interests, and that the legislature has selected the least drastic means for effectuating its objectives. *San Antonio Independent School District* v. *Rodriguez*, *supra*, at 16–17; *Dunn* v. *Blumstein*, 405 U.S. 330, 335, 342–343 (1972).

On the other hand, if the challenged legislation involves neither a suspect classification nor the infringement of a fundamental right, its constitutionality is adjudged under a far less stringent standard. The legislature's action is accorded a presumption of constitutionality. *Lindsey* v. *Normet*, 405 U.S. 56, 71 (1972), and the party attacking the statute bears the burden of showing that it violates the Fifth or Fourteenth Amendments. *Feinerman* v. *Jones*, 356 F. Supp. 252, 256 (N.D. Pa. 1973). The classification made in the statute need only "bear some rational relationship to a legitimate state end and will be set aside as violative of the Equal Protection Clause only if based on reasons totally unrelated to the pursuit of that goal.'" *McClellan* v. *Shapiro*, 315 F. Supp. 484, 490 (D. Conn. 1970), quoting *McDonald* v. *Board of Elections Commissioners*, 394 U.S. 802, 809 (1969). Furthermore, "'a statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it.' *McCowan* v. *Maryland*, 366 U.S. at 420, 526," *Dandridge* v. *Williams*, 397 U.S. 471, 485 (1970). And the rational basis on which the statute is sustained need not in fact have been the primary purpose behind its passage. *McGinnis* v. *Royster*, 410 U.S. 263, 275–276 (1973).

Thus, whether the compelling interest or rational basis standard is utilized to test a particular piece of legislation may be determinative of the outcome of equal protection litigation. The Supreme Court has dealt with the choice of standards problem in the following manner.

When dealing with legislation which falls within the realm of economics and social welfare, the Supreme Court has expressed considerable reluctance to subject legislative action to the strict scrutiny of the compelling state interest test. For example, it has rejected a claim that a statute reducing welfare benefits as family size increases should be measured against that test, stating:

"In the area of economics and social welfare, a state does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some "reasonable basis," it does not offend the Constitution simply because the classification "is not made with mathematical nicety or because in practice it results in some inequality." *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61 78. "The problems of government are practical ones and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific." *Metropolis Theatre Co.* v. *City of Chicago*, 228 U.S. 61, 69–70. "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it," *McGowan* v. *Maryland*, 366 U.S. 420, 426." (*Dandridge* v. *Williams*, 397 U.S. 471, 485 (1970)).

The court has refused to denominate education. *San Antonio Independent School District* v. *Rodriguez*, *supra*; welfare, *Jefferson* v. *Hackney*, 406 U.S. 535 (1972), *Dandridge* v. *Williams*, *supra*; or housing, *Lindsey* v. *Normet*, *supra*, as "fundamental rights," the denial of which would call into play the compelling state interest test; and it has refused to do so despite its recognition that each may be critical either to survival itself or the acquisition of the means necessary to rise above mere survival. Thus the Court has decribed its role in this area as follows:

"It is not the province of this Court to create substantive constitutional rights in the name of guaranteeing equal protection of the laws. Thus, the key to discovering whether education is "fundamental" is not to be found in comparisons of the relative societal significance of education as opposed to subsistence or housing. Rather, the answer lies in assessing whether there is a right to education explicitly or implicitly guaranteed by the Constitution." [Citations omitted]. (*San Antonio School District* v. *Rodriguez*, supra, at 33–34).

A prohibition against the use of federal funds for abortions is arguably a provision which falls within the category of economics and social welfare legislation. It represents a congressional decision as to which categories of medical assistance will be conferred upon the poor and other eligible groups. Such assistance has never been held to be a right guaranteed by the Constitution, either explicity or implicitly. Under *Rodriguez*, then, it would be difficult to maintain that it is a fundamental right, the denial of which, in and of itself, triggers the operation of the compelling state interest test.

However, equal protection analysis does not end at that point. The Supreme Court has identified situations and acknowledged that even where benefits which have been specifically held not to be fundamental are in issue, a provision excluding a particular class from receiving those benefits may still be subjected to strict judicial scrutiny. That result follows in one of two instances: where the class excluded from the receipt of benefits is a "suspect classification", *Graham* v. *Richardson*, 403 U.S. 365 (1971) (welfare benefits and alienage); see also *New Jersey Welfare Rights Organization* v. *Cahill*, 411 U.S. 619 (1973) (per curiam) (welfare benefits and illegitimacy); or where the basis for the exclusion from benefits involves a fundamental right entirely distinct from the benefits themselves, and it can be shown that the exclusion infringes upon the exercise of that right. *Shapiro* v. *Thompson*, 394 U.S. 618

(1969) (welfare benefits and the right to travel); *Memorial Hospital* v. *Maricopa County*, 415 U.S. 250 (1974) (medical benefits and the right to travel).

It can be argued that the subject amendment falls within the latter class of cases and would be measured against the compelling interest standard. That is, a congressional prohibition of funding for abortions or abortion-related medical assistance arguably involves a fundamental right and infringes upon the exercise of that right. Indeed, the case law considered below appears to establish that classifying eligibility for assistance in order to curtail access to abortion is one giving rise to "strict scrutiny".

In its abortion decisions, *Roe* v. *Wade*, supra, and *Doe* v. *Bolton*, supra, the Supreme Court ruled that states may not categorically proscribe abortions by making their performance a crime, and that states may not make abortions unnecessarily difficult to obtain by prescribing elaborate procedural guidelines. The constitutional basis for the *Roe* decision rested upon the conclusion that the Fourteenth Amendment right of personal privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." 410 U.S. at 153. The Court left no doubt that since the right of personal privacy is a fundamental right, only compelling state interests can justify its limitation by a state (410 U.S. at 155–156):

"Where certain 'fundamental rights' are involved, the Court has held that regulation limiting these rights may be justified only by a 'compelling state interest,' *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (1969); *Shapiro* v. *Thompson*, —— U.S. 618, 634 (1969); *Sherbert* v. *Verner*, 374 U.S. 398, 406 (1963); and that legislative enactments must be narrowly drawn to express only the legitimate state interests at stake. *Griswold* v. *Connecticut*, 381 U.S., at 485; Aptheker 1. *Secretary of State*, 378 U.S. 500, 508 (1969); *Cantwell* v. *Connecticut*, 310 U.S. 296, 307–308 (1940); *see Eisenstadt* v. *Baird*, 405 U.S., at 460, 463–464 (White, J., concurring in the result).

"In the recent abortion cases . . . courts have recognized these principles. Those striking down state laws have generally scrutinized the state's interests in protecting health and potential life, and have concluded that neither interest justified broad limitations on the reasons for which a physician and his patient might decide that she should have an abortion in early stages of her pregnancy. Courts sustaining state laws have held that the state's determinations to protect health or prenatal life are dominant and constitutionally justifiable."

Further, while the Court recognized the legitimacy of the state interest in protecting maternal health and preserving the life of the fetus, it held these interests insufficient to justify an absolute ban on abortions. Instead, the Court emphasized the durational nature of pregnancy and held the state's interest to be sufficiently compelling to permit curtailment or prohibition of abortion only during specified stages of pregnancy. The High Court concluded that until the end of the first trimester an abortion is no more dangerous to maternal health than child birth itself, and found that:

"[W]ith respect to the state's important and legitimate interest in the health of the mother, the 'compelling' point in light of present medical knowledge, is at approximately the end of the first trimester."

Only after the first trimester does the state's interest in protecting maternal health provide a sufficient basis to justify state regulation of abortion, and then only to the extent to protect this interest. 410 U.S. at 163–164.

Doe, which struck down state requirements that abortions be performed in licensed hospitals,[1] reiterates the holding of *Roe* that the basic decision of when an abortion is proper rests with the pregnant woman and her doctor, but extended *Roe* by warning that just as states may not prevent abortion by making their performance a crime, they may not make abortions unreasonably difficult to obtain by prescribing elaborate procedural barriers.

In every case which has involved a state's denial of Medicaid benefits for the performance of an abortion, or a state's denial of the use of public hospital facilities for the performance of an abortion or sterilization procedure, lower federal courts have uniformly held that under *Roe* v. *Wade*, a woman's right to abort a pregnancy is a fundamental right falling within her constitutionally guaranteed right of privacy and that state action interfering with that right must be justified by a compelling state interest. Further, as is more fully detailed below, no federal court which has directly addressed the constitutional issue has sustained a state's claim of any compelling interest in this area.

III

The earliest litigation on the scope of Medicaid coverage arose in New York after that state's liberalized abortion law went into effect in 1970. For nine months the program paid for all abortions. Then, the New York Commissioner of Social Services issued a directive allowing compensation only for those abortions that were medically required. The New York Court of Appeals, reversing the lower courts, sustained the validity of the directive. But in a challenge brought in a federal court, in *Klein* v. *Nassau County Medical Center*, 347 F. Supp. 496 (E.D.N.Y. 1972), a three judge district court found that the directive, and the New York Medicaid statute if interpreted as mandating the directive, deprived indigents of equal protection of the laws. The court reasoned that all pregnant women have the right to decide whether or not to bear children; and the state Medicaid program, by paying for childbirth, but not elective abortions, deprived indigent women of this right and forced them to carry their children to term for economic reasons. The *Klein* case reached the Supreme Court after *Roe* and *Doe* were decided. The Court vacated the district court decision and remanded for further consideration in light of those decisions. *Commissioner of Social Service* v. *Klein*, 412 U.S. 925 (1973).[2]

Court decisions since *Roe* and *Doe* have consistently invalidated a variety of state actions which had the effect of denying Medicaid funds for elective abortions.[3] In *Doe* v. *Rampton*, 366 F. Supp. 189 (D. Utah, 1973), a three judge district court held unconstitutional Utah statutes which imposed "burdensome regulations upon the decision whether or not to have or perform an abortion at any stage of pregnancy" in violation of *Roe* and *Doe*. One of the statutes would have prohibited the use of Medicaid funds for abortions except where necessary to save the life of another or to prevent serious and permanent damage to her physical health. Title 76, Chapter 7, section 314, Utah Code Annotated 1953. Judge Ritter, writing for the court, emphasized that the legislatively imposed Medicaid restrictions were unconstitutional because they limited the "exercise of the right to an abortion by the poor in all trimesters, for reasons having no connection with the health of the mother," 366 F. Supp. at 197.[4]

In another Utah case, the Tenth Circuit Court of Appeals overruled an attempt to limit the use of Medicaid funds for abortions, this time under the guise of requirements issued by the state's welfare agency. *Doe* v. *Rose*, 499 F. 2d 1112 (10th Cir., 1974). Under scrutiny in that case was the policy of the Executive Director of the Utah State Department of Social Services that indigent pregnant women entitled to medical services and care for pregnancy under its Medicaid program were not entitled to an abortion at the expense of Medicaid unless an application for it was approved by him as being a therapeutic abortion. He defined therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. Applying *Roe* and *Doe* the Court stated:

"That in the absence of a compelling state interest a state may not bar all abortions, except those necessary to protect the health of the mother regardless of the trimester. A statute thus limiting abortions violates the constitutional right of privacy of pregnant women, at least those in their first or second trimester, who during the first six months of their pregnancy have a qualified right to terminate their pregnancies." (499 F. 2d at 1116).

In holding the informal policy of the Executive Director unconstitutional under the Fourteenth Amendment, the court rejected as "compelling" the suggestion that the policy served to protect the public fisc from expenditures for unnecessary medical treatment of indigents and concluded that his "broad abortion policy is intended to limit abortion on moral grounds. Under the authorities above cited,[5] such policy constitutes invidious discrimination and cannot be upheld under constitutional challenge." 499 F 2d at 1117.

A similar result obtained in *Doe* v. *Wohlgemuth*, 376 F. Supp. 173 (D.C.W.D. Pa. 1974), an action challenging the state's refusal to provide reimbursement for the cost of abortions under its medical assistance program. At the outset the court recognized that it was "here concerned with 'fundamental right' which must be balanced against *'compelling* state interests' where legislative enactments including State-wide Regulations pursuant thereto must be narrowly drawn to express only state interests." 376 F. Supp. at 179. In holding the state's restrictive regulations violative of the Fourteenth Amendment's Equal Protection Clause, the court stated:

"Under traditional Equal Protection

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[1] The Court also invalidated a requirement that abortions be approved by a hospital committee, 410 U.S. at 196–198, and that two physicians concur in the abortion decision, 410 U.S. at 198–199.

[2] Since its decisions in *Roe* and *Doe*, the Court has summarily disposed of, remanded, or denied certiorari in, all subsequent cases which might have involved reassessing or expanding its rulings in those cases.

[3] The Fourteenth Amendment reaches not only statutes which deny due process or equal protection, but also applies to "state action" or "governmental action" generally. Thus, the action need not be in the form of a statute but may be the acts of a governor, *Cooper* v. *Aaron*, 358 U.S. 1, 16–17 (1958); *Sterling* v. *Constantine*, 287 U.S. 378, 393 (1932), of prosecuting attorneys, *Mooney* v. *Holohan*, 294 U.S. 103, 112, 113 (1935), minor administrative officials, *United States* v. *Classic*, 313 U.S. 299 (1941), or of policemen, *Griffin* v. *Maryland*, 378 U.S. 130 (1964). The action may, of course, be expressed in formal form in a statute or ordinance, but it may as easily be nothing more than a policy expression that is enforced, *Lombard* v. *Louisiana*, 373 U.S. 267 (1963), or custom which is sanctioned through official action. *Peterson* v. *City of Greenville*, 373 U.S. 244 (1963).

[4] Judge Anderson, though dissenting from many of the majority holdings, agreed with the majority that section 314 was unconstitutional.

[5] Among others, the court cited *Klein*, *Rampton*, *Hathaway* v. *Worcester Hospital* and *Doe* v. *Wohlgemuth*, the latter two of which are discussed below.

standards, once the State chooses to pay for medical services rendered in connection with the pregnancies of women, it cannot refuse to pay for the medical services rendered in connection with the pregnancies of other indigent women electing abortion, unless the disparate treatment supports a legitimate State interest. . . ."

The Court rejected arguments that the fiscal integrity of the state was a legitimate interest (the court in fact found that abortions would cost the state less than full term pregnancies), that the restrictive regulations were approved by doctors, and that denying indigent women abortions would help discourage abortions. The court concluded:

"We hold that the state's decision to limit coverage to 'Medically indicated' abortions, as arbitrarily determined by it, is a limitation which promotes no valid state interest. In the PMAP, the state has instituted a program to provide benefits to the poor; the state has excluded certain of the poor from the program; the exclusion denies medical assistance benefits to otherwise eligible applicants solely because they have elected to have an abortion, and the state has been unable to show that the exclusion of such persons promotes a compelling state interest.

"The Regulations and/or Procedure of the Pennsylvania Medical Assistance Program are unconstitutional because they are in violation of the Equal Protection Clause since they create an unlawful distinction between indigent women who choose to carry their pregnancies to birth, and indigent women who choose to terminate their pregnancies by abortion."

Wolgemuth was affirmed by the Third Circuit on December 10, 1974 on the narrower constitutional ground that it was a violation of equal protection for the state to pay for abortions only when litigation is threatened[6] and remanded to the district court for further proceedings. However, both sides petitioned for rehearing which was granted and held in February, 1975.

In *Roe* v. *Westby*, 383 F. Supp. 1143 (D.S.D., 1974), vacated and remanded by the Supreme Court, March 17, 1975, for consideration of the statutory issue, plaintiff challenged as unconstitutional and sought to restrain the enforcement of a rule of the South Dakota Social Services Department under which women otherwise eligible for Medicaid were denied benefits to pay for non-therapeutic abortions. In analyzing the plaintiffs' claims, the court wrote:

"The policy reflects the moral judgment of the State that the pregnancies must terminate only by birth of a child or for therapeutic reasons. This moral judgment is not a compelling state interest which would justify inhibiting a woman in her exercise of a fundamental personal right as defined in *Roe* and *Doe*.

"The Equal Protection Clause does not prohibit disparate treatment *per se*. But where fundamental rights are limited by a State-created classification, the State must exhibit a compelling interest justifying the classification expressed by a narrowly drawn statute reflecting those compelling interests only." *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (1969); *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969); *Aptheker* v. *Secretary of State*, 378 U.S. 500, 508 (1964), 383 F. Supp. at 1146).

The court also rejected the discouragement of abortion as a legitimate state interest and concluded that the state had "created a classification which is in violation of the Equal Protection Clause of the Fourteenth Amendment" to the Constitution. Id. at 1147.

[6] The state's Attorney General stipulated that it was following a policy of paying for abortions in any county where litigation was "threatened" but not otherwise.

Also, a recent court of appeals ruling has reiterated the constitutional infirmities inherent in restrictive governmental Medicaid policies with regard to non-therapeutic abortions. In *Wolff* v. *Singleton*, 508 F. 2d 1211 (8th Cir. 1975), the court dealt with a Missouri statute providing for medical assistance payments if pregnancy is carried to term or for therapeutic abortions, but not if a non-therapeutic abortion is performed. After disposing of jurisdictional issues the court found the statute unconstitutional on its face:

"This classification is a clear violation of the Equal Protection Clause of the Fourteenth Amendment.

"There is ample case authority for the holding that a welfare payments statute which places special regulation on abortion but not upon other medical procedures cannot stand in light of the Supreme Court decisions [in *Roe* and *Doe*]. [Citation omitted] . . .

"The control meted out by this statute does not give proper consideration to the conflicting constitutional interests involved. . . . It is further invalid since the welfare parent and her physician are discriminated against by reason of the patients poverty." (508 F. 2d at 1215–1216).

See also *Roe* v. *Norton*, 380 F. Supp. 726 (D. Conn 1974) and *Roe* v. *Ferguson*, No. 74–315 (S.D. Ohio, September 16, 1974), 43 U.S.L.W. 2143, which rejected state claims that Title XIX of the Social Security Act either required a prior medical certification that an abortion is necessary before Medicaid payments could be made (*Norton*), or that abortions are not "necessary medical services" within the meaning of the Act (*Ferguson*).

In summary, then, court rulings which have dealt with the constitutionality of governmental action restricting Medicaid payments to indigent women seeking non-therapeutic abortions in the light of *Roe* and *Doe* have established that (1) once a state chooses to pay for medical services rendered in connection with the pregnancies of some indigent women, it cannot refuse to pay for medical services rendered in connection with the pregnancies of other indigent women electing an abortion, unless the disparate treatment supports a legitimate state interest; (2) such action must be measured by the compelling state interest test; and (3) the moral repugnance to abortion, the drain on public treasuries of the cost of abortions, and the desire to discourage abortions, are not legitimate or compelling state interests to uphold such restrictive state action.

IV

There has been a similar application of equal protection principles in a number of cases in closely related areas. In *Friendship Medical Center, Ltd.* v. *Chicago Board of Health*, 505 F. 2d 1141 (8th Cir. 1974), cert. denied March 24, 1975, the court faced the question of the validity of Chicago Board of Health regulations which imposed substantial and detailed health requirements as to the conditions, equipment, and procedures that medical facilities offering abortions had to comply with, without regard to the trimester of pregnancy involved. After finding that plaintiffs had standing to claim that the regulations unduly infringed upon the privacy rights of their patients, the court concluded that "*Roe* and *Doe* compel us to conclude that the fundamental right of privacy includes, at least during the first trimester of pregnancy, the right to be free from governmental regulations that have an effect on the abortion decision," 505 F. 2d at 1151, and that the detailed regulations could have such an effect. The court also invalidated rules which comprehensively regulated physicians performing abortions, while at the same time leaving other medical procedures, often more complex and dangerous in terms of the patient's health, up to the good judgment of the physician. The court held that "where fundamental rights are involved, it is impermissible to treat differently two classes which do not differ on any ground related to the purpose of the challenged statute." 505 F. 2d at 1152.[7]

In *Hathaway* v. *Worcester City Hospital*, 475 F. 2d 701 (1st Cir., 1973), the question was raised whether a municipal hospital could constitutionally refuse to allow the performance of non-therapeutic procedures (in this case sterilization) while allowing others involving similar medical risk. Relying primarily on *Roe* and *Doe*, the Court ruled the refusal an impermissible denial of equal protection under the Fourteenth Amendment:

"But it seems clear, after *Roe* and *Doe*, that a fundamental interest is involved, requiring a compelling rationale to justify permitting some hospital surgical procedures and banning another involving no greater risk or demand on staff and facilities. While *Roe* and *Doe* dealt with a woman's decision whether or not to terminate a particular pregnancy, a decision to terminate the possibility of any future pregnancy would seem to embrace all of the factors deemed important by the Court in *Roe* in finding a fundamental interest, 410 U.S. at 155, 93 S. Ct. 705, but in magnified form, particularly so in this case given the demonstrated danger to appellant's life and the eight existing children.

"The state interests, recognized by *Roe* as legitimate, are far less compelling in this context. Whatever interest the state might assert in preserving the possibility of future fetuses cannot rival its interest in preserving an actual fetus, which was found sufficiently compelling to outweigh the woman's interest only at the point of viability. The state maintains of course a significant interest in protecting the health and life of the mother who, as here, cares for others whom the state might otherwise be compelled to provide for. Yet whatever health regulations might be appropriate to vindicate that interest, and on the present record we need not decide the issue, it is clear under *Roe* and *Doe* that a complete ban on a surgical procedure relating to the fundamental interest in the pregnancy decision is far too broad when other comparable surgical procedures are performed.

"*Doe* is particularly opposite in this regard. The Court there struck down the Georgia requirements of advance approval of an abortion by a hospital committee of three staff members and the additional concurrence of two doctors other than the patient's attending physician, primarily on the ground that "We are not cited to any other surgical procedure made subject to committee approval' and 'no other-voluntary medical or surgical procedure for which Georgia requires confirmation by two other physicians has been cited to us.' 410 U.S. at 199, 93 S. Ct. at 751. Hre we are cited to no other surgical procedure which is prohibited outright and are told that other procedures of equal risk are performed and that non-therapeutic procedures are also permitted. *Doe* therefore requires that we hold the hospital's unique ban on sterilization operations violative of the Equal Protection Clause of the Fourteenth Amendment."

Other cases applying the principles of *Roe* and *Doe* have held that public hospitals may not refuse to permit abortions, *Nyberg* v. *City of Virginia*, 361 F. Supp. 932 (D. Minn. 1973) aff'd 495 F. 2d 1342 (8th Cir. 1974), appeal dismissed and cert. denied 95 S. Ct. 169; *Doe* v. *Hale Hospital*, 369 F. Supp. 970 (D. Mass. 1974), aff'd 500 F. 2d 144 (1st Cir. 1974), cert. denied 43 U.S.L.W. 3411; but *cf. Doe* v. *Poelker*, No. 73c–565(A) (E.D. Mo. Jan. 13, 1975) and *Roe* v. *Arizona Board of Re-*

[7] Accord, *Word* v. *Poelker*, 495 F. 2d 1349 (8th Cir. 1974).

gents, No. 149243 (Pima County Superior Ct. Feb. 6, 1975); invalidated procedural and accreditation requirements applying to abortions alone, *Doe* v. *Menghini*, 339 F. Supp. 986 (D. Kansas 1972); and invalidated requirements of spousal and parental consent to an abortion, *Coe* v. *Gerstein*, 376 F. Supp. 695 (S.D. Fla. 1973), cert. denied 42 U.S.L.W. 3666; *Doe* v. *Rampton*, 366 F. Supp. 189, 193 (D. Utah. 1973); *Doe* v. *Bellin Memorial Hospital*, 479 F. 2d 756, 759 (7th Cir. 1973); *Foe* v. *Vanderhoof*, No. 74–F.418 (D. Colo. Feb. 5, 1975).

V

Two cases decided by the Supreme Court since its decisions in *Roe* and *Doe* may be noted for their possible value in assessing how the High Court might treat the provision under question. Neither deals with the abortion issue.

In the first case, *Memorial Hospital* v. *Maricopa Hospital*, 415 U.S. 250 (1974), the Court considered an appeal from a decision upholding an Arizona statute which required a year's residence in a county as a condition to receiving nonemergency hospitalization or medical care at the county's expense. The question presented was whether the durational residency requirement was repugnant to the Equal Protection Clause as applied in *Shapiro* v. *Thompson*, *supra*. The Court considered first the test to be applied in deciding the case and ruled that the compelling state interest test controlled since the state provision operated to penalize those who exercised their constitutional right to travel. If then assessed the state's asserted purposes in justification of the requirement—fiscal savings, inhibiting migration of indigents generally, deterring indigents from taking up residence in the county solely to utilize the medical facilities, protection of long-time residents who have contributed to the community particularly by paying taxes, maintaining public support of the county hospital, administrative convenience in determining bona fide residence, prevention of fraud, and budget predictability—and found that none satisfied the state's burden of justification. The Court therefore concluded that "the durational residence requirement for eligibility for nonemergency free medical care creates an 'invidious classification' that impinges on the right of interstate travel by denying newcomers 'basic necessities of life.'" 415 U.S. at 269.

The significance of the *Maricopa County* case for present purposes would appear to be three-fold: first, the Court has reaffirmed its doctrine that government may not condition the receipt of statutory benefits upon the forfeiture of a constitutional right and that any apparent attempt to do so will be tested by the strict compelling interest test. Second, the factual context of the case is close to the present situation in that it involved the denial of a medical benefit. Indeed, the Court appeared to go far in establishing a special status for health benefits for indigents when it stated that "it is at least clear that medical care is as much 'a basic necessity of life' to an indigent as welfare assistance. And, governmental privileges or benefits necessary to basic sustenance have often been viewed as being of greater constitutional significance than less essential forms of governmental entitlements." 415 U.S. at 259. Third, the court rejected a number of justifications which have been unsuccessfully used to support denials of Medicaid benefits in the lower courts, i.e., fiscal savings, administrative convenience, and discouragement from utilization of a constitutional right to receive benefits.

The second case which may be considered is *United States Department of Agriculture* v. *Moreno*, 413 U.S. 528 (1973). There the Supreme Court reviewed a challenge to the constitutionality of a section of the Food Stamp Act which excluded from participation in the food stamp program any household containing an individual who was unrelated to any other member of the household. Although it evaluated the provision under the more lenient rational basis test, the Court still held the exclusion unconstitutional, finding the classification without rational basis. In this regard it stated at one point (413 U.S. at 534–535):

"The legislative history that does exist . . . indicates that the amendment was intended to prevent so-called 'hippies' and 'hippie communes' from participating in the food stamp program. [Citation omitted]. The challenged classification clearly cannot be sustained by reference to this congressional purpose. For if the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare congressional desire to harm a politically unpopular group cannot constitute a *legitimate* governmental interest. As a result, '[a] purpose to discriminate against hippies cannot, in and of itself and without reference to [some independent] considerations in the public interest, justify the 1971 amendment,' [Citation omitted]."

From the above-quoted language it might be argued that if it is impermissible for legislators to discriminate against "hippies" because of their own or their constituents' distaste for their ways or view of life, it is equally impermissible for the legislature to discriminate, for like reasons, against individuals seeking to exercise their constitutional right to an abortion.

VI

In previous debate on a similar proposal to prohibit federal funding of abortions (see Daily Congressional Record, November 20, 1974, pp. S. 19677–19680), the question was raised whether those cases which have held that a state is not required to commence Aid to Families with Dependent Children assistance on the basis of unborn children are perhaps more relevant to the present issue. Particular reference was had to *Wisdom* v. *Norton*, 507 F. 2d 750 (2d Cir. 1974) where the court held (1) that the AFDC statutory provisions do not permit payments to the unborn and (2) that a state's protection of aid did not violate the equal protection of the laws since the state's action was rationally based and was free from invidious discrimination.

As the previous discussion demonstrates, the AFDC precedents do not directly bear on the present issue. The recapitulate, in the area of welfare assistance the Supreme Court has applied the rational basis test to equal protection challenges to governmental policies, *Richardson* v. *Belcher*, 404 U.S. 78, 81–82 (1971); *Dandridge* v. *Williams*, 397 U.S. 471, 485–487 (1970), with, however, the exception that when the classification in this area trenches upon a "fundamental" interest the classification will be voided unless it serves a compelling governmental interest and especially it will be voided if it is intended to deny that "fundamental" interest. Illustrative is the invalidation of the durational residency requirement in the *Maricopa County* case discussed above at pp. 19–20. If the right to an abortion is a "fundamental" right, like that of interstate travel, as the Supreme Court has indicated in *Roe*, then the AFDC cases not only do not bear on the present issue, they are irrelevant to it since they implicated no recognized fundamental right. It should be noted that on March 18, 1975 the Court in *Burns* v. *Alcala*, No. 73–1708, held that the term "dependent child" in the Social Security Act does not, as a matter of *statutory interpretation*, include unborn children, and hence states receiving federal financial aid under the AFDC Program are not required to offer welfare benefits to pregnant women for their unborn children. The Court did not reach the constitutional issue.

CONCLUSION

The amendment under question would deny federal funds for the performance of abortions in any trimester. The provision would apply to any current law authorizing funds for such a purpose. Perforce, it would apply to the federal Medicaid program and would create a situation where pregnant indigent women who choose to carry their pregnancies to term would receive pre-natal and delivery benefits but indigent pregnant women who elect to terminate their pregnancies by abortion, for a reason other than to preserve their lives, would be denied financial assistance for this purpose. Such women would then have to either seek alternate ways or means to abort or carry to term.

Under such circumstances, and in the light of present decisional law, the federal government, faced with a suit testing the constitutionality of the provision, would be confronted with the following constitutional principles and guidelines:

(1) A woman's decision whether or not to terminate her pregnancy by abortion is a fundamental constitutional right.

(2) The government may not condition the receipt of a statutory benefit upon the forfeiture of a constitutional right.

(3) The constitutionality of a provision infringing upon a constitutional right will be measured by the compelling governmental interest standard under which the government must sustain the burden of showing that a challenged provision is justified by a legitimate governmental interest.

(4) In the past, courts, including the Supreme Court, have rejected moral repugnance, cost, desire to discourage, and administrative convenience, as insufficiently compelling or legitimate to sustain governmental action restrictive of a constitutional right.

In view of the foregoing, it appears that by eliminating abortion as one of the medical services that may be rendered indigent women under the Medicaid program, while at the same time continuing to allow all other medical services for pregnant women, the subject provision would be very likely to be held by the courts to create an invidious classification which restricts the fundamental right of women in that class to decide whether to have abortions. If this is indeed the prospect, the provision would conflict with the Supreme Court's decisions in *Roe* and *Doe* and lower court rulings interpreting those cases, and other Supreme Court rulings in analogous contexts, and would therefore be held to violate the equal protection standards of the Fifth Amendment.

Mr. NELSON. Mr. President, for several reasons I am compelled to oppose the amendment offered by Senator BARTLETT and will therefore support the motion to table.

To begin with, the amendment is, I think, quite clearly unconstitutional. The American Law Division of the Congressional Research Service studied an almost identical amendment offered by Senator BARTLETT last fall. The American Law Division concluded that the amendment was unconstitutional—

on its face . . . [T]he amendment conflicts with the [U.S. Supreme Court] decisions in *Roe* and *Doe* and the lower court rulings interpreting those cases, and would violate the equal protection and due process protections of the Fifth and Fourteenth Amendments.

From the beginning, I have had grave doubts about the wisdom of the U.S. Supreme Court's 1973 decision on abortion because it usurped the jurisdiction of the States and is too broad in scope. What-

ever my personal views on the Court's decisions, however, they are the law of the land. Neither I nor any other citizen has the right to disregard laws with which we disagree. And I cannot in good conscience support an amendment which I am convinced is unconstitutional.

I am also opposed to the amendment on the ground it is too narrow in scope, just as I am critical of the Supreme Court decision on the ground it is too broad in scope.

The only exception from the prohibition in the amendment is to save the life of the mother. I think, however, that other exceptions are also appropriate and necessary. Cases involving rape are one obvious example. Without fully evaluating the impact of the amendment in individual cases, and without considering other relevant exceptions, it does not seem wise for the Congress to enact this amendment into law.

It should be noted, finally, that the Senate Judiciary Committee is considering several proposed constitutional amendments to change the Supreme Court's decisions. Hearings have already been held this year, and additional hearings are being scheduled. This is the proper way to proceed. Before making a decision on this fundamental issue, the Senate should have the benefit of extensive hearing records and carefully drafted legislation which has been exposed to critical evaluation by individuals and groups representing all philosophical, moral, and religious points of view. This amendment has not had that kind of consideration by the authorizing committee.

Mr. BAYH. Mr. President, I am going to vote to table this amendment. I did not reach this decision easily. As most of my colleagues know, for more than a year now, I have been chairing hearings on proposed constitutional amendments which would restrict access to abortion for all women, poor or rich, white or black.

During the 13 days of hearings before my subcommittee, I have become keenly aware of the need for full and complete examination of all aspects of this complicated and emotionally charged issue. By personally sitting through many hours of testimony on the moral, legal, medical, and psychological ramifications of abortion, I have learned that what may seem a simple issue on the surface may, indeed, have many unanticipated consequences.

The amendment offered by my colleague from Oklahoma, Mr. BARTLETT, is directed at prohibiting the use of Federal funds under the medicaid program for abortions. Specifically, the amendment states:

> No funds authorized under Subchapter IV or Subchapter XIX of the Social Security Act may be used by the States to pay for or encourage the performance of abortions, except such abortions, as are necessary to save the life of the mother.

The language of this amendment is unfortunately vague and unclear with the use of such terms as "indirectly" or "encourage." Regrettably, we have had no opportunity to examine the implication of these terms because this amendment has not gone through the normal legislative process. We have had no hearings on this amendment. Because the author of the amendment is trying to attach this amendment to the health services bill, a bill under the jurisdiction of the Labor and Public Welfare Committee, the Finance Committee, which would appear to me to have proper jurisdiction over any such amendment, did not have an opportunity to examine the use of medicaid funds for abortions.

I think this is regrettable, Mr. President, for several reasons. First, I think we need to investigate exactly how the medicaid program operates with regard to abortions. One of the aspects which concerns me is the kind of counseling applicants for abortions under medicaid receive. I would like to know if alternatives to abortion are presented to such applicants.

Second, Mr. President, there are a number of issues raised by this amendment which need to be explored. Would the use of the IUD be ruled an abortifacient under this amendment? My colleague, Mr. BARTLETT says the amendment is not directed to the use of IUD's since IUD's are not abortifacient. I would like to point out that medical testimony before my subcommittee on the use of IUD's was inconclusive—some doctors maintain that the IUD's were indeed abortifacient.

What effect would the Bartlett amendment have on the rape victim—often times poor and of a minority group—who must rely on medicaid funds if she finds she is pregnant?

What is the validity of the constitutional argument that has been raised as to the denial of due process rights to indigent women? Do we indeed have the right to deny the poor woman access to abortion if we permit abortion for those who can afford it?

I have not determined the answer to all of these questions, but I do know that we must seek the answers to such queries before we legislate. Because we have had no hearings to consider the potentially far-reaching ramifications of the Bartlett amendment, we are being asked to vote on an amendment which would have unanticipated results without the information necessary to make such a decision on a reasoned basis.

During the last Congress, a similar amendment was adopted by the Senate to a Labor-HEW appropriations bill. The conferees on this legislation dropped this provision precisely because the Congress had not had the chance to fully examine the implications of such an amendment. We still have not had that opportunity.

Mr. President, I have been and I continue to be personally opposed to abortion. The issue of abortion is not the question we have before us today. The issue is whether we will amend a law with a clearly nongermane amendment, and enact legislation without the benefit of a full and complete examination of all the implications that might arise. It is on that basis, Mr. President, that I will vote to table the pending amendment.

Mr. JAVITS. Mr. President, I move to lay the amendment on the table, and I demand the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

The legislative clerk called the roll.

Mr. RANDOLPH (after having voted in the negative). On this vote, I have voted "no." I have a live pair with the Senator from Hawaii (Mr. INOUYE). If he were present, he would vote "aye." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 54, nays 36, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—54

Abourezk	Hart, Philip A.	Nunn
Bayh	Haskell	Packwood
Beall	Hathaway	Pearson
Bentsen	Hollings	Pell
Brock	Huddleston	Percy
Brooke	Humphrey	Ribicoff
Bumpers	Jackson	Scott, William L.
Burdick	Javits	Stafford
Byrd, Robert C.	Kennedy	Stevens
Case	Laxalt	Stevenson
Chiles	Leahy	Symington
Clark	Mansfield	Talmadge
Cranston	Mathias	Tower
Culver	McGovern	Tunney
Fong	McIntyre	Weicker
Ford	Mondale	Williams
Glenn	Moss	
Gravel	Muskie	
Hart, Gary W.	Nelson	

NAYS—36

Allen	Fannin	McGee
Bartlett	Garn	Montoya
Bellmon	Goldwater	Pastore
Biden	Griffin	Proxmire
Buckley	Hansen	Roth
Byrd, Harry F., Jr.	Hartke	Schweiker
Church	Hatfield	Sparkman
Curtis	Helms	Stennis
Dole	Hruska	Stone
Domenici	Johnston	Thurmond
Eagleton	Long	Young
Eastland	McClellan	
	McClure	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Randolph, against.

NOT VOTING—8

Baker	Magnuson	Scott, Hugh
Cannon	Metcalf	Taft
Inouye	Morgan	

So the motion to table was agreed to.

Several Senators addressed the Chair.

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

The PRESIDING OFFICER. The Senate will be in order. The Senator from Utah is recognized.

Mr. MOSS. First, Mr. President, I ask unanimous consent that Mr. Val Halamanderis be accorded the privilege of the floor during the consideration of this measure.

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

AMENDMENT NO. 335

Mr. MOSS. I call up my amendment 335, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I shall explain the amendment. I ask unanimous consent that I be permitted to do so, and that the further reading of the amendment be waived.

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

Mr. Moss' amendment (No. 335) is as follows:

On page 160, line 18, insert the following: "In making funds available under this section, the Secretary is authorized to provide special attention to geriatrics and the particular needs of nursing home patients.".

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

The PRESIDING OFFICER. The Senate will be in order. The Senator from Utah may proceed.

Mr. MOSS. Mr. President, this amendment would authorize the Secretary of Health, Education, and Welfare to make grants or enter into contracts with public or nonprofit schools of nursing to develop programs for training nurse practitioners with specific emphasis on geriatrics and the care of nursing home patients.

This amendment is an outgrowth of the recommendations of our 12 volume report in the series "Nursing Home Care in the United States: Failure in Public Policy."

Mr. President, through the years the subcommittee has often heard the suggestion that professional nurses with certain additional training in geriatrics could assume a great portion of responsibility for the care of the elderly in nursing homes. This is based on the premise that the kind of medicine practiced in nursing homes is what is termed chronic maintenance as distinguished from complicated diagnostic or surgical procedures.

Nurse practitioners—that is, registered nurses licensed under State law who have completed a program of study such as presently developed by the American Nurses' Association—are more than qualified to provide primary health care. Among the duties they could perform are the following:

First. Obtaining a health history:

Second. Assessing health-illness status;

Third. Entering an individual into the health care system;

Fourth. Sustaining and supporting individuals who are impaired, infirm, ill, and undergoing programs of diagnosis and therapy;

Fifth. Managing a medical care regimen for acute and chronically ill patients within established standing orders;

Sixth. Assisting individuals in regaining their health;

Seventh. Teaching and counseling individuals about health and illness;

Eighth. Counseling and supporting individuals with respect to the aging and dying processes; and

Ninth. Supervising nursing assistants.

My amendment would authorize the Secretary of the Department of Health, Education, and Welfare to provide grants, or enter into, contracts with schools of nursing practitioners with special emphasis on geriatrics and the needs of nursing home patients. I feel certain that this proposal, when enacted, will result in the immediate improvement in the quality of nursing home care.

Mr. KENNEDY. Mr. President, if the Senator will yield, I think this is an enormously helpful and useful addition to the bill. It is targeted toward the nurse-practitioner, and there is an area for needed service among our elderly people which is well documented and well recorded. It seems to me that this is an extremely sound, useful expression of congressional intention, and it is in an area where there is a very demonstrable need. So I welcome it as an addition to the bill, and I hope it will be accepted.

Mr. SCHWEIKER. Mr. President, I join the Senator from Massachusetts in supporting this amendment. I think it is a valuable addition.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 335) of the Senator from Utah.

The amendment was agreed to.

AMENDMENT NO. 334

Mr. MOSS. Mr. President, I call up my amendment No. 334, which is very similar.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. Moss) offers an amendment numbered 334.

Mr. Moss' amendment (No. 344) is as follows:

On page 158, insert between lines 2 and 3 the following new subsection:

"(8) help meet the costs of developing short-term in-service training programs (not to exceed six months) for nurses aides and orderlies for nursing homes. Such training programs shall emphasize the special problems of geriatric patients and include but not be limited to: monitoring the well-being of the patient; emergency procedures; drug properties and interactions; feeding and cleaning of patients; and, fire safety techniques.".

Mr. MOSS. Mr. President, this amendment would authorize the Secretary of Health, Education, and Welfare to provide grants and make contracts with schools of nursing to provide short-term in-service training programs for nursing home personnel.

This amendment is an outgrowth of the recommendations of our 12-volume reports in the series "Nursing Home Care in the United States: Failure in Public Policy." There reports firmly establish that physicians have abdicated their responsibility for the care of the infirm elderly. Doctors are infrequent visitors to nursing homes. The result of the absence of the physician from the nursing home setting inevitably means a heavy reliance on the nursing staff.

But the term "nurse" is used rather casually within the context of U.S. nursing homes; it is applied to almost anyone in white garb. The fact is that there are only some 56,000 registered or professional nurses in America's 23,000 nursing homes. To complicate matters further, these professional nurses are increasingly tied up with administrative duties including filling out medicare and medicaid forms, showing prospective clients around the facility and ordering supplies. The result is that professional nurses spend comparatively little of their time tending to patients.

All of this means that 80 to 90 percent of the care provided in today's nursing homes is given by untrained aides and orderlies, sometimes hired literally off the street with no training or previous experience.

The example provided by the investigator of the Better Government Association, who testified at Senate subcommittee hearings on nursing homes in Chicago, is classic. He applied for a job as a janitor at a Chicago nursing home and within 20 minutes he had the keys to the narcotics cabinet on his belt and was at work passing medications.

I should add that the aides and orderlies that make up the bulk of nursing home personnel are generally paid the minimum wage. The work they perform is difficult, arduous, and unpleasant. It is little wonder to me that the turnover rate for these employees approaches 75 percent a year.

Most of these aides and orderlies have no formal training; they learn by doing, through trial and error or by imitating the work of other aides. While many homes attempt to provide in-service training, they must do so out of their own pockets. They are increasingly reluctant to provide such training not only because of the cost but because of the rapid turnover. One aspect of this turnover is that aides with training and experience gained in the nursing home quickly leave for hospital work where the pay is higher.

With the impact of increasing unionization of nursing home employees, wages are rising. However, there remains no Federal training program of any significance which provides assistance in this vitally needed area of training nursing home personnel. My amendment would provide such assistance. I urge its enactment.

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

Mr. MOSS. I am happy to yield to the Senator from Illinois.

Mr. PERCY. The distinguished Senator from Utah has mentioned testimony we heard together in Chicago, testimony

presented by the Better Government Association, a unit that I happen to have set up years ago to investigate all types of matters. They have made a great contribution in the nursing home field, and it is absolutely true that in many of the nursing homes we have investigated the administrator and owners were only interested in having bodies to fill jobs so that they could put names down. They seemingly could not care less about whether they were trained for those jobs or whether they had training in the dispensation of drugs, and certainly the scandalous conditions that were revealed in our Special Committee on the Aging, and the particular subcommittee that Senator Moss heads has brought to light many abuses in that field.

I simply wish to commend the distinguished Senator for every opportunity he is finding now to take advantage of the hearings that we have held, where we have taken testimony in Chicago, Springfield, New York., and other cities, and to do something about it rather than to just hold hearings.

I think we have not only presented legislation which will take a little longer to enact, but also it is very appropriate that the amendment be adopted at this time so that special attention is given to developing short-term in-service training programs.

For instance, we have medics coming back out of the military now. If they were given special training in geriatrics I feel certain we could take a great many people and provide skilled, competent assistants who would really care about taking care of the aged.

The shame we have in our nursing homes must be ended. They cannot and they should not come to be warehouses for the dying. They should be places where people take care of them, people who have skill and ability, and I commend the distinguished Senator and I trust the manager of the bill will accept this amendment.

Mr. MOSS. I thank the Senator from Illinois and, may I say, that as the ranking minority member on the subcommittee, he has done tremendous work in this field. I know that he realizes fully the problems that we have, and recognizes that this is one way we can begin to move on those problems.

Mr. KENNEDY. Mr. President, I hope the Senate will accept this amendment. What we, in effect, have done is in the manpower program we have a series of special projects to try to encourage the schools of nursing to move into areas where Congress has made some decision about the importance of various projects such as primary care and other areas where we think there is a critical need. Quite clearly this falls within that definition, and it is entirely appropriate that it be included. Instead of having seven areas now where we would hope that schools of nursing would fund various programs, this will add another one, an eighth one. This is an extremely urgent area, and I support the amendment.

Mr. SCHWEIKER. Mr. President, I, too, join in supporting this amendment. It is a constructive addition to this bill, and I hope it will be accepted.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 334 of Mr. Moss. (Putting the question.)

Amendment No. 334 of Mr. Moss was agreed to.

Mr. BEALL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk proceeded to read the amendment.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill add the following new section:

SEC. 268. Section 786 of Subpart III of Part F of title VII of the Public Health Service Act is amended (1) by striking "and $3,500,000 for the fiscal year ending June 30, 1974." and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1974 and $3,500,000 for the fiscal year ending June 30, 1975.", and (2) by striking "July 1, 1974" in the second sentence and inserting in lieu thereof "July 1, 1975".

Mr. BEALL. Mr. President, this amendment would authorize an extension of the physician shortage scholarship program through June 30 of this year. This program was enacted as part of the Comprehensive Health Manpower Training Act of 1972, Public Law 92–157. This program authorizes scholarships of up to $5,000 for young men and women who agree to practice primary care medicine in physician shortage areas under the premise that they are not only more likely to return to their home shortage areas, but also to remain there.

Unfortunately, because of HEW vetoes and the Department's foot dragging the program did not get implemented until last fall. As a matter of fact, it was only after I made a floor speech on April 5, 1974 that HEW finally moved to implement the program. Thereafter, I exchanged letters with Secretary Weinberger and he promised that:

The funding procedures suggested in your floor statement will be followed, i.e., fiscal year 1974 funds which have no carry-over provision will be awarded during the current fiscal year and fiscal year 1973 funds which do have a carry-over provision will be available for the student class entering in the fall of 1975.

Notwithstanding this promise, there seems to be some hesitancy at HEW again. This amendment would make it clear that Congress intends the $2 million funds appropriated and available will be used to make awards for incoming freshmen.

The response to the program by the students is overwhelming, with over 1,000 applications being received and approximately 400 scholarships awarded.

In addition Mr. President, an HEW evaluation conducted by the Consad Research Corporation of the various student assistance programs made the following recommendation and said the following with respect to the physician shortage scholarship program:

Fund the physican shortage area scholarship program—Of the existing programs, this one embodies more of the characteristics specified in our conceptualization of a model program. The risk inherent in this program is that unless it is supported by special recruiting, screening and admission procedures, it may attract the wrong people, that is, people who are not predisposed to enter a shortage area but who for want of funds agree to serve only to renege later.

It is imperative Mr. President, that we make ourselves clear in this regard so that HEW will get off the dime and let the schools and students know that this program is available so that in selecting the students, those selected will have a predisposition to practice primary care.

Mr. President, I ask unanimous consent that my floor statement of April 5, 1974 and the letter from Secretary Weinberger, be printed in the RECORD.

There being no objection, the floor statement and letter were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Apr. 5, 1974]

THE PHYSICIAN SCHOLARSHIP PROGRAM

Mr. BEALL. Mr. President, along with approximately one-fourth of the Senate, I introduced in early 1971, the physician shortage scholarship program. The present Members of the Senate who were original cosponsors are: Senators ALLEN, BROCK, CHILES, COTTON, DOLE, DOMINICK, ERVIN, FANNIN, GOLDWATER, HATFIELD, HRUSKA, HUMPHREY, JAVITS, PELL, STEVENS TALMADGE, THURMOND, TOWER, and YOUNG.

This program authorizes scholarships of up to $5,000 for young men and women who agree to practice primary care medicine in physician shortage areas under the premise that they are not more likely to return to their home shortage areas, but also to remain there.

The physician shortage program was included as a part of S. 934, the Health Professions Educational Assistance Amendments of 1971, which was signed into law on November 18, 1971.

Since enactment of the program, I have been working with the other cosponsors, and particularly with Senators MAGNUSON, YOUNG, COTTON, STEVENS, and other members of the Appropriations Committee, to secure the funding of this program. Appropriations were provided for the program in a number of HEW appropriation bills in 1972, but these funds were lost because of vetoes of overall HEW measures.

Finally, in the fiscal year 1973 supplemental appropriations bill, $2 million was provided. This appropriations measure was signed into law on July 1, 1973.

Again, in the regular fiscal year 1974 Labor-HEW appropriations bill, an additional $2 million was provided and this bill was signed into law on December 18, 1973.

Mr. President, if one can believe it, HEW, for reasons known only to the Agency, has not issued the regulations for this program as of this date, notwithstanding the fact that the law has been on the books since 1971 and the program has been funded since December 1973. HEW may believe, as they have suggested, that the physician shortage problem is over, but I do not. HEW may believe that the maldistribution problem has been solved, but I do not.

In all fairness, I would point out that the administration has been interested in some other approaches to solving the maldistribution problem, such as the loan forgiveness

program, and the utilization of Public Health Service officers. I support both of these approaches, but I believe that the maldistribution problem is so critical, is so important to so many communities, and that there is so much unknown, that the various approaches should be tried and tested. One problem, for example, with respect to the loan forgiveness program, that deans of various medical schools have pointed out, is that lower income students are reluctant to assume the size of indebtedness that medical school necessitates.

Of course, the physician shortage scholarship program would relieve that fear since the student would receive a scholarship, provided, of course, that he or she carried out the commitment to serve in physician shortage areas. If the student does not carry out the commitment, the "scholarship" is converted into a "loan." Thus, if the program works, we will have helped solve the physician shortage problem; if it does not, the Government will not lose a cent.

When I introduced this proposal, I discussed the results of an American Medical Association survey published in 1970 questioning physicians on the factors that influence their decisions to practice in a certain area which gives support to the bill's priorities. This survey found that over 45 percent of the physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2,500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size. The AMA confirmed previous studies, which had indicated that:

"Physicians who practice in small towns are more likely to have a rural than urban background."

The AMA study concluded that:

"Physician recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession."

Continuing, the report had this to say about the influence of a doctor's origins on his place of practice:

"Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth."

If we can persuade young men and women to practice in physician shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that:

"Once a physician establishes a practice, he is not likely to move."

This survey found:

"At least 63 percent of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place."

I recently came across an article in Medical Care which describes the importance of a dentist's residence in his ultimate decision to locate his practice in a given area. While there are some differences between the dentist and the doctor, I do believe that the article lends further support to the physician shortage scholarship program.

Mr. President, Charles Dickens in his book entitled, "Little Doritt" has a passage that reminds me of the Department of Health, Education, and Welfare, with respect to the physician shortage scholarship program. I quote:

"Whatever was required to be done, the Circumlocaution Office was beforehand with all the public department in the art of perceiving How Not To Do It."

Mr. President, I think my colleagues will agree I am generally a patient man, but I want to say that my patience is running thin. I want to say most clearly that I am fed up with the department's procrastination in the implementation of this program. Judging from the letters I have received, as well as inquiries from offices of other Senators, this program has generated considerable interest throughout the country. The physician shortage scholarship program also has been endorsed by the American Academy of General Practitioners, the deans of various medical schools, and the National Medical Association. I can only say that the HEW, today's Circumlocaution Department, had better learn in the very near future how to do it for I, for one, expect these regulations to be forthcoming forthwith.

Mr. BEALL. Mr. President, the $2 million provided in the fiscal year 1974 supplemental appropriations bill will lapse unless expended by June 30, 1974. The $2 million provided in the fiscal year 1973 appropriations bill included a provision allowing the Department to carry over funds until expended and, therefore, these funds are not in immediate danger. Nevertheless, the procrastination has already lessened the chances of the program getting off to a good start since many of the medical schools have already accepting or have accepted their classes which will enter in September of this year.

Of course, offering a young individual a scholarship after he or she has been accepted may mean that the service commitment is an afterthought and not a prior commitment. Furthermore, there will be qualified individuals in physician shortage areas who will not have heard of this program. I am also hopeful that some of our medical schools, particularly State medical schools, which I believe have a special obligation to help solve maldistribution problems in their State, might make available or reserve slots for qualified students under this program. If the regulations are not forthcoming in the very near future, I think the Secretary of Health, Education, and Welfare should understand that I am considering offering an amendment to require HEW to promulgate regulations 30 days after any legislation is signed into law. Also, if the funds are allowed to lapse, I will consider an amendment to delete $2 million from the Office of the Secretary when the regular HEW appropriations bill is before the Senate.

Finally, I want the Secretary to understand that I am aware of the recent court decision involving the Department of Agriculture and its refusal to spend the authorized $20 million appropriated for the women, infants, and children supplemental feeding program—WIC. Like my program, WIC had been funded 2 years in a row, but the funds were not obligated because regulations were not issued and the funds for 1 fiscal year were permitted to lapse. In this case, the court ruled that because the Department had failed to issue the regulations, in compliance with the will of the Congress, the Department had to spend both the appropriated funds that were allowed to lapse and the funds for the current year.

Mr. President, I certainly urge that the Secretary comply with the intent of the Congress and promulgate the regulations immediately. I would recommend, however, that only $2 million, available under the fiscal year 1974 appropriations bill, be obligated this year and that the $2 million provided in the fiscal year 1973 supplemental, be available for the class entering in the fall of 1975.

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, May 28, 1974.

Hon. J. GLENN BEALL, Jr.
U.S. Senate, Washington, D.C.

DEAR SENATOR BEALL: Thank you for your letters of April 19 and May 1 about the Physician Shortage Areas Scholarship Program. I have reviewed the copy of your House Floor Statement, enclosed with your April 19 letter, and I understand some of the concerns you express regarding the delays in implementing this Program.

I am pleased to report to you that our current actions within this Department are directed toward implementation of this Program prior to June 30.

Notice of Proposed Rulemaking for the Physician Shortage Areas Scholarship Program was published in the *Federal Register* on May 13. Enclosed for your information is a copy of that Notice. You will note that the public has until May 28 to submit written comments before the regulations will become final.

Other necessary materials for implementation of a new program, such as a program announcement, application forms, and instructions, have also been prepared. These are in the clearance channels and are being expedited.

The funding procedure suggested in your House Floor Statement will be followed, i.e., fiscal year 1973 funds which have no carry-over provision will be awarded during the current fiscal year and fiscal year 1973 funds which do have a carry-over provision will be available for the student class entering in the fall of 1975.

I hope this assures you that we have every intention of making student awards prior to June 30, 1974.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

Mr. BEALL. Mr. President, I hope the Senate will look favorably upon the adoption of the amendment.

Mr. KENNEDY. We will accept this amendment. We are operating under a continuing resolution, and this extends the funding until June of this year. It leaves only the question of how we will consider this in the context of our total manpower efforts after that period of time.

It does seem to me to be entirely appropriate, and we will be coming back with a total manpower program in which both the committee and the Senate will have an opportunity to consider it. But this does seem to me to make sense. We are continuing the authorization through this year, and I am glad to accept it.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Maryland for this amendment, and strongly urge its adoption. I am glad to see his help in this bill.

The PRESIDING OFFICER. Is all time yielded back? The question is on agreeing to the amendment of Mr. BEALL. (Putting the question.)

Mr. BEALL's amendment was agreed to.

AMENDMENT NO. 333

Mr. BELLMON. Mr. President, I have an amendment at the desk and I ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an amendment No. 333.

The amendment is as follows:

PRESERVATION OF FREEDOM OF CHOICE

SEC. 268. Whoever, being an officer or employee of any department or agency of the United States, or officer or employee of any State, political subdivision or entity which administers a program which is in whole or in part federally assisted, or being a person

whose services are reimbursed under such a program, and who intimidates or coerces any person who is receiving or has requested benefits or services under such program to undergo an abortion or a sterilization procedure as a condition of receiving such benefits or services shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, this amendment would make it a Federal crime for any person who is involved either directly or indirectly in the administration of a welfare program which is in whole or in part federally funded to coerce an individual who is receiving or has appled for benefits and services under such welfare program to undergo an abortion or a sterilization procedure as a condition for receiving benefits for which the person is rightfully entitled.

This amendment is not complicated. It will preserve the freedom of choice regarding abortion or sterilization for those individuals who are rightfully entitled to the various welfare benefits which are made available through Federal funds.

Mr. President, there is great danger, as experience shows, that welfare recipients who are often ill prepared to defend their personal rights will be persuaded against their will to undergo abortion or sterilization as a condition of receiving their welfare payments. It is absolutely essential that no person regardless of his educational, social, or economic background be forced against his or her will into having an abortion or sterilization performed.

Mr. President, I will not unduly delay the Senate by documenting the instances where coercion has occurred in the area of sterilization. We are all aware of the now notorious "sterilization cases" where uninformed individuals, women and children in South Carolina and Alabama, were coerced in 1973 into consenting to sterilizations. Extensive hearings were conducted at that time by the Senate Labor and Public Welfare Committee and legislation enacted pursuant to these hearings establishing a Commission to examine this matter further.

In March 1974, a Federal court ordered the Department of Health, Education, and Welfare to stiffen its then newly promulgated sterilization regulations to prevent coercion of welfare recipients. As a result of this court decision, regulations have been promulated to regulate this practice. However, it is my understanding there has been much difficulty in their implementation. Therefore, closer regulation is needed particularly when an abortion is involved. That is the objective of this amendment.

Mr. President, in my judgment it makes good sense to enact legislation now making it a Federal crime for any governmental reimbursed person to threaten or coerce a welfare recipient into having either a sterilization procedure or an abortion performed as a condition to receiving further welfare benefits. The Congress has determined to allow use of Federal funds in this manner, and we must also guarantee all our citizens that the right of free choice is not abridged.

Mr. President, I fully realize the abortion issue is a complex, controversial, and highly emotional issue. Resolution of this dispute involves consideration of constitutional, social, and moral questions. However, regardless of one's position on abortion, it is absolutely imperative that prohibitions be established by Federal law to insure that no individual is coerced into exercising something other than a free and independent decision on a matter of this kind. I urge adoption of this amendment.

Mr. KENNEDY. Mr. President, as I understand the purpose of this amendment, it is to assure the complete free choice, primarily of poor people that will fall under medicaid, in making a decision about the issue of abortion.

We have heard instances where poor people have been coerced into having abortions and, quite clearly, I think this is really outrageous.

As I understand it, the amendment would insure that there would be no such coercion and guarantee that, and it seems to me that this is an entirely appropriate amendment.

The wording and the language is clear. It is precise. It really goes to the issue of restriction of coercion, and I think it is a very important and useful contribution to the legislation.

So I am glad to accept the amendment of the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I would like to thank the distinguished Senator from Massachusetts. I believe that the arguments he makes are very closely in association with my own feelings in the matter and I am very pleased to have his acceptance of the amendment.

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

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Oklahoma. The yeas and nays have been ordered.

Is all time yielded back?

Mr. KENNEDY. I yield back the remainder of my time.

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

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), and the Senator from North Carolina (Mr. MORGAN), are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF), is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Ohio (Mr. TAFT), are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Ohio (Mr. TAFT), would each vote "yea."

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—90

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

NAYS—0

NOT VOTING—9

Baker	Inouye	Morgan
Cannon	Magnuson	Scott, Hugh
Goldwater	Metcalf	Taft

So Mr. BELLMON'S amendment (No. 333) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this rollcall vote be limited to 10 minutes. This has been cleared with the leadership on the other side of the aisle.

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

Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield the Senator 1 minute.

Mr. CURTIS. Mr. President, this bill no doubt has great merit. According to the figures on page 11, it will cost $654 million for the 3-year period. The little booklet entitled "The Budget in Brief" shows that in 1966, the Federal outlays for health programs was $3 billion. In the coming fiscal year, they will be almost $30 billion.

It is hard to take away money for pro-

grams already in being. What we can do is to stop adding to the programs. I think we must do that, and I shall vote "No."

Mr. BAYH. Mr. President, I rise today to express my full support of S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975. This is one of the most important and certainly one of the largest pieces of health legislation which will come before us this year.

There are many parts to S. 66, Mr. President, and I would like to begin by addressing a section of that bill which is not widely known, but is very important to about 100,000 Americans who are affected by Huntington's disease. About a year ago, Senator DICK CLARK and I introduced the National Huntington's Disease Control Act. That bill was added as an amendment to the Health Revenue Sharing and Health Services Act, and passed by the Senate last fall. Its provisions were modified in conference, but a program to deal with the problems of Huntington's disease was retained in the bill and subsequently enacted by Congress. Unfortunately, those provisions died with the pocket veto of the act.

I was very pleased that the sections dealing with Huntington's disease were retained when S. 66 was reintroduced in January. I am very hopeful that on this occasion we will have the opportunity to override a veto should it be forthcoming.

Mr. President, Huntington's disease, often called Huntington's chorea, is one of the most dreadful diseases facing mankind. Inherited from a parent, it strikes members of both sexes as they reach age 30 or 40. It is a progressive disease, leading over a 15-year period, to the degeneration of the nervous system and eventual death. Because its symptoms first appear when the victims are past child-bearing age, those suffering from Huntington's disease must bear the added agony of knowing that they may have passed the debilitating gene on to their children.

The Huntington's disease section of S. 66 provides for the establishment of a temporary Commission for the Control of Huntington's Disease. The Commission is charged with the following duties:

First. Study the current state of medical management of Huntington's disease.

Second. Make recommendations for the proper roles of the Federal, State, and private agencies in the prevention and research of Huntington's disease and in the treatment of persons stricken by the disease.

Third. Develop a comprehensive national plan for the control of Huntington's disease.

Fourth. Report to the President and the Congress its recommendation within 1 year from the date of enactment of the act.

This legislation is the first meaningful step by the Federal Government to come to grips with this terrible problem of Huntington's disease, and though it is only one step in a very long journey, I know it marks a milestone for the thousands affected by Huntington's chorea. Through the work of the Commission, we will have guidelines on what further action we must take, and how we should concentrate our resources. I am confident, Mr. President, that if we bring our great American scientific and technological abilities to bear on the Huntington's problem, we will eventually come to terms with it.

The Huntington's disease provisions are but a small part of S. 66. Its other sections contain far reaching and immensely important measures for our system of health care. Among the foremost of these, are the provisions extending the community mental health center program and reaffirming our commitment to providing 1,500 centers throughout the country. I have been very disheartened by the Ford administration's continuation of the old Nixon logic, that since CMHC's have proven effective, the purpose of the Federal program has been accomplished and support should be withdrawn. Mr. President, Congress never intended this program to be an experiment. It has always been the intent of Congress that we make the CMHC services available to every community in the Nation, and we must hold to this intention.

S. 66 also provides for migrant health centers, community health centers, home health services and family planning. It provides for an extension of section 314 (d) authority to provide public health services, and for programs regarding hemophillia, epilepsy and mental health and illness of the elderly. It establishes a program for rape prevention and control. Mr. President, I will resist the temptation to make a speech on the great need for every one of these programs. I will say only that it is incomprehensible to me that this administration could classify these programs as unneeded, duplicative, or wasteful. It is as if the President and the Office of Management and Budget sat down and coldly decided to do away with every Federal program related to real human needs of our citizens. Call it what you will, Mr. President, misplaced priorities, ignorance, or lack of compassion, this plan for action is totally unacceptable, and must be pushed aside by Congress.

Finally, title I of this bill would revise and extend the Nurse Training Act. Enactment of this title is crucial.

Mr. President, Congress has long been sensitive to the need for increasing numbers of practicing nurses. Our modern commitment to aid nurse education dates back to 1964. It makes absolutely no sense to terminate that commitment now right at the time nursing schools have expanded their enrollment to meet the increasing demands. To do so would bring disaster to hundreds of educational institutions and deprive the country of badly needed health professionals.

Further, by enacting S. 66, we will extend programs for project grants, practitioner projects, and grants for advanced nurse training. These programs provide nurses for underserved areas and for people who desperately need care. They further provide funds to train nurses for new and expanded responsibilities as nurse practitioners in pediatrics, nurse midwifery, family nursing and other specialty areas.

There is no question, Mr. President, that passage of S. 66 is crucial. I am happy to vote for it today, and I will vote to override its veto should that be necessary.

Mr. DOLE. Mr. President, before we vote on final passage of this measure—which combines the provisions of H.R. 17085, the Nurse Training Act, and H.R. 14214, the Health Revenue Sharing and Health Services Act, both of which we sent to the President late last year—I would like to add my note of support.

While I can certainly appreciate the concerns voiced by the White House in its past disapproval messages on these two bills, which were vetoed after adjournment, I also recognize their importance to our nurse training and community mental health center programs. The authorizations for such contained in S. 66 may indeed be overly generous again in some instances, but over the next 3 years I think we can make that determination in our own budget/appropriations process.

I fully agree with the administration view that we need to take a more comprehensive look at all our health personnel training policies. However, until we are able to develop a cohesive, long-range plan which will address the real problem of geographic maldistribution and nurse underspecialization, an extension of existing legislation—with some timely new initiatives—is certainly in order.

We have some outstanding schools of nursing in my State of Kansas, and I do not believe their activities should be interrupted by our failure to adopt a constructive and meaningful alternative at this time. On the other hand, we do have a definite obligation to examine necessary changes during the period covered by S. 66.

The same feeling of support also applies to the eight federally assisted community mental health centers in Kansas, whose continued progress is almost totally dependent on enactment of this legislation. They are all making remarkable advancement toward becoming self-sustaining—while making a substantial contribution to the goal of reducing the number of resident mental hospital patients—and it would be a real mistake to take away that momentum through inaction on this interim proposal.

I use that term because of the bill's design to establish a bridge between the services now provided by such centers, and any future coverage under a system of national health insurance—should that come about by 1978. Even standing alone, however, it is the basis for implementation of a worthwhile concept which deserves our endorsement.

Although the nurse training and comprehensive community mental health centers programs are the major ones addressed in S. 66, there are authorizations for other noteworthy activities which should be mentioned. Among these are family planning programs; migrant health centers; home health services; rape prevention and control; hemophilia diagnosis and treatment; and special epilepsy and Huntington's disease commissions.

In short, we are talking about pro-

grams which can result in an immeasurable contribution to the health needs of all Americans. Unfortunately, they cannot be carried out without considerable cost at a time when spending must be restrained—but I am hopeful that we can use our new budget review mechanism to strike a reasonable balance between the two competing factors.

Mr. President, given that flexibility, I think we have a basically sound bill here which merits our affirmative approval. I, therefore, urge my colleagues to join me in calling for its enactment.

AMERICAN HEALTH CARE ASSOCIATION SUPPORTS NURSING HOME LEGISLATION

Mr. MOSS. Mr. President, I would like to briefly acknowledge the presence in Washington this week of over 400 members of the American Health Care Association. The AHCA, formerly the American Nursing Home Association, is holding its Third Annual Congressional Conference.

As my colleagues are aware, the Subcommittee on Long-Term Care of the Special Committee on Aging is continuing the development and release of its detailed report on nursing home care in this country. The report is highly critical of some nursing home practices and conditions, and is even more critical of the failure of our public policy. On the other hand, the report acknowledges the great progress that has been made in making long-term health care available to those who need it.

It is clear, Mr. President, that the nursing home associations have an important role to play in providing industry leadership toward helping to establish the comprehensive national policy for the infirm elderly which we are all seeking.

I am pleased that the American Health Care Association is showing its concern and commitment toward meeting this responsibility by being here in Washington and sharing the views of its Members with the Congress. I commend the association for this effort, and ask unanimous consent that the AHCA 1975 legislative priorities be inserted at this point in the RECORD.

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

AN OPEN LETTER TO THE 94TH CONGRESS FROM AMERICA'S NURSING HOMES

Ladies and Gentlemen of the Congress:

The third annual Congressional Conference of the American Health Care Association is being held this week in the Nation's Capitol. Representatives of America's nursing homes are gathered in Washington recognizing that we are at a critical crossroads concerning our nation's system of caring for its most infirm citizens.

As a Member of Congress, you will be called upon in coming months to consider a host of complex alternatives as national health insurance legislation is debated. We as long-term health care professionals would like you to know of our concern that a top priority be given to establishing a more comprehensive and rational approach to the delivery of long term health care services to those who require them.

In the absence of this comprehensive system, America's nursing homes have assumed almost by default the responsibility to care for the infirm elderly. With the creation of Medicare and Medicaid, our profession was forced to expand quite rapidly to cope with the new demands for our services. Over the past decade, impressive gains have been made in providing nursing home care to those who need it. Modern facilities have been built across the nation, new methods of treatment have been introduced, and innovative management techniques have been applied to the operation of these facilities. In 1973 the number of nursing home beds in the United States exceeded the number of general and surgical hospital beds for the first time.

Yet despite this great progress, the public perception of nursing home care in the United States has continued to be unfavorable. Recurring exposes by the press and Congressional committees have been a constant reminder that our ranks have been infiltrated by charlatans and profiteers. Although there is no compelling evidence to indicate that nursing home owners are any less virtuous on the whole than other professions—including politics—the mere hint of impropriety by a nursing home operator is sufficient to foster an orgy of hand wringing and breast beating by all sorts of supposedly well-meaning individuals.

While outrage over wrongdoing is justified, mere outrage is not enough. Unfortunately, some government agencies and politicians have been more adept at expressing outrage than dealing with the offenders. Consequently, the episodic "nursing home exposes" continue, and the public is led to believe that little or no progress has been made toward improving nursing home care.

As a growing profession, struggling for true professional status, nursing home owners and administrators are outraged too. The best efforts of the vast majority of us who are decently motivated dedicated, and compassionate towards the people we serve are quickly shadowed by a single example of poor care or financial chicanery. We are likewise apprehensive that a scapegoating atmosphere with regard to nursing homes might result in hastily conceived and ill-considered legislation and regulations at a time when Congress should be working out long-range systematic reforms.

How has government responded to this problem thus far? Unfortunately, the federal government has responded by issuing scores of new regulations to apply to all nursing homes, and has unleashed hordes of dubiously qualified inspectors on the land in search of "paper" compliance. Sadly, the individual needs of patients are obscured in a mountain of paper. Conscientious nursing home administrators and their staffs feel great frustration, while the handful of dishonest operators continue business as usual.

Ladies and gentlemen of the Congress, we share a joint responsibility to our elderly citizens to begin to put in place a national policy with respect to long-term health care. The elderly population is increasing at an accelerated rate. Modern medicine has given our people longevity. But advanced age brings on disabling chronic conditions which impair the ability of many elderly persons to live independently. As many as a half-million persons need nursing home care at the present time but cannot afford it unless they take the pauper's oath for Medicaid. Five times this number are homebound, and will eventually require institutional care unless proper home care and supportive services are provided to them.

Just as our nation faces a long range energy crisis, we may well be facing a long range "elderly crisis." Each of these crises requires new methods of financing as well as alternative resources and new uses of existing resurces. In each case, government has a broad responsibility to work in partnership with the private sector to achieve self-sufficiency.

America's nursing home professionals want to become advocates for the infirm elderly and the chronically ill of all ages. We want to use our expertise and resources to create an assurance of quality health care and personal dignity for the people we serve. We cannot do this job alone, however. The Congress must be willing to make the commitment of funds and initiate the reforms necessary to create a system of health care for the elderly that will serve us well for many decades to come.

The motto of the American Health Care Association is—"You Care, We Care." We call on the Congress to join with us in making this pledge a reality.

A number of specific legislative priorities are outlined in the following pages. We urge your careful consideration of these suggestions and invite you to contact our membership in your state and district and our national staff in Washington if we can assist you in any way.

Sincerely,

WILEY M. CRITTEDEN, Jr.,
President on behalf of the 8,000 member facilities of the American Health Care Association.

1975 AHCA LEGISLATIVE PRIORITIES

IMPROVED LONG-TERM CARE BENEFITS

We urge Congress to adopt comprenhensive long-term health care benefits as part of any National Health Insurance program which is enacted, or through expansion of the present Medicare program. These benefits should include nursing home care, home health care and homemaker/home health aide services, mental health and retardation care, and institutional day care services for the elderly. Long-term health care necessarily costs more than most elderly persons can afford on their own. Private insurance and Medicare do not provide this coverage for long periods. Medicaid's eligibility requirements force the elderly to relinquish the resources they would require to regain independent living. A comprehensive national program is needed to insure that elderly and chronically ill persons have access to long-term health care services which best suit their individual circumstances at a cost to them which they can afford.

We urge Congress to phase in the implementation of National Health Insurance, including expanded long-term care coverage, over a period of several years, so that fiscal and administrative transitions can be made in an orderly fashion. National Health Insurance must not become a broken promise because of breakdowns in financing or administration. The first step should be an expansion of Medicare and the gradual phase-out of Medicaid long-term care programs. At the same time, however, a number of broad scale demonstration projects should be undertaken to assess the feasibility of a consolidated systematic approach to the delivery of health and health-related services to the elderly, chronically ill, and disabled. Sen. Hubert Humphrey's proposal (S. 343), the Community Chronicare Center Demonstration Act, is designed to meet this requirement, and should be enacted by the Congress.

Participation by providers of long-term care should be extended to all who meet a uniform public system of standards. No artificial barriers should be erected against any group of providers. The only test should be the ability of the provider to extend high quality care at costs which are reasonable. Federal or state laws which prohibit nursing homes from providing home health, day care, outpatient services and other "alternatives to institutionalization" should be overridden.

Present inefficient systems of payment to providers for services rendered should be replaced with alternative prospective payment methods which are designed to foster quality care and encourage sound management practices. These methods should be based on predetermined budgets which anticipate the facility's total cost of operations, including a rate of return which is reasonable in rela-

tical to other investments of comparable risk.

We urge Congress to enact appropriate legislation to increase the availability of nursing home care for veterans through the Veterans Administration Community Nursing Home Program. Four specific measures are needed:

(a) A provision allowing direct admission of any veteran to a contract nursing home in his community. Present law limits direct admission to veterans with service-connected disabilities.

(b) Extension of present six-month limit on veterans nursing home care.

(c) Exemption of contract nursing home care from wage and fringe benefit requirements of the Service Contract Act of 1965.

(d) An increase in the payment ceiling on nursing home care for veterans. Payment is currently limited to $23 per day or less in most instances.

ENFORCEMENT OF NURSING HOME STANDARDS

We urge the Congress to take action to improve our present system of nursing home standards enforcement. Much has been said about "substandard" nursing homes. Little attention has been given to the confusing maze of regulations, overlapping authority at various levels of government, or the cost implications which affect the willingness of responsible agencies to provide the funding necessary to enable nursing homes to comply with standards.

Enforcement of standards has become a perpetual political football, and the result has been that responsible agencies have alternated between lax and punitive enforcement. The ultimate victim is the patient. A streamlined and predictable system must be implemented which is timely, efficient, and realistic in its treatment of nursing homes. For these reasons we urge that the following actions be taken:

(a) State and federal inspection of nursing homes should be consolidated and unified as Congress mandated in P. L. 92-603.

(b) Nursing home surveyors who are compensated by the federal government must be required to have adequate training and possess the professional qualifications necessary to enable them to carry out their tasks. HEW should be required to issue regulations specifying minimum professional qualifications for nursing home surveyors.

(c) An economic impact statement should accompany all new federal regulations for nursing homes. We can not tolerate a situation where government is not willing to provide funding to meet the costs of compliance with regulations.

(d) Providers must be given the opportunity for fair hearings when accused of noncompliance with standards in the Medicaid programs. However, such an administrative procedure must be timely, and should not allow determinations of the certification status of nursing homes to remain unresolved for long periods of time. Chronic offenders should be closed down, but facilities with correctable deficiencies should be assisted to comply with standards. Legislation is needed to establish clear direction for provider appeals rights.

(e) In order to facilitate resolution of patient complaints and problems with the programs, we urge the Congress to provide funds to the states under the Older Americans Act for the establishment of nursing home ombudsman units in state and local commissions on aging.

MANPOWER TRAINING

The quality of health care available to infirm elderly and chronically ill persons is ultimately dependent upon the availability of well-trained individuals to care for them. For a variety of reasons, long-term health care has always suffered from insufficient health manpower resources. The Senate Special Committee on Aging has isolated several factors behind this problem.

(a) Medical and nursing schools have not adequately emphasized training for the specialized care of the elderly.

(b) In nursing homes, professional nurses are required to spend much of their time on administrative and supervisory duties in order to cope with ever more complex government regulations. As a result, care of individual patients falls on the shoulders of aides who are inadequately trained.

(c) The provision of health care to the infirm elderly is not generally considered rewarding in either a professional or financial sense by physicians. Hence, institutionalized or homebound persons do not receive adequate medical attention.

(d) Nurses and other health professionals understandably prefer to work in hospitals where wages are higher and pressures are lower than in nursing homes.

A much greater effort is needed in order to increase the numbers as well as the status and professionalism of long-term health care workers. Providers must work in partnership with government, educators, and the established health professions to achieve this objective. Congress has before it legislation which would provide greater funding for the training and re-training of physicians, nurses, and para-medical personnel to enable them to deal more effectively with the health and medical needs of elderly and chronically ill persons. We ask the immediate attention of the Congress to this urgent priority.

MEETING THE VITAL HEALTH NEEDS OF OUR NATION

Mr. HUMPHREY. Mr. President, I am pleased to speak in support of S. 66, the Nurses Training and Health Revenue Sharing and Health Services Act of 1975.

It is indeed regrettable that similar legislation was pocket vetoed by the President last year after lengthy and careful deliberation by the 93d Congress. I am hopeful that prompt enactment of this legislation can be achieved so that our Nation's needs in the area of nurse training and health services can continue to be met.

In addition to the provisions of this bill which extend three major existing health service authorities—the migrant health centers program, the community health centers program, and the community mental health centers program—this bill provides much needed support to our nursing profession. Our nurses provide a unique and valuable service in the health delivery system of our Nation and our policies need to reflect this.

This bill is directed toward that end. Not only is a special emphasis placed on funding of the different types of nursing schools, but this legislation encourages the training of nurse practitioners in several fields, including geriatrics.

One additional point I would like to make is related to the continuation of the contracts under the special projects authority in this bill.

The full use of educational talent in the nursing profession, and the recruitment and retention of prospective students who are disadvantaged due to socioeconomic factors, are especially important aspects of the special project grant program. The Division of Nursing of the Health Resources Administration in the Department of Health, Education, and Welfare has conducted this successful program for several years now. Experienced nurses and education specialists there have provided expert consultation which can be very beneficial if the effective recruitment and full use of the talent of disadvantaged students is to be continued. The National Student Nurses' Association, which has a nationwide program to work with disadvantaged students is also funded under the Nurse Training Act.

Mr. President, S. 66 meets many of the pressing health needs our Nation faces today. I strongly support this much needed legislation.

Mr. MUSKIE. Mr. President, I am pleased that the Committee on Labor and Public Welfare has reaffirmed the Senate's support for a Commission on the Mental Health of the Elderly.

The committee has included in S. 66 a provision based on legislation I first introduced in 1971 to establish a commission to formulate Federal policy toward the maintenance and improvement of the mental health of older Americans.

Our public policy toward the psychological needs of our elderly is confused and contradictory. Too many aged people are "warehoused" in institutions, with their physical needs met but their human needs ignored.

Many of these people could return to their homes and communities if proper services were available.

Many others are able to remain in their homes, but their needs are unmet because community facilities are unavailable or inadequate.

The lack of Federal policy to deal with these personal tragedies is inexcusable.

And at a time when geriatric patients occupy almost 20 percent of the beds in the Nation's mental hospitals and when 15 to 25 percent of the elderly living in their own homes have some degree of mental impairment, the lack of coordinated policy lessens the impact of the resources the Nation now commits to the mental health problems of the aged.

Mr. President, S. 66 also responds to a related deficiency in Federal services to the elderly and infirm, by providing startup funds for additional home health agencies, particularly in rural areas. The legislation provides $12 million for startup and expansion of home health agency services, and $3 million for training of home health professionals and paraprofessionals.

This provision carries out the intent of legislation I introduced along with Senator CHURCH, chairman of the Special Committee on Aging, in the last Congress.

In my home State of Maine it is not unusual for people to live 20, 30, or even 50 miles from the nearest physician. For many rural communities, a local home health agency would not be an additional medical service, but the only medical service in the area.

I am delighted to see that the committee has retained this provision, and I hope the Senate will give it full support.

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

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed

for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, for the information of the Senate, when this bill is disposed of, we will continue with the consideration of the Standby Energy Authorities Act, S. 62. It is my understanding that there will be at least three votes, so I suggest that Members stay fairly close to the Chamber, to be prepared for such an eventuality.

ORDER TO CONSIDER STANDBY ENERGY AUTHORITIES ACT

Mr. President, I ask unanimous consent that when the pending measure is disposed of, the Senate proceed to the consideration of the unfinished business, the Standby Energy Authorities Act.

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

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays having been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 77, nays 14, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—77

Abourezk	Glenn	Montoya
Allen	Gravel	Moss
Bartlett	Hart, Gary W.	Muskie
Bayh	Hart, Philip A.	Nelson
Beall	Hartke	Packwood
Bellmon	Haskell	Pastore
Bentsen	Hatfield	Pearson
Biden	Hathaway	Pell
Brock	Hollings	Percy
Brooke	Huddleston	Randolph
Bumpers	Humphrey	Ribicoff
Burdick	Jackson	Roth
Byrd, Robert C.	Javits	Schweiker
Case	Johnston	Sparkman
Chiles	Kennedy	Stafford
Church	Laxalt	Stennis
Clark	Leahy	Stevens
Cranston	Long	Stevenson
Culver	Mansfield	Stone
Dole	Mathias	Symington
Domenici	McClellan	Thurmond
Eagleton	McClure	Tunney
Eastland	McGee	Weicker
Fong	McGovern	Williams
Ford	McIntyre	Young
Garn	Mondale	

NAYS—14

Buckley	Griffin	Scott, William L.
Byrd, Harry F., Jr.	Hansen	Talmadge
Curtis	Helms	Tower
Fannin	Hruska	
Goldwater	Nunn	
	Proxmire	

NOT VOTING—8

Baker	Magnuson	Scott, Hugh
Cannon	Metcalf	Taft
Inouye	Morgan	

So the bill (S. 66) was passed, as follows:

S. 66

An act 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.

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

TITLE I—NURSE TRAINING ACT OF 1975

SHORT TITLE; REFERENCE TO ACT

SEC. 101. (a) This title may be cited as the "Nurse Training Act of 1975".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PART A—CONSTRUCTION ASSISTANCE

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 102. (a)(1) Section 801 is amended by striking out "and" after "1973,"; and by inserting before the period a comma and the following: "$25,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $25,000,000 for the fiscal year ending June 30, 1977".

(2) Section 802(c)(1)(A) is amended (A) by inserting "(i)" after "proposed facilities", and (B) by inserting before the semicolon ", or (ii) in expanding the capacity of the school to provide graduate training".

(b)(1)(A) Subsection (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1977".

(B)(i) The last sentence of subsection (a) of section 809 is amended (I) by striking out "(1)" and (II) by striking out all after "the project" and inserting in lieu thereof a period.

(ii) The amendment made by clause (i) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Public Health Service Act after the date of the enactment of this Act.

(2) Subsection (c) of such section is amended by striking out "and" after "1973," and by inserting after "1974" a comma and the following: "$2,000,000 for the fiscal year ending June 30, 1975, $3,000,000 for the fiscal year ending June 30, 1976, and $4,000,000 for the fiscal year ending June 30, 1977", and by inserting a period after "Treasury" the second time it appears in the fourth sentence and by striking out the remainder of that sentence.

(c)(1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal financing bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 103. (a)(1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance

(2) The heading for part A is amended by striking out "Grants" and inserting in lieu thereof "Assistance".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

PART B—CAPITATION GRANTS

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 111. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $400 for each student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive $275 for each student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive $250 for each full-time student enrolled in such school in such year."

(b)(1) Subsections (c), (d), and (f) of section 806 are repealed and subsections (e), (g), (h), and (i) are redesignated as subsections (c), (d), (e), and (f), respectively.

(2) Section 806(f)(1) (as so redesignated by paragraph (1) of this subsection) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977,".

(c) For the fiscal year ending June 30, 1975, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Public Health Service Act (as in effect before the date of the enactment of this Act) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of such Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1974.

TECHNICAL AMENDMENT

SEC. 112. Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

PART C—FINANCIAL DISTRESS GRANTS

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 121. Title VIII is amended by inserting after subpart II of part A (as provided by part B of this title), the following:

"Subpart III—Financial Distress Grants

FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b)(1) No grant may be made under subsection (a) unless an application thereof is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring

nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976, and $5,000,000 for the fiscal year ending June 30, 1977.".

TECHNICAL AMENDMENT

SEC. 122. Sections 805 and 808 (as in effect on the date before the date of the enactment of this Act) are repealed.

PART D—SPECIAL PROJECT ASSISTANCE

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 131. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 121(a) of this title) the following:

"SPECIAL PROJECT GRANTS AND CONTRACTS

"Subpart IV—Special Projects

"SEC. 820. (a) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions,

leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve curriculums of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) providing continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

"(8) help meet the costs of developing short-term in-service training programs (not to exceed six months) for nurses aides and orderlies for nursing homes. Such training programs shall emphasize the special problems of geriatric patients and include but not be limited to: monitoring the well-being of the patient; emergency procedures; drug properties and interactions; feeding and cleaning of patients; and, fire safety techniques.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 percentum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"ADVANCE NURSE TRAINING PROGRAMS

"SEC. 821. (a)(1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977.

"NURSE PRACTITIONER PROGRAMS

"SEC. 822. (a)(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners.

"(2)(A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such a program, be qualified to effectively provide primary health care. In making funds available under this section, the Secretary is authorized to provide special attention to geriatrics and the particular needs of nursing home patients.

"(B) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum, require—

"(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;

"(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and

"(iii) a minimum level of enrollment in each year of not less than eight students.

"(b) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a)(2)(B); and no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a)(2)(B).

"(d) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977."

(b) Sections 810 and 868 are repealed.

PART E—ASSISTANCE TO NURSING STUDENTS

EXTENSION OF TRAINEESHIPS

SEC. 141. (a) Subsection (a) of section 821 (as in effect on the day before the date of the enactment of this Act) is amended to read as follows:

"(a) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

"(2) to serve in administrative or supervisory capacities,

"(3) to serve as nurse practitioners, or

"(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(b) Subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a)(2)(B)."

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 142. (a) Section 882(b)(4) (as in effect before the date of the enactment of this Act) is amended by striking out "1975" and inserting in lieu thereof "1977".

(b) Section 823(b)(2)(B) is amended by inserting "(or training to be a nurse anesthetist)" after "professional training in nursing".

(c) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $30,000,000 for the fiscal year ending June 30, 1975, $35,000,000 for the fiscal year ending June 30, 1976, and $40,000,000 for the fiscal year ending June 30, 1977. For the fiscal year ending June 30, 1978, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1977, to continue or complete their education.".

(d) Section 826 is amended by striking out "1977" each place it occurs and inserting in lieu thereof "1980".

(e)(1) Section 827 is repealed.

(2) The nurse training fund created within the Treasury by section 827(d)(1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered under section 827(b) of the Public Health Service Act before the date of the enactment of this Act.

EXTENSION OF SCHOLARSHIP PROGRAM

SEC. 143. Effective July 1, 1974, section 860 is amended—

(1) by striking out "1972" in subsection (b) and in subsection (c)(1)(A) and inserting in lieu thereof "1975";

(2) by striking out "1975" in the second sentence of subsection (b) and in subsection (c)(1) and inserting in lieu thereof "1978"; and

(3) by striking out "1974" in the second sentence of subsection (b) and in subsection (c)(1)(B) and inserting in lieu thereof "1977".

PART F—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 151. (a)(1) Section 802 is amended—

(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

(B) by striking out "subsection 806(e) of this Act" in subsection (b)(2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurances that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council')" in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out "subsection (e) of section 806" in the second sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(F) by striking out "section 806(e)" in the last sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(G) by striking out in such last sentence "806(a)" and inserting in lieu thereof 810(a)"; and

(H) by striking out "paragraph (A)" in subsection (c)(1)(B) and inserting in lieu thereof "subparagraph (A)".

(b)(1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school,

"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment,

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made."

(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

(d) Section 805 (as redesignated by section 102(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810.

(f) Section 807 is redesignated as section 811 and is amended—

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting lieu thereof "this subpart"; and

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing;".

(g)(1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships".

(2) Section 821 (as amended by section 501) is redesignated as section 830.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Sections 822, 823, 825, 826, 828, and 830 (as in effect before the date of the enactment of this Act) are amended as follows:

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(2) Sections 822(b), 823(b), 823(c), 825(b)(2), and 826(a)(1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 822(b)(2)(A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4)(A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827," in subsection (b)(1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans".

(5) Section 830 is—

(A) transferred to section 823 and inserted after subsection (i) of such section; and

(B) is amended by striking out "SEC. 830. (a)" and inserting in lieu thereof "(j)".

(i)(1) Sections 822, 823, 824, 825, 826, 828, and 829 (as in effect on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j)(1) Part D of title VIII is inserted after subpart II of part B of such title and redesignated as subpart III; and section 860 and 861 are redesignated as sections 845 and 846, respectively.

(2) Section 845(a) (as so redesignated) is amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 869 is repealed.

(k)(1) Sections 841, 842, 843, 844, and 845 (as in effect on the day before the date of enactment of this Act) are redesignated as sections 851, 852, 853, 854, 855, respectively.

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a)(2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a)(1)" and inserting in lieu thereof "(a)"; (D) by striking out "(12)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (i) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively;

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices.".

PART G—MISCELLANEOUS INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF REQUIREMENTS FOR NURSES

SEC. 161. (a)(1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis —

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, vanced training or graduate degrees, and nurse practitioners;

(B) the number of nurses who are practicing full time within each State, of such nurses so as to determine those areas of the United States which, are oversupplied, undersupplied, or which have an adequate supply of such nurses in relation to the population of the area and the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1976, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a)(1) and the data gathered under subsection (a)(2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under this section before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

ISSUANCE OF REGULATIONS

SEC. 162. The Secretary shall, within three months after the date of enactment of this Act, issue regulations in final form to implement section 799A and section 845 of the Public Health Service Act.

TITLE II—HEALTH REVENUE SHARING AND HEALTH SERVICES

SHORT TITLE

SEC. 201. This title may be cited as the "Health Revenue Sharing and Health Services Act of 1975".

PART A—HEALTH REVENUE SHARING

SHORT TITLE

SEC. 202. This part may be cited as the "Special Health Revenue Sharing Act of 1975".

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 203. Section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

"(d)(1) From allotments made pursuant to paragraph (4), the Secretary may make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services under State plans approved under paragraph (3).

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary and unless—

"(A) the State has submitted to the Secretary a State plan for the provision of comprehensive public health services and has had the plan initially approved by him under paragraph (3); or

"(B) in the case of a State which has had a State plan initially approved under such paragraph, the Secretary, upon his annual review of the State plan of the State, determines that the plan and the activities undertaken under it continue to meet the requirements of such paragraph.

An application for a grant under paragraph (1) shall be submitted in such form and manner and shall contain such information as the Secretary may require.

"(3) A State plan for the provision of comprehensive public health services shall include such information and assurances as the Secretary may find necessary for approval of the plan and shall be comprised of the following three parts:

"(A) An administrative part setting out a program for the performance of the activities prescribed by the public health service and mental health service parts of the State plan, which program shall—

"(i) provide for administration, or supervision of administration, of such activities by the State health authority or, with respect to mental health activities, by the State mental health authority;

"(ii) set forth policies and procedures to be followed in the expenditure of funds received from grants made under paragraph (1);

"(iii) contain or be supported by assurances satisfactory to the Secretary that (I) the funds paid to the State public and mental health authorities under grants made under paragraph (1) will be used to make a significant contribution toward providing and strengthening public health services in the various political subdivisions of the State; (II) such funds will be made available to other public or nonprofit private agencies, institutions, and organizations, in accordance with criteria which the Secretary determines are designed to secure maximum participation of local, regional, or metropolitan agencies and groups in the provision of such services; (III) such funds will be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided and not to supplant such non-Federal funds; and (IV) the plan is compatible with the total health program of the State;

"(iv) provide that the State health authority or, with respect to mental health activities, the State mental health authority, will, from time to time, but not less often than annually, (I) review and evaluate its State plan and submit to the Secretary appropriate modifications thereof, (II) report to the Secretary (by such categories as the Secretary may prescribe) a description of the services provided pursuant to the public health service and mental health service parts of the State plan in the preceding fiscal year and the amount of funds spent by such categories for the provision of such services, and (III) report to the Secretary the extent to which services provided under the State plan for persons with developmental disabilities and for the prevention and treatment of alcohol and drug abuse are integrated with services provided under the plan through community mental health centers;

"(v) provide that the State health authority or, with respect to mental health activities, the State mental health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(vi) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid under grants under paragaph (1);

"(vii) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment

and maintenance of personnel standards on a merit basis;

"(viii) provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by the plan required under this section, including, but not limited to, preservation of employee rights and benefits, maximum efforts to guarantee employment to employees who may be affected by any plan or program funded in whole or in part under this title, and training and retraining where necessary; and

"(ix) contain such additional provisions as the Secretary may find necessary for the proper and efficient operation of the State plan.

"(B) A public health service part setting out a plan for the provision within the State of public health services (other than mental health services). Such plan shall be prepared by the State health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious public health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of public health problems within the State and upon other appropriate information; and

"(iii) provide for programs relating to environmental health, health education, preventive medicine, health, manpower and facilities licensure, and, commensurate with the extent of the problem, services for the prevention and treatment of hypertension, drug abuse, drug dependence, alcohol abuse, and alcoholism.

"(C) A mental health service part setting out a plan for the provision within the State of mental health services. Such plan shall be prepared by the State mental health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious mental health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of mental health problems within the State and upon other appropriate information;

"(iii) include a detailed plan designed to eliminate inappropriate placement of persons with mental health problems in institutions and to insure the availability of appropriate noninstitutional services for such persons and to improve the quality of care for those with mental health problems for whom institutional care is appropriate;

"(iv) prescribe minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) within the State and for the enforcement of such standards; and

"(v) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or, if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

The Secretary shall approve a State plan submitted to him which meets the requirements of subparagraphs (A), (B), and (C) of this paragraph and such other requirements as he is authorized to prescribe under this paragraph. The Secretary shall review annually each State plan which has been initially approved by him and the activities undertaken under the plan to determine if the plan and such activities continue to meet the requirements of such paragraphs.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services pursuant to its State plan, and not less than 22 per centum of a State's allotment under paragraph (4) shall be available only for establishing and maintaining under the State plan programs for the screening, detection, diagnosis, prevention, and detection of hypertension; and

"(B) not less than—

"(i) 70 per centum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision under the State plan of services in communities of the State.

"(7) For the purpose of making grants under paragraph (1) there are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1975, and $160,000,000 for the fiscal year ending June 30, 1976."

PART B—FAMILY PLANNING PROGRAMS

SEC. 221. This part may be cited as the "Family Planning and Population Research Act of 1975".

SEC. 222. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $150,000,000 for the fiscal year ending June 30, 1975; and $175,000,000 for the fiscal year ending June 30, 1976".

(b) Section 1003(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $4,000,000 for the fiscal year ending June 30, 1975; and $5,000,000 for the fiscal year ending June 30, 1976".

(c) Section 1004 of such Act is amended to read as follows:

"RESEARCH

"SEC. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

"(b)(1) To carry out subsection (a) there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

"(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $1,500,000 for the fiscal year ending June 30, 1975; and $2,000,000 for the fiscal year ending June 30, 1976".

(e) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

SEC. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section:

"PLANS AND REPORTS

"SEC. 1009. (a) Not later than four months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and eductional materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in such report;

"(2) indicate steps being taken to achieve the objectives during the remaining fiscal years of the plan contained in such report and any revisions necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed.

PRESERVATION OF FREEDOM OF CHOICE

SEC. 204. Whoever, being an officer or employee of any department or agency of the United States, an officer or employee of any State, political subdivision or entity which administers a program which is in whole or in part federally assisted, or being a person whose services are reimbursed under such a program, and who coerces any person who

is receiving or has requested benefits or services under such program to undergo an abortion or a sterilization procedure as a condition for receiving such benefits or services shall be fined not more than $1,000 or imprisoned not more than one year, or both.

PART C—COMMUNITY MENTAL HEALTH CENTERS

SEC. 231. This part may be cited as the "Community Mental Health Centers Amendments of 1975".

SEC. 232. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources.

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community mental health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purposes of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

SEC. 233. The Community Mental Health Centers Act is amended to read as follows:

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"PART A—PLANNING AND OPERATIONS ASSISTANCE

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"SEC. 201. (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided—

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b),

and (2) which is organized in the manner prescribed by subsection (c).

"(b)(1) The comprehensive mental health services which shall be provided through a community mental health center shall include—

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services;

"(B) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area with respect to the nature of mental health problems and the type of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(i) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

"(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies in the center's catchment area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

"(c)(1)(A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care services.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1974 was operated by a governmental agency and received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care services.

"(C) For purposes of subparagraphs (A) and (B), the term 'provider of health care services' means an individual who receives (either directly or through his spouse) more than one-tenth of his gross annual income from fees or other compensation for the provision of health care services or from financial interests in entities engaged in the provision of health care services or in producing or supplying drugs or other articles for use in the provision of such services, or from both such compensation and such interests.

"(2) A center shall have established, in accordance with regulations prescribed by the Secretary, (A) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (B) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (C) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (D) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b)(1)(D). The Secretary may waive the requirements of clause (D) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

"SEC. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection with a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourage continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) may

be made for not more than one year, and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL OPERATION

"SEC. 203. (a)(1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services,

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b)(1) of such section, and

"(3) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their cost of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's cost of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974), such center or other entity shall, for purposes of grants under subsection (a), be considered as being in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it received under this subsection.

"(b)(1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a)(1)(B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1)(B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2)(A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 40 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of any grant under the section for a community mental health center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, the amount of such grant for the center's cost of operation may not exceed 90 per centum of such costs for the first year of its operation, 90 per centum of such costs for the second year of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year.

"(d)(1) There are authorized to be appropriated for payments under initial grants under subsection (a) $85,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(2) For the fiscal year ending June 30, 1976, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for the fiscal year ending June 30, 1975, or the next fiscal year and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e)(1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) from appropriations under this title for a fiscal year ending before July 1, 1974, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendment of 1974, may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements, which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in the year for such services shall be disregarded in applying subparagraph (A) and the provision of the repealed section applicable to the amount of the grant the grantee may receive under this subsection for that year.

"(2) An entity which receives a grant under this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 204. (a)(1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b)(1)(D) if the center—

"(A) received from appropriations for a fiscal year ending before July 1, 1974, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Centers Amendments of 1974) and may not because of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

"(B) has received or is receiving a grant under subsection (a) or (e) of section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a)(2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b)(1)(D)) during the third or fourth years of its operation without a grant under this subsection.

"(2) The Secretary may also make annual grants to a public or nonprofit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1974),

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation and education services described in section 201(b)(1)(D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center,

for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-fourth of the amount received by the center in such year from charges for the provision of such services; and

"(3)(A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Amendments of 1974) or section 203 of this title, as the case may be, was determined on the basis of the center providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a)(2).

"(c) There are authorized to be appropriated for payments under grants under this section $4,000,000 for the fiscal year ending June 30, 1975, and $9,000,000 for the fiscal year ending June 30, 1976.

"CONVERSION GRANTS

"SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211, and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application,

for the entity's reasonable costs in providing mental health services which are described in section 201(b)(1) but which the entity did not provide before the date of the enactment of the Community Mental Health Centers Amendments of 1974. For purposes of this section, the term 'projected operating deficit' with respect to an entity described in the preceding sentence means the excess of its projected costs of operation (including the costs of operation related to the provision of services of which a grant may be made under this subsection) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements to be collected by the entity during that period.

"(b)(1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made.

"(c) There are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

"SEC. 206. (a)(1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

"(b) No grant may be made under this part unless—

"(1) an application (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary; and

"(2) the proposed use of grant funds in any area under the jurisdiction of a State or area health planning agency established under the Public Health Service Act has been reviewed to the extent provided by law by such agencies to determine whether such use is consistent with any plans which such agencies have developed for such area, and with respect to—

"(A) the need for a community mental health center in such area;

"(B) the definition of the catchment area to be served, which shall be determined after consideration of any such area previously designated;

"(C) the need for the services to be offered;

"(D) in the case of an applicant described in section 203(a)(1)(B), the applicant's plans for developing comprehensive mental health services;

"(E) the adequacy of the resources of the applicant for the direct provision of mental health services and the adequacy of agreements with the applicant for the indirect provision of such services;

"(F) the adequacy of the applicant's arrangements for the appropriate use of and integration with existing health delivery services and facilities to assure optimum utilization of and nonduplication of such services and facilities and to assure continuity of patient care, including arrangements of the applicant with health maintenance organizations and community health centers serving individuals who reside in or are employed in the area served by the applicant for the provision by the applicant of mental health services for the members and patients of such organizations and centers;

"(G) the adequacy of arrangements of the applicant for the coordination of its services with those of other health and social service agencies including, where appropriate, exchange of staff resources; and

"(H) any other factor which the State or area health planning agency determines to be significant for purposes of planning and coordination of health services for the area within the jurisdiction of such planning agency.

"(c)(1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 203, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclosure at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of it services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that it services are responsive to the needs of the residents of the catchment area;

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations serving residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs of the center in providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available, to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b)(1)(D) and 201(b)(1)(E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services, which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(J) such community mental health cen-

ter has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private insurance program;

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b)(1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated sources of non-Federal funds to pay such increased costs.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant;

"(ii) the application contains or is supported by satisfactory assurances that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds;

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, determines that during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c)(2)(B) or 204(b)(3)(B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, that the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be utilized by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203(a) for an entity described in section 203(a)(1)(B), or

"(B) for the first grant under section 203(e),

the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evaluation of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under section 203, 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) An application for a grant under section 203, 204, or 205—

"(A) may not be disapproved, and

"(B) may not be approved for a grant which is less than the amount of the grant received by the applicant under such section in the preceding fiscal year,

on the ground that the applicant has not made reasonable efforts to secure payments or reimbursements in accordance with assurances provided under subparagraphs (I), (J), and (K) of subsection (c)(1) unless the Secretary first informs such applicant of the respects in which he has not made such reasonable efforts and the manner in which his performance can be improved and gives the applicant a reasonable opportunity to respond. Applications disapproved, and applications approved for reduced amounts, on such grounds shall be referred to the National Advisory Mental Health Council for its review and recommendations respecting such approval or disapproval.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submitted its comments or on the expiration of such forty-five period, which ever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1974.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203(a), 203(e), or 204(a)(2).

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which—

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section; or

"(B) received a grant or grants under section 203 (a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b).

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of

information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4) to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of section 201(c).

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c)(1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, an amount of funds (other than funds for construction, as determined by the Secretary) from non-Federal sources which is at least as great as the average annual amount of funds expended by such applicant for purpose (excluding expenditures of a non-recurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1974), or

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 213. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

"SEC. 221. (a) From allotments made under section 227 the Secretary shall pay, in accordance with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, or constructed with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipient to acquire or remodel an existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part.

"(2) the Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to such projects; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of the fifty States and the District of Columbia.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States subject to such Federal percentages and of the fifty States and the District of Columbia for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"SEC. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(6) a certification by the State agency of the Federal share for the project; and

"(7) the assurances described in section 206(c)(2). Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan.

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 274 of this title (as in effect before the date of the enactment of the Community Mental Health Center Amendments of 1974) from appropriations for a fiscal year ending before July 1, 1974, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to significantly expand its services and which demonstrates exceptional financial need for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"SEC. 223. (a)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a construction or remodeling project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment

of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project.

"(2) In case an amendment to an approved application is approved or the estimated cost of a construction or remodeling project is revised upward any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236;

"(B) any assurance required to be in an application filed under section 222 is not being carried out;

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237,

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"SEC. 224. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237(c), such State,

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon 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. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"SEC. 225. If any facility of a community mental health center remodeled, constructed, or acquired with funds provided under this part is, at any time within twenty years after the completion of such remodeling or construction or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"SEC. 226. No grant may be made under the Public Health Service Act for the construction or modernization of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the construction or modernization of such facilty.

"ALLOTMENTS TO STATES

"SEC. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 228 to the several States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose in the next two fiscal years (and in such years only), in addition to the sums allotted to it for such purpose in each of such next two fiscal years.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 228. There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975 and $15,000,000 for the fiscal year ending June 30, 1976, for allotments under section 227.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

"SEC. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

"(b)(1) The Secretary, acting through the Center, may, directly or by grant, carry out the following:

"(A) A continuing study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors and the courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks,

"(II) motivations of offenders, and

"(III) the impact of the offense on the victim and the family of the victim;

"(v) sexual assaults in correctional institutions;

"(vi) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and

"(vii) the effectiveness of existing private and local and State government education and counseling programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assist community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the control and prevention of rape, including projects (i) to research and demonstrate alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders; and (ii) involving the application of such methods.

"(F) Assist community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes forcible, statutory, and attempted rape, homosexual assaults, and other criminal assaults.

"(c) The Secretary shall appoint an advisory committee to advise, consult with, and make recommendations to him on the implementation of subsection (b). The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 235. For purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority responsible for the mental health service part of a State's plan under section 314(d) of the Public Health Service Act.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act.

"REGULATIONS

"SEC. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which—

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and requiring special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of a particular community or communities, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therfor.

The Federal Hospital Council (established by section 641 of the Public Health Service Act) and the National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

"SEC. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan which council shall include (i) representatives of nongovernment organizations or groups, and of State agencies, concerned with planning operation, or utilization of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services provided by such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

"(A) be consistent with the mental health services part of the State's plan under section 314(d) of the Public Health Service Act;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inventory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor;

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital services; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to construction projects for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"SEC. 238. Each agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the size of such areas are such that the serv-

ices to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure that the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

"SEC. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

"SEC. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

"SEC. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"SEC. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research.

"REIMBURSEMENT

"SEC. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers.

"SHORT TITLE

"SEC. 245. This title may be cited as the 'Community Mental Health Centers Act'.".

SEC. 234. The amendment made by section 233 shall take effect as of July 1, 1974.

SEC. 235. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

PART D—MIGRANT HEALTH CENTERS

MIGRANT HEALTH CENTERS

SEC. 241. (a) Section 310 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

"SEC. 310. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services,

for migratory agricultural workers, seasoned agricultural workers, and the members of the families of such migratory and seasoned workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians.

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(7) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(b)(1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and progams in such areas. The highest priorities for such assistance shall be assigned to

areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

"(c)(1)(A) The Secretary may, in accordance with the priorities assigned under subsection (b)(1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1)(A) for the same project, and if a grant or contract is made or entered into under paragraph (1)(B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f)(2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal or, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) The Secretary may enter into contracts with public and private utilities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

"(f)(1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c)(1)(B), (d)(1)(C), or (e) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications of its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) The Secretary may not approve an application for a grant under subsection (d)(1)(A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a)(1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the areas's physical characteristics, its residential patterns, its economic and social groupings and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(3) In considering applications for grants and contracts under subsection (c) or (d)(1)(C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f)(2).

"(h)(1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c)(1) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this paragraph for the fiscal year ending June 30, 1975, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c)(1)(B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d)(1) (other than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $60,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1975, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount equal to the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceeding fiscal year for programs described in subsection (d)(1)(C). Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1976, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount equal to the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C) which received grants under this section for the fiscal year ending June 30, 1974. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d)(1) for the provision of inpatient and outpatient hospital services $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976."

(b) Section 217 of the Public Health Service Act is amended by adding after subsection (f) the following new subsection:

"(g)(1) Within one hundred and twenty days after the date of the enactment of this subsection, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 310.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 310. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administartion of health programs.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.".

(c)(1) The Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of—

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

In conducting or arranging for the conduct of such study, the Secretary shall consult with the Secretary of Housing and Urban Development.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of this first Act making appropriations for such study.

PART E—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 251. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

"SEC. 330. (a) For the purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primary health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services,

for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;
"(E) transportation services as required for adequate patient care; and
"(F) preventive dental services.
"(2) The term 'supplemental health services' means services which are not included as primary health services and which are—
"(A) hospital services;
"(B) home health services;
"(C) extended care facility services;
"(D) rehabilitation services (including physical therapy) and long-term physical medicine;
"(E) mental health services;
"(F) dental services;
"(G) vision services;
"(H) allied health services;
"(I) pharmaceutical services;
"(J) therapeutic radiologic services;
"(K) public health services (including nutrition, educational, and social services);
"(L) health education services; and
"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.
"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.
"(c)(1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—
"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;
"(B) the design of a community health center program for such population based on such assessment;
"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and
"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.
"(2) Not more than two grants may be made under this subsection for the same project.
"(3) The amount of any grant made under this subsection for any project shall be determined by the Secretary.
"(d)(1)(A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations.
"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e)(2).
"(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing building (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of community health center programs.
"(3) Not more than two grants may be made under paragraph (1)(B) for the same entity.
"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.
"(e)(1) No grant may be made under subsection (c) or (d) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—
"(A) a description of the site of the building,
"(B) plans and specifications for its modernization, and
"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (a)(1)(B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—
"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;
"(B) the center will have organizational arrangements, established in accordance with regulations prescribed by the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;
"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;
"(D) the center (i) has or will have a contractural or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;
"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;
"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;
"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;
"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective porcedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;
"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and
"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.
"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeting the requirements of subsection (e)(2).

"(g) (1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $240,000,000 for the fiscal year ending June 30, 1975, and $260,000,000 for the fiscal year ending June 30, 1976."

(b) Section 314(e) of the Public Health Service Act is repealed.

PART F—MISCELLANEOUS

DISEASES BORNE BY RODENTS

SEC. 261. (a) Section 317(h) (1) of the Public Health Service Act is amended by striking out "RH disease" and inserting in lieu thereof ", RH disease, and diseases borne by rodents."

(b) Section 317(d) (3) of such Act is amended by striking out "$23,000,000 for the fiscal year ending June 30, 1975" and inserting in lieu thereof "$38,000,000 for the fiscal year ending June 30, 1975".

HOME HEALTH SERVICES

SEC. 262. (a) (1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861 (m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

(b) (1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations prescribe.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 263. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting—

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons.

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging, respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection.

(c) (1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, and attainments be exceptionally qualified to assist in carrying out the functions of the Committee.

(2) Members of the Committee shall receive compensation at a rate to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

SEC. 264. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b) (4).

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 265. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State Governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grades GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

NATIONAL HEALTH SERVICE CORPS

SEC. 265A. Section 329 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding the provisions of any other law or any regulation issued thereunder, the Secretary of Health, Education, and Welfare may for the fiscal year ending June 30, 1975, recruit, employ, and assign health professionals as members of the National Health Service Corps: *Provided*, That at no time during such fiscal year may the total number of individuals serving as field assignees in the National Health Service Corps exceed five hundred and fifty-one.".

HEMOPHILIA PROGRAMS

SEC. 266. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such centers but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

"(b) No grant or contract may be made under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall—

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such as red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins.

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(d) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976.".

TECHNICAL AMENDMENTS

SEC. 267. (a) Section 399c of the Public Health Service Act (added by Public Law 93–222) is redesignated as section 399A.

(b) The section 472 of the Public Health Service Act (entitled "Peer Review of Grant Applications and Control Projects") is redesignated as section 475.

(c) Section 317(d) of the Public Health Service Act is amended (1) by striking out "communicable disease" in paragraphs (1) and (2), and (2) by striking out "communicable disease" the second time it occurs in paragraph (3).

PHYSICIAN SCHOLARSHIP PROGRAM

SEC. 268. Section 786 of subpart III of part F of title VII of the Public Health Service Act is amended (1) by striking "and $3,500,000 for the fiscal year ending June 30, 1974." and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1974 and $3,500,000 for the fiscal year ending June 30, 1975.", and (2) by striking "July 1, 1974 in the second sentence and inserting in lieu thereof "July 1, 1975".

Mr. SCHWEIKER. Mr. President, I move to reconsider the vote by which that bill was passed.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 66.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations at the desk, which were favorably reported earlier in the day from the Committee on Agriculture and Forestry.

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

COMMODITY FUTURES TRADING COMMISSION

The second assistant legislative clerk proceeded to read the nominations of William T. Bagley, of California, to be Chairman and Commissioner, and John Vernon Rainbolt II, of Oklahoma, Read Patten Dunn, Jr., of Maryland, and Gary Leonard Seevers, of Virginia, to be Commissioners of the Commodity Futures Trading Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of Calendar No. 44, Senate Joint Resolution 23, there be a time limitation of 20 minutes thereon, the time to be equally divided between the distinguished Senator from Virginia (Mr. HARRY F. BYRD, Jr.) and the distinguished Senator from Michigan (Mr. PHILIP A. HART).

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

STANDBY ENERGY AUTHORITIES ACT

The PRESIDING OFFICER (Mr. LAXALT). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 622, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 104) of the Senator from Arizona (Mr. FANNIN). Under the previous order, there is a time limitation of 1 hour of debate on this amendment. Who yields time?

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

Mr. President, we are considering the merits of a standby measure, one that will get us through an emergency, should one arise. That is exactly what the title of the bill says, and that was the intent as we carried the bill through the committee.

One of the first things the bill does, though, is to establish a mandatory conservation program.

Mr. President, is that what we mean by standby? And it is not just a mandatory conservation program, but a vast regulatory machine that will reach down into the day-by-day decisions made by every American at home and in business. It goes far beyond what we have discussed as far as the standby emergency needs of this Nation are concerned.

What disturbs me most about title II is the vague, haphazard direction it gives the President. From a parliamentary viewpoint, the Senate is simply retreating from its responsibilities.

A committee of the Senate has simply decided that the Nation needs a mandatory conservation program, and written that desire into a bill that has only the most tenuous connection with energy conservation. And that is all title II is: an expression of congressional desire for an energy conservation program. It does not contain a single standard or any discernible guidance for the President. It simply says do something to save energy.

What this means is that once again Congress—specifically the Senate—is resigning its responsibilities. We want a program, but we are reluctant to spell it out. We want standards, but we want somebody else to take responsibility for formulating them. We want people to save energy, but we do not know how, or when, or even how much.

Just listen to some of these bold initiatives. The President is supposed to establish standards for "decorative or nonessential lighting." Now does that mean that the President should charge Congress just because we choose to keep the Capitol dome lit all night? Or should the President be prepared to impose fines on 2-year-olds for keeping their nightlights on?

Title II calls for "reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend." But exactly where does necessity end and discretion begin? And how do you define what is basic to our economic vitality?

Maybe there are answers to these questions, but if so, it is evident that the Interior Committee did not exert itself very strenuously in trying to find them. Our colleagues on the committee have simply said to the President: Let there be a program and they have said it without even fundamental guidance or firm goals.

Mr. President, either the Standby Energy Authorities Act has undergone transformation or there is a typographical error in my copy of the bill. The bill clearly states that this is the Standby Energy Authorities Act.

My dictionary defines the word "standby" as: "something kept available for use in an emergency." Yet if you look at title II, you will see that it requires the President to immediately establish regulations to conserve energy—regulations that would be formulated now and enforced, not as emergency measures, in the event of an embargo or some other critical situation, but continually, as part of the day-to-day work of the Federal Government.

Now everyone agrees that this country needs solid, sound energy conservation measures. President Ford recognizes that necessity; I recognize it; and most of us here are aware of the need. Calling for energy conservation is about as controversial as protecting widows and orphans; everybody agrees that it should be done.

My objection to doing it with this particular bill is that we are being asked to take a legislative vehicle that is designed to deal with extraordinary conditions, and turn it into a program for ordinary times. Title II is a square peg that somebody insists on pounding into a round hole.

It is totally inconsistent with the purpose of the bill—a purpose which is as plain as the title of the bill itself, the Standby Energy Authorities Act. If title II is left in the final version of this bill, the whole measure becomes nothing more than legislative propaganda.

With the Senate Interior Committee's concept of an emergency and the standby measures needed to cope with it, I am beginning to think that if the committee set out to design a fire engine, they would probably mount a fire hydrant on a Maserati.

Aside from title II being completely out of place in a bill to provide emergency powers for the President, it also has grave—even frightening—implications.

Let us assume the Congress is imprudent enough to pass this bill as it is, and the President accepts it. The country's Chief Executive is then bound, under the law, to promulgate a whole new body of regulatory law.

The difference between this new administrative code and those we are used to is so vast that it could almost be characterized as a revolution in the American system of government. Traditionally, Federal regulations have addressed one industry, such as communications or transportation, or one public interest, such as the purity of food and drugs by Americans.

But title II takes the Federal regulatory concept and spreads it over the whole spectrum of American life, and does it with virtually no statutory guidance for the regulators.

It is all well and good to talk about saving energy by reducing decorative lighting, or perhaps eliminating it—after all, title II is not clear on that score. But aside from defining what decorative lighting is, let us be clear on the kind of enforcement problem we are creating.

How do you regulate individual citizens in a matter like this? Do we send the FBI out with light meters instead of guns? Maybe we should pass a "no knock" law so Federal agents can enter the premises before the lights are dimmed.

And what about industrial efficiency standards? Perhaps we should have the Internal Revenue Service audit every corporation's energy use as well as its books.

Now this may all seem farfetched, though I am sure that, 10 years ago, the idea of having the Federal Government monitor the number of women on a college faculty also seemed outlandish. Nevertheless, we know it happened. It is in effect today. But, Mr. President, this is just as ridiculous, and I think it is even more farfetched.

If title II ever becomes law, only God knows how much we will have to expand the Federal bureaucracy to police it. And I am not so sure I would not rather keep paying for imported oil, rather than pay the taxes to support that bureaucracy.

Mr. President, it is absolutely essential that we delete title II if we are going to have legislation that will be, I think, accepted by the President, and operational if once accepted by the President.

So, Mr. President, I hope the manager of the bill would be willing to accept the deletion of title II. It is something that I think is totally irrelevant to standby authority, and certainly goes far beyond the intent, I think of the legislation as it was originally discussed. It also places a problem that is almost insurmountable as far as the administration is involved.

Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, the Federal Energy Administration estimates that some 800,000 barrels of oil a day can be saved through a purely voluntary program which contains the essential elements of title II.

Now, through a mandatory program, a program with some teeth in it, as in title II, even more than 800,000 barrels of oil a day ought to be saved.

The key to title II is its flexibility, its States' rights character, in that a State may select from among a number of different programs those that are most suited, most adaptable, to a State by reason of its climate and by reason of its other geographic characteristics.

But, Mr. President, if we are serious about conservation, if we are serious about reducing the dependency of this Nation upon foreign sources, then we have got to take this strong, and these stronger steps even than this. This is a very meager, a very mild, a very small first step toward energy independence of this Nation, and the committee feels that a mandatory program calculated to fit the needs of each region of the country, calculated not to cause unemployment, not be unreasonable in its effect, must be included as part of this legislation.

Mr. HANSEN. Mr. President, will the distinguished minority manager of the bill yield to me a little time?

Mr. FANNIN. I would be pleased to yield to the distinguished Senator from Wyoming from the amount of time that is ours.

Mr. HANSEN. Mr. President, let me begin, first, by reading from the report of the minority on page 78, a position that I think is deserving of the consideration of all Senators, dealing specifically with title II:

> In short, the committee is asking the administration to tell America how much fuel it can use. The committee is abandoning the price and tax mechanisms suggested by the President. It is telling the President that the committee thinks that the American consumer is too stupid to figure out for himself how he can cut down on his fuel use and that the federal and state governments must force him to save energy in the manner the governments think best. Thus, with the inclusion of Title II coupled with Sections 122 and 123, the committee is abandoning the price mechanism and forcing what is tantamount to government dictated rationing programs under the guise of "conserving" energy.
>
> S. 622 is no longer a standby energy emergency authorities bill, but a mandatory conservation and allocation proposal which adheres to the same old hypothesis that the federal government should and can increase supply merely by reducing demand.

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

Mr. HANSEN. I yield.

Mr. FANNIN. Mr. President, I ask for the yeas and nays on passage of this amendment.

The PRESIDING OFFICER (Mr. LAXALT). Is there a sufficient second? There is a sufficient second.

The yeas and the nays were ordered.

Mr. FANNIN. I thank the Chair.

Mr. HANSEN. Mr. President, it ought to be pointed out that the figure that we can save 800,000 barrels of oil per day through voluntary conservation efforts is true only if the price mechanism is working. Most of the economists who testified before this committee, and who testified before the Finance Committee, were on record that the supply-demand elasticity that has been observed in energy, as it is true in all other things, does reflect price. In other words, as the price rises, demand is discouraged, and unless the Congress of the United States permits that old law of supply and demand to work, it does not follow at all that the voluntary conservation results to which my good friend from Louisiana had alluded will be implemented at all.

The fact is that it is anticipated we can and will save 800,000 barrels of oil per day only if we let the price mechanism work. I think we ought to keep that in mind.

I say that, Mr. President, because we have repeatedly gone on record in this body saying we did not want to let the price rise too much because this country could ill afford to pay more for its fuel. I could not agree more. I wish that it were not necessary, but we cannot have it both ways, and if we do it the wrong way, which is exactly what we now propose to do, if we keep title II in here, that is to keep the price down so that there will be the continuing inducement to overuse or fail to conserve energy, on the one hand, there will be the lack of encouragement, on the other, that could bring about the development of additional supplies.

Yesterday I supported the amendment proposed by the distinguished Senator from Louisiana (Mr. JOHNSTON) which would have permitted the oil that is recovered from secondary and tertiary methods to be sold on the market at an uncontrolled price.

Later, as Senators will recall, that amendment was modified by a further amendment proposed by the distinguished Senator from Washington (Mr. JACKSON) which fixed that level at $7.50 per barrel.

The tragedy of the adoption of the amendment by the distinguished chairman of the committee, Mr. JACKSON, is simply this: We can anticipate producing 40 billion barrels of oil from discoveries already made.

Now, at the present price levels and at the present cost levels we will be able to pump out of the ground on an economic basis 40 billion barrels of oil. The fact is that if we employed the technology we now have, nothing else new but just what we now know about it, if we had the inducement and the encouragement that would result from lifting the price controls on old oil, and use the secondary and tertiary recovery technology efforts that we have in hand now, we could add to that 40 billion barrels of oil another 59 billion barrels, almost one and a half times as much again as we are going to pump out.

It makes sense, and it is amazing to me that Senators would not realize that we are trying to reduce the leverage that the OPEC nations have on the United States of America. It is surprising to me that we would not do everything we can to bring about the production of this one and a half times as much oil as we are not likely to get without the added encouragement that comes from an increased price.

So, I lament the fact, Mr. President, that we are going the wrong way on both scores. We are discouraging conservation by keeping a lid on prices and making it too easy and too cheap to buy oil, so that the efforts we would make to save are not going to be made. That is the first mistake.

The second mistake and a point that was made by my good friend from Louisiana yesterday is that we ought to be going both ways. We ought to be taking those steps which will encourage thrift and frugality in the use of our energy resources, on the one hand, and on the other we ought to be taking those steps which would bring about a greater supply of energy. We could be doing both of these things, and if we keep Title II in the bill we will be doing neither of them.

I hope that Senators will reflect upon what this bill is supposed to do and if we are sincere in taking those actions which would be needed for standby energy authority actions, we would support the amendment by the distinguished Senator from Arizona. If we do strike title II, we can have both an inducement, on the one hand, to all Americans to conserve, to be more frugal, to be thrifty in their use of energy, and we can encourage the private sector of our economy to bring about the production of greater supplies of energy.

I thank my colleague from Arizona.

Mr. JOHNSTON. Mr. President, on behalf of myself, the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Arizona (Mr. FANNIN), I ask unanimous consent that the pending business be temporarily laid aside so that it be in order to call up a clarifying amendment to my secondary and tertiary amendment of yesterday.

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

The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

> Amend the amendment to Section 4(e)(3) of the Emergency Petroleum Allocation Act of 1973, as amended (87 Stat. 627), to read as follows:
>
> "Encouragement of Enhanced Oil Recovery"
>
> "(3)(A) In the event that the price regulation promulgated under subsection (a) of this section provides for more than one price (or manner of determining a price) for a given grade and quality of crude oil produced in a given producing area, the regulation shall provide that the price applicable to "new oil," as defined in subparagraph (B) of this paragraph, shall, except as provided in subparagraph (D) of this paragraph, be the highest price applicable to the given grade and quality of crude oil produced in the given producing area.
>
> "(B) For the purposes of this paragraph, 'new oil' refers to any crude oil produced from any property in any calendar month, in excess of a percentage, specified in the regulation, of the volume of crude oil pro-

duced from that property in the corresponding calendar month of the previous year.

"(C) The percentage specified pursuant to subparagraph (B) of this paragraph shall reflect and take into account the rate of decline in production normally expected from individual oil reservoirs in the absence of enhanced recovery techniques, such as measures to increase the permeability of the reservoir, including acidizing and fracturing, measures to restore reservoir pressure by injection of water, steam or gas, and measures to reduce oil viscosity or capillarity by the introduction of injected substances or heat.

"(D) The price applicable to any crude oil produced from any property in any calendar month, whose price would be increased solely by the operation of this paragraph, and which does not exceed the volume of crude oil produced from that property in the corresponding month of 1973, shall not exceed $7.50 per barrel."

Mr. JOHNSTON. Mr. President, yesterday the Senate adopted my amendment to provide a price incentive for enhanced recovery techniques with respect to crude oil. Immediately prior to its adoption, the Senate adopted a perfecting amendment by Senator JACKSON, intended to limit any crude oil whose price was increased as a result of my amendment, to $7.50 per barrel.

Upon examination of my amendment as actually amended, Senator JACKSON and I discovered that its effect might be construed as rolling back the price of all new oil to a price no higher than $7.50 per barrel. I am aware that some Members favor such a rollback, but Senator JACKSON did not intend this to be the effect of his amendment, nor did I understand it to be the effect. The colloquy on the floor prior to the vote consistently indicates that we wished to apply the $7.50 price limit only to crude oil which is not classified as "new oil" under the present regulations. I believe that this was the understanding of the Members when they voted.

Acordingly, the Senator from Washington (Mr. JACKSON) and I, with the concurrence of the Senator from Arizona (Mr. FANNIN), request the adoption of a corrected version of my amendment, as perfected by Senator JACKSON's amendment, to limit enhanced recovery oil to $7.50 per barrel.

Mr. JACKSON. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. JACKSON. Mr. President, while I favor a rollback of oil prices and may at some appropriate time be offering an amendment for that purpose, the statement of the distinguished Senator from Louisiana is a correct one.

The facts are that my amendment was intended to apply only to the area covered by the amendment offered by the Senator from Louisiana. It was one of those unintentional errors. My staff counsel discovered it about an hour after the Senate adjourned and advised me what had taken place. We immediately got in touch with Senator JOHNSTON so that he would understand the error that was made on my part.

Therefore, I join in the statement of the Senator from Louisiana and ask that the amendment correcting the action taken yesterday reflect what was actually intended by me, the author of the amendment in the second degree.

Mr. FANNIN. Mr. President, I want to join my colleagues that spoke on the floor of this particular change. The language, I think, would have been devastating had it gone through on the basis on which it is now interpreted.

I feel that we must make this change and I certainly commend the distinguished Senator from Louisiana for first offering the amendment. I was sorry to see that his original amendment was not accepted since I think it would have been very much more helpful, but I do support the change that is requested.

Mr. JOHNSTON. I thank the distinguished Senator from Arizona.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Arizona.

The Senator from Washington.

Mr. JACKSON. No; I move to reconsider the vote by which the perfected amendment of the Senator from Louisiana was adopted.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 104

Mr. FANNIN. Mr. President, I would just like to respond to what the distinguished Senator from Louisiana said on States' rights. One statement he made, I think, is illustrative of what we are up against in this particular bill.

The Senator is one of the strongest supporters of States' rights. I commend him for that. He has been successful, but let us look at this legislation. I am sure he would agree with the Federal Energy Administration establishing standards, but I do not see where we have States' rights.

I am sure he was sincere in his interpretation, but I also feel that if he would further read the amendment and what is involved, he would certainly look differently upon it.

Now, Mr. President, if the supporters of this bill want to see it accomplished, I think they should consider what is going to happen after it leaves the Senate, and if it is passed here, and is passed by the House and goes to the President, then what would take place?

I have a letter before me addressed to the Honorable MIKE MANSFIELD, U.S. Senate, as follows:

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., April 10, 1975.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I am writing to express my deep concern over Title II of the Standby Energy Authorities Act of 1975 (S. 622). This title would mandate that the President establish farreaching, but ill-defined mandatory energy conservation programs which would have unforeseen and harmful economic consequences.

I urge your support for Senator Fannin's amendment No. 104, which would delete Title II from this bill.

With Title II included, S. 622 departs radically from the initial purpose of this legislation, which was to provide the President with standby authorities to deal with possible national emergencies resulting from events such as the 1973–74 oil embargo. Title II, however would mandate an ongoing, massive and pervasive national regulatory program by requiring immediate promulgation of regulations designed to conserve energy.

Activities that would be banned or limited immediately by Federal regulations would include:

Commercial and public lighting;

Transportation, including private and recreational activities; and

Industrial energy use.

Though energy conservation is a vital element of the Administration's program, we believe such potentially farreaching direct regulatory authority with imprecise——

Mr. President, with imprecise——

statutory guidelines in a non-emergency situation would be contrary to the public interest. This indiscriminate regulatory authority by itself would necessarily have significant economic impacts, far greater than other alternatives which could save equivalent or greater amounts of energy. It is also an unwarranted and permanent restriction on many aspects of our citizens' daily lives.

For these reasons I am urgently requesting your support for the deletion of Title II from this bill and I hope that you will urge your colleagues to join with you in opposition to a provision which could have adverse and unforeseen effects on the nation's economy.

Sincerely,

FRANK G. ZARB,
Administrator.

Mr. President, this is a very important consideration. If title II remains in the bill, what is going to take place? If the supporters of the legislation will take into consideration the effects they will have by leaving title II in, I am sure that they will realize the consequences of not having a bill at all.

Mr. President, I just feel that if they are sincere in wanting this legislation, they will support the deletion of title II.

Mr. President, how much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FANNIN. I will reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I have just a word about the issue of States rights. What I meant by that, Mr. President, is that in sections 204 and 205 of this law, the Federal Energy Administration is directed to set standards. However, the power to choose among those standards is left to the States. The State programs shall be based upon any or all of the energy efficiency and conservation standards which are set forth by the FEA. It is up to the State to fashion their program so as to minimize adverse economic or unemployment impact within the particular State.

Mr. FANNIN. Could I comment on that, if the Senator will permit?

Mr. FORD. Mr. President, will the Senator yield for a question at that point?

Mr. JOHNSTON. I will yield.

Mr. FORD. Will the Senator advise me, if he can, of the additional cost of this

legislation to the taxpayers, to the Federal Government?

Mr. JOHNSTON. The authorization is open-ended. It will be left to the administration. It should be a net savings of a tremendous amount if we are able to save 800,000 barrels a day. That will result in a savings in the balance of payments of about $8 billion or $9 billion a year.

Mr. FORD. The Senator from Louisiana is indicating his strong support for States rights, yet this legislation puts all the responsibility back on the States.

Is there anything in this legislation that helps the State organization to share the load or carry the load that the Federal Government puts on each of the States?

Mr. JOHNSTON. Yes, there is a grant program. In other words, we have an openended authorization so that the State can be recompensed for running the program.

Mr. FORD. I wish to ask one other question. These things bother me because of my past experience. We are going to insure better enforcement of the 55-mile-an-hour speed limit. Who is going to do that? The Federal Government is not going to do it. The State will be required to do it. How many more State police will it take to put on the road? How many more local policemen? How much more enforcement will it take by the State government to try to carry out a program that apparently is going to have enough bureaucrats up here to make regulations and interpret regulations that will cost the States more money? That is one reason you have an open ended grant program. That is so when the bureaucrats get through telling the States what to do, it will be costing them so much and they will be carrying most of the burden.

Mr. JOHNSTON. When we like a program we say it is designed to meet the needs of the Nation. When we do not like it, we talk about bureaucrats and cost to the Federal Government. The fact of the matter is that to save energy can never be done painlessly. I frankly do not like to drive 55 miles an hour on a highway. Most people do not. The only way you can bring the speed down to 55 miles an hour is by enforcement.

There are a couple of ways to go. We can make it a Federal law and have the FBI out enforcing the law, I guess. Obviously, we did not want to do that. We are going to leave it up to the States to enforce. We have a grant program so that such additional costs as the States have they will be able to get from the Federal Government.

Mr. FORD. Is there a formula by which they will be reimbursed?

Mr. JOHNSTON. No. That will be set up——

Mr. FORD. Set up by regulations?

Mr. JOHNSTON. Excuse me. It is in section 206, subsection (b), which says:

> One half of the sum appropriated for the physical assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States.

Mr. FORD. How much money do you anticipate being appropriated?

Mr. JOHNSTON. That would be up to the FEA and the Committee on Appropriations. Frankly, it is going to be a difficult matter. It is going to be one in which we will have to experiment. The fashioning of these standards to save energy is something we have never had to do before. We are going to have to do some experimenting. I am sure FEA will pass some rules and standards that may initially not be workable. The question is do we want to save it or do we not want to save it? Are we serious or not serious? I do not know of a single painless way to save energy. If you put on a 40 cent a gallon gasoline tax as some of our colleagues in the other body are urging, people go through the roof. They say, "We cannot afford that."

What we can afford are some reasonable conservation standards adopted by the Federal Government with the power of the State to pick and choose among those standards to meet its geographical conditions, its economic conditions, and its climatological conditions.

For example, there might be a rule that says one cannot have the thermostat in public buildings above a certain amount.

Well, that might be fine for Florida where there is sunshine a good bit of the time, but it might not be so good for Kentucky, where it rains most of the time.

Mr. FORD. There is some real concern here. I am trying to get some answers which I think will be helpful to understand the bill. The Senator just said that the States would have the ability to pick and choose from the various (a) through (i), for instance, what would best fit their State.

Mr. JOHNSTON. That is correct.

Mr. FORD. What if they do not want to pick any of them?

Mr. JOHNSTON. The program would have to be approved by the Administrator. A State cannot just do nothing. It can choose among the various standards which best suits it. It might take two standards and leave out the rest, and that might be approved by the FEA.

Mr. FORD. But we are leaving this subject to the approval of FEA?

Mr. JOHNSTON. It is subject to approval by the FEA.

Mr. FORD. What if they tell the States they have to adopt all of them?

Mr. JOHNSTON. If they refuse to come up with any program, or FEA does not approve the program, FEA has the right to enforce its own program, to fashion its own program for the State.

Frankly, we do not expect that that is going to be the case.

Mr. FORD. What kind of stick would the FEA have if the State refuses to come up with the program?

Mr. JOHNSTON. They have the power of Federal law to enforce its own program.

Mr. FORD. That is the only stick? They would not withdraw any Federal highway funds or anything like that?

Mr. JOHNSTON. No. There is no penalty except that the FEA has the power to directly enforce its own program.

Mr. FORD. There is some concern at the State level as to what this will mean to them. As they understand, it will be mandatory, and they understand there will be some funds. But how much? Some States are going to be enforcing the 55-mile-an-hour speed limit. You are going to cross the line and be able to go 70 in the next State because they did not choose to spend the money in the enforcement of the speed limit. Rather than have a uniform procedure for conservation, I believe we will have a spotty form. This bothers me, when each State can pick and choose rather than have a reasonable operation. I am concerned about this very much. With the burden that is being placed on the States, they will never win.

Mr. JOHNSTON. The distinguished Senator from Kentucky, as a former Governor, speaks with knowledge of the plight of the States under some Federal programs. Frankly, this is a real concern of the committee, and I know a concern of the entire Senate. We discussed it in the Interior and Insular Affairs Committee. One of the prevailing thoughts that we have in this bill is that States not be put to economic disadvantage or economic cost by virtue of having the program. Indeed, section 209(b) requires that we have the Administrator's assessment on the need, if any, and his recommendations for additional economic incentives or economic penalties to assure effective participation and compliance with and by the State government of the provisions and purposes of this title.

In other words, we have a program that we think is going to recompense the States fully; but, in addition, we ask for the FEA Administrator to give us a report, to say what additional we need, in terms of incentives or penalties, to make the program effective.

Again, it is a bullet we have to bite; it is a pill we have to swallow. It is an unpleasant thing to have to cut back on anything.

Mr. FORD. I would hope that they could sugarcoat the pill a little. You catch more with sugar than with vinegar. If we have the ability to explain to the States and the people what we try to do, if they know in advance what is going to happen and what is expected of them, there will be a much easier procedure, and this is what I am trying to get done here this afternoon.

The States should understand what we are trying to do, rather than say, "Here comes another bureaucratic regulation that we have to carry out again and is thrust upon us." We need them to come and say, "We want to try to work with you." The procedure we are using here is not accepted in that vein.

I thank the distinguished Senator.

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

Mr. JOHNSTON. I yield.

Mr. STONE. Is it not the intention of the Interior Committee and of the bill to outline a series of uniform national standards promulgated by FEA, following which the States can pick and choose from among those uniform standards those which most readily apply to their local conditions?

Mr. JOHNSTON. That is correct.

Mr. STONE. Is it not the case that the State leadership is able to fashion, in

addition to those uniform standards, its own conservation standards which it feels would enable it, with the least pain and suffering to its citizens and visitors, to meet the yardstick of—as we have already amended this bill—a 4 percent a year conservation figure, or whatever conservation yardsticks are established by national law.

Mr. JOHNSTON. That is correct.

Mr. STONE. Do we not, by doing that, really serve the cause of States' rights by saying to the States' leaderships, "Here is a goal. How best can you reach this goal, either by the use of national standards, or some of the national standards, or by constructing your own yardsticks which you feel would put the least burden on your economy and on your citizens?"

Mr. JOHNSTON. Precisely so. This program preserves as much States' rights as one can have and still save the energy. You cannot go out with exhortations for voluntary conservation where you know your neighbor is not conserving and you are voluntarily doing so.

Mr. STONE. Is it not also the case that this bill provides for compensation for the cost of administering those national standards and other standards within each State, so that the principle applies that where the superior government and jurisdiction imposes a duty, it also affords the wherewithal to carry out that duty?

Mr. JOHNSTON. That is correct. That is the sugar coat that the distinguished Senator from Kentucky was talking about, and we hope that it will be sufficiently sweet.

Mr. STONE. Is it not also the case that the FEA has review sanctions and that thereby we can maintain in this country a certain degree of national uniformity among and between the regions because of the ability of the FEA to approve or disapprove of the standards fashioned for each State?

Mr. JOHNSTON. That is correct. The Senator from Ohio is particularly conversant with this section and will answer further.

Mr. GLENN. Mr. President, if the Senator from Florida will yield for a moment, I should like to make one comment, not particularly with regard to the exact section he is referring to, but to make a point that might help the Senator from Kentucky with his reservations about the bill.

I think we need to remember that what was proposed by the administration was, in effect, a rationing and a conservation bill that was based primarily on price, the pricing out of the market of those who could ill afford it, those people who drive back and forth to work and who heat their homes.

This attempts to accomplish it by another means, by more voluntary cooperation or by State cooperation with the Federal Government, as an alternate to rationing by price, which many of us in the committee found to be more obnoxious the more we found out about it. This provides an alternate way of doing that.

I might add, for the benefit of the Senator from Kentucky, that it was also brought out in committee that most of the States, or many of the States—quite a number of them—have energy programs in effect already, together with committees and groups that already are working actively in this area. This meant that rather than deterring their efforts or inhibiting in any way their efforts, we would be cooperating with them and requiring the Federal Government to coordinate just such plans.

This, I think, should be thought of not as something that is being imposed on the administration unduly. This should be looked at as an alternate means to the price mechanism proposed by the administration and all the matters many of us were concerned about with that program.

Mr. STONE. Is it not also the case that some States would have unemployment problems exaggerated if national standards were uniformally required; whereas, were they able, as this bill allows them to be able, to reach the conservation goal by their own methods, those methods could be adopted industry by industry as well as State by State, which would allow the maintenance of full employment, or at least the restoration of as much employment as possible?

Mr. GLENN. I agree with the Senator from Florida. That was exactly the purpose of this, to create the most flexible program possible.

As the Senator from Kentucky pointed out earlier, subparagraph 2 of section 202 starts the list of the various items that could be included, and that was not meant to be a complete shopping list. They were only meant to be examples of the types of things that could come under a State plan and were meant to be flexible.

New York, for example, might find much more energy savings in a program of electrical conservation than, say, Utah would in restricting automobile use or in carpooling.

In other words, this was meant to be a flexible program that States could implement with Federal help, and it should help most of the States that already have energy saving programs.

Mr. FORD. Mr. President, will the Senator yield for a question or a comment?

Mr. GLENN. I yield.

Mr. FORD. I have administered State government and its functions for the last 7 years, and I have never seen any Federal program come down that did not eventually cost the States a great deal of money. That is 7 years of experience. If the Senator can change that procedure, which I am trying to help him do, I will be very grateful.

Second, we talk about enforcing a 55-mile-an-hour speed limit in this country. You will need more lawyers, police, judges, and jails, and you will really create an employment situation in this country that will be overwhelming.

The great Senator from the State of Florida does not have to worry about heat and that sort of thing. With all the sunshine he has, one can look at him and see how he radiates. We are delighted to have Florida and all its assets for this country.

Mr. STONE. The Senator from Florida will not comment on the bourbon comment made by the Senator from Kentucky, nor with regard to radiation.

Mr. FORD. The Senator wants to accept our product. We will be delighted for him to use it.

Mr. STONE. With pleasure.

I wish to respond briefly to the Senator from Kentucky's observation about the speed limit. That is precisely the point. In some States, the conservation of automobile gasoline is best achieved by the speed limit situation. We are talking about the extra enforcement expenses now. In other States, rather than hiring extra highway patrolmen to enforce that particular standard, the State might better invest its money and the money that we hope to recompense in some other project; for example, closing of gas stations half a day on Tuesday, or some other approach to the saving of the automobile gasoline, or the saving of the total fuels. Some States, for example, could make up their target in the area of bunker C fuel, or in the area of production of electric fuel, whereas other States would do a lot better to attack it from the point of view of turning off building lights and requiring insulation and the like. This is the purpose of the flexibility that is in this bill.

Mr. FANNIN. Mr. President, from what has been said, I think the statement of the Senator from Kentucky, the former Governor of Kentucky, is most relevant. He has established exactly what is involved in this bill. It is open ended as far as money is concerned. How much do we give the States? There is not any figure. I have asked over and over again.

How much is involved in this legislation? We do not know. It is open ended.

Now, how can we legislate and provide all of these particulars and talk about what the States should do—and certainly, from my reading of the amendment, when it says to authorize the Administrator of the Federal Energy Administration to establish standards, the particular estimate which has been made certainly would not apply, because if they are going to do it, they are going to do it. If there are bureaucrats out there working, they are going to be costly. There are going to be just droves of people covering this Nation if they are going to carry through what is required in this legislation. Of course, it is hard to say what is not required, because it goes too far, it is so irresponsibly written that there is not any determination.

Mr. President, Senator JACKSON, manager of the bill, the distinguished chairman of our committee, in response to remarks of Senator BYRD of Virginia about a voluntary program, said:

> We are now consuming more than ever, and I do not think the Senator had in mind the WIN buttons, I mean voluntarism at its worst. WIN became WIND, and I must say that I would like to see a voluntary program. There have been all sorts of pleas for voluntary programs but we get nowhere, and we are now consuming more than we need to consume to run our economy and maintain employment.

I might remind Senator JACKSON that the use of energy in 1974 was down from

1973 by 2.2 percent, the first year since 1952 that energy use had declined. Since 1960, Mr. President, energy use had risen at an annual rate of 4.1 percent until last year.

I ask unanimous consent that the statement that was in an article in the Washington Post, "U.S. Use of Energy Down 2.2 Percent," be printed in the RECORD.

It says:

Preliminary Bureau of Mines figures show that reduced use in the transportation industry led the way to a 2.2 percent decline in overall energy use from 1973.

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

U.S. USE OF ENERGY DOWN 2.2%

Energy use in the United States declined last year for the first time since 1952, the government reported yesterday.

Preliminary Bureau of Mines figures show that reduced use in the transportation industry led the way to a 2.2 per cent decline in overall energy use in 1973.

Consumption of oil products dropped 237 million barrels—nearly two-thirds of the million-barrel-a-day saving that President Ford set as a conservation goal.

But only 44 million of those barrels represented a decrease in petroleum imports, which is the principal target area for saving.

Outgoing Interior Secretary Rogers C. B. Morton attributed the bulk of the decline to five reasons: the Arab oil embargo, higher prices, economic slowdown, conservation efforts and relatively mild winter weather.

A Bureau of Mines spokesman said figures aren't yet available to show just how much of the drop is attributable to each cause.

Energy use had risen at an average annual rate of 4.1 per cent since 1960.

Morton said he is "delighted—and frankly gratified—at this drop. I hope we are seeing the start of a new trend. If so, then our efforts to meet energy shortages by increasing domestic energy production could be effectively supplemented by measures aimed at decreasing consumption."

The Bureau of Mines figures show that transportation use of energy slackened by 3.4 per cent from a year earlier. Household and commercial use was off 2.9 per cent; industrial use and electricity generation each dipped 0.9 per cent.

In terms of primary energy sources, consumption fell in six of eight categories. The only increase was in nuclear power, up 32.1 per cent, and hydroelectric power for utilities, up 1.8 per cent.

Even with increasing emphasis on coal resources, use of bituminous coal dropped 2.9 per cent. The much smaller volume of anthracite coal dropped 8.8 per cent from 1973.

Off anywhere from 1 to 2.3 per cent were crude petroleum brought to refineries, natural gas, natural gas liquids and industrial hydropower.

In terms of energy products, use of all oils was down 3.7 per cent, or 237 million barrels. Coke dropped 2.7 per cent, electricity for utility purposes from conventional fuel burning plants fell 1.9 per cent and electricity from such plants for industrial plants dipped 1.0 per cent.

Mr. FANNIN. Mr. President, there are claims made about what is going to be saved in this legislation—800,000 barrels a day—but there is not any justification for determining how much is involved. Certainly, if we look at what is involved here, I would say that it might save a lot by putting many companies out of business. It might save energy by not having jobs for people. But is that the way we want to save energy? When we are talking about saving of energy, they should define what is involved. Certainly, in this bill, they have covered the waterfront. There is no way of determining what the obligations are as far as the States are concerned, as far as the Federal Government is concerned. It is just a mish-mash. There is every kind of statement made that can be thrown in.

Mr. President, I feel that this is a stupid way to handle the legislation, and certainly, I cannot imagine that we would want to pass this legislation with this particular title included.

I again commend the distinguished Senator from Kentucky. He is an administrator, a former Governor. He knows what it is to have to cope with a budget and he certainly is familiar with what is in this bill, because he stated it quite well.

Now, Mr. President, the committee has asked the administration to tell America how much fuel it can use. The committee is abandoning the price and tax mechanisms suggested by the President. It is telling the President that the committee thinks that the American consumer, as I said before, is too stupid to figure out for himself how he can cut down on his fuel use and that the Federal and State governments must force him to save energy in the manner the Government thinks best.

There are other titles in this bill, Mr. President, that I disagree with, but with the inclusion of title II, coupled with sections 122 and 123, the committee is abandoning the price mechanism and forcing the consumer to do its will under the guise of conserving energy.

Mr. President, I am sure that this is not what we want to have happen in this great Nation of ours. Yes, we want proper conservation and we can provide it in a way that it would be accepted by the American people, not forced upon them.

Mr. President, I reserve the remainder of my time.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore of the Senate, pursuant to Public Law 93-443, appoints, both Houses of Congress having confirmed, the following members of the Federal Election Commission: Mrs. Joan D. Aikens, of Pennsylvania, and Mr. Thomas E. Harris, of Virginia.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. GLENN. Mr. President, I ask that I be notified when I have 5 minutes of our time remaining.

The PRESIDING OFFICER. That will be in 1 minute.

Mr. GLENN. Then I shall make my point rapidly. I think the question here comes down to two alternatives—one, whether we go along with a pricing system, as has been proposed by the administration, which would regulate our consumption by price. The estimate of the best economists we had before the committee were that this could cost this Nation somewhere in the realm of $40 billion-plus, on up to, considering ripple effects, far beyond that. That is one way of saving fuel in this country.

The other alternative, the route that was taken by the committee, of course, is to go the conservation route, giving the President, as in the first part of this bill, the rationing authority, if—and we hope it does not get to that—he needs to ration, but adding to that a conservation program so we do not have to go to rationing or to conservation by the price mechanism alone.

In committee, as I recall, when we discussed what this might mean in costs to the State, I think we talked of sums on the order of somewhere between $50 million and $100 million, and that is our alternative. If we go to this fuel conservation program, which many of the States already have in operation, we would be spending perhaps $50 million to $100 million, as opposed to impacting the American public, the consumer already hard hit by inflation and recession, with a potential $40 billion as a means of accomplishing the same end.

I think that is the question we have here as between the administration proposal and the conservation proposal as put forth by the committee.

Mr. President, I yield the remainder of my time to the Senator from Washington, our distinguished chairman.

Mr. JACKSON. Mr. President, I thank the distinguished Senator from Ohio. He has most effectively summarized what the alternatives are.

It seems to me that this particular title, title II, goes to the heart of a comprehensive energy program.

Now, what are the alternatives if we knock out title II?

First, we can ignore our responsibility to respond to a clear national need, and do nothing. We have been accused by the administration of wanting to do nothing. I reject this charge, and I feel certain that the entire Senate rejects it.

Second, we can rely on voluntary conservation. This has been our only national energy conservation policy for over a year, and it has failed almost entirely. This is what the President has characterized as the WIN program. I put it rather in the character of WISH rather than WIN, but I believe we would all agree the results so far have been mostly in the character of WIND. Public figures have exhorted and urged consumers to conserve, and the Government has printed announcements and posters advising people not to be "fuelish." Yet, it is the steepening decline of our economy into a severe recession which is the most important factor in any reduction in last year's energy consumption.

Third, and this goes to the basic issue:

We can rely on steep energy price increases, imposed across the board, through taxes, tariffs, and the removal of all energy price controls. This is the administration's proposed energy program, and it has been almost universally characterized as grossly inequitable and an economic disaster. It would impose energy costs on the domestic economy which are at least as large as those imposed by the Arabs a year ago. It would insure continued double-digit inflation and, almost certainly, double-digit unemployment. It would doom all hopes of an early recovery from the current recession.

No prominent economist outside the administration, no academic or business energy expert and certainly no representative of consumers supports this program. In my opinion it is clear that this program is also totally unacceptable to the Congress.

Fourth, we can create a massive centralized, uniform and mandatory national energy conservation effort. This would involve intervention from afar in people's lives on an enormous scale and in an inevitably inefficient, ineffective and unacceptable manner. We ought to avoid this option at all costs. I think there is no doubt that there is also virtually unanimous agreement on this point among Members of Congress.

Finally, there is the option which title II of S. 622 offers. The energy conservation policy embodied in that title emphasizes decentralized administration, centered on State government. It emphasizes flexibility, fitting energy conservation programs to the unique local economic, geographical and climatological conditions. Lastly, it emphasizes implementation of specific catagories of programs which are reasonable and attainable according to the administration's own analysis of energy conservation options.

Mr. President, I have considered these options, and the Interior Committee has considered these options. We feel that it is time to begin a concerted program to increase the efficiency with which energy is consumed in this country. We feel that the conceptual framework of title II of S. 622 is the clearly desirable option for beginning this task. I strongly urge the defeat of the amendment to strike title II.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Arizona has 1 minute remaining.

Mr. FANNIN. Mr. President, on the time on the bill, 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. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FANNIN. Mr. President, from the time on the bill, I yield the distinguished Senator from Virginia 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I would like to direct one question to the manager of the bill, the Senator from Washington.

In the colloquy which the Senator from Washington and the Senator from Virginia had on April 8 is this statement——

Mr. JACKSON. What page is this?

Mr. HARRY F. BYRD, JR. On page 9355. The Senator from Washington mentioned two huge trade towers at the lower edge of Manhattan Island, where the lights are on 24 hours a day, and then he made this statement:

> This bill would make it possible for the owner of that building to take appropriate steps to conserve the lighting.

In reading the record, I am not sure what the Senator from Washington meant in that regard, and it is for that reason that I address this inquiry to him.

Mr. JACKSON. Let me get the exact statement.

Mr. HARRY F. BYRD, JR. The statement is this:

> This bill would make it possible for the owner of that building to take appropriate steps to conserve the lighting.

Mr. JACKSON. The reference to that would be the provision in the bill on page 105, section 202, subsection 2(a), lighting efficiency standards for public buildings.

The point is that the owner, of course, will have an opportunity, and do it pursuant to authority of law——

Mr. HARRY F. BYRD, JR. But the owner already has the authority now to do it, does he not?

Mr. JACKSON. That is right. That is right.

Mr. HARRY F. BYRD, JR. How does this change the situation?

Mr. JACKSON. If the State decides to exercise the option, of implementing lighting efficiency standards, then of course, it can be done on a mandatory basis. They can be required to do it. So that statement should be modified to that extent.

Mr. HARRY F. BYRD, JR. In a case such as that, would there be any Federal funds involved?

Mr. JACKSON. We provide grants in aid to the States to reimburse the States for extra administrative costs in connection with administering a conservation program.

Mr. HARRY F. BYRD, JR. Does it visualize that the owner of buildings would be reimbursed in any way?

Mr. JACKSON. Oh, no, no. No; absolutely not.

Mr. HARRY F. BYRD, JR. That was the point I wanted to make.

Mr. JACKSON. Oh, absolutely not. No, sir. No, sir.

Mr. HARRY F. BYRD, JR. I felt sure that would be the situation, but I felt it should be clarified.

Mr. JACKSON. No, the Senator is entirely correct. This is a proper exercise regulation, here, of a matter relating to the public health and safety.

Mr. HARRY F. BYRD, JR. I thank the Senator, and I thank the Senator from Arizona for yielding.

Mr. JACKSON. I thank the Senator from Arizona.

Mr. FANNIN. Mr. President, how much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER. The Senator has 1 minute on the amendment.

Mr. FANNIN. How much time on the bill?

The PRESIDING OFFICER. The Senator from Arizona has 96 minutes, but because of a previous order agreeing to vote at 5 p.m., he has 30 minutes at most.

Mr. FANNIN. Mr. President, I would like to take 1 minute on the bill to explain the letter that was received by Senator MANSFIELD from Mr. Frank Zarb, Administrator of the FEA, because I think it is very important.

I am not going to read the complete letter, Mr. President, but I do want to read part of it where he expresses his concern over title II, and urges support for the amendment that I have offered because it would certainly change the consideration of the bill by the administration. He states if title II is included, "S. 622 departs radically from the initial purpose of this legislation."

To the Senators who were not here when I read the letter before, this is a title that, I think, is going to be devastating to the bill, and it is one that is opposed by the administration, opposed by Mr. Frank Zarb, the Administrator of FEA, and I do think it is important that we realize that activities would be banned or limited immediately by Federal regulations, and this would include industrial energy use.

The PRESIDING OFFICER. The minute of the Senator from Arizona has expired.

Mr. FANNIN. Mr. President, I yield myself 1 more minute on the bill.

When we talk about industrial energy use, we are talking about jobs, and that is why Mr. Frank Zarb is so vitally concerned.

Mr. President, if we do not think about jobs in this country, we are indeed in deep trouble. It requires energy for increased productivity. If we are going to become competitive with the other countries of the world, we must take that into consideration.

This title is so irresponsible in its coverage that it could cause very serious damage in this regard.

I feel the adoption of by amendment would delete from the bill one of the most unsatisfactory provisions. There are other provisions that I object to, and I have stated my objections, but this is one that is entirely unacceptable.

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. FANNIN. I thank the Chair.

Mr. BUCKLEY. Mr. President, I support the amendment offered by the distinguished Senator from Arizona (Mr. FANNIN). Title II of S. 622 is brimming with vague directives and language that would invite an arbitrary use of Federal power.

In my comments, I shall concentrate on two sections in title II—202 and 203—that I believe are particularly ill conceived and delegate excess authority and power to the Federal Energy Administration.

I recognize that section 202 contains language allowing a congressional veto.

And I recognize that the distinguished floor manager, Mr. JACKSON, may still offer an amendment to extend that veto to the provisions of section 203. Nevertheless, I believe that the sections confer upon the Administrator of FEA powers that conjure visions of "1984," while pushing aside many initiatives under existing laws.

Our distinguished colleague, the Senator from Tennessee (Mr. BAKER), pointed out some of these problems in a statement to the Senate earlier this week—page S5481. I shall try to focus some of my concern by detailing some of the language in sections 202 and 203. While the two sections are similar, my comments are based on the subsection lettering on section 203.

Subsections (a) and (b) of section 203 appear to require that the Federal Government develop standards dictating lighting and heating performance for all public buildings, as well as heating in federally financed homes. Such guidance may be very useful; the General Services Administration has developed a valuable study it is implementing. But should FEA dictate the level of lighting in all commercial buildings? The report mentions window sizes. Does this mean that FEA could prescribe the amount of glass to be used in any building? Or the spacing of windows? If that is intended, should not the Congress provide some sort of guidance, not just an open door to abuse?

The Senate passed legislation (H.R. 11565) last year that directed the Congress to study energy use in public buildings and to prepare guidelines. I believe that approach is the wise one. I understand that it will soon be reintroduced and be the subject of extensive review by the Public Works Committee. I do not believe we should short-circuit that approach.

Subsections (c) and (d) of section 203 could be read to allow FEA to set national office hours, and to regulate the use of store lights, even to the extent of national regulations on Christmas decorations at stores. Do we really want FEA regulating Santa Claus?

Subsection (e) requires the creation of Federal standards to increase industrial efficiency. I assume industry is already seeking that. How would this bill bolster that approach? Well, the report refers to the "redesign of both processes and products." Does this mean that FEA can, by regulation, decide what products are to be produced, and by what process they are produced? Where is language that tempers that authority? The report also refers to use of solid wastes. I would note that the Environmental Protection Agency has significant work now under way under the Resource Recovery Act.

Subsection (f) mandates programs to "insure" better enforcement of the national 55-mile-an-hour speed limit. Perhaps the bill's sponsors envision a national highway patrol. Perhaps the authors of this bill are unaware that existing law requires each State to certify enforcement of the 55-mile-per-hour limit to qualify for future Federal-aid road funds. The possibility of losing billions of dollars in highway funds should be an adequate "program" for compliance, I believe.

Subsection (g) requires FEA to develop programs to "maximize use of carpools and public transportation systems." I assume that the writers of this provision are unaware of the existing program to encourage carpooling that were incorporated within the 1974 Highway Act (P.L. 93-643). The Department of Transportation has just filed with the Congress a report on "Carpool Incentives and Opportunities," as required by Public Law 93-239.

Existing law, plus the opportunities recognized in this report, provide incentives to encourage carpooling, without creating yet another program in yet another agency. And, of course, we are aware of the strong and effective mass transit construction and operating programs now underway.

Subsection (h) requires standards to control "discretionary transportation activities upon which the basic economic vitality of the country does not depend." I will grant you that the word "reasonable" appears in this subsection. But what is "reasonable"? Would it be reasonable to ban all travel for weekend picnics this summer? Surely the economic vitality of the Nation does not depend on picnics? How about cutting out travel to movies on Mondays, Wednesdays, and Fridays? Or rationing all families to two trips to the supermarket each week?

Clearly, such restrictions are within the scope of this section, which drains away congressional responsibility, whether or not Congress has any eventual veto. These are no standards for guidance. There is only an invitation to the FEA bureaucrats to restrict the freedom of the American population.

And, frankly, I see no assurance that any of these energy conserving authority will be geared to the most effective, least damaging tactics. All it says is: regulate.

Other subsections talk of public education, as if FEA pamphlets can make OPEC vanish, and some sort of vague directive for Federal procurement of energy efficient products.

Mr. President, I am compelled to conclude that these sections may well be the product of someone's mischievous wit. Maybe they were intended to be considered on April Fools Day.

Mr. President, I am hopeful that the Fannin amendment will be adopted. But if it is not, I urge the Senate, or any eventual Conference Committee, to bring some guidance to these sections of title II. These sections might be rewritten to take into account the many initiatives already underway by various standing committees of the Senate.

I am not anxious that the Congress approve a regulatory Gulf-of-Tonkin resolution in the name of even so mandatory a goal as energy conservation. Enactment of these sections may, indeed, be just that.

Mr. JACKSON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. GLENN. Mr. President, I would ask unanimous consent at the completion of the vote on the amendment of the distinguished Senator from Arizona that my amendment No. 337 be the next order of business.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Arizona. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from North Carolina (Mr. MORGAN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 25, nays 60, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—25

Bartlett	Fannin	Hruska
Beall	Fong	Laxalt
Bellmon	Garn	McClellan
Brock	Goldwater	McClure
Buckley	Gravel	Stevens
Byrd, Harry F., Jr.	Griffin	Tower
Dole	Hansen	Weicker
Domenici	Hatfield	Young
	Helms	

NAYS—60

Abourezk	Hart, Philip A.	Nunn
Allen	Hartke	Packwood
Bayh	Haskell	Pastore
Bentsen	Hathaway	Pearson
Biden	Hollings	Pell
Brooke	Huddleston	Percy
Bumpers	Humphrey	Proxmire
Burdick	Jackson	Randolph
Byrd, Robert C.	Javits	Ribicoff
Case	Johnston	Roth
Chiles	Leahy	Schweiker
Church	Long	Sparkman
Clark	Mansfield	Stafford
Cranston	McGee	Stennis
Culver	McGovern	Stevenson
Eagleton	McIntyre	Stone
Eastland	Mondale	Symington
Ford	Moss	Talmadge
Glenn	Muskie	Tunney
Hart, Gary W.	Nelson	Williams

NOT VOTING—14

Baker	Magnuson	Scott, Hugh
Cannon	Mathias	Scott, William L.
Curtis	Metcalf	Taft
Inouye	Montoya	Thurmond
Kennedy	Morgan	

So Mr. FANNIN's amendment (No. 104) was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I have an amendment at the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an amendment, on page 97, line 9, strike section 123, and insert new section.

The amendment is as follows:

On page 97, line 9, strike out section 123 and insert in lieu of it the following new section:

"SEC. 123. PHASE-OUT OF PETROLEUM PRICE CONTROLS.—(a) The price permitted for oil now, or in the future, classified as 'old' oil, under regulations promulgated pursuant to section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629), shall become $7.50 immediately. Such 'old' oil and oil from incremental production at $7.50 a barrel may both be increased to the level in effect for 'new' or 'stripper-well oil' under changes to be promulgated in existing regulations on the basis of one-half the difference in price to be allowed on July 1, 1976, and one-half the difference on July 1, 1977.

"(b) Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"'CHAPTER 7—TAX ON INCREASED INCOME FROM CRUDE OIL PRODUCTION

"'SEC. 1601. IMPOSITION OF TAX.—(a) There is imposed on the income derived by the producer of oil from price increases as permitted by section 123(a) of the Standby Energy Authorities Act a tax of 100 percent.

"'(b) The provisions of subsection (a) shall not apply to a taxpayer who reinvests within 3 years the income he receives from price increases, as described in section 123(a) of the Standby Energy Authorities Act in—

"'(1) intangible drilling and development costs;

"'(2) the following items if paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas within the United States or a possession of the United States:

"'(a) aerial photography;

"'(b) geological mapping;

"'(c) airborne magnetometer surveys;

"'(d) gravity meter surveys;

"'(e) seismograph survery; or

"'(f) similar geological and geophysical methods;

"(3) the construction, reconstruction, erection, or acquisition of the following items:

"(a) depreciable assets used for the exploration for or the development or production of oil or gas (including development or production from oil shale); converting oil, shale, coal, or liquid hydrocarbons into oil or gas; or refining oil or gas (but not beyond the primary product stage);

"(b) pipelines for gathering or transmitting oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines;

"(4) secondary or tertiary recovery of oil or gas, including remedial work necessary to maintain or restore primary production, or

"(5) the acquisition of oil and gas leases but the aggregate amount which may be taken into account under this subparagraph for any taxable period shall not exceed one-third of the aggregate of the amounts which may be taken into account by the taxpayer under subparagraphs (1), (2), (3), and (4) for such period."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the final vote occur at the hour of 5:30 rather than 5 o'clock, and I do so because the Senator from Ohio (Mr. GLENN) and others have been waiting all afternoon to seek recognition to offer their amendments and the way things are going they are not having that opportunity. I would hope that if this is agreed to that all Members who have amendments would reduce the amount of time which they need to explain them.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. I object. Mr. President, we decided on 5 o'clock. We have geared our day to 5 o'clock and that is where it is going to stay, as far as I am concerned.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, then any amendment at the desk can be called up and voted on without debate at that time.

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I will be very brief. The purpose of this amendment is to do away with what we now have in this bill——

Mr. FORD. Mr. President, may we have order in the Senate Chamber, please?

The PRESIDING OFFICER. The Senator from Oklahoma will suspend until we have order in the Senate.

May we have order?

The Senator may proceed.

Mr. BELLMON. Mr. President, yesterday when we voted to adopt the $7.50 price ceiling on secondary and tertiary oil, we, in effect, set up a three-price ceiling system for crude oil in this country. New oil, so-called, is selling for something over $5; secondary and tertiary oil is now selling for $7.50, and stripper oil is selling for the world market price, which is up closer to $11 or $12. The whole system is terribly complicated. It is working a great hardship on the refiners who do not have access to the cheaper oil. It is causing gasoline price wars in some areas where there is a great deal of gasoline available from the cheaper types of crude. In addition, it is causing wasteful utilization because energy is selling for less in some areas than it is in others.

The purpose of this amendment is to get away from the three-price system and get back to a once-price system over a period of 2 years.

I have no desire to take any more time of the Senate. That explains the amendment. If it is in order, I would ask unanimous consent that the vote on this amendment occur just ahead of the vote on final passage on the bill.

Mr. HELMS. Mr. President——

The PRESIDING OFFICER. Would the Senator repeat that?

Mr. BELLMON. I would like to ask unanimous consent that the vote on my amendment occur at 5 o'clock ahead of the vote on final passage.

Mr. GOLDWATER. Mr. President, reserving the right to object——

Mr. MANSFIELD. Reserving the right to object, Mr. President, there will be no vote at 5 o'clock because all the amendments at the desk will be voted on, if so desired, without debate. Therefore, the request of the Senator is in order and should be given consideration.

Mr. GOLDWATER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Does not the vote on final passage occur at 5 o'clock?

I am asking a question.

The PRESIDING OFFICER. The vote has been scheduled for 5 o'clock and the vote on any pending amendment will also occur at 5 o'clock.

Mr. MANSFIELD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What it means is that the amendments pending at that time will be voted on in sequence without debate.

The PRESIDING OFFICER. The Senator is correct.

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

Mr. President, I made a unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Reserving the right to object——

Mr. ABOUREZK. Mr. President, I object to that request.

The PRESIDING OFFICER. Objection has been heard.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me. I have an amendment at the desk and I ask that it be called up.

The PRESIDING OFFICER. Until the amendment of the Senator from Oklahoma has been disposed of, we cannot consider another amendment.

Mr. BELLMON. The yeas and nays have been requested, Mr. President. I yield back the remainder of my time.

Mr. JACKSON. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I rise to oppose the amendment. The amendment will take away the authority of the Congress to review any decontrol move by the President. If we knock out this section, Congress has abdicated its authority to deal with any move such as the President's announced intention to decontrol old oil effective May 1, which would increase the price from $5.25 to anywhere from $11.40 to $14.40 a barrel.

Mr. President, I cannot think of anything that would do more harm to the economy at this time than for the Congress to accept this amendment and abdicate its responsibility and the opportunity of either House to veto, if necessary any such move. I think the House and Senate should have that authority. It has been put in as a safeguard. I hope that the Senate will vote down the amendment.

Mr. BELLMON. Mr. President, the amendment decontrols the price of oil over a 2-year period. It does not immediately raise the price of oil to the world market price. It does raise the price of new oil to $7.50 a barrel. But it is a 2-year phaseout of the present unworkable two-price system. It does not in any way interfere with the right of Congress to step in again if the conditions require.

Mr. JACKSON. I yield back the remainder of my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered. The vote is on the amendment of the Senator from Oklahoma. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. ROBERT L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Pennsylvania (Mr. HUGH SCOTT). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 23, nays 62, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—23

Bartlett	Fong	McClure
Bellmon	Garn	McGee
Brock	Goldwater	Packwood
Buckley	Gravel	Sparkman
Dole	Hansen	Stevens
Domenici	Helms	Tower
Eastland	Hruska	Young
Fannin	Laxalt	

NAYS—62

Abourezk	Church	Hollings
Allen	Clark	Huddleston
Bayh	Cranston	Humphrey
Beall	Culver	Jackson
Bentsen	Eagleton	Javits
Biden	Ford	Johnston
Brooke	Glenn	Leahy
Bumpers	Griffin	Long
Burdick	Hart, Gary W.	Mansfield
Byrd, Harry F., Jr.	Hart, Philip A.	McClellan
Byrd, Robert C.	Hartke	McGovern
Case	Haskell	McIntyre
Chiles	Hatfield	Mondale
Muskie	Hathaway	Moss
Nelson	Proxmire	Stevenson
Nunn	Randolph	Stone
Pastore	Ribicoff	Symington
Pearson	Roth	Talmadge
Pell	Schweiker	Tunney
Percy	Stafford	Weicker
	Stennis	Williams

NOT VOTING—14

Baker	Magnuson	Scott, Hugh
Cannon	Mathias	Scott, William L.
Curtis	Metcalf	Taft
Inouye	Montoya	Thurmond
Kennedy	Morgan	

So Mr. BELLMON's amendment was rejected.

Mr. JACKSON. Mr. President, I call up my amendment No. 102. I yield to the distinguished assistant majority leader.

ORDER FOR 10-MINUTE VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on all remaining rollcall votes through final passage of this bill today, there be a time limit of 10 minutes on each rollcall.

The PRESIDING OFFICER (Mr. GARY W. HART). Without objection, it is so ordered.

Mr. FANNIN. I move to table the anticonservation amendment offered by the Senator from Washington.

The PRESIDING OFFICER. The amendment has not been reported yet. The motion is not in order.

The clerk will state the amendment.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Is it appropriate or proper, when making an inquiry, that one put on a descriptive title to an amendment that is not on the amendment?

Mr. FANNIN. Mr. President, if the title is appropriate, is it in order?

The PRESIDING OFFICER. The Chair will not interpret it.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON) proposes an amendment No. 102.

The amendment is as follows:

On page 107, line 14, insert the letter "(a)" before the words "The Administrator.".

On pages 107 and 108, redesignate "(a) through (k)" as paragraphs "(1) through (11).".

On page 108, before "SEC. 204. STATE INITIATIVES IN ENERGY CONSERVATION" on line 24, insert the following subsection:

"(b) No set of regulations establishing energy conservation plans or programs pursuant to paragraphs (1) through (11) of subsection (a) of this section shall become effective until it has been transmitted to the Congress for individual review and right of disapproval in accord with the expedited procedures of section 104 (b) through (d) of title I of this Act: *Provided*, That for the purposes of this section the reference to 'ten calendar days' in section 103(b)(3) of title I of this Act shall mean 'thirty calendar days'."

Mr. FANNIN. Mr. President, I move to table the anticonservation amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. HANSEN. Yeas and nays.

Mr. FANNIN. I ask for the yeas and nays.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is it proper at this juncture to have a Senator characterize a particular amendment?

The PRESIDING OFFICER. Debate is not in order.

Mr. JACKSON. Parliamentary inquiry.

Mr. PASTORE. Therefore, the only thing that can be done is to move to lay on the table without comment. Is that correct?

The PRESIDING OFFICER. A motion to table should be made in——

Mr. MANSFIELD. Regular order, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 26, nays 59, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—26

Bartlett	Garn	McClure
Beall	Goldwater	Packwood
Bellmon	Gravel	Pearson
Brock	Griffin	Stafford
Buckley	Hansen	Stevens
Dole	Helms	Tower
Domenici	Hruska	Weicker
Fannin	Laxalt	Young
Fong	Long	

NAYS—59

Abourezk	Clark	Huddleston
Allen	Cranston	Humphrey
Bayh	Culver	Jackson
Bentsen	Eagleton	Javits
Biden	Eastland	Johnston
Brooke	Ford	Leahy
Bumpers	Glenn	Mansfield
Burdick	Hart, Gary W.	McClellan
Byrd, Harry F., Jr.	Hart, Philip A.	McGee
Byrd, Robert C.	Hartke	McGovern
Case	Haskell	McIntyre
Chiles	Hatfield	Mondale
Church	Hathaway	Moss
	Hollings	Muskie

Nelson	Randolph	Stevenson
Nunn	Ribicoff	Stone
Pastore	Roth	Symington
Pell	Schweiker	Talmadge
Percy	Sparkman	Tunney
Proxmire	Stennis	Williams

NOT VOTING—14

Baker	Magnuson	Scott, Hugh
Cannon	Mathias	Scott, William L.
Curtis	Metcalf	Taft
Inouye	Montoya	Thurmond
Kennedy	Morgan	

So the motion to lay on the table the amendment of the Senator from Washington was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of Mr. JACKSON. (Putting the question.)

The amendment was agreed to.

AMENDMENT NO. 337, AS MODIFIED

Mr. GLENN. Mr. President, I ask that my amendment be called up, the amendment on behalf of myself, Senator JACKSON, Senator HUMPHREY, and Senator PASTORE.

The PRESIDING OFFICER. The Clerk will report the amendment.

The assistant legislative clerk read as follows:

Mr. GLENN, on behalf of himself, Mr. JACKSON, Mr. HUMPHREY, and Mr. PASTORE, proposes an amendment numbered 337, as modified.

The amendment, No. 337, as modified, is as follows:

On page 97, at the end of line 11 insert "(A)".

On page 97, line 15, after "1975," insert "or (B) any other crude oil subject to the amendment or amendments required by section 8 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 627),".

On page 98, after line 13, insert the following new subsection:

"(d) The Emergency Petroleum Allocation Act of 1973 (87 Stat. 627), as amended, is further amended by adding at the end thereof a new section 8, as follows:

"MAXIMUM PRICE FOR DOMESTIC CRUDE OIL

"'SEC. 8. Not later than thirty days after the date of enactment of this section, the President shall promulgate and implement an amendment or amendments to the regulation established pursuant to section 4(a) of this Act which shall establish a price or prices (or the manner of determining a price or prices) for all domestic crude oil (including that crude oil otherwise subject to section 4(e)(2) of this Act) not classified as "old" oil under regulations in effect on January 1, 1975. The price or prices established by the President pursuant to this section shall be no greater than the price generally prevailing as of January 31, 1975, for the crude oil subject to such amendment or amendments. Such price or prices shall be effective immediately upon their inclusion (or the inclusion of the method for determining such price or prices) in such regulation.'."

Mr. GLENN. Mr. President, I believe this amendment is of extreme importance to individual and industrial consumers of energy. This amendment, which was previously adopted by the Interior Committee as an amendment to S. 621, the Petroleum Price Increase Limitation Act, could, depending on the President's actions with regard to import tariffs, save consumers over $3 billion in annual oil costs.

In the absence of my amendment, it can be expected that prices of presently uncontrolled domestic oil will rise to a level equal to the current cartel price plus the amount of any import tariffs imposed. Producers of such oil can thus be expected to receive a substantial windfall as a result of the tariffs as their prices rise to "cartel plus tariff" heights. My amendment would prevent this windfall by requiring the President to set a ceiling price for such domestic oil which would be no greater than the price generally prevailing for that oil as of January 31, 1975, the day before the President's first oil tariff was imposed. Increases in that price level would then be permitted only in accordance with the procedures for congressional review already required as to controlled oil by S. 622.

This amendment I believe should appropriately be made a part of section 123 of the bill in that the purpose of that section is to prevent adverse impacts on the consumer resulting from Presidential action not reviewed by the Congress. My amendment is designed with the same purpose in mind.

In offering this amendment it is not my intent to endorse the price that would be set for presently uncontrolled oil as the most equitable and appropriate price for such oil. Nor is it my intent that this amendment should influence in any way the outcome of pending litigation involving the setting of price ceilngs on presently uncontrolled oil. I believe it important to note that by voting for this amendment we do not necessarily indicate that we regard the price required by this amendment as the price that would be required to comply with the temporary court of appeals decision on new oil prices. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment modified.

Mr. GLENN. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend the rollcall until the Senate is in order. The Senators will please take their seats.

The clerk will resume.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

The result was announced—yeas 54, nays 31, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—54

Abourezk	Hart, Gary W.	Nunn
Allen	Hart, Philip A.	Pastore
Bayh	Hartke	Pell
Biden	Haskell	Proxmire
Brooke	Hathaway	Randolph
Bumpers	Hollings	Ribicoff
Burdick	Huddleston	Schweiker
Byrd, Harry F., Jr.	Humphrey	Sparkman
	Jackson	Stafford
Byrd, Robert C.	Javits	Stennis
Case	Leahy	Stevenson
Chiles	Mansfield	Stone
Church	McClellan	Symington
Clark	McGovern	Talmadge
Cranston	McIntyre	Tunney
Culver	Mondale	Weicker
Eagleton	Moss	Williams
Ford	Muskie	
Glenn	Nelson	

NAYS—31

Bartlett	Garn	McClure
Beall	Goldwater	McGee
Bellmon	Gravel	Packwood
Bentsen	Griffin	Pearson
Brock	Hansen	Percy
Buckley	Hatfield	Roth
Dole	Helms	Stevens
Domenici	Hruska	Tower
Eastland	Johnston	Young
Fannin	Laxalt	
Fong	Long	

NOT VOTING—14

Baker	Magnuson	Scott, Hugh
Cannon	Mathias	Scott, William L.
Curtis	Metcalf	Taft
Inouye	Montoya	Thurmond
Kennedy	Morgan	

So Mr. GLENN's amendment No. 337, as modified, was agreed to.

Mr. HELMS. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I have an amendment at the desk which I call up and ask it be stated carefully.

The PRESIDING OFFICER. The Clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment on behalf of himself and the Senator from Delaware (Mr. ROTH), as follows:

At the appropriate place, insert the following new section:

SEC. . Notwithstanding any other provisions of law, in order that students may walk to the school nearest their residence, or be transported through public means of conveyance to such school, no state, or local agency of any state, shall use or contract

for the use of any gasoline or diesel fuel for the transportation of any public school student to or from any school if such transportation is for the purpose of implementing or continuing any plan or program required, or ordered, by any Court of the United States, or by any Department or agency of the Government of the United States.

Mr. HELMS. Mr. President, this amendment is simple and direct. It states that as part of this Nation's efforts to conserve much needed energy resources, the Congress is putting an end to the forced busing of schoolchildren. As I have stated in this Chamber many times, this unjustifiable waste of gasoline should be ended. Prior to the general realization of our serious energy problems, the human hardships caused by forced busing were unconscionable. Of course, this abusive treatment of our schoolchildren continues as they are forced daily to ride great distances past their neighborhood schools to some remote institution, spending their youthful lives viewing the world for long hours through the windows of a school bus.

But, that is not the business at hand. Today, we are talking about energy conservation. This amendment provides a simple way to conserve millions of gallons of gasoline yearly without any sacrifice or difficulty to anyone. How can public officials seriously talk about additional taxes on gasoline or petroleum generally knowing the economic hardships that these taxes will create, and stand by idly while the wasteful effects of forced busing continue. If the Senate of the United States really wants to practice what it is preaching about energy conservation, it can enact this amendment and thereby eliminate this most outrageous misuse of gasoline.

Mr. President, some time ago, in order to examine more fully the magnitude of the energy waste involved in forced busing, I spot-checked four school districts in my State. I obtained the exact statistics of gasoline consumption by public schoolbuses in these four districts for the 12-month period before compulsory school busing was ordered. Then I compared that total with the gasoline consumption by public schoolbuses—in these very same four districts—for the following year, when additional thousands of children were being hauled against their will across cities and counties.

Now, Mr. President, let me emphasize: The statistics I am about to relate cover only four of the school districts in my State. There are 151 school administrative units in North Carolina.

Prior to the imposition of forced busing, the schoolbuses of these four districts consumed 943,463 gallons of gasoline.

The year after forced busing was imposed, Mr. President, the consumption of gasoline by the public schoolbuses in these four districts had increased by 218 percent.

Let me repeat, Mr. President: The increase was 218 percent—for a nonessential, undesirable and often destructive exercise in futility by Federal bureaucrats, or Federal judges, or a combination of the two.

The 218-percent increase, Mr. President, represents a virtual waste of 1,118,908 gallons in 1 year—and in just four school districts of my State. Projected estimates for my entire State, Mr. President, set the total of this nonessential use of gasoline for that year as high as 30 million gallons.

Senators can project this waste on a national basis to suit themselves. Any projection is bound to disclose an appalling waste of gasoline.

If the Senate is really serious about energy conservation, the simple arithmetic of my amendment demonstrates that my proposal is sound, that it can have almost immediate application, and that there will be wholesome benefits to the children of this country.

I understand that Representative MARJORIE HOLT of Maryland and Representative W. HENSON MOORE of Louisiana and others in the House of Representatives are carefully examining this, or a similar proposal. No doubt the Members of the House of Representatives will also have an opportunity to consider the subject of energy conservation. In my view, it would be very appropriate for the Senate to send the House a bill containing this amendment—a sure, efficient, and effective way to conserve gasoline.

Mr. President, I urge its adoption.

Mr. BROOKE. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROOKE. I raise a point of order on the grounds that this amendment is not germane.

The PRESIDING OFFICER. In holding that this amendment is germane, the Chair cites section 203 of the bill, which reads as follows:

SEC. 203. FEDERAL INITIATIVES IN ENERGY CONSERVATION.—The Administrator of the Federal Energy Administration, in cooperation with the Secretaries of the Departments of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education, and Welfare, Treasury, and the heads of other appropriate Federal agencies shall, within three months of the effective date of this Act, promulgate regulations which specify standards for energy efficiency and conservation and establish—

(h) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

Mr. BROOKE. Mr. President, I move that the amendment be tabled.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second

There is a sufficient second.

The yeas and nays were ordered.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, may we have order? May we have order, Mr. President?

The PRESIDING OFFICER. The clerk will suspend until the Senators take their seats.

Mr. MANSFIELD. Mr. President, the hour is getting late, I would suggest that the Senators take their seats.

The PRESIDING OFFICER. The clerk will continue.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from South Carolina (Mr. THURMOND).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 52, nays 33, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—52

Abourezk	Hart, Gary W.	Muskie
Bayh	Hart, Philip A.	Nelson
Beall	Haskell	Packwood
Bellmon	Hatfield	Pastore
Bentsen	Hathaway	Pearson
Biden	Hollings	Pell
Brooke	Huddleston	Percy
Bumpers	Humphrey	Randolph
Burdick	Jackson	Ribicoff
Case	Javits	Schweiker
Church	Johnston	Stafford
Clark	Leahy	Stevenson
Cranston	Mansfield	Symington
Culver	McGee	Tunney
Eagleton	McGovern	Weicker
Ford	McIntyre	Williams
Glenn	Mondale	
Gravel	Moss	

NAYS—33

Allen	Fong	Nunn
Bartlett	Garn	Proxmire
Brock	Goldwater	Roth
Buckley	Griffin	Sparkman
Byrd, Harry F., Jr.	Hansen	Stennis
	Hartke	Stevens
Byrd, Robert C.	Helms	Stone
Chiles	Hruska	Talmadge
Dole	Laxalt	Tower
Domenici	Long	Young
Eastland	McClellan	
Fannin	McClure	

NOT VOTING—14

Baker	Magnuson	Scott, Hugh
Cannon	Mathias	Scott, William L.
Curtis	Metcalf	
Inouye	Montoya	Taft
Kennedy	Morgan	Thurmond

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

Mr. BAYH. Mr. President, more than a year ago former President Nixon vetoed legislation that included a number of provisions similar to those in the bill now before us. I remind my colleagues of that veto to emphasize that the issues now facing us are not new, and to stress the need to enact this legislation.

For as belated as this legislation is, it is still quite important to establish the statutory base for an adequate response to an energy emergency, such as a repetition of the 1973 Arab oil embargo. It is also necessary to take all responsible measures that will close the gap between the supply and demand for energy in the United States. The bill before us does this by giving the President authority to take steps to increase energy production, on one hand, and by curbing energy waste, on the other hand.

We are fortunate indeed, Mr. President, that a major energy crisis did not erupt during the past year. For the simple fact is that we have been unprepared for such a crisis; our Government has lacked the necessary authority to respond to an energy emergency in a fashion that would guarantee a minimizing of hardship and an adequate distribution of available supplies in the face of such an emergency.

It is because of my long-standing belief that we must have available tough, standby authority for the President to use in the event of an energy emergency that I cosponsored the bill vetoed by President Nixon more than a year ago and am cosponsoring the bill now before us. President Ford has recognized the need for legislation along these lines, although I cannot help but note the irony in the fact that the President's proposal sought broad standby authority without providing for a partnership with the Congress—something that is fortunately rectified in S. 622.

It might be helpful to review briefly the provisions of this legislation, and I shall do so in a moment. However, it seems appropriate first to take a broader look at where we are in the evolution of a national energy policy.

Many believe that the need for a national energy policy goes back only 18 months, to the imposition of the oil embargo by a number of Arab States in October of 1973. This is totally wrong. Indeed this kind of shortsighted approach is symptomatic of the very innocence—or ignorance—that has permitted our energy situation to so deteriorate.

The fact is that for years our Government encouraged the rapid use of domestic energy reserves through a policy of oil import quotas designed to exclude lower-priced foreign oil from U. S. markets. If this policy ever made sense it had long since outlived its purpose by the early 1970's when domestic production of oil and natural gas began a decline that has continued to this very day.

Years ago many of us here in the Congress sought an end to oil import quotas, to prevent the unnecessary depletion of our own energy reserves and to provide consumers with the economic benefits of what was then less expensive foreign oil. As far back as 1970 a number of us in the Senate, with the able leadership of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Washington (Mr. JACKSON) sponsored legislation to create a national commission on fuels and energy policy. The administration opposed that idea, even though it was apparent even then that we were embarked on a dangerous course of exhausting finite energy resources.

In the absence of administration interest in this emerging national problem the Senate created its own energy and fuels policy study group in 1971. The work of that study led to the introduction, more than 2 years ago, of the first major energy research and development legislation, which I cosponsored and which the administration again sought to dismiss as unnecessary.

In time the wisdom of that congressional initiative was recognized and that bill, S. 1283 in the 93d Congress, eventually became the keystone of our national energy research and development program.

I have reviewed this brief history, Mr. President, not merely to demonstrate the fact that the Senate has repeatedly shown the required leadership and foresight in dealing with energy policy, but, more importantly, to establish a framework for a consideration of where we are today in the development of a national energy policy.

As I said at the outset we still do not have on the statute books the authorizing legislation which would be needed for a coordinated national response to an energy emergency. The legislation now before us offers a solution to that problem, and it should be promptly enacted. In addition, this bill provides the required authority for the imposition of mandatory conservation programs, should they be necessary, as well as for voluntary conservation programs that can be implemented quickly without any adverse economic impact.

This latter part of the pending legislation is important, because it holds the promise of reducing energy demand by several hundred thousand barrels of oil a day within a year. In other words, Mr. President, this legislation can move us well in the direction of the President's avowed goal of reducing energy demand by a million barrels a day—and it can do so without an onerous tax package such as that proposed by the President.

Mention of the President's complex and costly energy tax package serves to remind us that we still have not resolved the problems posed by the President's plan of import duties and excise taxes on crude oil, as well as his desire to decontrol all domestic oil prices.

I opposed that program when it was first put forward by the President, because it was both inflationary—threatening an additional increase of between 2 and 4 percent in the inflation rate—and recessionary—by robbing consumers of billions of dollars in purchasing power.

In this regard, the Congress did pass legislation to prevent the President from going beyond the $1 a barrel import duty he imposed in February. But the President vetoed that bill, agreeing at the same time to delay further imposition of the import duties pending efforts to develop a broad compromise energy plan with the Congress. While I hope a compromise can be effected, I remain strongly opposed to a key provision of the President's plan—the proposed decontrol of domestic oil prices. Such decontrol would cost the consumers and businessmen of this country more than $10 billion a year—more if the compounded effect of the import duties and excise taxes are considered—at a time when the cost of energy is already too high.

There are actually reliable estimates, Mr. President, that adoption of the President's oil pricing policies would increase the total industry and consumer bill for refined petroleum products by more than $50 billion a year when all direct and indirect costs are computed.

That decontrolling oil prices might somehow increase supply is an argument that should have been put to rest by the admission last week by the American Petroleum Institute that, despite the tripling of oil prices in the last 2 years, domestic oil reserves actually declined last year. The fact is, Mr. President, to decontrol the 60 percent of domestic oil production now under price control would be to provide the major oil companies with a windfall of unprecedented proportions, and do so at the expense of the consumers and businessmen of this country.

I am, therefore, pleased, Mr. President, that the bill before us would limit the President's authority to decontrol oil prices. I regard this as one of the most important provisions of this bill, for the development of a sound national energy policy requires that we forestall costly price increases that transfer billions from the pockets of average Americans to the corporate coffers of giant, multinational oil companies.

While responsible national energy policy requires that we reject proposals to increase the price of domestic oil, we are not able to act with the same strength in considering the price of foreign oil. Some months ago the common wisdom in Washington was that immediate action was required to stem the flow of dollars to the oil exporting countries. While it is obvious that we should minimize our oil purchases abroad, it is equally obvious that to constrict our oil purchases abroad too greatly would be to aggravate the serious recession now confronting us.

What is required in approaching the problem created by the fact that we import close to 40 percent of the oil used in this country is a blend of reason and logic, not the hysteria and panic that some have demonstrated. We must reduce our reliance on imported energy, and actually seek to eliminate the need for imported energy in coming years. We must do so to stem the outflow of dollars and we must do so to reduce and to eliminate eventually the potential use of the oil weapon through another oil embargo or similar step.

But the way to reduce our reliance on imported oil is not to simply add a heavy tax to that costly oil, for in the short term we will need that oil and to make it more costly merely worsens the situation here at home. Nor does it make sense to clamp on unduly restrictive import quotas, lest we find ourselves without enough energy to fuel our needed economic recovery.

Rather we must take a logical two-step approach of ending energy waste so we import only what we need and of developing domestic energy reserves so we can meet a higher percentage of our energy requirements here at home.

As we look to reducing energy demand, Mr. President, it is essential that we distinguish between those areas in which we can reduce demand by eliminating waste and those areas where unjustified reductions in demand would have deleterious economic consequences. For example, by revising current State regulations that often provide discounts for large energy users, we could reverse that pattern and create a solid economic incentive for industry to practice constructive energy conservation. A number of companies have found it possible to cut energy consumption by up to 15 percent, and higher in some cases, without any loss in productivity. Eliminating waste in this fashion reduces overall energy use and eases our reliance on imported energy. And it does so without harming the economy.

Similarly, improved automobile efficiency—bearing in mind that approximately 40 percent of the oil used in this country is used in autos—can reduce energy consumption in a constructive fashion. In 1973, I offered an amendment, which I regret to say was defeated, that would have mandated significant improvements in automobile efficiency over the next decade by utilizing existing technology. We can improve auto mileage by up to 50 percent with that technology and breakthroughs in ongoing research could open the door to even more fuel savings.

While that amendment was defeated in 1973, there has developed since that time a recognition of the need for action in this regard. I shall support efforts to mandate improved auto efficiency and note with gratification that the Commerce Committee is moving in this area at the present time.

However, I must also note that the President's approach to this problem leaves something to be desired. He has proposed a major relaxation in auto emission standards in exchange for a promise, only a promise Mr. President, that the major auto manufacturers will try, only try Mr. President, to improve auto efficiency by an average of 40 percent by 1980. This strikes me as a rather causal and unnecessary way to approach a major problem.

We must mandate improved automobile efficiency, in the short term under the limits of existing technology, and in the long term with new technology for even greater breakthroughs. Whether or not some relaxation of auto emission standards should accompany such mandated increases in average auto mileage can be discussed, and if the need is proven appropriate action taken. But in the absence of any evidence that we need relax air quality standards to achieve our efficiency goal, that would be a premature step. It is especially disheartening that the President would seek a significant relaxation in emission standards in the absence of anything by a vague, unenforceable promise from the auto manufacturers.

Quite simply, Mr. President, adhering to the administration's approach could leave us in 1980 with the same unsatisfactory inefficient autos we have today and unacceptably lenient auto emission standards. The administration plan holds open the possibility of the worst of both worlds.

Instead of this surrender to the pressures generated by the auto companies, we must guarantee achievement of one objective by mandating a 40- to 50-percent increase in average auto efficiency by 1980. We must also hesitate and examine carefully the relationship between that goal and auto emissions before we sanction a wholesale retreat from the air pollution progress of the last decade. And, under no circumstances, can we agree to auto emission standards that would threaten the public health and well-being.

As I said earlier, Mr. President, as we seek to reduce unnecessary energy consumption in industry, in our autos and in many other areas where energy waste abounds, we must also seek to increase domestic energy production.

Within the contiguous 48 States there are real limits on the extent to which we can increase oil and gas production at this time. There is room for increased coal production, and that should be encouraged. To do this properly, however, requires that we provide the coal industry with the hardware needed to meet its goal, with the transportation system to move that coal to where it can be used, and to enact the surface mining bill now in conference so the surface mining of coal can proceed with a knowledge of what manner of environmental safeguards will be required.

Obviously, Mr. President, I am, in this context, confining my comments on increased production to relatively short-term options. Beyond the short term I am very much committed to extensive coal liquifaction and gasification programs, and would remind my colleagues that the impetus for commercial development of those technologies rests with the energy R. & D. bill that originated here in the Senate and which is now law.

While short-term increases in energy production within the contiguous 48 States may be limited to coal, there are much brighter prospects for increased production before too long of offshore oil and gas, as well as the oil and gas in Alaska.

Drilling on the Outer Continental Shelf—OCS—has engendered much concern in coastal States that fear a repetition of the Santa Barbara oil spill with resulting serious damage to local beaches and coastlines. Clearly, we have an obligation to do all that can be done to reduce the possibility of any damage from OCS oil drilling. But, as we commit ourselves to maximum safeguards, we must move that drilling forward to bring onstream the abundant reserves off our coast. Hopefully, the success of drilling in the Gulf of Mexico can be repeated in other coastal areas. And, Mr. President, I want to emphasize the need to make certain that as we seek to make maximum use of our offshore energy resources that we must also take every possible precaution to avoid environmental damage.

As regards Alaska, with the decision on the initial oil line well behind us, we must now consider proposals for the delivery of natural gas from Alaska's North Slope to the contiguous 48 States, as well as the best way to deliver the oil reserves in Naval Petroleum Reserve No. 4 southward. In this regard, I have submitted with the able assistant minority leader, Mr. GRIFFIN, a resolution (S. Con. Res. 25) designed to secure from the administration information on these projects. Because of the importance of this issue, I request unanimous consent to include in the RECORD at the conclusion of my remarks an excerpt from the RECORD of March 13, at which time I submitted the aforementioned resolution.

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

(See exhibit 1.)

Mr. BAYH. Mr. President, it should be obvious from the many, major unresolved issues I have dealt with in this brief statement that we have not implemented, nor even fully developed, a national energy policy to cope with current problems. The debate on that policy will continue in the days and weeks ahead. It is important that we move expeditiously toward a resolution of these issues, just as it is important that we fully consider all the options before finally deciding on the correct course of action.

We have some way to go to refine our short-term policy, with consideration not only of the issues I have raised but other questions such as floor prices for domestic and/or foreign fuels, economic incentives for energy conservation such as tax credits for home insulation, as just two examples. But we may actually be in better shape as regards our long-term objectives. This is because we have launched the kind of extensive-energy R. & D. program that will enable us to provide a steadily increasing percentage of our own energy needs in the years ahead, with the real possibility of eventually achieving energy self-sufficiency.

As I said, Mr. President, I have fully supported the authorizing legislation and necessary appropriations for this energy R. & D. I would have prefererd an earlier start on this important program, but rather than simply rue the delay we must press forward with a maximum effort in a variety of areas; coal gasification and liquefaction, which I mentioned; oil shale; solar energy; and geothermal power, to name just a few. In addition we must continue our research on nuclear energy, bearing in mind that to this date nuclear energy has failed to achieve its promised role in our national energy mix. Let us be wary of placing

too much emphasis on nuclear energy at the expense of other research programs which might provide more fruitful results sooner; but let us not abandon nuclear research, because of the great potential it holds for the future.

Moreover, one of the most neglected areas of energy R. & D. deserves special emphasis. I refer to research on energy conservation. Reducing demand by 500,000 barrels of oil a day has the same effect of reducing imports and closing the gap between domestic supply and demand as increasing production by an equivalent amount. I discussed earlier this general question of energy conservation. However, in the context of energy R. & D., I want to emphasize the compelling need to undertake significant research on how energy demand can be curbed—in all its uses—in an economically sound fashion. The potential is great; the notion that as much as 40 percent of the energy consumed in this country is wasted suggests the potential here. Indeed, if that figure is correct it means that all our imported energy is going to fuel the waste in this country and that even now we are in equilibrium between domestic supply and truly essential demand.

Mr. President, the development and implementation of national energy policy would not be complete without due attention to the international situation. I support those necessary efforts, the authority for which is contained in the legislation now before us, to coordinate with our allies the policies of the energy-intensive, importing countries. In addition, we must remain sensitive to the special problems facing less developed countries who need adequate energy for their economic growth and which are most susceptible to the high cost of cartel oil. We can no more solve our own energy problems without consideration of the international situation, than we could deal with coal or natural gas or oil without considering the supply and demand for all three of these basic fuels.

Finally, Mr. President, I want to emphasize my deep conviction that the myriad of issues posed in formulating our national energy policy, and those aspects of international policy that require consultation with other nations, require our constant, probing attention. There are few other issues so filled with grave implications in the event of policy failure, or so filled with cause for optimism in the event of policy successes. It is a difficult challenge; but a challenge that can and must be met. I am persuaded we have the capacity and ability to win this battle, but we will only do so with persistence, determination, innovation, and finally, action.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 13, 1975]

SENATE CONCURRENT RESOLUTION 25—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING DELIVERY OF OIL AND NATURAL GAS FROM ALASKA

(Referred to the Committee on Interior and Insular Affairs.)

Mr. BAYH. Mr. President, I am today introducing for myself and the distinguished minority whip, Mr. GRIFFIN, a concurrent resolution regarding the delivery of oil and natural gas from Alaska to the contiguous 48 States.

The purpose of the resolution is to secure for the Congress greatly needed information regarding administration plans for oil and natural gas delivery systems which will have to supplement the oil pipeline now under construction in Alaska if planned development of all oil and natural gas sources in Alaska and Naval Petroleum Reserve No. 4 are to go forward.

We cannot overstate, Mr. President, the importance of oil and natural gas in Alaska and Pet-4 to our national goal of reducing our dependency on foreign energy supplies.

It is estimated that recoverable oil reserves on the North Slope of Alaska amount to at least 10 billion barrels, with projections that that estimate can be revised upward significantly once large-scale production is actually begun. Delivery of 2 million barrels of that oil per day by 1980 means that the North Slope alone should be able to provide at least 10 percent of projected domestic oil consumption at that time.

Estimated reserves in Pet-4 are presumed to be at least as extensive as those on the North Slope. While more precise estimates will also have to wait until production is actually begun, we can readily see that the combination of oil reserves on the North Slope and in Pet-4 constitute a vital step in our progress down the path toward energy independence.

Gas reserves on the North Slope are estimated to be in excess of 26 trillion cubic feet, which means that as much as 10 percent of all our known domestic gas reserves could be on the North Slope.

While this amply demonstrates the importance of these reserves, Mr. President, it does not answer a host of questions which have been and are being raised about the means by which these energy resources will be delivered to American industry and consumers.

Obviously, we do know that the North Slope oil is scheduled to be shipped via the trans-Alaska pipeline now under construction.

But how many people have recognized that meeting the planned delivery schedules for North Slope oil via that pipeline depends on providing a delivery system without extensive delay, for North Slope natural gas?

The fact is that while gas produced with the oil can be reinjected into the ground at the outset of production, this technique cannot be used indefinitely without disrupting efficient production of the oil. In other words, unless a decimit construction of that delivery system for the natural gas in ample time to permit construction of that delivery system so that gas production may be coordinated with oil production, there is a real danger that the capacity of the Alaskan oil line will be underutilized in the early 1980's—at the very point when we will most need North Slope oil.

Thus it is clear that meeting production schedules for North Slope oil depends on a decision and commitment to construct a delivery system for the North Slope natural gas.

The question of how best to deliver North Slope gas to the contiguous 48 States is now before the Federal Power Commission and the Department of the Interior. But it is a question which will likely be brought before the Congress, as was the decision on the delivery system for the oil.

I favor the proposal by a consortium of pipeline companies to bring that gas to the contiguous 48 States via Canada with equitable distribution to all regions of the country at the least cost. That proposed pipeline would also enable Canada to deliver some of its gas in the northern part of its country to its own markets.

I must emphasize, Mr. President, that sharing the gas pipeline capacity is in the best interests of both countries, as it saves on duplicative construction costs and enables Canada and the United States to concurrently develop their own energy resources for their own countries.

While such a pipeline would be mutually beneficial, its construction would require some formalized understanding between our two countries, assuring each country of the unimpeded delivery of its own energy supplies to its own citizens. Such an agreement could also cover existing oil and gas delivery systems by which Canadian energy supplies cross the United States en route to Canadian markets.

While I am convinced a natural gas delivery system through Canada's MacKenzie River Valley is the most economical and most equitable way to bring U.S. gas to U.S. markets, we must recognize that there is a competing proposal. That proposed route would bring the gas to southern Alaska in a pipeline paralleling the oil line already under construction. At that point the gas would be liquified for tanker shipment to the west coast, where it would be converted back into gas for eventual consumption. This plan not only would mean higher prices to American industry and consumers, it would also aggravate the regional imbalance in overall domestic resources created by the earlier decision to build the trans-Alaska oil line with tanker shipment of the oil to the west coast.

Almost as important as making the correct decision on how to deliver the natural gas from Alaska, is the question of when and how that decision will be made. It has been estimated that if the entire regulatory process is followed, and all judicial appeals used, that the decision might not be reached for up to 10 years. I hope that estimate is wrong; a decade of delay is unacceptable. But we must recognize that significant delay is possible and the Congress may have to step in and help make that decision.

An entire new set of questions have been posed recently in a closely related issue, with the President's announced intention of producing up to 2 million barrels of oil a day from Pet-4 within the next decade. The President made no mention of what consideration has been given to delivering that oil to the contiguous 48 States. There are several possibilities:

Since this is offshore production, delivery could be entirely by tanker fleet if technological and cost problems could be solved. But that would mean delivering all of this oil to the west coast, doubling the supply generated by the North Slope and doing nothing for those parts of the country east of the Rockies that were discriminated against in the original decision to build the trans-Alaska pipeline.

In a similar vein, the Pet-4 production could be piped onshore and then transported by pipeline to southern Alaska, paralleling the route of the line under construction with subsequent tanker shipment. This too, aggravates the supply imbalance.

The third posssibility makes the most sense—construction of a trans-Canadian oil pipeline to carry oil from the North Slope and/or Pet-4, with the trans-Alaska pipeline still operating to capacity with its own mix of North Slope and Pet-4 production. This approach, Mr. President, would be in national interest since it would bring U.S. oil to those parts of the country—the Midwest and East—that are most dependent on foreign energy sources.

It is in recognition of the foregoing issues surrounding the delivery of natural gas from the North Slope, and the potential need for a second oil pipeline, that the Senate adopted title III of Public Law 93-153, the act that authorized construction of the trans-Alaska oil pipeline. That title requested the President to begin negotiations with Canada on the possibility of building a natural gas and/or oil pipeline through Canada. It also

directed the Secretary of the Interior to study the feasibility of such lines.

In both instances reports were to be provided to the Senate and House Committees on Interior and Insular Affairs. The President was to report on all aspects of the negotiations with Canada and the Secretary of the Interior was to file periodic reports on his study, with a final report due from the Secretary 2 years after the enactment of Public Law 93–153 in November of 1973.

It is now almost 16 months since that law was signed and no reports, from either the President or the Secretary, have been received.

The sad fact, Mr. President, is that despite all the talk about dealing with our domestic energy requirements and reducing our costly and dangerous reliance on foreign oil, the administration has failed to comply with a specific mandate to advise the Congress on the issues regarding delivery systems for Alaskan oil and gas, itself a key to our national energy goals.

In order to focus appropriate attention on the very important questions which must be resolved if we are to make maximum efficient use of domestic energy resources in Alaska and Pet–4, the Senator from Michigan (Mr. GRIFFIN) and I are introducting this concurrent resolution which requests the administration to report to the Congress within 90 days on:

First. The status of negotiations with the Government of Canada pursuant to title III of Public Law 93–153;

Second. The alternatives under consideration for the delivery of oil from Naval Petroleum Reserve No. 4 to the contiguous 48 States;

Third. Estimates of when a decision must be reached on the system for delivering natural gas from Alaska in order to assure completion of that system in time to prevent any delay in achieving the maximum efficient rate of oil production on Alaska's North Slope;

Fourth. The nature of agreements which must be reached with the Government of Canada to guarantee the unimpeded shipment of oil and natural gas through our respective countries; and

Fifth. Any recommendations for legislation to permit the earliest, responsible use of all the Nation's energy reserves in Alaska and in Naval Petroleum Reserve No. 4, with due attention to necessary delivery systems of oil and natural gas.

It is only with timely and adequate information that the Congress can properly fulfill its responsibilities in dealing with our national energy requirements. The absence of such information in regards to the situation on natural gas and oil from Alaska and Pet–4 is impeding our effectiveness in guaranteeing that those energy supplies are available to the American people at the proper time on an equitable basis.

This resolution is designed to elicit the necessary information so that we might, in turn, explore those areas in which legislation may be appropriate to facilitate the national goal of reducing our dependency on foreign energy sources. Solving our energy problems requires an effective partnership between the executive and legislative branches. We regard this resolution as a constructive step in that partnership.

Mr. President, I request unanimous consent to include the full text of the resolution in the RECORD at this point.

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

S. CON. RES. 25

Whereas the President and others have advocated early production of as much as two million barrels of oil a day from Naval Petroleum Reserve Number 4, and

Whereas the pipeline under construction for the delivery of oil from the North Slope of Alaska to Valdez could not accommodate the additional production in Naval Petroleum Reserve Number 4, and

Whereas it is consistent with sound national energy policy to equitably distribute domestic energy reserves, and

Whereas such equitable distribution of oil from Alaska can best be achieved by building a new delivery system via Canada to points in the contiguous 48 states which will not be served by the oil shipped from Valdez to the West Coast, and

Whereas alternative proposals have been submitted for the delivery of natural gas from Alaska to the contiguous 48 states, and

Whereas the proposed natural gas delivery system that will serve the greatest number of Americans would be built via Canada, and

Whereas title III of Public Law 93–153 requested the President of the United States to enter negotiations with the Government of Canada on these and related issues, and

Whereas discussions with Canada have been held pursuant to Public Law 93–153, but no official report has been provided to the Congress despite provisions of the law that such reports should be made to the Senate and House Committees on Interior and Insular Affairs, and

Whereas Public Law 93–153 further directed the Secretary of the Interior "to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets" and to provide periodic reports to the Senate and House Committees on Interior and Insular Affairs with a final report to be submitted by November 16, 1975, and

Whereas no such reports have been submitted, and

Whereas early resolution of these issues is essential to the national goal of reducing our dependency on foreign sources of energy.

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby requests the President of the United States to supply the Congress with a comprehensive report, within 90 days of the enactment of this resolution, to include:

(1) The status of negotiations with the Government of Canada pursuant to title III of Public Law 93–153;

(2) The alternatives under consideration for the delivery of oil from Naval Petroleum Reserve Number 4 to the contiguous 48 States;

(3) Estimates of when a decision must be reached on the system for delivering natural gas from Alaska in order to assure completion of that system in time to prevent any delay in achieving the maximum efficient rate of oil production on Alaska's North Slope;

(4) The nature of agreements which must be reached with the Government of Canada to guarantee the unimpeded shipment of oil and natural gas through our respective countries; and

(5) Any recommendations for legislation to permit the earliest, responsible use of all the Nation's energy reserves in Alaska and in Naval Petroleum Reserve Number 4, with due attention to necessary delivery systems of oil and natural gas.

Mr. GLENN. I have some questions to ask regarding the interpretation of section 208. That section uses the term "acceptable State energy conservation program." Is it your view as chairman of the committee and floor manager of the bill that what is intended by an "acceptable" program is one which substantially complies with the requirements of section 204 of the act and the energy conservation targets and objectives established pursuant to section 207(a) of the act?

Mr. JACKSON. That is my understanding of what the committee intended and what the bill says.

Mr. GLENN. With respect to the timing of submission of State programs, section 204(b) of the act directs the administrator to request the submission of such programs within 4 months of enactment. Is it your understanding that if a State failed to submit a program which was acceptable within the meaning of the act within that 4 month time period, the Administrator would be obligated immediately to prescribe a program for the State?

Mr. JACKSON. Yes, he would be required to develop an acceptable program at the earliest possible time following his determination either that the State had failed to submit the program within the 4 month time period or that the State program was unacceptable. Furthermore, even if the State did submit an acceptable program within the prescribed time period, if it thereafter failed to implement or enforce the program, the administrator would be required to come in at the earliest possible time following his determination of any such failure and to implement and enforce the program himself.

Mr. DOLE. Mr. President, I oppose this legislation for several reasons but the basis for my opposition comes from the fact that I feel it represents a sellout to political expediency. I believe the provisions of the bill and the sweeping grants of discretionary authority represent a major effort on the part of some in Congress to pawn off the unpleasant and politically difficult decisionmaking responsibilities while reserving the unequal privilege of after-the-fact criticism. The legislation in effect means a continued delay on the part of Congress in the development of a comprehensive energy policy. The very fact that we are enacting a 3-year standby program to deal with a problem which has been obviously in existence for more than 5 years illustrates our unwillingness to truly come to grips with the energy problem.

RESPONSIBILITY NOT MET

I do not believe the American public can fail to perceive that the hesitancy on the part of Congress in addressing this issue is due to a realization that some sacrifice by all of us is necessary to solve the energy problem. The Congressional reticence arises from a realization that to legislate a truly comprehensive solution to the problem, we may have to vote for programs which impose hardships on some or all of our constituents.

The general unwillingness of Congress to make potentially unpopular decisions is well illustrated in this legislation. In the pending bill, we grant the President the authority to impose conservation programs, to impose a rationing program, to allocate shortage materials, and to mandate increased energy production. Though Congress retains the right

to veto decisions which might infringe on the daily lives of our constituents. To pass this bill would be to say "we do not trust the President to make the right decisions, yet we cannot or do not want to accept the responsibility of making the decisions ourselves." We delegate to the administration sweeping conservation authorities under title II which are to be exercised even in the absence of a national emergency.

Yet, we reserve the right to criticize with righteous indignation every time one of the administration proposals inconveniences our constituents, overlooking the even greater inconvenience that will inevitably result from our inability to develop a timely program to deal with both the short term and long term energy problem.

What this country needs now is leadership, not political rhetoric. Congress must put its name on the line in support of substantive energy programs and the administration must do likewise. We must work together to develop a comprehensive energy package which represents a commitment to substantive programs on the part of both Congress and the administration. We must develop a package which both the Congress and the administration have a vested political interest in seeing succeed. It is time to stop acting and reacting for purposes of political expediency and get down to the real business at hand.

I firmly believe that until Congress takes a position on energy, we will not have a comprehensive energy policy in this Nation. I also believe that the publice expects Congress to take a stand on this issue and will accept the burdens of a national energy policy Congress adopts as long it it offers realistic chances for a solution and assures a fair distribution of the burdens that inevitably must be borne if we are to stabilize our economy and insure ourselves of long term energy independence.

The standby energy measure now before us only delays our efforts to come to grips with the energy problem. We are shirking our responsibility to the American public if we pass this legislation without committing ourselves to a position on the issues addressed in the bill and delegated to the administration for action.

PARTISAN BILL

I object to several specific provisions of this legislation. My major objection is that S. 622 is a repeat of a political tactic that has been used with the two predecessor bills that the Senate considered last year.

Several provisions of this bill have been drafted with the full knowledge that those sections would invite a veto. I have been advised that drafting of this bill was initiated under the auspices of a bipartisan effort. The result, however, shows little or no portion of that bipartisan cooperation.

Instead, the bill has been promoted as "critical, urgent legislation," yet there is little doubt that the President is likely to veto it. That sets the stage for criticizing the President following his veto for killing a vital measure that was put together through a bipartisan effort. The junior Senator from Kansas cannot vote for legislation that promises this kind of avoidable confrontation.

Rather than engage in partisan conflict, I would hope that a suggestion by the distinguished chairman of the Senate Finance Committee could be followed. In the case of legislation that has been vetoed or where a veto is obvious, he has suggested that the Congress and the administration get together on those provisions that can be agreed upon and that they be enacted. That suggestion is extremely relevant to the topic of standby energy authorities where those authorities that can be agreed upon, if enacted, would provide additional security we need.

By sending to the President a bill that invites a veto, the Congress has provided no benefit to American citizens, and, in fact, does a disservice by failing to make any positive progress to the standby authorities that are needed.

INAPPROPRIATE LEGISLATION

A second objectionable provision is the extension of the Emergency Petroleum Allocation Act. That legislation was enacted as an emergency measure to deal with a temporary petroleum shortage. A shortage of petroleum no longer exists. In fact, we are now experiencing a surplus of many petroleum products. So a simple extension of the Emergency Petroleum Allocation Act is inappropriate for the situation we are now in.

Last year, the EPAA was extended to give time for further consideration of needed changes to that law. We are now proposing to again extend this law, as I understand, without any hearings conducted yet on changes that are necessary and appropriate. To support this legislation would be to support a failure to meet our congressional responsibility.

DIRECTION WITHOUT POLICY

The first sentence of title II, "Energy Conservation Policy," states that the purpose of this title is to declare an interim national conservation policy. But after reading title II, I have been unable to find any such policy. Instead, the bill directs the President to design an energy conservation program. Yet, the bill does not provide any guidance or policy on what that program is to accomplish or how it is to be designed. And when the energy conservation program has been created by the President, the Congress is then given 30 days to veto whatever program is created.

In other words, the sponsors of this legislation are directing the President to come forth with energy conservation proposals that will undoubtedly be politically painful and politically sensitive. It has already been made clear many times in testimony before the Senate Finance Committee that meaningful and substantial energy conservation cannot be accomplished without some degree of giving up some of the practices we enjoy. So once the President has taken the step of initiating an energy conservation program, he can be criticized for causing hardships for the American people, and his program can then be vetoed.

Mr. President, I believe the Congress must share the hard decisions of leadership with the President. I do not believe I can meet my responsibility to the people of Kansas nor the Congress their responsibilities to the American people by pushing off our duties onto the administration. For these reasons, I must oppose this legislation.

Mr. WEICKER. Mr. President, today I will vote against final passage of S. 622, the Stand-by Energy Authorities Act.

This bill represents the type of response to our present crisis in energy and the economy that continues to gall me. Here, nearly 4 years after the National Fuels and Energy Study was first commissioned, and over a year and a half after the Arab oil embargo clearly demonstrated this country's position of vulnerability with regard to energy, the U.S. Senate is preoccupying itself with standby authority rather than positive energy conservation action.

What is not needed is extended debate over stand-by authority. What is needed is tough, forward looking legislation that specifically endorses a program for mandatory conservation. S. 622 embodies both a dilatory approach to our current crisis and a clear abdication of congressional responsibility and legislative initiative.

While I cannot support major elements of the President's energy program, I must commend the President for having acted and acted decisively. Yet, Congress' response—especially with regard to short term emergency energy measures—has been weak at best. S. 622 represents no exception. The bill contains provisions for stand-by rationing authority and an entire new section devoted to grants of interim stand-by energy conservation authorities. Is there a comprehensive plan requesting specific emergency energy action for the short term? No, rather permissive grants of authority to the President, saying in effect "Here is the authority; you devise all the plans and we can veto them."

Therefore, I cannot support passage of S. 622 and will offer today legislation that I feel proposes effective and equitable mandatory energy conservation action for the short term.

Mr. DOMENICI. Mr. President, proponents of the measure before us have said that this legislation is critically needed to give the President authority to act in an emergency. Yet, the bill is written so that at every turn the President's authority is restricted and congressional approval required. The bill negates action the President has taken in response to our energy situation under authorities previously delegated to him in emergency legislation. The bill seems to say Congress is not yet ready to meet the problems, but give us a bit more time and we will act.

The bill is a poor substitute for the kind of tough, forward-looking legislation we need to address the various problems we call the energy crisis.

Section 122 of this bill extends the life of the Emergency Petroleum Allocation Act until June 30, 1976. It should be recalled that the act was extended last year to August 31, 1975, for the purpose of providing adequate time for the new

Congress and the executive branch to review the act and make a definitive decision on its further extension. The Congress believed then that it was too soon to make basic changes in the act, that proposed changes should be considered in the upcoming year in light of more extensive experience with it. Accordingly, we voted a short extension.

Apparently, this Congress does not believe that the first 8 months of 1975 is enough time "to review the act."

When the Senate voted to extend the act to June 30, 1975, we felt that during the extension the administration should proceed with an orderly total phaseout of price and allocation controls to be completed by June 30, 1975.

The Emergency Petroleum Allocation Act was intended to be an emergency measure to deal with a temporary petroleum shortage, which now has ended. To rely on legislative authority designed to be limited to emergency fuel shortages in times of a reported surplus is unwise and unjust.

Title II follows the no standards pattern of the Emergency Petroleum Allocation Act. It asks for conservation without specifying how much, in what manner, or where. It just tells the administration to conserve. And it implies that whatever the administration comes up with will not be accepted by its authors.

Bluntly, this is just another move toward do without, rationing, and allocation. This bill will not bring about more production for our citizens. This bill will not provide enough oil and gas for consumers. It merely insures shortages and guarantees that Government will continue to reduce incentives to production and the freedom of our energy suppliers to do their job to their utmost.

We have to restore a healthy, competitive marketplace. We do not need to extend Government's presence and the inevitable distortion, and hardships to consumers, that this will bring.

Mr. HANSEN. Mr. President, when the committee was marking up S. 622, I asked the chairman why the Emergency Petroleum Allocation Act had to be extended again without allowing those who have objected to the act to testify in open hearings.

At the time I had telegrams from several oil companies and the president of the American Petroleum Institute requesting a hearing.

I still cannot understand the urgency of another extension of the act past its expiration date of August 31 this year. The act has already been extended from the date it originally would have expired which was February 28.

As an example of the inequities of the act, I pointed out how both an independent and a major refiner in Wyoming were threatened with shutdowns under the allocation and crude entitlement regulations promulgated under the act.

Also, the Emergency Petroleum Allocation Act has designated several large refiners as independents because they obtain less than 30 percent of their crude oil from captive sources. Yet, in the past, many of these companies have placed relatively little emphasis on exploration and production of crude oil, but chose instead to rely on low-cost, high-risk imports and purchases on the open market.

These companies focused their investment on more profitable downstream activities such as refining and marketing. By contrast, most major oil companies have followed a safer balanced program of investment. Two of the largest "independents" who have benefited from this provision are Ashland and Standard of Ohio. Now both companies are supporting crude price equalization, which, penalizes still further those companies that chose to develop domestic sources of crude oil such as Husky Oil Co. of Wyoming.

Allocation has also benefited several refiners in Puerto Rico and the Virgin Islands. Amerada-Hess is a beneficiary of the crude program because it is defined as an independent under the 30 percent rule. During the 1960's, Hess and several other companies obtained special import privileges from the U.S. Government outside the import quota system to process then low-priced imported crude oil and to ship refined products to the U.S. mainland. These special deals were extremely profitable as long as foreign crude prices remained below U.S. crude prices. However, in 1973 foreign prices rose sharply and, during the embargo, supplies dropped. The Emergency Petroleum Allocation Act came to the rescue of the Caribbean refiners, but at the expense of other refiners in the United States who in the past relied, instead, on secure domestic sources of crude oil.

Amerada-Hess operates one of the largest refinery complexes in the world in the Virgin Islands with a daily capacity of 700,000 barrels per day.

Let me quote from a reprint by Brookings Institution of an article in the Journal of Law and Economics of the University of Chicago. The article traced the history of the mandatory oil import program and the various amendments that finally made the program ineffective as far as its original purpose was concerned.

Kenneth W. Dam of the University of Chicago Law School wrote of the special arrangement for Hess Oil—now Amerada Hess—in the Virgin Islands:

A special arrangement with Hess Oil in the Virgin Islands was particularly controversial and brought to public attention some of the underlying political factors in the administration of the Mandatory Program. Whereas the original Phillips arrangement had been engineered behind the scenes by Abe Fortas (then a confidant of President Johnson) and by Oscar Chapman (a former Secretary of Interior), the Hess agreement was the consequence of open lobbying and pressure by Leon Hess, the founder and principal stockholder of the company and a heavy contributor to the Democratic party. In the Hess case, the agreement was entered into by Secretary of Interior Udall over the opposition of his Oil Import Administration and his Assistant Secretary for Mineral Resources. Perhaps the most interesting demonstration of the arbitrariness of such special arrangements was Secretary Udall's explanation of why he had chosen Hess Oil in preference of Coastal States Gas, whose application for a similar arrangement was turned down at the same time that the Hess arrangement was made: he had made a "firm and final" decision to reject all applications for additional refineries and petrochemical plants in the Virgin Islands in order "to protect and conserve the incomparable reefs and beaches which represent the finest asset of these beautiful but fragile islands." No justification for choosing Hess Oil in preference to other applications was offered.

"The Hess arrangement had many of the features of the Puerto Rican arrangements, including payments to a conservation fund of $.50 per barrel of crude oil allocation, but because of the special customs status of the Virgin Islands, the impact on competing refiners was different. Unlike Puerto Rico, the Virgin Islands are outside the U.S. customs territory and hence the permitted shipments to the United States of 15,000 b/d of products were technically finished product imports under the Mandatory Program. Since finished product imports (other than residual fuel oil) were limited to 76,634 b/d, the Hess allocation of 15,000 b/d was carved out of the finished product allocations of the historical importers.

The January 20, 1975, issue of the Petroleum Intelligence Weekly had the following to say about the crude equalization program:

COST EQUALIZATION SHIFTING $69 MILLION AMONG U.S. FIRMS

Refiners in the United States with limited access to cheaper price-controlled "old" domestic crude oil will have an extra $69.1 million to spend this month on costlier foreign and domestic crudes, thanks to Washington's crude oil cost "equalization" program. Their competitors with bigger-than-average shares of the "old" oil will be footing the bill, though some are already filing for relief from the requirement or starting legal steps to challenge it (PIW Dec. 30, p. 1).

The exchange of funds comes through sale and purchase of "entitlements," first of which were issued last week for "old" oil used last November. Of 163 companies that will share the economic benefits of a total 170.4 million barrels, 95 now have $5 a barrel entitlements to sell; about half the rest have to buy them; and the others come out even, with no buy or sell requirements.

The biggest gainer is independent Amerada Hess, which is to get $13.3 million or over 19% of the program's entire benefits for the month. The biggest loser is U.S. Shell, which has to pay out $14.9 million. Following are some of the others that stand to gain or lose significantly (figures in millions of dollars):

"Gainers" from equalization

Amerada Hess	$13.3
Socal	10.1
Mobil	6.1
Arco	4.9
Texaco	3.1
Clark	2.1
Hawaiian Independent	2.0
Ashland	1.9
Getty-Skelly	1.9
Commonwealth	1.6

"Losers" from equalization

Shell (U.S.)	$14.9
Union Oil	9.2
Exxon	7.0
Amoco	6.8
Sun Oil	4.6
Cities Service	3.9
Gulf Oil	3.9
Marathon	3.6
Continental	3.1
Phillips	2.2

Mr. President, now I have not heard one complaint from Amerada Hess about the Emergency Petroleum Allocation Act or the allocation or crude entitlements program under that act.

In fact I am sure they are well pleased with it.

But other major companies, even those

listed as benefitting such as Texaco asked to be heard before another extension was approved by the committee.

The fact that Amerada Hess is the biggest gainer under the crude entitlements program to the extent of almost one-fifth of the entire redistribution benefit total certainly would indicate the need for an oversight hearing before such a program is extended again. Therefore I cannot understand the chairman's reluctance to hear from those who are not so fortunate under the Allocation Act as Amerada Hess.

But that is only one of my reasons for opposing this bill. As I said in the minority views to which I subscribed, I oppose S. 622 for the following reasons: first, instead of engaging in a bipartisan effort to develop national energy emergency legislation, the committee reported out a bill inviting a veto; second, the section 123 revised congressional veto procedures for oil price controls is full of mischief; third, the extension of the Emergency Petroleum Allocation Act is unnecessary, and a shirking of congressional responsibility; fourth, the title II conservation program is wholly inappropriate; fifth, section 106(a)(1) authorizes an unconstitutional seizure of private property; and sixth, the section 121 international voluntary agreement procedures are inadequate and unworkable.

Instead of engaging in a bipartisan effort to develop national energy emergency legislation, the committee reported out a bill inviting a veto.

Most of the amendments added on the Senate floor made the bill even more unworkable.

Senator HASKELL's "no growth" amendment could do nothing but worsen the present unemployment problem to an even more intolerable rate.

And Senator JACKSON's amendment to Senator JOHNSTON's secondary and tertiary oil price amendment would set up a three-tier oil pricing system that would be impossible to administer.

As it was, Senator JOHNSTON's amendment would have encouraged development of an additional 59 billion barrels of oil in America and would have cost the consumer much less than imported OPEC oil.

Every additional barrel of oil produced in this country displaces a barrel of high-priced foreign oil, helps our balance of trade, and lessens our vulnerability to another embargo.

As in two earlier versions of this legislation, what began as a good faith effort to reach bipartisan agreement on a standby energy emergency bill became a bill to frustrate, rather than expedite, domestic energy self-sufficiency.

EMERGENCY NATURAL GAS ALLOCATION

Mr. ROTH. Mr. President, it was my intention to offer today an amendment to the Standby Energy Authorities Act—S. 622—to provide needed standby emergency authorities for allocating critically short supplies of natural gas to assure relief to large regions threatened by major natural gas shortages.

I have decided not to offer my amendment on S. 622 at this time. My decision is based upon assurances given to me that the Senate Commerce Committee is in the final stages of efforts to report out a comprehensive, natural gas bill containing a major section dealing with standby, emergency allocation authorities. In view of the imminent consideration of a comprehensive natural gas bill by the Senate, I think it most appropriate that emergency allocation provisions be deferred from inclusion in S. 622 and be addressed in the context of other important natural gas issues facing this Nation.

This decision, in no way, reflects a lessening of my intent and purpose to do all that I can to see to it that meaningful legislation on this matter is enacted as soon as possible.

Today, natural gas provides over 40 percent of the energy produced in this Nation. There are some 160 million natural gas consumers in the United States. This fuel regulates the temperature in a great majority of America's homes and either powers or provides essential raw material stock to over one-half of our businesses and industry.

Yet in face of our widespread reliance on natural gas, it is in critically short supply in large sections of our Nation. Many States in the Southeast, the Midwest, and along the Atlantic seaboard are experiencing crippling curtailments of natural gas which threaten an already weakened economy.

In order that my colleagues may understand the critical need for early enactment of meaningful legislation on this matter, I would like to offer pertinent portions of the statement I prepared to submit my natural gas allocation proposal for consideration:

STATEMENT ON AMENDMENT TO S. 622

S. 622 would provide standby emergency authorities for crude oil, residual fuel oil and refined petroleum products to assure that the essential energy needs of the United States are met. My natural gas emergency allocation proposal would add needed emergency allocation authorities for natural gas to meet critical shortages of that fuel which threaten to cause widespread social and economic disruptions in many regions of our Nation. Between these two basic energy resources—oil and natural gas—the great majority of America's energy demands are satisfied, and energy experts tell us this will be the case for many years to come.

The oil embargo imposed on the United States by the OPEC countries in 1973–1974 had crippling effects on our supplies of all forms of petroleum fuels. The disruptive impacts of the embargo on our economy will be felt for the next decade and have resulted in extreme social and economic hardship to many citizens. A stated purpose of S. 622 is to enact statutory authorities to enable the Federal Government to deal as effectively with major petroleum shortages as possible and thereby, to minimize the disruptions such shortages cause. At the present time there is no acute shortage of petroleum products although the prices charged by the OPEC nations is unreasonably high.

But there is a present existing shortage of potentially critical proportions in supplies of natural gas to large sections in the Southeast, the Midwest and the Atlantic seaboard. Efforts by the Federal Power Commission under its existing statutory authorities to deal with these shortages have not been timely or effective. Prompt Federal action is needed to provide more responsive solutions to what is already a critical situation.

Mr. President, my proposal would equip the Federal Power Commission with the necessary statutory authority to ease the crippling economic impact of shortages of natural gas and provide for an equitable distribution of this scarce resource.

It would direct the Commission to promulgate regulations providing for the mandatory allocation of natural gas when it determines that natural gas is in such short supply in any section of the Nation that the public health, safety, or welfare is threatened. It sets forth goals and objectives for the mandatory allocation program to meet including the protection of public health, safety, welfare, and the national defense; maintenance of public services and agricultural operations; minimization of economic distortions or interference; and the protection of jobs.

The proposal clearly stipulates that the mandatory allocation program must be structured so as to provide an equitable distribution of natural gas among all regions, States, and sectors of the economy. The intent is to spread the current impacts of natural gas shortages across all sections of the Nation, thus assuring that no single area is crippled.

The PRESIDING OFFICER. The bill is open to further amendment.

If there are no further amendments, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on final passage of the bill, as amended.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 60, nays 25, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—60

Allen	Hart, Philip A.	Packwood
Bayh	Hartke	Pastore
Bentsen	Haskell	Pearson
Biden	Hathaway	Pell
Brooke	Hollings	Percy
Bumpers	Huddleston	Proxmire
Burdick	Humphrey	Randolph
Byrd, Harry F., Jr.	Jackson	Ribicoff
	Javits	Roth
Byrd, Robert C.	Johnston	Schweiker
Case	Leahy	Sparkman
Chiles	Mansfield	Stafford
Church	McClellan	Stennis
Clark	McGee	Stevenson
Cranston	McGovern	Stone
Culver	McIntyre	Symington
Eagleton	Mondale	Talmadge
Eastland	Moss	Tunney
Ford	Muskie	Williams
Glenn	Nelson	
Hart, Gary W.	Nunn	

NAYS—25

Abourezk	Fong	Laxalt
Bartlett	Garn	Long
Beall	Goldwater	McClure
Bellmon	Gravel	Stevens
Brock	Griffin	Tower
Buckley	Hansen	Weicker
Dole	Hatfield	Young
Domenici	Helms	
Fannin	Hruska	

NOT VOTING—14

Baker	Magnuson	Scott, Hugh
Cannon	Mathias	Scott, William L.
Curtis	Metcalf	
Inouye	Montoya	Taft
Kennedy	Morgan	Thurmond

So the bill (S. 622) was passed, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, including the following table of contents, may be cited as the "Standby Energy Authorities Act".

TABLE OF CONTENTS

TITLE I—STANDBY AUTHORITIES

SEC. 101. FINDINGS AND PURPOSES.—(a) The Congress hereby finds that—

(1) energy shortages cause unemployment, inflation, and other severe economic dislocations and hardships;

(2) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce;

(3) disruptions in the availability of imported energy supplies, particularly petroleum products, pose a serious risk to national security, economic well-being and the health and welfare of the American people;

(4) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, governmental responsibility for developing and enforcing appropriate authorities lies not only with the Federal Government, but with the States and with local government;

(5) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during periods of energy shortages;

(6) existing legal authority and reliance upon voluntary programs to deal with shortage conditions on an emergency basis are inadequate to protect the public interest;

(7) new standby legislative authority is needed to deal with conditions that may be created by domestic energy shortages or curtailment of oil imports and thereby to protect the American people and the economy from serious disruption and dislocation; and

(8) development of cooperative international programs to manage energy shortages can combat economic hardships and contribute to national security.

(b) The purpose of this title is to grant specific temporary standby authority to impose end-use rationing and to reduce demand by regulating public and private consumption of energy, subject to congressional review and right of approval or disapproval, and to authorize certain other specific temporary emergency actions to be exercised, to assure that the essential energy needs of the United States will be met in a manner which, to the fullest extent practicable:

(1) is consistent with national commitments to protect and improve the environment;

(2) minimizes any adverse impact on employment;

(3) provides for equitable treatment of all regions of the country and sectors of the economy;

(4) maintains vital services necessary to health, safety, and public welfare;

(5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources; and

(6) enables the Federal Government, subject to sections 120 and 121, to fulfill its responsibilities under international agreements to which it is a party.

(c) Prior to exercising any of the authorities contained in any of the following provisions of this title:

1. Section 103, End-Use Rationing;
2. Section 104, Energy Conservation Plan;
3. Section 106, Federal Actions To Increase Available Domestic Petroleum Supplies;
4. Section 113, International Oil Allocations; and
5. Section 119, Exchange of Information.

the President is required to make a finding that: (A) acute energy shortage conditions exist or are impending that threaten the domestic economy and the ability of the United States to meet essential civilian or military energy requirements and that such shortage conditions are of such severity or scope as to require the exercise of the standby energy authorities provided for in this title; or (B) that the exercise of the authorities provided for in this title are required to fulfill obligations of the United States under an international agreement to which it is a party. The President's finding shall be transmitted to the Congress together with a report on the manner in which the authority will be used.

(d) Any finding made under subsection (c) of this section shall not remain in effect for a period of more than nine months. The President may make a new finding under subsection (c) if he finds that the exercise of authorities pursuant to his initial finding is required beyond nine months.

SEC. 102. DEFINITIONS.—For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Administration.

(5) The term "international agreement" means the Agreement On An International Energy Program, signed by the United States on November 18, 1974, and printed as Serial No. 93–53, November, 1974, Committee Print, Committee on Interior and Insular Affairs, United States Senate.

(6) The term "person" means any natural person, government entity, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, that directly or through other persons subject to its control, is engaged in commerce in any part of the United States, its territories and possessions, Puerto Rico, or the District of Columbia, or is a United States citizen engaged in commerce outside of the United States which activity affects United States commerce, or is otherwise subject to the jurisdiction of the United States.

(7) The term "handicapped person" means any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning, or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent, impediment to mobility.

(8) The term "eligible person" means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services.

SEC. 103. END-USE RATIONING.—(a) The President is authorized to promulgate a regulation which shall provide, consistent with the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidences of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

(b) The regulation under subsection (a) of this section shall take effect only if the President finds that it is necessary to achieve the objectives of this title and those public purposes enumerated in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973.

(c)(1) The President shall, by regulation or order, in furtherance of the regulation authorized under subsection (a) of this section and consistent with the objectives enumerated in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, cause such allocations or such adjustments of allocations made pursuant to the Emergency Petroleum Allocation Act of 1973 or other authority, as may be necessary to carry out the purposes of this section.

(2) In the event of the expiration of the Emergency Petroleum Allocation Act of 1973 and the absence of any other petroleum allocation authority, the President is hereby authorized, notwithstanding the expiration of that Act, to promulgate consistent with the purposes and standards and according to the procedures set out in section 4, subsection (a) through (d) of the Emergency Petroleum Allocation Act of 1973, such a regulation providing for the allocation of crude oil, residual fuel oil, and refined petroleum products as is necessary to carry out the purposes of this subsection.

(d) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under the rationing program authorized under subsection (a) of this section may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. The President shall also provide for the making of such adjustments as are practicable to prevent special hardship, inequity, or unfair distribution of burdens, and shall establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission of, exception to, or exemption from, such rules, regulations, and orders. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 116 of this title.

(e) No rule or order under this section may impose any tax or user fee or provide for a credit or deduction in computing any tax.

(f) At such time as the President finds that it is necessary to put a regulation under subsection (a) of this section into effect, the President shall transmit such regulation to each House of Congress and such regulation shall take effect and terminate in the same manner as an energy conservation plan prescribed under section 104 of this Act and shall be deemed an energy conservation plan for purposes of section 104(c), notwithstanding the provisions of section 104(a)(1)(B). Such a regulation may be amended as provided in section 104(b)(1) of this Act.

(g)(1) In promulgating a rule under subsection (a) of this section the President shall give priority consideration to the needs of the handicapped and other eligible persons, including the need for special arrangements for handicapped persons who because of architectural barriers would be unable to obtain evidence of their rights under subsection (a) under standard procedures or arrangements.

(2) In determining the eligibility of "handicapped person" and "eligible person" the President shall consult with the Social Security Administration, the Veterans' Administration, and the Federal Energy Administration: *Provided further,* That the administrative procedures to meet the needs of the handicapped shall be established in advance of and take effect on the effective date of the rule promulgated pursuant to subsection (a) of this section.

SEC. 104. ENERGY CONSERVATION PLANS.—(a)(1)(A) Pursuant to the provisions of this section, the President may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to discretionary transportation activities upon which the basic economic viability of the United States does not depend) and such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption.

(B) No energy conservation plan promulgated under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(C) In promulgating regulations pursuant to this section the President shall give priority consideration to the needs of handicapped persons.

(2) An energy conservation plan shall become effective as provided in subsection (b) of this section. Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the President finds special circumstances exist.

(3) An energy conservation plan shall deal with only one functionally discrete subject matter or type of action proposed to reduce energy consumption.

(4) Subject to subsection (b)(3), an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the President; but shall terminate in any event no later than nine months after such plan first takes effect unless renewed in accordance with this section.

(b)(1) For purposes of this subsection, the term "energy conservation plan" does not include an amendment to an energy conservation plan that is consistent with the subject matter of the primary conservation plan. The President shall notify the Congress of all amendments.

(2) The President shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3) Each energy conservation plan shall take effect on the date provided in the plan, but if either House of Congress, before the end of the first period of ten calendar days of continuous session of Congress after the date on which such action is transmitted to it passes a resolution stating in substance that Congress does not favor such action, such action shall cease to be effective on the date of passage of such resolution.

(4) For the purpose of paragraph (3) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ten-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise takes effect.

(c)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) For purposes of this subsection, the term "resolution" means only a resolution of either House of Congress described in subparagraph (A) or (B) of this paragraph.

(A) A resolution the matter after the resolving clause of which reads as follows: "That the ——— does not object to the implementation of energy conservation plan numbered ——— submitted to the Congress on ——, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank space being appropriately filled; but does not include a resolution which specified more than one energy conservation plan.

(B) A resolution the matter after the resolving clause of which reads as follows: "That the ——— does not favor the energy conservation plan numbered ——— transmitted to Congress on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution one introduced with respect to an energy conservation plan shall immediately be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of five calendar days after its referral, it shall be in order to move, either to discharge or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order

to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution was agreed to or disagreed to; except that it shall be in order to substitute a resolution disapproving a plan for a resolution not to object to such plan, or a resolution not to object to a plan for a resolution disapproving such plan.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to an energy conservation plan, then it shall not be in order to consider in that House any other resolution with respect to the same plan.

(d)(1) Any energy conservation plan or rationing rule, which the President submits to the Congress pursuant to subsection (b) of this section shall contain a specific statement explaining the need for, the rationale and the operation of such plan or rule.

(2) Any energy conservation plan or rationing rule which the President submits to the Congress pursuant to this title shall be based upon a consideration of, and to the extent practicable, be accompanied by an evaluation of the potential economic impacts, if any, of the proposed plan or rule, including an analysis of the effect, if any, of such plan or rule on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry;

(H) small business; and

(I) the supply and availability of energy resources for use as fuel or as feedstock for industry.

SEC. 105. MATERIAL ALLOCATIONS.—Section 101 of the Defense Production Act of 1950 is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding any other provision of this Act, the President may, by rule or order, require the allocation of, or the performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment in order to maximize domestic energy supplies if he makes the findings required by paragraph (3) of this subsection.

"(2) The President shall report to the Congress within sixty days after the date of enactment of this subsection on the manner in which the authorities contained in paragraph (1) will be administered. This report shall include, but not be limited to, the identification of materials and equipment in short supply, the manner in which allocations will be made, the procedure for requests and appeals, the criteria for determining priorities as between competing requests, and the office or agency which will administer such authorities.

"(3) The authority granted in this subsection may not be used to control the distribution of any supplies of materials and equipment in the marketplace unless the President finds that—

"(A) such supplies are scarce, critical, and essential to maintain or further exploration, production, refining, transportation, and conservation of energy supplies or for the construction and maintenance of energy supplies or for the construction and maintenance of energy facilities; and

"(B) maintenance or furtherance of exploration, production, refining, transportation, and conservation of energy supplies and the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.

"(4) During any period when the authority conferred by this subsection is being exercised, the President shall take such action as may be appropriate to assure that such authority is being exercised in a manner which assures the coordinated administration of such authority with any priorities or allocations established under subsection (a) of this section and in effect during the same period.".

SEC. 106. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.—(a) The President may, by rule or order, require the following measures to supplement domestic energy supplies—

(1) The production of designated domestic oil and gas fields, at maximum practicable rates of production if necessary to meet the objectives of this title: *Provided*, That production shall not be in excess of the currently assigned maximum efficient rate of production unless the President determines that the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned maximum efficient rate for periods of no more than ninety days without excessive risk of losses in ultimate recovery, unless renewed. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) The utilization of production on any oil and gas producing properties on Federal lands; and

(3) The adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize any additional production not already authorized from any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10, United States Code.

SEC. 107. OTHER AMENDMENT TO THE PETROLEUM ALLOCATION ACT OF 1973.—(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is further amended by adding at the end of such section the following new subsection (h):

"(h) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during an historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect sixty days after the date of enactment of the Standby Emergency Authorities Act. Adjustment for such purposes shall take effect as soon as practicable after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census.".

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973, as amended, is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto,".

(c) Section 3 of the Emergency Petroleum Allocation Act of 1973, as amended, is amended by adding at the end thereof the following new subsections:

"(8) The term 'handicapped person' means any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

"(9) The term 'eligible person' means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services."

(d) Section 4(e) of the Emergency Petroleum Allocation Act of 1973, as amended (87 Stat. 627), is hereby amended by adding a new paragraph 4(e)(3) as follows:

"(3)(A) In the event that the price regulation promulgated under subsection (a) of this section provides for more than one price (or manner of determining a price) for a given grade and quality of crude oil produced in a given producing area, the regulation shall provide that the price applicable to 'new oil,' as defined in subparagraph (B) of this paragraph, shall, except as provided in subparagraph (D) of this paragraph, be the highest price applicable to the given grade and quality of crude oil produced in the given producing area.

"(B) For the purposes of this paragraph, 'new oil' refers to any crude oil produced from any property in any calendar month, in excess of a percentage, specified in the regulation, of the volume of crude oil produced from that property in the corresponding calendar month of the previous year.

"(C) The percentage specified pursuant to subparagraph (B) of this paragraph shall

reflect and take into account the rate of decline in production normally expected from individual oil reservoirs in the absence of enhanced recovery techniques, such as measures to increase the permeability of the reservoir, including acidizing and fracturing, measures to restore reservoir pressure by injection of water, steam or gas, and measures to reduce oil viscosity or capillarity by the introduction of injected substances or heat.

"(D) The price applicable to any crude oil produced from any property in any calendar month, whose price would be increased solely by the operation of this paragraph, and which does not exceed the volume of crude oil produced from that property in the corresponding month of 1973, shall not exceed $7.50 per barrel."

SEC. 108. PROHIBITIONS ON UNREASONABLE ACTIONS.—(a) Action taken under authority of this title, title II of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users or resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, and shall discriminate among classes of users only to the extent necessary to accomplish the purposes of such Acts. Allocations shall contain provisions designed to foster reciprocal and nondiscriminatory treatment by foreign countries of United States citizens engaged in commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business, or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and service of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 109. REGULATED CARRIERS.—Within ninety days after the date of enactment of this title, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel consumption of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 110. (a) ADVISORY COMMITTEES.—(1) Except as provided in section 121, to achieve the purposes of this title the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I) and section 17 of the Federal Energy Administration Act (Public Law 93-274) whether or not such Act or any of its provisions expires or terminates during the term of this title or of such committees, and in all cases such advisory committees shall be chaired by a regular full-time Federal employee and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552 (b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code.

(b) REPEAL OF SECTION 6(c) OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.—Effective on the date of enactment of this title, section 6(c) of the Emergency Petroleum Allocation Act of 1973, as amended, is hereby amended to read as follows:

"(c) There shall be available as a defense to any action brought for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange petroleum, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.".

(c) REQUIRED REPORTS.—Within thirty days after the filing of the report submitted pursuant to section 109, the Attorney General and the Federal Trade Commission shall each submit a report to the Congress and to the President analyzing the effect upon competition of such proposals and providing alternatives to avoid or overcome, to the greatest extent practicable, any anticompetitive effects of such proposals while achieving the purposes of fuel conservation.

SEC. 111. EXPORTS.—(a) The President is authorized by rule or order, to restrict exports of coal, natural gas, petroleum products, and petrochemical feedstocks, drill pipe, upland and offshore drilling rigs and platforms, and of such other supplies of materials and equipment which he determines to be necessary to maintain or further exploration, production, refining, transportation, and conservation of domestic energy supplies and for the construction and maintenance of energy facilities within the United States, under such terms and conditions as he determines to be appropriate and necessary to carry out the purpose of this Act.

(b) In the administration of the restrictions under subsection (a) of this section, the President may direct and, if so, the Secretary of Commerce shall impose such restrictions pursuant to the procedures and authorities established by the Export Administration Act of 1969, as amended.

(c) Rules or orders of the President under subsection (a) of this section and actions by the Secretary of Commerce pursuant to subsection (b) of this section shall take into account the historical trading relations of the United States with Canada and Mexico.

SEC. 112. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule, or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this title, except that this subsection shall not apply to any rule, regulation, or order issued under the Emergency Petroleum Allocation Act of 1973 (as amended by this title).

(2) Notice of all proposed substantive rules and orders of general applicability described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where the President finds that strict compliance would seriously impair the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders of general applicability described in paragraph (1) of subsection (a) which are promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), unless the President determines that a rule or order described in paragraph (1) is not likely to have a substantial impact on the Nation's economy or upon large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and argument shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than forty-five days after the implementation of any such rule or order. A transcript shall be made of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardship, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) or other applicable law when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(b)(1) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this title, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (7) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on constitutionality of this title or the validity of agency action under this title, the cases shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

(2)(i) Except as otherwise provided in this section, exclusive appellate jurisdiction is vested in the Temporary Emergency Court of Appeals, a court which is currently in exist-

ence, but which is independently authorized by this section. The court, a court of the United States, shall consist of three or more judges to be designated by the chief judge of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d) (2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(ii) Appeals from the district courts of the United States in cases and controversies arising under this title or under regulations or orders issued thereunder shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(3) In any action commenced under this title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

(4) (i) Subject to paragraph (ii), no regulation of any agency exercising authority under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part, unless a final judgment determines that such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

(ii) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this title to a person who is a party to litigation before it. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292(b) of title 28, United States Code; except that reference in such section to the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

(5) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder shall be postponed until the expiration for a writ of certiorari is filed with the Supreme Court under subsection (6) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

(6) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title or of any regulation or order issued under this title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order; or to restrain or enjoin the enforcement of any such provision.

(7) The provisions of this section apply to any actions or suits pending in any court, Federal or State, on the date of enactment of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least ten days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

(d) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this title or the Emergency Petroleum Allocation Act of 1973 to issue the rules, regulations or orders described in paragraph (1) of subsection (a) shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure confidentiality protected under such section 552 of title 5, United States Code. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders, furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552 of title 5, United States Code.

SEC. 113. INTERNATIONAL OIL ALLOCATIONS.— (a) The President is authorized to require by rule, regulation, or order such action as may be necessary for implementation of the obligations of the United States under the international agreement with regard to the international allocation of petroleum to other countries in such amounts and at such prices as are specified in (or determined in a manner prescribed by) such rule, regulation, or order. Such rule, regulation, or order may apply to all petroleum owned or controlled by persons subject to the jurisdiction of the United States including petroleum destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States, and shall remain in effect for no more than six months unless extended pursuant to section 101(c).

(b) Any rule, regulation or order and any other action taken pursuant to subsection (a) of this section which involves the allocation of petroleum within the domestic jurisdiction of the United States shall conform to the objectives and limitations specified in the Emergency Petroleum Allocation Act of 1973 and the Federal Energy Administration Act of 1974 and be subject in its promulgation and operation to the administrative and judicial review procedures established for orders or regulations issued pursuant thereto.

(c) Neither section 4(d) of the Emergency Petroleum Allocation Act nor section 28(u) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (30 U.S.C. 185), shall preclude the allocation and export of petroleum produced in the United States to other countries in accordance with obligations of the United States under the international agreement.

SEC. 114. PROHIBITED ACTS.— It shall be unlawful for any person to violate any provision of this title or to violate any rule, regulation (including an energy conservation plan), or order issued pursuant to any such provision.

SEC. 115. ENFORCEMENT.—(a) Whoever violates any provision of this title or rules, regulations, or orders promulgated pursuant thereto, shall be subject to a civil penalty of not more than $5,000 for each violation.

(b) Whoever willfully violates any provision of this title or rules, regulations, or orders promulgated pursuant thereto, shall be fined not more than $10,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this title. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this title shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the President or the Administrator to exercise authority under this title that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of this title, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injuction shall be granted without bond. Any such court may also issue mandatory injuctions commanding any person to comply with any provision of this section.

(e) Any person suffering legal wrong because of any act or practice arising out of any violation of this title may bring an action in a district court of the United States without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ or injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 116. DELEGATION OF AUTHORITY AND EFFECT ON STATE LAW.—(a) Within sixty days following the date of enactment of this Act, the President shall after affording an oppor-

tunity for interested persons to make oral presentations, promulgate a regulation—

(1) establishing criteria for delegation of his functions under this Act or the Emergency Petroleum Allocation Act of 1973, to officers or local boards (of balanced composition reflecting the community as a whole) of States or political subdivisions thereof; and

(2) establishing procedures for petitioning for the receipt of such delegation.

(b) (1) Offices or local boards of States or political subdivisions thereof, following the establishment of criteria for delegation and procedures for petitioning in accordance with subsection (a) of this section, may petition the President for the receipt of such delegation.

(2) The President may grant any properly submitted petition within thirty days of its receipt.

(c) No State law or State program in effect on the date of enactment of this title, or which may become effective thereafter, shall be superseded by any provision of this title or any regulation, order, or energy conservation plan issued pursuant to this title except insofar as such State law or State program is inconsistent with the provisions of this title, or such a regulation, order, or plan.

SEC. 117. GRANT TO STATES.—(a) The President shall provide financial assistance in accordance with this section for the purpose of assisting eligible State or local energy conservation programs.

(b) One-half the sum appropriated each fiscal year for fiscal assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The remainder shall be distributed by the President among the States on the basis of their respective needs.

(c) A State is eligible to receive financial assistance for energy conservation programs pursuant to subsection (a) (1) of the subsection in any fiscal year if—

(1) the State has established a State plan for energy conservation which provides for equitable distribution of such assistance among State, local, and regional authorities;

(2) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this section to the State; and

(3) the State complies with regulations of the President issued under this section.

(d) Within sixty days after the date of enactment of this Act, the President shall issue, and may from time to time amend, regulations with respect to financial assistance for energy conservation programs which include criteria for such programs.

(e) Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the United States Treasury.

(f) (1) Each recipient of financial assistance under this section shall keep such records as the President shall prescribe.

(2) The President and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts.

(g) There is authorized to be appropriated to carry out the purposes of this section such sums as are necessary, not to exceed $50,000,000 for each of the two fiscal years including and following the effective date of this section.

(h) Any funds authorized to be appropriated under subsection (g) of this section shall be available for the purpose of making grants to States to which the President has delegated authority under section 116 of this title, or for the administration of appropriate State or local energy conservation, rationing or allocation programs which are the basis of an exemption made pursuant to section 104(a)(2) of this title from a Federal energy conservation plan which has taken effect under section 104 of this Act. The President shall make such grants upon such terms and conditions as he may prescribe by rule.

SEC. 118. ENERGY INFORMATION.—(a) The President is authorized to request, acquire, and collect such energy information as he determines to be necessary to achieve the purposes of this title.

(b) For the purposes of implementing and carrying out this Act, including the obligations of the United States under an international agreement, the authority relating to the collection, processing, analysis, and dissemination of energy information data granted by the Energy Supply and Environmental Coordination Act and the Federal Energy Administration Act, respectively, shall continue in full force and effect without regard to the provisions of these Acts relating to their expiration.

SEC. 119. EXCHANGE OF INFORMATION.—(a) Except as provided in subsections (b) and (c), and notwithstanding any other provision of law relating to prohibitions on disclosure of proprietary and confidential business data or information, the Administrator, after consultation with the Attorney General may provide to the Secretary of State, and the Secretary of State is authorized to transmit to an appropriate international organization or foreign country the information and data related to the energy industry certified by the Secretary of State as required to be submitted under an international agreement to which the United States is a party.

(b) The President shall make the final determination as to whether the transmittal of energy information and data pursuant to the authority of this section would prejudice competition, violate the antitrust laws, or be inconsistent with United States national security interests, he may require that such energy information or data not be transmitted.

(c) Energy information and data the confidentiality of which is protected by statute shall not be provided by the Administrator to the Secretary of State under subsection (a) of this section for transmittal to an international organization or foreign country, unless the Administrator has obtained the specific concurrence of the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data. In making a determination to concur in providing such information and data, the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data, shall consider the purposes for which such information and data was collected, gathered, and obtained, the confidentiality provisions of such statutory authority, and the international obligations of the United States with respect to the transmittal of such information and data to an international organization or foreign country.

(d) As used in this section and section 118 the term "energy information" means information or documents pertaining to any person engaged in any phase of major energy supply or major energy consumtion including information and documents pertaining to:

(1) corporate structure;

(2) financial structure, including balance sheets, profit and loss accounts, and taxes paid;

(3) capital investments realized;

(4) terms of arrangements for access to major sources of crude oil and other energy supplies;

(5) current rates of production and anticipated changes therein;

(6) allocations of available energy to affiliates and other customers (criteria and realization);

(7) stocks and levels of inventories and available emergency reserves;

(8) cost of crude oil, oil products, and other energy supplies;

(9) prices, including transfer prices to affiliates;

(10) energy consumption and supply;

(11) availability and utilization of transportation facilities;

(12) current and projected levels of energy supply and demand;

(13) demand restraint measures; and

(14) other subjects which the Administrator finds necessary in order to achieve the purposes of this title.

SEC. 120. RELATIONSHIP OF THIS TITLE TO THE INTERNATIONAL ENERGY AGREEMENT.—The purpose of the Congress in adopting this title is to provide standby energy emergency authority to deal with energy shortage conditions and to minimize economic dislocations and adverse impacts on employment. While the authorities contained in this Act may, to the extent authorized by this title, be used to carry out obligations incurred by the United States in connection with the November 18, 1974, executive agreement, "Agreement On An International Energy Program", this title shall not be construed in any way as advice and consent, ratification, endorsement, or other form of congressional approval of the specific terms of the executive agreement or any related annex, protocol, amendment, modification, or other agreement which has been or may in the future be entered into.

SEC. 121. INTERNATIONAL VOLUNTARY AGREEMENTS—PROCEDURES.—(a) The requirements of this section shall be the sole procedures applicable to the development, implementation, or carrying out of voluntary agreements or plans of action to accomplish the objectives of the international agreement with respect to international petroleum allocation and the information system provided in such agreement, and to the availability of immunity from the antitrust laws respecting the development, implementation, or carrying out of such voluntary agreements or plans of action.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c) (1) To achieve the purposes of the international agreement with respect to international petroleum allocation and the information system provided in such agreement, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), and section 17 of the Federal Energy Administration Act (Public Law 93-274) whether or not such Acts or any of their provisions expire or terminate during the term of this Act or of

such committees, and in all cases such advisory committees shall be chaired by a regular full-time Federal employee and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Except when the Administrator has suspended the application of subsections (b) and (c) of section 17 of the Federal Energy Administration Act pursuant to paragraph (3) of this subsection, such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552(b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code.

(3) The Administrator, in consultation with the Secretary of State and the Federal Trade Commission, and subject to the approval of the Attorney General, may suspend the application of—

(A) sections 9, 10, and 11 of the Federal Advisory Committee Act,

(B) subsections (b) and (c) of section 17 of the Federal Energy Administration Act, and

(C) the requirement under subsection (c)(1) of this subsection that meetings be open to the public:

Provided, That the Administrator determines in each instance that such suspension is essential to the implementation of an international agreement and relates solely to the purpose of international petroleum allocation and the information system provided in such agreement in response to reductions or probable reductions in petroleum supplies, and that the application of such provisions would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States. Such determination by the Administration shall be in writing, and shall set forth his reasons for granting such suspension and shall be published in the Federal Register at a reasonable time prior to the effective date of any such suspension.

(4) For purposes of this title, the provisions of subsection (a) of section 17 of the Federal Energy Administration Act shall apply to any board, task force, commission, committee, or similar group, not composed entirely of full-time Government employees, established or utilized to advise the United States Government with respect to the formulation or carrying out of any agreement or plan of action under the international agreement.

(d) The Administrator, subject to the approval of the Attorney General, both in consultation with the Federal Trade Commission and the Secretary of State, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing petroleum may develop and implement voluntary agreements and plans of action to carry out such agreements which are required to implement the provisions of the international agreement, limited to international petroleum allocation and the information system provided in such agreement, in response to reductions or probable reductions in petroleum supplies.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) meetings held to develop a voluntary agreement or a plan of action under this section shall permit attendance by interested persons, including all interested segments of the petroleum industry, consumers, and the public, shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, and to the public, and shall, except for bodies created by the International Energy Agency established by the international agreement, be initiated and chaired by a regular full-time Federal employee: *Provided*, That the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, may determine that a meeting held to develop a plan of action shall not be public and that attendance may be limited, subject to reasonable representation of affected segments of the petroleum industry as determined by the Administrator with the approval of the Attorney General, if he finds that a wider disclosure would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States. At all meetings held to develop, implement, or carry out a voluntary agreement or a plan of action under this subsection, a regular full-time Federal employee shall be present;

(2) interested persons shall be afforded an opportunity to present in writing and orally, data, views, and arguments at meetings held to develop a voluntary agreement or plan of action, subject to any limitations imposed by the Administrator in accordance with this subsection; and

(3) a full and complete record, and where practicable a verbatim transcript, shall be kept of any meeting or conference held, and a full and complete record shall be kept of any communication made, between or among participants or potential participants, to develop, implement, or carry out a voluntary agreement or a plan of action under this section and such record or transcript shall be deposited, together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General and the Federal Trade Commission. Such transcripts, records, and agreements shall be available for public inspection and copying, subject to (A) the provisions of sections 552(b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code, or (B) a determination by the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, that such disclosure would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States.

(f)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, and when practicable, in the implementation, and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State and the Administrator, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity which may be conferred by subsection (h) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission twenty days before being implemented, where it shall be made available for public inspection and copying: *Provided*, That any plan of action shall not be made publicly available if the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, determine that such public availability would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States: *And provided further*, That if emergency measures have been activated pursuant to the international agreement, the Administrator, subject to approval of the Attorney General, may reduce the twenty-day period applicable to plans of action. Any action taken pursuant to such voluntary agreement and plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as shall be prescribed under subsection (g)(4).

(g)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation, and carrying out of plans of action and voluntary agreements authorized under this section to promote competition and to prevent anticompetitive practice and effects, while achieving substantially the purposes of this title.

(2) In order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Administrator, shall promulgate regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts, and other records related to the development, implementation, or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing, or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Attorney General and the Federal Trade Commission may each prescribe such rules and regulations as may be necessary or appropriate to carry out their respective responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(h) There shall be available as a defense to any civil or criminal action brought under the antitrust laws (or any similar State law) in respect of actions taken to develop, implement or carry out a voluntary agreement or plan of action by persons engaged in the business of producing, refining, marketing, or distributing petroleum products (provided that such actions were not taken unnecessarily and for the purpose of injuring competition) that—

(1) such action was taken—

(A) in the course of developing a voluntary agreement or plan of action pursuant to this section, or

(B) pursuant to a voluntary agreement or plan of action authorized and approved in accordance with this section, and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

Persons interposing the defense provided by this section shall have the burden of proof, except that the burden shall be on the plaintiff with respect to whether the actions were taken unnecessarily and for the purpose of injuring competition.

(i) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred (1) prior to the enactment of this Act, (2) outside the scope

and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(j) Effective sixty days after the date of enactment of this Act, the provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this title or the Emergency Petroleum Allocation Act of 1973. Nothing in this section shall be deemed to authorize the application of section 708 of the Defense Production Act of 1950, as amended, to any voluntary agreement under the international agreement with respect to international petroleum allocation and the information system provided in such agreement.

(k) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized and taken pursuant to this section.

(l) In any action in any Federal or State court for breach of contract there shall be available as a defense that the alleged breach of contract was caused solely by compliance with the provisions of this section, or any rule, regulation, or order issued pursuant to this section.

(m) No provision of this title is intended to, nor shall it be construed to grant any defense, create any immunity, or affect in any way the rights of any person suffering legal wrong because of any act or practice relating to the subject matter of this section which took place prior to the enactment of this Act.

SEC. 122. EXTENSION OF MANDATORY ALLOCATION PROGRAM.—Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, is further amended by striking out "August 31, 1975" wherever it occurs, and inserting in lieu thereof "March 1, 1976".

SEC. 123. LIMITATIONS ON RAISING OR REMOVING PETROLEUM PRICE CONTROLS.—(a)(1) After the date of enactment of this title no increase in the price permitted for: (A) oil now classified as "old" oil under regulations promulgated pursuant to section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629) and in effect on January 1, 1975, or (B) any other crude oil subject to the amendment or amendments required by section 8 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 627), may be established except in accordance with subsection (b) of this section.

(2) After the date of enactment of this title no amendment to the petroleum price control regulations promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629) which has as its purpose the exemption, pursuant to section 4(g) of the Emergency Petroleum Allocation Act, of crude oil, residual fuel oil, or a refined petroleum product from price controls may become effective except in accordance with subsection (b) of this section.

(b) No action covered by the provisions of subsection (a)(1) or (2) of this section may be undertaken unless the specific action proposed to be taken is first submitted to both Houses of the Congress pursuant to the procedures provided for in section 104 (b) through (d) of this title. Each House then shall have the opportunity to review and by majority vote disapprove of such action within ten days of the receipt of the proposal pursuant to the procedures provided for in section 104 of this title.

(c) For the purposes of this section, any reference in section 104 to the term "energy conservation plan" shall be deemed to be a reference to the term "petroleum pricing and exemption action".

"(d) The Emergency Petroleum Allocation Act of 1973 (37 Stat. 627), as amended, is further amended by adding at the end thereof a new section 8, as follows:

"MAXIMUM PRICE FOR DOMESTIC CRUDE OIL

"SEC. 8. Not later than thirty days after the date of enactment of this section, the President shall promulgate and implement an amendment or amendments to the regulation established pursuant to section 4(a) of this Act which shall establish a price or prices (or the manner of determining a price or prices) for all domestic crude oil (including that crude oil otherwise subject to section 4(e)(2) of this Act) not classified as 'old' oil under regulations in effect on January 1, 1975. The price or prices established by the President pursuant to this section shall be no greater than the price generally prevailing as of January 31, 1975, for the crude oil subject to such amendment or amendments. Such price or prices shall be effective immediately upon their inclusion (or the inclusion of the method for determining such price or prices) in such regulation.".

SEC. 124. CONTINGENCY PLANS.—(a) In order to fully inform the Congress and the public with respect to the exercise of authorities under sections 103 and 104 of this title, the President shall, to the maximum extent practical, develop contingency plans in the nature of descriptive analyses of—

(1) the manner of implementation and operation of any such authority;

(2) the anticipated benefits and impacts of the provision of any plan;

(3) the role of State and local governments;

(4) the procedures for appeal and reviews; and

(5) the Federal officers or employees who will administer any plan.

(b)(1) Within one hundred and eighty days following the date of enactment of this title, and at such other times as the President deems appropriate, the President shall submit to the Congress such contingency plans in accordance with subsection (a) of this section as have been formulated.

(c) Notice of all proposed plans shall be given by publication of such proposed plans in the Federal Register. In the case of each such proposed plan, a minimum of ten days following such publication shall be provided for opportunity for comment thereon and for opportunity to request a public hearing thereon, which, if requested by any interested person, shall be held prior to the adoption of such plan.

(d)(1) Within ninety days following the date of enactment of this title, the President shall develop and submit to Congress a contingency plan (or plans) for rationing which shall describe the rationing system he deems most appropriate to respond to—

(A) an embargo of the sort experienced during the winter of 1973–1974, and

(B) any other contingency which may reasonably be projected, for which rationing may reasonably be considered appropriate, and for which a contingency plan for rationing may reasonably be developed and submitted within the prescribed time period.

(2) Any contingency plan for rationing with respect to a contingency referred to in subparagraph (1)(B) of this subsection which cannot reasonably be developed and submitted to Congress within ninety days following the date of enactment of this title shall be developed and submitted as soon thereafter as practicable.

(3) The requirements of this subsection shall not apply with respect to any contingency which the President finds already exists and for which he has promulgated and submitted to Congress a regulation pursuant to section 103 of this title.

SEC. 125. INTRASTATE NATURAL GAS.—Nothing contained in this Act shall authorize the President to regulate or allocate natural gas not otherwise subject to the jurisdiction of the Federal Power Commission: Provided, That to the extent authorized by law the President may with respect to all sources of energy establish thermal efficiency standards, lighting standards, appliance standards, and other general standards of national application designed to improve energy conservation in residential, commercial, and industrial uses: *Provided further*, That State regulatory bodies having jurisdiction over natural gas shall cooperate with the President to achieve the conservation objectives of this Act.

SEC. 126. EXPIRATION.—(a) The authority under this title to prescribe any rule or order to take action under this title, or to enforce any such rule or order, shall expire at midnight, June 30, 1977, except that such authority may be exercised until midnight November 18, 1978, if required to implement the obligations of the United States under the international agreement. Expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on the date of expiration, nor any action or proceeding based upon any act committed prior to midnight of the date of expiration.

(b) The Secretary of State shall prepare and transmit to the Congress a report every ninety days on all significant proposals, meetings, and activities undertaken by the United States and other signatory nations to the Agreement On An International Energy Program. The report shall include a summary and copies of any amendments to the agreement, any changes or modifications of related annexes or protocols, any interpretation or construction of the meaning of the agreement, considered in the previous quarter, and any change, modification or interpretation of the agreement to be proposed or supported by the United States in the forthcoming quarter.

SEC. 127. AUTHORIZATIONS OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the President such funds as are necessary for implementation of the provisions of this title.

SEC. 128. SEVERABILITY.—If any provision of this title or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 129. TRANSFER OF AUTHORITY.—In accordance with section 15(a) of the Federal Energy Administration Act (88 Stat. 108 and 109) the President shall designate, where applicable and not otherwise provided by law, an appropriate Federal agency to carry out the provisions of this title after the termination of the Federal Energy Administration.

SEC. 130. ENTITLEMENTS.—(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(i) Insofar as any regulation promulgated and made effective under subsection (a) of this section shall require the purchase of entitlements, or the payment of money through any other similar cash transfer arrangement aimed at equalizing the cost of crude oil to domestic refiners, such regulation shall exempt the first fifty thousand barrels per day of those refiners whose total refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) did not exceed on January 1, 1975, one hundred thousand barrels per day from said requirement: *Provided*, That nothing herein shall be taken to restrict the right of any small refiner as defined in section 3(4) of this Act to receive payments for entitlements or through any other such cash transfer arrangement.".

(b) The amendment made by subsection (a) of this section shall be effective for payments due, pursuant to any regulation referred to in such section, with respect to crude oil receipts and runs to stills occurring on or after February 1, 1975.

TITLE II—ENERGY CONSERVATION POLICY

SEC. 201. STATEMENT OF PURPOSES, FINDINGS, AND POLICY.—(a) The purposes of this title are—

(1) to declare an interim national conservation policy;

(2) to make energy conservation an integral part of all ongoing programs and activities of the Federal Government;

(3) to promote energy conservation efforts through specific directives to agencies of the Federal Government, State government, and sectors of priavte industry;

(4) to encourage greater private energy conservation efforts;

(5) to authorize the Administrator of the Federal Energy Administration to establish national energy conservation standards; and

(6) to provide for the development of energy conservation programs by State government pursuant to the policies set forth in this title.

(b) The Congress finds that—

(1) adequate supplies of energy at reasonable cost are essential to the maintenance of the United States economy and a high standard of living;

(2) increasing dependence on energy supplies imported from foreign sources has created serious economic and national security problems;

(3) a continuation of past trends in the expansion of demand for energy in all forms will have serious adverse social, economic, political, and environmental impacts; and

(4) the adoption at all levels of government of laws, policies, programs, and procedures to conserve energy and fuels could have an immediate and substantial effect in reducing the rate of growth of energy demand and minimizing such adverse impacts.

(c) The Congress hereby declares that it is in the national interest for, and shall be the continuing policy of, the Federal Government to foster and promote comprehensive national fuels and energy conservation programs and practices in order to better assure adequate supplies of energy to consumers, reduce energy waste, conserve natural resources, and protect the environment.

(d) Every agency of the Federal Government shall have the continuing responsibility of implementing the policy and purposes set forth in this title. Each agency shall review its statutory authority, policies, and programs in order to determine what changes may be required to assure conformity with the policy and purposes of this title and shall report annually on the results of its review, together with recommendations for necessary changes, to the President and to the Congress.

SEC. 202. INTERIM ENERGY CONSERVATION PLANS.—(a) (1) Pending the promulgation of regulations to establish national energy conservation standards pursuant to sections 203 through 207, and/or the adoption by the Congress of specific legislative policies, standards, and programs for energy conservation programs, the President may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other provisions of this or other Acts) to result in a reduction of national energy consumption.

(2) For purposes of this section, the term "energy conservation plan" includes but is not limited to plans to establish:

(A) lighting efficiency standards for public buildings;

(B) thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

(C) reasonable restrictions on hours for public buildings;

(D) standards to govern decorative or non-essential lighting;

(E) standards and programs to increase industrial efficiency in the use of energy;

(F) programs to insure better enforcement of the fifty-five mile per hour speed limit;

(G) programs to maximize use of carpools and public transportation systems;

(H) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

(I) energy efficiency standards to govern Federal procurement policy;

(J) low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements, or by the application of solar energy heating and cooling equipment which meets the specifications developed under section 8 of the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93-409; 88 Stat. 1073); and

(K) public education programs to encourage voluntary energy conservation.

(3) No energy conservation plan promulgated under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(4) An energy conservation plan shall become effective as provided in subsection (b) of section 104 of title I of this Act. Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the President finds special circumstances exist.

(5) An energy conservation plan shall deal with only one functionally discrete subject matter or type of action proposed to reduce energy consumption.

(6) Subject to section 104(b)(3) of title I of this Act, an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the President, but shall terminate in any event no later than one year after such plan first takes effect unless renewed in accordance with section 104(b) of title I of this Act.

(b) Any energy conservation plan promulgated by the President pursuant to subsection (a) of this section shall not become effective until it has been transmitted to the Congress for review and right of disapproval in accord with the expedited procedures of section 104(b) through (d) of title I of this Act: *Provided*, That, for the purposes of this section, the reference to "ten calendar days" in section 104(b)(3) of title I of this Act shall mean "thirty calendar days".

SEC. 203. FEDERAL INITIATIVES IN ENERGY CONSERVATION.—(a) The Administrator of the Federal Energy Administration, in cooperation with the Secretaries of the Departments of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education, and Welfare, Treasury, and the heads of other appropriate Federal agencies shall, within three months of the effective date of this Act, promulgate regulations which specify standards for energy efficiency and conservation and establish—

(1) lighting efficiency standards for public buildings;

(2) thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

(3) reasonable restrictions on hours for public buildings;

(4) standards to govern decorative or non-essential lighting;

(5) standards and programs to increase industrial efficiency in the use of energy;

(6) programs to insure better enforcement of the fifty-five mile-per-hour speed limit;

(7) programs to maximize use of carpools and public transportation systems;

(8) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

(9) energy efficiency standards to govern Federal procurement policy;

(10) low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements; and

(11) public education programs to encourage voluntary energy conservation.

(b) No set of regulations establishing energy conservation plans or programs pursuant to paragraphs (1) through (11) of subsection (a) of this section shall become effective until it has been transmitted to the Congress for individual review and right of disapproval in accord with the expedited procedures of section 104 (b) through (d) of title I of this Act: *Provided*, That for the purposes of this section the reference to "ten calendar days" in section 103 (b)(3) of title I of this Act shall mean "thirty calendar days."

(c) The regulations promulgated under this section shall be designed with the objective of achieving a national energy conservation goal of a reduction in total domestic energy consumption on a twelve-month basis which is the energy equivalent of at least 4 per centum of the projected domestic consumption of refined petroleum products for the twelve-month period following the effective date of this Act.

SEC. 204. STATE INITIATIVES IN ENERGY CONSERVATION.—(a) The Administrator is authorized and directed to promulgate within sixty days of the effective date of this title Federal guidelines for the funding and development of State energy conservation programs to be submitted pursuant to section 205.

(b) The Administrator is authorized and directed to request the submission within six months of the effective date of this Act from the Governor of each State a report describing a proposed State energy conservation program to be implemented within the jurisdiction of said State and supported by Federal funds pursuant to section 206 of this title.

(c) The Administrator is authorized, subject to the availability of manpower and funds, to extend such technical assistance as he deems appropriate to individual States for the development of the State energy conservation programs described in subsections (a) and (b) of this section.

(d) The report submitted by the Governor of each State pursuant to subsection (b) which describes the proposed State energy conservation program shall be based upon any or all of the energy efficiency and conservation standards and programs set forth in section 203. The report and the proposed State energy conservation program shall be designed so as to—

(1) minimize adverse economic or employment impact within the particular State; and

(2) meet unique local economic, climatological, geographic, and other conditions and requirements.

SEC. 205. DELEGATION OF AUTHORITY.—(a) Within sixty days following the date of enactment of this title, the Administrator shall—

(1) establish criteria for the delegation of responsibility for the implementation and administration of State energy conservation programs to the responsible State officers and agencies; and

(2) establish procedures for petitioning for the receipt of such delegation.

(b)(1) State offices and agencies, following the establishment of criteria for delegation and procedures for petitioning in accordance with subsection (a) of this section, may petition the Administrator for the receipt of such delegation.

(2) The Administrator shall review and may approve any State energy conservation program submitted pursuant to section 204 (a) and subsection (a) of this section within thirty days of its receipt.

(3) The Administrator shall establish procedures incorporating the provisions set forth in title I of this Act governing interpretation of State programs, administrative law, judicial review, enforcement and penalties.

SEC. 206. GRANTS TO STATES.—(a) The Administrator shall provide all financial assistance in accordance with this section necessary for the development and implementation of approved State energy conservation programs.

(b) One-half the sum appropriated for fiscal assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The remainder shall be distributed by the Administrator among the States on the basis of their respective needs and their achievement of conservation targets set by the Administrator.

(c) Within sixty days after the date of enactment of this title, the Administrator shall issue, and may from time to time amend, regulations with respect to financial assistance for State energy conservation programs which include criteria for such programs.

(d) Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the United States.

(e)(1) Each recipient of financial assistance under this section shall keep such records as the Administrator shall prescribe.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts.

SEC. 207. ENERGY CONSERVATION TARGETS AND OBJECTIVES.—(a) The Administrator shall, on a regular and periodic basis, establish realistic and attainable energy conservation targets and objectives for State energy conservation programs. States which meet energy conservation targets and objectives shall be eligible for an incentive grant as determined by the Administrator from the funds authorized and appropriated to carry out the purposes of this title.

(b) The Administrator shall furnish the Governors of the respective States with a monthly report on the implementation of this title, on the energy savings achieved, and any innovative conservation program undertaken by individual States.

SEC. 208. NONPARTICIPATION BY STATE GOVERNMENT.—In the event that one or more States fail to propose an acceptable State energy conservation program, or having proposed such a program fails to implement or enforce the program, the Administrator is authorized and directed to develop, implement, and enforce a Federal program for such State or States.

SEC. 209. REPORTS.—Six months after the date of enactment of this title the Administrator shall prepare and submit to the Congress a report on—

(a) the operation of this title, the energy conservation savings achieved, the degree of State participation and compliance, and any recommendations for amendments; and

(b) the Administrator's assessment of the need, if any, and his recommendations for additional economic incentives or economic penalties to insure effective participation and compliance with and by State government with the provisions and the purposes of this title.

SEC. 210. LIMITATIONS ON FEDERAL INITIATIVES AND GUIDELINES.—No regulation or guideline promulgated pursuant to section 203 or section 204(a) of this title may impose rationing or any tax or provide for a credit or deduction in computing any tax.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Administrator such funds as are necessary for the fiscal years following the effective date of this title.

SEC. 212. EXPIRATION.—The authority under this title to prescribe any rule or order to take action under this title, or to commit any funds thereunder, shall expire at midnight, June 30, 1976.

TITLE III—EXTENSION OF AUTHORITY TO ISSUE ORDERS

SEC. 301. EXTENSION OF AUTHORITY TO ISSUE ORDERS.—Section 2(f)(1) of the Energy Supply and Environmental Coordination Act of 1974 is amended by revising the date "June 30, 1975" to read "December 31, 1975".

The title was amended so as to read:

A bill to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement United States obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of Federal and State conservation programs consistent with economic recovery.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 622.

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

ORDER FOR ADJOURNMENT TO MONDAY, APRIL 14, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the President's address tonight the Senate stand in adjournment until 12 noon on Monday next.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after Mr. BENTSEN is recognized under the order previously entered, there be a period for the transaction of routine morning business, of not to exceed 30 minutes, with Senators being permitted to make statements not in excess of 5 minutes during that period .

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

ORDER FOR CONSIDERATION OF SCRIMSHAW ART PRESERVATION ACT OF 1975 ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business on Monday next, the Senate proceed to the consideration of the Scrimshaw Art Preservation Act of 1975, S. 229, Calendar No. 57.

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

CITIZENSHIP POSTHUMOUSLY TO GENERAL R. E. LEE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 44, Senate Joint Resolution 23.

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

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 23) to restore posthumously full rights of citizenship to General R. E. Lee.

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

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

The PRESIDING OFFICER. On this measure there is a limitation of 20 minutes, 10 minutes to a side.

Mr. HARRY F. BYRD, JR. I yield myself 5 minutes.

Mr. President, this resolution was introduced by me and the following cosponsors: The Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. HELMS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from Georgia (Mr. NUNN), the Senator from Texas (Mr. TOWER), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Tennessee (Mr. BROCK), and the Senator from Arkansas (Mr. BUMPERS).

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. Are Senators correct in their understanding that there will be no rollcall vote on this matter?

Mr. HARRY F. BYRD, JR. The Senator is correct, so far as the Senator from Virginia is concerned.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. SPARKMAN. I was under the impression that I had been listed as a cosponsor of the joint resolution.

Mr. HARRY F. BYRD, JR. The name of the Senator from Alabama will be added.

Mr. President, I ask unanimous consent that the name of the Senator from Alabama be added as a cosponsor of the joint resolution.

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

Mr. MANSFIELD. Mr. President, I would like my name to be added.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the joint resolution: The Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arizona (Mr. FANNIN), and the Senator from Colorado (Mr. HASKELL).

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

Mr. HARRY F. BYRD, JR. Mr. President, the reason for this legislation is that General Lee himself sought such action more than 100 years ago. He sought that in writing. The papers were forwarded to Washington, but all of the papers submitted, pursuant to the requirements, were not found, or, to put it another way, became lost, apparently, through the years.

It was only within the last several years that all of the papers submitted by General Lee came to light. As a result of that and because General Lee had sought this action himself in writing, I felt it most appropriate that Congress should act on his request.

Two of the greatest of all Americans, in my judgment, were General Lee and President Abraham Lincoln.

The Senate today is considering a resolution to restore the full rights of citizenship to General Lee.

What the Senate does today in approving this Resolution cannot add to the stature of General Lee.

But what the Senate will do is to comply with a request General Lee made in writing to the U.S. Government on June 13, 1865.

It was then that General Lee formally applied for full restoration of his rights. This application was personally approved by General U. S. Grant and was directed to the President through the Secretary of War.

Learning belatedly of an additional requirement of an oath General Lee sought out a Notary Public in Rockbridge County on October 2, 1865 and signed the following statement:

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

This oath was discovered in the National Archives in 1970 by Elmer O. Parker, then Director of the Old Military Records Branch.

Thus, it had been lost or ignored for more than 100 years.

It was the finding of this request by General Lee less than 5 years ago that prompted the resolution now under consideration by the Senate today.

The pending resolution which I introduced on January 30, 1975, has created considerable interest throughout the Nation.

One newspaper in particular has taken a special interest in this matter. I refer to the Alexandria Gazette, America's oldest daily newspaper.

Its publisher is William A. Collins and its editor is Terry Wooten.

The Alexandria Gazette solicited from its readers a pledge of support for a resolution to support full rights of citizenship to General Lee.

Mr. Wooten informed me today that he has received more than 10,000 replies.

Responses came from every part of Virginia and in addition widespread support was voiced from residents from 43 of the 50 States. Pledges were even received from Puerto Rico, Japan, Iceland, and Sweden.

In ending, I want to pay tribute again to Dr. Elmer O. Parker, whose diligence brought to light the historic Lee document.

Mr. LONG. If the Senator will add me as a cosponsor, I should like to join in this.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that the senior Senator from Louisiana be added as a cosponsor to this resolution.

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

The Senator's 5 minutes have expired.

A SOUND PRECEDENT FOR AMNESTY

Mr. PHILIP A. HART. Mr. President, I yield myself 5 minutes.

As the able Senator from Virginia explained, the resolution now before us would return citizenship to General Lee. General Lee, following the dictates of his conscience, led the Army of the Confederacy in a war against this country. He did so in mature life, after education at the hands of the Government and after having taken a couple of oaths of office to defend the country.

Why do we hold him in such respect? Basically, because he was a man of conscience; that is why. What about a lot of young Americans tonight who are underground or semiunderground or uneasy, who may or may not have been educated at government expense, and certainly never took an oath, except as those who did enter the service? They never took up a weapon against their country. They said, out of a central conviction of conscience, that they could not take up a weapon against somebody else.

Why cannot we do for them in their lifetime what we willingly do now? Why cannot we do for them in their lifetime what we did within 3 years after the termination of that terrible civil war for the men of the Confederacy?

I do not know whether, in 1867 or 1868, we, without requiring them to do any alternative service in the slums of Richmond, would grant them freedom. I do not know whether it was out of respect for the deep conviction that persuaded them, troubled in conscience, I am sure, to fight us; or whether it was in an effort to bind up the wounds, to forget, which is what amnesty means. Whatever the motive, they were right. If we were sitting in Congress in 1868, and if the President had not taken that action, I hope we would have moved. I use the occasion of this resolution to express the hope that it will encourage colleagues to think again with respect to what we do for those who did not respond to a national call to take up weapons in Vietnam. I think—I would like to believe that it was out of respect for the individual's conscience, out of our tradition of forgiveness, that persuaded me to introduce Senate bill 1145. That bill would grant immunity to persons charged with draft resistance or desertion during the Vietnam conflict.

Certainly, I have no objection to this resolution. From what I have read of General Lee, he must have believed deeply in his cause or else he would not have broken one oath of allegiance to embrace a second.

In the 3 years following the end of the Civil War in 1865, a series of Presidential proclamations returned citizenship to Confederate soldiers.

For some reason the oath of allegiance signed by General Lee in 1865 was not received and duly recorded. It is for historians to debate whether it was lost or deliberately misplaced, since the document itself was discovered in the National Archives in 1970.

But the intention of the Government at the end of the Civil War was amnesty and a restoration of citizenship. And, in spite of the bitterness that was instilled, amnesty and citizenship was thought to be the proper course for this Government. No strings or conditions were attached.

Would I have supported that policy in 1865? Yes, I am certain I would have. Whether the motivation for accepting soldiers of the Confederacy back as full fledged citizens was born of a desire to forget and to unite or of a respect for the individual's conscience, the decision was in keeping with the best traditions of this Nation.

So I ask that those who support this resolution today, and those who, like me would have supported the amnesty granted at the end of the Civil War, give consideration to extending our tradition of tolerance and forgiveness to those who refused to fight a war in Vietnam.

Was their action, motivated by conscience, any worse than those who fought against the Government of this country?

Merely by asking the question, I have indicated my view. The living to whom we should grant amnesty fired no shot against anyone, let alone against fellow citizens. Most of them took no oath of allegiance to a foreign government waging war against this country.

To the contrary, they decided that their moral objections to the war in Vietnam made it impossible for them to take up arms or to support this military effort in any way.

In doing so they chose, at considerable expense to their futures, to live up to the responsibility our society asks of every individual—to challenge, to question and to reject blind obedience to an improper or immoral order. In short, we ask individuals to judge, to decide.

Our Nation not only understands that respect for the individual's conscience is basic to our concept of freedom, but we also hold that respect for the right to follow one's conscience in matters of re-

ligion, speech, and thought, means we are responsible for all our actions.

I believe that the spirit of tolerance bred by that respect, the same respect that leads this body to consider this resolution today, has made forgiveness rather than revenge part of our national heritage.

This is our tradition whether dealing with foreign enemies or with our own citizens who as in Lee's day took up arms against our Government or, as for the day of Vietnam, refused to fight against another country.

It is out of that same respect for the individual's conscience and out of our tradition of forgiveness that I introduced S. 1145 to grant immunity to persons charged with draft resistance or desertion during the Vietnam conflict.

We should do no less for these conscientious objectors than was done for those who fought against our Government in the Civil War.

I join my colleague from Virginia in support of the resolution formally to give citizenship to General Lee. I agree with Senator BYRD that the stature of General Lee probably will not be enhanced one iota. He is a giant. He is a figure we revere. But basically, we revere him because he had the guts to say no when he thought his country was wrong.

Mr. STENNIS. Mr. President, if the Senator will yield to me just briefly, first, I commend and thank the Senator from Virginia for the painstaking work that he has done with reference to this measure and his fine presentation of it. I am most grateful, too, to the membership for the way they have had an understanding and generous feeling about the passage of this resolution. It does mean much to many people of our area of the country, and, I think, elsewhere.

Mr. President, I respectfully submit that the history books that the children have studied in our Nation for the last more than a century now have missed something—and I am not speaking in terms of blame. But the youth have missed something, who did not have a chance to know something of the character of this man, Robert E. Lee.

I had an added privilege in this respect, not only of being familiar with what the book said, but one of my law school professors at the University of Virginia had been a student under Robert E. Lee when Robert E. Lee was president of what is now Washington and Lee University—it was then Washington College—in Lexington, Va.; and this gentleman, whose name was Charles A. Graves, later taught at Washington and Lee while General Lee was still living and still president. We got directly from him many, many fine illustrations of the knowledge, depth, character, and great principles of this man that I could share with the membership of the Senate, but I want to mention, in passing, just one.

General Lee, when a young student who was brought before him on a disciplinary matter had given a reason for his conduct and started to give another reason, stopped him and said, "Young man, one good reason is always enough."

I have carried that in my mind all these years. If you have one solid, sound reason for doing a thing or advocating a principle, I have found it better to stand solely on that one.

I thank the Senator again. If I may say so, the Senator from Virginia represents many of the characteristics of the man we have been talking about.

Mr. HARRY F. BYRD, JR. I thank the Senator from Mississippi very much. That is most interesting history which the Senator from Mississippi has given the Senate this evening. It is tremendously interesting.

In concluding, I will simply say that it has been my view for a long time that the two greatest men of that very tragic era in our Nation's history were General Robert E. Lee and President Abraham Lincoln. I do not think we have had any two greater Americans than those two; yet in that tragic conflict they found themselves on opposite sides.

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

Mr. PHILIP A. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 23

Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee

Whereas this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3 of amendment 14 of the United States Constitution, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

SETTLEMENT OF FOREIGN DEBT TO THE UNITED STATES

Mr. HARRY F. BYRD, JR. Mr. President, I am today along with Senator RANDOLPH of West Virginia, introducing legislation to require Congressional approval for any settlement of a debt owed the United States by a foreign country for an amount less than face value.

In the past 3 years, agreements have been formulated which effectively wipe out over $5 billion of outstanding foreign debt to the United States.

The net return: about $148 million. Looking at it another way: we netted or will net about 3 cents on the dollar.

The first major debt settlement was the cancellation of $2.6 billion in claims arising from Russian lend-lease indebtedness.

The State Department, in a spirit of generosity, signed an agreement with the Soviets, who pledged to pay $48 million on their debts and an added $674 million, plus interest, if granted most-favored-nation tariff status by the United States.

The second major debt settlement was the cancellation of about $2.2 billion of debt owed to the United States by the Indian Government in rupees. These debts are in addition to the $3 billion owed in dollars by the Government of India.

The most recent settlement is an agreement to settle a $370 million claim against the Government of France arising out of DeGaulle's 1967 ouster of NATO forces. President Ford has agreed to settle this for $100 million.

The total claims: $5,170 million. The total which will be received: $148 million.

All of these settlements were made without congressional approval. It is time that congressional consent is obtained for these deals, and I am introducing a bill today which would require such action.

My proposal states simply that debts owed to the United States by another nation cannot be settled for less than the face value unless Congress gives its permission by concurrent resolution.

The Senate already is on record in favor of the principle embodied in my legislation, as applied to the debt of India to the United States. On September 28, 1973, by a vote of 67 to 13, the Senate approved my amendment to the military procurement authorization bill, which provided that any settlement of India's debt to the United States at less than face value would need congressional approval before it could take effect.

The legislation I am introducing today will not remove the authority of the executive branch to negotiate these debt settlements nor restrict its ability to administer our relations with foreign nations.

The bill will, however, prevent money owed to the people of the United States from being given away without congressional approval. The Constitution delegates to the Congress the power to appropriate funds. Congress, which answers to the people, will have final responsibil-

ity for approval of these debt settlements.

The State Department confirmed to my office today that the principal of debts owed the United States as of June 30, 1974 was $32,531,578,517, of which $6 billion was delinquent.

In addition, World War I debts still outstanding was $23.7 billion.

Mr. President, I send the bill to the desk for appropriate reference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

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

Mr. HARRY F. BYRD, JR. I yield to the Senator from New Mexico.

Mr. DOMENICI. I commend the Senator for his statement with respect to debts owed by other countries to the United States, and to the fact that they are debts to our people, as the Senator so appropriately said. I ask the Senator from Virginia if he will accept the name of the Senator from New Mexico as a cosponsor of this bill.

Mr. HARRY F. BYRD, JR. I will be very pleased indeed to do that. I ask unanimous consent that the name of the Senator from New Mexico (Mr. DOMENICI) be added as a cosponsor, and that his name be so shown on the original bill.

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

ROUTINE MORNING BUSINESS

(The following routine morning business was transacted today by unanimous consent:)

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate a message from the President of the United States transmitting the annual report of the health research facilities construction program for activities during fiscal year 1974, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I transmit herewith the Nineteenth Annual Report of the Health Research Facilities Construction Program for activities during fiscal year 1974.

GERALD R. FORD.

THE WHITE HOUSE, *April 9, 1975.*

MESSAGES FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (S. 1310) to continue the special food service program for children through September 30, 1975, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 37. An act to authorize appropriations to carry out the Standard Reference Data Act;

H.R. 4700. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 4723. An act authorizing appropriations to the National Science Foundation for the fiscal year 1976.

At 3:30 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House has passed without amendment the bill (S. 994) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY (S. DOC. 94–33)

A communication from the President of the United States transmitting a proposed supplemental appropriations for the fiscal year 1975 in the amount of $1,766,621,000 for the Department of the Treasury (with accompanying papers): to the Committee on Appropriations, and ordered to be printed.

PROPOSED LEGISLATION BY THE PRESIDENT

A communication from the President of the United States transmitting a draft of proposed legislation to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes (with accompanying papers); to the Committee on Government Operations.

WHEAT SALE TO EGYPT

A letter from the Acting Assistant Secretary of State transmitting, pursuant to law, a statement of the reasons permitting the sale of wheat and wheat flour to Egypt (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION BY THE DEPARTMENT OF AGRICULTURE

A letter from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to amend section 1114 of title 18, United States Code, to delete "any employee of the Bureau of Animal Industry of the Department of Agriculture" (with accompanying papers); to the Committee on Agriculture and Forestry.

JURISDICTIONAL INTERCHANGE OF CERTAIN MILITARY LANDS

A letter from the Secretary of the Army and the Secretary of Agriculture giving notice, pursuant to law, of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of military lands and Forest Service administered lands at Fort Leonard Wood Military Reservation, Mo. (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LOAN BY THE REA

A letter from the Administrator of the Rural Electrification Administration reporting, pursuant to law, on the approval of an insured loan to the Central Iowa Power Cooperative of Marion, Iowa; to the Committee on Appropriations.

REPORT OF THE SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce transmitting, pursuant to law, the second report on implementation of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (with an accompanying report); to the Committee on Commerce.

REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the committees advising him and consulting with him or his designees during the calendar year 1974 (with an accompanying report); to the Committee on Finance.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into during the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States each transmitting, pursuant to law, a report, the first entitled "Bulk Fuels Need To Be Better Managed"; and the second entitled "Progress and Problems in Training and Use of Assistants to Primary Care Physicians" (with accompanying reports); to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to repeal section 411(b)(4) of the Higher Education Act of 1965 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF THE DEPARTMENT OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuant to law, the annual report of the Department of Transportation under the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

REPORT OF FEDERAL PRISON INDUSTRIES, INC.

A letter from the Commissioner of Federal Prison Industries, Inc., transmitting, pursuant to law, the annual report of the Board of Directors of the Federal Prison Industries, Inc., for the fiscal year 1974 (with an accompanying report); to the Committee on the Judiciary.

NOTICE OF PROPOSED RULEMAKING BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a document entitled "Assistance to States for

State Equalization Plans, Notice of Proposed Rulemaking" (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF THE VETERANS' ADMINISTRATION

A letter from the Administrator of the Veterans' Administration transmitting, pursuant to law, the annual report of the Veterans' Administration for 1974 (with an accompanying report); to the Committee on Veterans' Affairs.

APPOINTMENT SCHEDULE OF THE CONSUMER PRODUCT SAFETY COMMISSION

A letter from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a copy of the Commission's fiscal year 1975 apportionment schedule (with accompanying papers).

Mr. MANSFIELD. Mr. President I ask unanimous consent that a communication received from the Chairman of the U.S. Consumer Product Safety Commission, relative to the Commission's fiscal year 1975 apportionment schedule, be jointly referred to the Committees on Commerce and Labor and Public Welfare.

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the Senate of the State of New York; to the Committee on Foreign Relations:

"SENATE RESOLUTION No. 47

"Senate Resolution memorializing the President of the United States to consider the plight of Soviet Jews and calling upon the Governor to proclaim April 13, 1975, as Solidarity Sunday for Soviet Jewry

"Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discrimination against Jews in cultural activities and access to higher education; and

"Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

"Resolved, That the Senate of the State of New York, in the interest of justice and humanity, express its solidarity in requesting that the President and the Congress of the United States call upon the Soviet government to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

"Resolved, That the Senate of the State of New York express its solidarity, in urging that the United States government use all appropriate diplomatic means to engender the fullest support possible among other nations for such a request to the Soviet Union; and be it further

"Resolved, That the Senate of the State of New York express its solidarity with the people of Israel on its 27th Independence Day; and be it further

"Resolved, That the Honorable Hugh L. Carey, Governor of the State of New York, be and he hereby is respectfully requested to issue, publish and declare to the people of the State of New York an appropriate proclamation designating April 13, 1975, as Solidarity Day; and be it further

"Resolved, That in order to effectuate the purposes of this resolution, copies of this resolution be transmitted to the President, Vice President and Secretary of State of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States from the State of New York."

A concurrent resolution of the Legislature of the State of South Carolina; ordered to lie on the table:

"A CONCURRENT RESOLUTION

"Memorializing Congress to Support Recent Legislation Introduced Which Restores to Gen. Robert E. Lee the Status of Full Citizenship in the United States of America

"Whereas, General Robert E. Lee, who was born in Stratford, Virginia, on January 19, 1807, and died in Lexington, Virginia, on October 12, 1870, was deprived of the status of full citizenship in the United States of America following the War between the States; and

"Whereas, General Lee urged, both by his words and personal example, the support of a reunited government by the people of the southern states at the end of the War between the States; and

"Whereas, General Lee distinguished himself in America's history as a military leader of genius, an educator of devotion and a gentleman without peer.

"Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That Congress be memorialized to enact, without delay, the legislation recently introduced by Senator Harry F. Byrd, Jr. of Virginia which restores to General Robert E. Lee the status of full citizenship in the United States of America.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives from South Carolina, the Senate of the United States and the House of Representatives of the United States."

Mr. PASTORE. Mr. President, I send to the desk for myself and my colleague, Senator PELL, a resolution adopted by the General Assembly of the State of Rhode Island memorializing Congress to construct a dike along Cherry Brook at Union Village in North Smithfield and ask that it be printed in the RECORD and referred to the proper committee.

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

The resolution, which was referred to the Committee on Public Works, is as follows:

"SENATE RESOLUTION

"Memorializing Congress to Authorize the United States Army Corps of Engineers to Construct a Dike Along Cherry Brook at Union Village in North Smithfield

"Resolved, That this senate of the state of Rhode Island hereby memorializes the congress of the United States to authorize the United States Army Corps of Engineers to construct a dike along Cherry Brook at Union Village in North Smithfield; and be it

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress and to the speaker of the United States House of Representatives and the president of the United States Senate."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and Administration, without amendment.

S. Con. Res. 16. A concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Income Security for Americans: Recommendations of the Public Welfare Study" (Rept. No. 94–67).

S. Con. Res. 17. A concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Federal Subsidy Programs" (Rept. No. 94–68).

S. Con. Res. 31. An original concurrent resolution authorizing the printing as a Senate document of the prayers offered by the Chaplain of the Senate, the Rev. Edward L. R. Elson, S.T.D., during the 93d Congress (Rept. No. 94–69).

H. Con. Res. 27. A concurrent resolution to provide additional copies of housing compilation (Rept. No. 94–70).

H. Con. Res. 145. A concurrent resolution authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws" (Rept. No. 94–71).

S. Res. 88 A resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes (Rept. No. 94–72).

S. Res. 128. An original resolution to pay a gratuity to Edna M. Murray.

S. Res. 129. An original resolution to pay a gratuity to Marilyn Walker and Laura S. Morales.

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with an amendment:

H.J. Res. 335. A joint resolution to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974 (Rept. No. 94–73).

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

S. 846. A bill to authorize the further suspension of prohibition against military assistance to Turkey, and for other purpcses (Rept. 94–74).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. DOLE, from the Committee on Agriculture and Forestry:

William T. Bagley, of California, to be Chairman and Commissioner of the Commodity Futures Trading Commission;

John Vernon Rainbolt II, of Oklahoma;

Read Patten Dunn, Jr., of Maryland; and

Gary Leonard Seevers, of Virginia, to be Commissioners of the Commodity Futures Trading Commission.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' com-

mitment to respond to requests to appear and testify before any duly constituted committee on the Senate.)

By Mr. STENNIS, from the Committee on Armed Services:

Albert B. Fletcher, Jr., of Kansas, to be a judge of the U.S. Court of Military Appeals.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 37. An act to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Commerce.

H.R. 4700. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

H.R. 4723. An act authorizing appropriations to the National Science Foundation for the fiscal year 1976; to the Committee on Labor and Public Welfare.

ORDER FOR STAR PRINT—S. 799

Mr. KENNEDY. Mr. President, on February 22 I introduced S. 799. Through inadvertence, a page was omitted from the printed version of the bill. I ask unanimous consent that a star print of S. 799 be ordered.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MANSFIELD:

S. 1399. A bill to provide for the reimbursement for losses sustained by persons injured by certain criminal acts, to make grants to States for the payment of such reimbursement, and for other purposes. Referred to the Committee on the Judiciary.

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

S. 1400. A bill to make election day a legal holiday and for other purposes. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 1401. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 1402. A bill for the relief of Elba Luz Davinson. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 1403. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes. Referred to the Committee on Finance.

By Mr. JOHNSTON:

S. 1404. A bill for the relief of Kyong Chu Stout. Referred to the Committee on the Judiciary.

By Mr. WEICKER:

S. 1405. A bill to provide for the rationing of gasoline, to restrict imports of crude oil, to provide for the conservation of energy, and for other purposes. Referred by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Interior and Insular Affairs.

By Mr. MONTOYA:

S. 1406. A bill to amend title 38 of the United States Code to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits. Referred to the Committee on Veterans' Affairs.

By Mr. SPARKMAN:

S. 1407. A bill entitled "Housing Cooperative Financing Association." Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENSON:

S. 1408. A bill to extend the claim period for compensation of home defects. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MATHIAS:

S. 1409. A bill to amend the Voting Rights Act of 1965 to expand its coverage, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1410. A bill to amend the Defense Production Act of 1950, to establish a National Resources and Materials Information System, to repeal and reenact with amendments the National Commission on Supplies and Shortages Act of 1974, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce; and that if and when one committee reports the bill, the other committee has 45 days in which to report.

By Mr. TOWER:

S. 1411. A bill for the relief of Shirley Doraphone Stevens and her son, James Vance Miller. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 1412. A bill for the relief of Shalom Arye Eizenshtein. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 1413. A bill to authorize a United States payment for fiscal year 1975 to the United Nations for expenses of the United Nations Force in Cyprus. Referred to the Committee on Foreign Relations.

By Mr. FONG:

S. 1414. A bill to make the Trust Territory of the Pacific Islands eligible to participate in certain Federal fisheries programs, and for other purposes. Referred to the Committee on Commerce.

By Mr. TUNNEY:

S. 1415. A bill to monitor interstate and foreign commerce by establishing identification and reporting procedures on long-term shortages of products, materials, and resources, and for other purposes. Referred to the Committee on Commerce.

By Mr. HARRY F. BYRD, Jr.:

S. 1416. A bill relating to the settlement of debts owed the United States by foreign countries. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY (for himself, Mr. JOHNSTON, Mr. DOMENICI, Mr. KENNEDY, Mr. MAGNUSON, Mr. MORGAN, Mr. PELL, Mr. SYMINGTON, Mr. TALMADGE, Mr. BENTSEN, Mr. BROOKE, Mr. JAVITS, Mr. DOLE, Mr. MONDALE, Mr. STONE, and Mr. NUNN):

S.J. Res. 70. A joint resolution to extend support under the joint resolution providing for Allen J. Ellender Fellowships to disadvantaged secondary school students, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S.J. Res. 71. A joint resolution authorizing the President to proclaim the first Sunday of June of each year as "American Youth Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD:

S. 1399. A bill to provide for the reimbursement for losses sustained by persons injured by certain criminal acts, to make grants to States for the payment of such reimbursement, and for other purposes. Referred to the Committee on the Judiciary.

VICTIMS OF CRIME ACT OF 1975

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

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

S. 1400. A bill to make Election Day a legal holiday and for other purposes. Referred to the Committee on the Judiciary.

FEDERAL GENERAL ELECTIONS—THE NEED FOR A NATIONAL HOLIDAY

Mr. HUMPHREY. Mr. President, I introduce, for myself and my distinguished colleague from Arizona (Mr. GOLDWATER) a bill to make the day on which Federal general elections are held a legal public holiday.

While I have been successful in each of the last 2 years in winning Senate approval of similar legislation, various reasons unrelated to the substance of this proposal have prevented its enactment. I hope that this time it will be passed by the Congress and become law.

The logic of this bill is just as compelling today as it has been for years. Under our present electoral system, a number of serious obstacles have been erected that lack full democratic participation by all Americans in our Government and politics.

We have made some great strides in the last 25 years however, in reducing and eliminating these barriers. Unconstitutional voting requirements posed by the poll tax, literacy requirements, residency laws, and some of the more subtle racially motivated obstacles, have been removed. We are making some progress in facilitating voter registration—a step of great importance in increasing democratic participation in our Government.

Yet, there is more that we can, should, and must do, in the name of true popular democracy, to bring the mass of the people into the political system of our Nation.

Mr. President, according to a survey conducted by the U.S. Census Bureau, 50.4 million eligible Americans did not vote in the general elections in November 1972. That number represented a full 37 percent of the voting-age population in this country at that time. In the non-Presidential election of 1974, a full 55 percent of the voting-age population did not exercise their franchise compared to 45 percent in 1970.

Many of these people have been denied this basic right of citizenship because of hard-to-find registration offices and a full day's work. As of March 1975, a full one-third of the wives of husband-wife families were employed, most of them full time. As this number increases, fewer of this group will be able to vote

during the day, increasing the burden even more on the polling facilities before 8 a.m. and after 4 p.m. Census Bureau statistics show that in 1972, 51 percent of those persons who voted did so at this time. There was no appreciable change in 1974.

The bill I submit today would eliminate one of the major obstacles to fuller voter participation in elections. It would assure that millions of American working families are not deterred from exercising their franchise in Presidential and congressional elections.

My bill makes election day the first Wednesday after the first Monday in November and also creates a legal holiday on that day.

Several other Nations—Denmark, Italy, France, Germany, and Austria—which enjoy 85–95 percent voter turnout in nearly every election—have designated election day a holiday.

These are nations that are industrialized. They find that the workers participate freely, openly, and in much larger numbers when there is an election holiday.

I believe that it would substantially improve participation in our elections, as well.

Workers who commute long distances to work often leave home before the polls open and return after they have closed. People working irregular shifts in a shop or factory are also discouraged from voting. In some areas, rush hours at the polls mean a long wait in line, causing many who must get to work, and many others who are tired from a full day's labor, to give up their franchise in despair.

Mr. President, it is time we put an end to this obstacle to democracy. The bill I am introducing today would achieve this goal and would eliminate the workday as an obstacle to expanding suffrage.

The right to vote should not be hampered by any economic consideration. It is too important to the survival of our system of government. In the 19th century we eliminated property ownership requirements for voting in this country. As we enter the last quarter of the 20th century, it is time for us to act to prevent a job from keeping the nearly 90 million Americans who work in factories, on farms, and in the businesses of this Nation, from the voting booths.

Mr. President, I believe this bill, providing for a legal election holiday every 2 years beginning in 1976—would increase voter participation for the most important office in the land: the Presidency of the United States. It would provide an open day so that every citizen would have all the time in that day available to review for the last time the qualifications of the candidates before exercising his franchise. And the same, of course, would apply to the offices of U.S. Senator, Member of the House of Representatives, and State and local officials—who are concurrently standing for election.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD.

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

S. 1400

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

SEC. 520. Section 6103(a) of title 5, United States Code is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the Fourth Thursday in November." the following new item:

"Election Day, the first Wednesday next after the first Monday in November in 1976, and every second year thereafter.".

By Mr. RIBICOFF:

S. 1401. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

THE TAXPAYER'S PROTECTION ACT OF 1975

Mr. RIBICOFF. Mr. President, American taxpayers are faced once more with the chore of filling out their tax forms. The whole process of paying taxes is difficult enough, but the complexity of the forms and laws only adds to this situation. The only solution for many Americans is to pay for help in completing these forms. It is sad but true, however, that this problem is then compounded even further by incompetent tax preparers. More than half of all taxpayers consult a so-called expert for assistance with their forms, but a disturbingly large number are actually receiving improper advice in return for their money. I hope that this situation can be corrected, and it is with this intention that I am today introducing the Taxpayers Protection Act of 1975.

When I introduced this bill in 1973, I described in detail the damage done by unqualified tax preparers who had left their unfortunate mark on over half the tax forms filed. At that time, there was already persuasive evidence of laxity on the part of many of the Nation's tax preparers. The problem stemmed from the fact that there were no standards for those who practiced this service. Anyone could rent an office, hang out a shingle, and call himself a tax preparer. Unless he committed actual fraud, there was nothing the Government could do.

I am sorry to report, Mr. President, that there has been no improvement in this situation in the intervening 2 years. In fact, the situation has only grown worse. Since then the industry has expanded and more preparers of questionable ability have entered the marketplace. Spot checks by the IRS continue to illustrate the unacceptable services performed by many self-proclaimed experts.

In the process of filling out their returns, millions of Americans will receive erroneous advice which can cost them dearly by paying more taxes than necessary or by paying less and then being penalized by the IRS. Then taxpayers face such difficult times, they can ill afford waste, especially when they are paying for supposedly expert information.

The chief victims of this incompetence or fraud are the low- and middle-income taxpayers—over a quarter of the men and women who paid for assistance last year had incomes below $5,000. Wealthier individuals can afford to go to attorneys or accountants for expert and expensive advice, but most people cannot. But neither can the average working man and woman afford a long dispute with the IRS that his tax preparer is responsible for.

It is the duty of the Congress—which enacted our complex tax code—to protect these consumers by eliminating incompetent return preparers. Because the taxpayer usually does not know he has filed a faulty return until the IRS challenges him, any legislation we consider must be preventive as well as corrective in nature.

We need to develop a system that will prevent the small taxpayer from being injured and penalize preparers for fraud and incompetence. Instead of waiting for mistakes to happen, our efforts should be directed at allowing only qualified tax preparers to practice.

It is with the hope that this waste and these mistakes can be eliminated that I introduce the Taxpayers Protection Act of 1975. This bill would require every person who prepared 25 or more returns for a fee to obtain a license from the IRS. While these men and women are not expected to have the same high skills as lawyers and accountants, licenses will only be given to those preparers who demonstrate a basic knowledge and understanding of the Internal Revenue Code and an ability to complete an individual's tax return fairly and competently. Because they have already met strict professional and ethical standards, attorneys, certified and licensed public accountants, and enrolled agents would be exempted from the requirements of the act.

To assist the IRS in knowing who is preparing returns, every licensed preparer will have to sign and place his identification number on each client's return, file semiannual reports listing the names of his clients, retain a copy of each client's return for 3 years and give each client a copy of their own return.

Finally, a licensed preparer will be prohibited from advertising his special status. Commercial tax preparers will still be allowed to advertise their services as they do today but will be prohibited from claiming any special imprimatur from the Federal Government. These restrictions will be similar to those already placed on attorneys and accountants.

The more responsible members of the industry believe that regulation is needed. Every new report of fraud or inefficiency erodes the public's confidence, severely damaging the larger and more visible firms who often perform acceptably. If we expect our citizens to have confidence in our tax system, we must act quickly to eliminate those preparers who misuse the code and abuse the taxpayer.

Mr. President, I ask unanimous consent that two articles relating to this issue which have recently appeared in the Washington Post be printed in the RECORD.

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

TAX RETURN INDUSTRY GROWING

(By Nancy L. Ross)

The annual fiscal countdown has begun. Only 30 more filing days until April 15. As the zero hour approaches, many taxpayers prepare to spend late nights fighting their returns while others rush around seeking last-minute help.

Income tax preparation has become a $700-million-a-year business as nearly half of this country's estimated 80 million individual taxpayers find themselves unwilling or unable to do their own returns. Back in 1962, only one-third sought outside assistance.

The complexity of tax forms is mainly responsible for driving 92 per cent of those with only an elementary education to seek help, according to a 1971 Crossely survey. At the other end of the scale, 43 per cent of the college-educated also do so, frequently in the expectation a "professional" will know about obscure, money-saving deductions.

Although the Internal Revenue Service has almost doubled its regional free assistance staff in the past three years, 2,000 IRS employees could not possibly accommodate 40 million filers—even if they wanted government help. Aside from the fact that IRS employees will not actually fill out returns, there is a widespread suspicion they do not really work in the individual's interest. In 1973, a University of Michigan tax law professor, L. Hart Wright, confirmed in testimony before the Senate Appropriations Committee the last directive to IRS employees he had seen ordered that "questionable" items be resolved in favor of the government.

So millions pay to have their returns done by some of the estimated 300,000 "professionals." These can be loosely divided into: practitioners—attorneys, enrolled agents, certified public accountants, accountants; and preparers—insurance agents, charitable organizations, so-called "commercial preparers" such as H&R Block, and even your father-in-law, if he charges.

In its February issue, Money magazine devised a rate schedule that shows preparation of a 1040 form with itemized deductions can cost anywhere between $7.50 and $150, depending on the number of schedules used, the type of professional help and the region of the country.

The fewest returns are prepared by bank trust departments and attorneys, who often will not do individual returns except as an adjunct to other business or in special cases, such as settling an estate. The services of a tax lawyer loom more important after April 15, when knowledge of "gray areas" of tax law and skill can often get an IRS assessment against a client reduced in U.S. Tax Court or in federal court.

In 1974, the IRS won only 4 per cent overall of its trials against taxpayers in tax court. In the small claims section—under $1,500—the IRS has a 77 per cent success record because the issues tend to be more black and white. Generally speaking, the greater the amount of money involved, the greater the amount the taxpayer may save—and also pay his attorney who often works on a contingency basis.

Enrolled agents, numbering about 13,000 in the country, are accountants, certified public accountants and others who have passed a U.S. Treasury exam on tax law. They prepare returns and can negotiate with the IRS and make settlements on their clients' behalf.

Of the 79,000 practitioners admitted to practice before the tax court, some are CPAs. CPAs can also argue cases at all levels of the IRS administrative procedure like attorneys and enrolled agents. CPAs have passed a state exam in accountancy, but not in tax law.

Finally among the practitioners come public accountants, who have not passed exams in either accounting or taxes and who may or may not be state-licensed. So long as they do not advertise and have not been convicted of a felony, they may represent the persons whose returns they prepare at the conference, or first level of the IRS procedure. Some will even do this without an additional fee.

Preparers, who number more than 200,000, frequently advertise on television and in the yellow pages. The District phone book lists about 150, not including branch offices or countless fly-by-night preparers who vanish like Christmas trees after New Year's. Preparers, as H&R Block advertises, can accompany clients to the IRS to explain without charge how returns were prepared, but they are not allowed to plead client's cases.

But most taxpayers who go to commercial preparers are less concerned about representation during audit procedure than just getting their returns filed and, if possible, getting a substantial and quick refund.

All sorts of flagrant abuses—from charging spouses individually for joint returns to persuading taxpayers to have their refunds sent to the preparer—have been perpetrated on unsuspecting individuals by unscrupulous preparers and well-publicized by the IRS. Where abuses do occur, they tend to be more subtle.

How do the size of refunds on returns done by commercial prepares stack up to those on returns done with the help of IRS employees?

The D.C. Public Interest Research Group (PIRG) last year gave identical data to four IRS offices and five commercial tax preparers. These did hypothetical returns for an outdoor salesman and his secretary-wife with a combined income of $14,500, and their minor child.

A total of $1,728 was withheld from their salaries. Refunds due ranged from a high of $674 at the National Tax Service to a low of $532 at the H&R Block office on M Street. The average refund from the commercial preparers amounted to $598, while the average IRS refund came to $577.

The fees ranged from $28 to $38, with the highest being charged by the preparer figuring the lowest refund.

Yet, after the deductible portion of the commercial fee is subtracted (assuming a similar fee the previous year), the average difference between the paid and IRS refunds is negligible, less than one per cent of the total amount.

In 1974, the IRS audited some 2.2 million individual returns, but the service says no break-down exists to indicate how many of these were done without assistance or with paid or unpaid help. However, a 1968 IRS Taxpayer Compliance Measurement Program document clearly shows that the error rate (which usually means additional tax due) was higher for those taxpayers who had their returns done by commercial preparers than for those who had unpaid help from the IRS, fraternal organizations, relatives, etcetera.

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FORTY-NINE PERCENT OF INCOME TAX RETURNS ARE WRONG

(By Nancy L. Ross)

"For one thing, how can the government possibly put 20 million people in jail?" 1972 IRS internal memo on cheaters.

Nearly half of all income tax returns filed are wrong, according to an Internal Revenue Service report based on 1969 returns.

The report, which was compiled in 1973 by the IRS Taxpayer Compliance Measurement Program (TCMP) division, was released yesterday as the result of a suit brought by Mr. and Mrs. Phil Long of Bellevue, Wash., under the 1966 Freedom of Information Act. The Longs have been battling the IRS for several years to make such audit information public.

Among the revelations in Document 6230, entitled TCMP Phase III, Cycle 3 Summary Results, are these:

The number of returns containing errors increased from 41 per cent in 1965 to 49 per cent in 1969.

Voluntary compliance declined from 93 to 92 per cent among the population at large. The worst offenders were small businesses with a 68 per cent compliance rate.

The number of low-income people claiming questionable dependents is on the decline because of better health care for the elderly and better understanding of what constitutes true dependents. In the under-$10,000 bracket, individuals claiming deductions of more than 35 per cent of their adjusted gross income are likely to be socked with more tax due (an average of $101 in 1969) than those with deductions under 35 per cent ($68).

The IRS is working toward a perfect audit selection system in which the biggest cheaters are processed first. Though it is an unrealizable goal, the IRS calculates such a system would result in a threefold increase over 1974 rates in additional taxes for audited low-income individuals. For medium income it would more than double and for high-income individuals there would be a 50 per cent increase.

The cover of Document 6230, which is marked "For Official Use Only," reads:

"Almost half of all (1969) returns filed are in error, but two out of every three erroneous returns contain less than $100 of tax change."

The percentage is based on 47,500 scientifically selected returns out of an estimated 74 million. Yet because IRS agents go over the sample returns far more meticulously than in actual audits, listing every possible error from simple mistakes to intentional fraud, the service maintains the 49 per cent statistic is not valid for the population as a whole, that it gives too grim an impression. It does, however, consider the statistic valid enough to use it for its own calculations. TCMP data is used to plot audit strategy and to back up requests to Congress for more operating funds.

(A new TCMP study is in progress. The IRS is said to believe it will show a lower error rate as a result of the reintroduction of the 1040A short form in 1973.

Not only did Americans make more mistakes; they were found to owe the government more money. On 1965 returns 33.5 per cent owed more (5 per cent got a decrease), whereas on 1969 returns the errors resulted in more taxes for 36.2 million individuals or 40.8 per cent while 8 per cent got a decrease in taxes.

However, the report notes the IRS did not deem it financially sound to try to collect except in the most lucrative cases. Thus, 35.3 million people got off without paying up what the government computers said they owed in additional taxes. The report admits the dilemma the IRS faces in gettting low-income people to comply without having to expend too much manpower to do it.

One reason the government was reluctant to make this information public was the fear taxpayers might be encouraged to cheat more. This specter is raised in a 1972 internal IRS memo written after publication of an article noting a 19 percent fraud rate in returns prepared by commercial preparers. Donald C. Dawkins, assistant to the deputy commissioner wrote:

"If we were to go around now saying that one out of every five taxpayers is a fraud, this would not only make it look as though we did not know what we were talking about for the past 10 years, but worse, it would be a self-defeating statement. If this notion takes hold. I think it will create an everybody's doing it' atmosphere in which more taxpayers will be encouraged to cheat on their tax returns. (For one thing, how can the government possibly put 20 million people in jail?)"

As a consequence, the summary results noted the IRS's intention to step up audits of low-income business returns, from 2.3 per cent in 1972 to 2.7 for 1974 and 6.5 per cent in 1979. In that way, the IRS hopes to raise the "unacceptably low" compliance rate to 85 per cent. Each percentage of non-compliance represents approximately $3 billion of uncollected revenue.

Finally, TCMP data and other procedural information have been kept confidential for fear the public may somehow be able to "beat the system." TCMP provides the basic "profiles" of each audit class from which Discriminant Function Formulas (DIF) are devised to program IRS computers used to expose faulty returns. DIF, which is only one audit method used by the IRS, scientifically weighs components such as exemptions, charitable contributions, et cetera.

Theoretically a person with access to TCMP data might be able to figure out the formula for simple returns. But, says a tax lawyer who once knew the formulas when he worked for the IRS, the large number of components used in auditing multi-schedule returns would render such an attempt virtually impossible.

Besides, he adds, the formulas are constantly changed to make it tougher to pass audit. IRS officials, according to the document, expected the updated 1974 formulas, based on the 1969 "profiles," would produce $430 million more in revenue.

* * * * *

By Mr. WEICKER:

S. 1405. A bill to provide for the rationing of gasoline, to restrict imports of crude oil, to provide for the conservation of energy, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Interior and Insular Affairs.

Mr. WEICKER. Mr. President, I am today introducing a bill, the Mandatory Energy Conservation Act of 1975, that specifically addresses this Nation's crisis in energy and the economy in the short term. My bill contains measures that I have long advocated as a means of stemming the present rate of energy consumption in the United States—mainly a program of non-coupon-sticker rationing applied in combination with oil import quotas and allocation.

I have heard much debate in this Chamber in recent months specifically relating to how we should react to our current crisis in energy and the economy. I have heard many sound proposals as to what programs we can embark upon in the long range to assure energy self-sufficiency and security for the future. I fully endorse many of the programs that have been suggested as a means of achieving American energy independence in the 1980's. However, I have witnessed little in the way of a positive and equitable response to the crisis that confronts us now—the situation that we must deal with until the time when the long term programs can yield positive results.

The legislation I offer today is specifically geared toward policy in the short range, during the next 5 or 6 years, while long-term solutions are being put on the track. Clearly, there is substantial agreement on what our approach is to be for the long term. But what should our interim response be?

I am most disturbed by the lack of action in the short term with regard to our crisis in energy and the economy. Recent developments would seem to strengthen the case for decisive action rather than to provide justification for a weak-kneed response. Inflation and high unemployment continues; America is neither curbing its energy consumption nor reducing its reliance upon foreign oil.

At the present OPEC price of oil, $10 to $12 per barrel, increasing reliance upon foreign supplies of petroleum will result in disastrous economic consequences for the United States—both in terms of the balance of trade and in terms of inflation. In 1974, imports of foreign oil cost this country upward of $24 billion and were directly attributable to an overall balance-of-payments deficit—adjusted to account for imports from the Virgin Islands—that approached $6 billion—as compared to a $5 billion surplus in 1973. As we have started in 1975, overall demand for oil products is once again on the rise. The Federal Energy Administration has estimated present demand for oil in the United States to be around 18 million barrels per day—a figure that FEA claims will gradually increase. In the absence of additional domestic supplies this year, or smaller more efficient automobiles this year, or expanded bus, rail, and mass transit this year, or large-scale use of solar energy this year, or any of the long-term solutions this year, there exists the inevitability of an increasing reliance upon foreign sources, mainly OPEC, for our supplies of oil. Thus, the outflow of U.S. dollars will be in direct proportion to the inflow of oil.

The present economic problems are directly attributable to America's position of energy vulnerability. The tremendous outflow of American money has significantly contributed to the depressed domestic economy. Higher energy prices, resultant from large imports of very expensive foreign oil, have led to more inflation, less consumer purchasing power, and increasing job layoffs and unemployment.

Much controversy has centered around how we are to deal with these problems in the short term. President Ford has offered a comprehensive short-term program to induce energy conservation through a series of import fees and excise taxes upon all oil imports and domestically produced oil and natural gas. A number of Senators and Congressmen have proposed the imposition of a gas tax to be gradually increased over the next several years.

In my mind, both of these approaches amount to nothing more than strict rationing by price. Each embodies the price mechanism tactic and endorses higher energy prices as a means to achieve reductions in the consumption of energy. Each program would further aggravate current economic problems by firing additional inflation; each would be particularly discriminatory to that segment of American society that can least afford higher prices—mainly the poor, the elderly, and those on fixed incomes.

I believe that the President's program would have a most adverse impact upon the economy. The administration approach proposes to tax just about all the oil and natural gas that is used in this country. The effect will be very serious as energy price increases spread throughout the entire marketplace. The administration plan would directly threaten the economic viability of thousands of businesses and industries throughout the Nation and would cost the consuming public tens of billions of dollars. It would force conservation in areas—especially home heating and industrial use—where further conservation is not really possible and would not result in any significant degree of conservation in areas where there is room for substantial conservation—mainly consumption of motor gasoline for automobile travel.

A gradually imposed gas tax would have a less dramatic impact upon the economy. However, I seriously doubt that such a program would be effective or equitable. On the basis of our past experience and the experience of other nations in this regard, it is safe to assume that the only gas tax that will be effective, will be a very severe one—in the nature of 40 to 50 cents or more on the gallon. Since late 1973 the base price of gasoline has increased by over 50 percent, yet the corresponding decrease in consumption has amounted to less than 4 percent. To obtain and maintain the type of conservation in the use of gasoline that is needed during the next several years, we will have to raise the price of a gallon of gasoline to nearly $1, if not higher.

The imposition of such a gas tax would have serious consequences for the economy and would greatly discriminate against the poor and against those dependent upon their automobile for a livelihood.

The legislation I am offering today offers what I confidently believe is a reasonable plan for achieving significant energy conservation in the short term. I feel my plan is administratively feasible and equitable. The plan consists of three parts: First, a sticker rationing scheme; second, provisions for an oil import quota system; and third, provisions for mandatory nationwide allocation.

The use of gasoline represents the area of energy consumption that is best suited for restrictive conservation endeavors. Gasoline consumption accounts for fully 39 percent of total oil demand. Current demand for gasoline exceeds 6.5 million barrels of oil a day and by all indications shall continue to grow on an average annual basis. Increases in gasoline consumption will be directly attributable to further imports of foreign crude. Most significantly, the FEA has estimated that fully 33 percent of our gasoline consumption goes toward social and recreational purposes; only about 40 percent is used for earning a living.

The sticker rationing scheme incorporated in my bill is a simple plan designed to significantly reduce the consumption of motor gasoline and yet to afford a certain amount of flexibility in how car travel is to be restricted. The intention of this proposal is to concentrate upon conservation in the area of motor gasoline consumption, but to avoid the extent of Government involvement and the existence of bureaucratic com-

plications that would necessarily be associated with a coupon rationing system.

In accordance with my legislation, the Administrator of the FEA is required to put into effect within 90 days of enactment a plan for the rationing of motor gasoline to restrict the use of individual motor vehicles to a maximum of 6 days during the week. The Administrator is directed to further restrict travel by persons who own more than one car so as not to give these persons special advantage over those who own only one automobile. Every motor vehicle would be required to bear a sticker designating that day of the week during which travel was prohibited, but owners would have the choice of which day not to operate their vevehicles. Vehicles operated for official business, commercial, or agricultural purposes would be exempted from the provisions of this title. However, under IRS definition, this exemption would not include vehicles used for commuting to work.

Sticker rationing would be utilized in tandem with a program for oil import quotas and mandatory allocation. Ongoing conservation in the area of motor gasoline consumption would ease the impact of limitations with regard to the import of foreign oil. Title II of my legislation requires the Secretary of Commerce to issue comprehensive guidelines providing for a definitive oil import quota schedule through the year 1980. In no case, could imports represent an amount in excess of an annual average of 5.5 million barrels per day by the end of calendar year 1976, 5.0 million by the end of 1977, and 3.5 million by the end of 1980. In accordance with title II, the Secretary would initially submit a report to Congress within sixty days of enactment setting forth a schedule of imports of crude oil, residual fuel oil, and petroleum products through the year 1976. This report would include full evaluation of the expected economic effects of proposed import reductions and would account for areas of potential shortage and the expected consequence for regional business and industries and the general consuming public. Subsequent reports would be required, as of November 1 prior to each new calendar year, to relate the proposed import schedule for the following year. I have also included in title II provisions mandating studies relative to the establishment of dollar limitations for oil imports and to the feasibility of creating a single government purchasing agency to transact all business relative to the purchase, importation, and initial distribution of all foreign oil.

If enacted now, title II of this bill would require reductions in imports amounting to an annual average decrease of just under 500,000 barrels per day for each year until the end of 1980. Such reduction goals are well within our reach. They represent a short-term compromise upon President Ford's attempt to reduce oil imports on a daily average by 1 million barrels for 1975 and by 2 million barrels for 1977 but embody an attempt to achieve significant reduction in reliance upon foreign oil by 1980. My quota system would on the average save the United States about $2 billion for each of the next 6 years.

Finally, title III of my proposed legislation would provide for mandatory allocation of all oil to evenly distribute available supplies and to prevent the existence of severe shortfall conditions within any one region of the country. The Administrator of the FEA utilizing current allocation authority would be directed to make necessary adjustments with respect to the mandatory allocation of oil and oil products as a result of the enactment of sticker rationing and oil import quotas. The Administrator would specifically be responsible to submit to Congress and the States annual reports for proposed adjustments in the allocation of oil to account for the changing levels of imported oil.

The purpose of the allocation process is to spread evenly throughout the country available oil supplies while facilitating at the State level the development of local conservation programs to meet expected shortages in an orderly fashion. Individual States would have prior notification of expected shares of oil supplies and would be responsible for the implementation and carrying out of whatever conservation programs might be necessary. Such an approach better accounts for specific considerations of a regional nature—that is, climate, geography, demography, type and location of business and industry, availability of mass transit.

Mr. President, I believe that the simple program of gas rationing, oil import quotas, and allocation that I have outlined compromises a viable alternative in energy conservation policy for the short term. This program, needless-to-say, assumes a broad-ranging commitment in the longer term to our energy crisis involving programs that most of us have been able to support. What do I see in the long range as complementing short-term conservation? For one, a massive effort to promote expanded exploration and development of indigenous sources of energy. This most especially means the accelerated production of our basic energy staples: oil, natural gas, and coal. It involves exploring and producing from new mineral rich land areas, whether that be Prudhoe Bay in Alaska, or the coal-filled lands of the western Rockies, or the regions within the Outer Continental Shelf.

However, I strongly believe that the case for expanded production does not signal the abandonment of current environmental standards. I fully realize that we must achieve a balance between energy and environmental considerations, but under no circumstances should this mean accepting standards that present a direct threat to the health of American citizens.

I envision the commitment for the accelerated development of our oil, natural gas, and coal as primarily that of private enterprise. Such an endeavor on the part of our private industries entails the generation of tremendous amounts of private capital. This means energy prices that reflect the true cost of ongoing production and that facilitates the generation of sufficient amounts of capital. It does not mean: First, the continuing regulation of energy prices at artificially low levels—in particular it means the deregulation of natural gas—and second, politically motivated actions with regard to oil company taxation—in particular, the inclusion of major oil tax reform on an emergency tax relief measure.

The guidelines for long range energy policy will include a broad commitment at the Federal level to foster the development of alternate sources of energy. This means significant Federal funding to encourage and accelerate R. & D. for both Government and private sector programs to tap the potential for the less conventional means of energy delivery—specifically the use of solar, geothermal, and nuclear energy. I am personally dedicated to broad endeavors in these areas. I am convinced that we shall see significant returns on investments made toward future utilization of solar, geothermal, and nuclear energy. It particularly pleased me that the Solar Heating and Cooling Demonstration Act, a measure that I originally sponsored along with Senator Moss, became law during the 93d Congress.

Perhaps the most significant role the Federal Government will play with regard to long-term energy policy is in the development of alternate modes of transportation. Approximately 39 percent of gard to long-term energy policy is in the United States is represented by the use of motor gasoline. Virtually all of the motor gasoline consumed goes toward private automobile and truck travel. Less than 1 percent is being used for purposes of bus transportation. Automobile gasoline consumption has been growing at an annual rate of 5 to 6 percent—between 1963 and 1973. Our Federal transportation budget has clearly reflected a preoccupation with maintaining the predominant position of the automobile in American society. During 1974 over 61 percent of $7 billion in Federal funds expended for transportation development in the United States went to highways while only 8 percent went to mass transit and 3 percent to rails.

There seems to be little doubt that Federal Government will have to make a major commitment to offer alternate modes of fuel efficient transportation to the American people. Future transportation budgets must reflect an intensive program to revitalize bus and rail transit, to fully develop urban mass transit, and to reduce reliance upon the automobile.

I have campaigned and will continue to campaign for a reordering of U.S. transportation priorities. I will fight for a commitment to mass transit above and beyond the $11.8 billion authorized last fall to UMPTA over a 6-year period. I have introduced with Senator HARTKE comprehensive legislation to restructure and revitalize the beleaguered rail industry. In the absence of substantive efforts to revamp our national rail system, we shall continue to participate in the futile gesture of annual Federal bailouts of bankrupt railroads. Senator KENNEDY and I have offered legislation to end the Highway Trust Fund and to return these Federal tax moneys to general revenues in the Treasury Department. This general revenue money would be available for expenditure at the State level for various transportation needs.

Finally, the Federal Government will have a large responsibility for developing a long range conservation ethic and

for promoting policy for the judicious and efficient use of all energy sources. Per capita use of energy in the United States has traditionally exceeded that of any other major industrialized nation in the world. The United States continues to lag behind other Western industrialized nations in curbing overall energy consumption. For the January to June period of 1974 only Italy, among seven major European nations, trailed the United States in curbing oil use—by 3.7 percent compared to 4.9 percent; France, 5.7 percent; Britain, 9.5 percent; the Netherlands, 14.2 percent; Germany, 14.3 percent; Denmark, 17.6 percent; and Belgium, 19.4 percent—achieved far more significant savings on oil during that period than did the United States. Present patterns in the consumption of energy, especially of oil, do not indicate that this country has yet embraced the type of conservation ethic that must become part of America's future.

Americans must learn to use less energy and use what they have more judiciously. The Federal Government must lead the way be designing long range policies to encourage conservation in the direct or indirect utilization of all sources of energy. The administration and the Congress have already offered many programs and policy options of considerable merit.

Enactment of any of a number of proposals could achieve major savings in the use of energy. What sort of steps can we take:

First. Adaption of tax incentives or disincentives to prompt production of more fuel efficient automobiles for the future.

Second. Adaptation of tax incentives to encourage installation of insulation in both personal residences and commercial establishments.

Third. Development of construction standards at the Federal level for new buildings, especially to encourage utilization of nature for special heating and cooling.

Fourth. Implementation of policy relative to appliance labeling and efficiency standards.

Fifth. Reasonable restrictions relative to inefficient industrial and commercial use of fuels in short supply.

Sixth. Legislation to rationalize regulatory policy of utilities, to help facilitate conversion to alternate fuel sources, and to change utility price structures and pricing policies.

Seventh. Establishment of programs at the Federal, State, and local level to educate people in the efficient use of energy in every day life.

Mr. President, this country clearly has both the ability and the means to construct a secure energy future for both ourselves and future generations of Americans. I am fully confident that in the years ahead we shall be realizing gratifying returns from this Nation's investments in American energy independence. However, we are currently in a critical transition stage and until the long-term solutions are brought aboard, we must take decisive action to ameliorate our current situation. In my mind, this means mandatory nationwide energy conservation. I would strongly recommend to my colleagues the approach engendered in the legislation I have today introduced—a simple plan of noncoupon gas rationing applied together with oil import quotas and mandatory allocation.

Mr. President, I ask unanimous consent that the copy of the "Mandatory Conservation Act of 1975" 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. 1405

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 "Mandatory Energy Conservation Act of 1975".

TITLE I—RATIONING

SEC. 101. (a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h)(1) Not later than ninety days following the date of the enactment of this subsection, the President shall, notwithstanding any other provision of this Act, promulgate and put into effect a rule which shall be deemed a part of the regulation under subsection (a) of this section and which shall provide, consistent with the objectives of subsection (b) of this section, for the establishment and carrying out of a program for the rationing of gasoline which shall include, but not be limited to, a gasoline rationing program which would prohibit the use of each private motor vehicle covered by such program in the United States for at least one twenty-four hour calendar day period in each and every seven calendar day period following the effective date of such rule. Such program shall prohibit the operation of any private motor vehicle subject to such program on any highway unless such vehicle has attached thereto and displayed in accordance with such rule a conservation sticker. Such program shall further provide means pursuant to which each owner of a motor vehicle subject to such program shall, in accordance with such rule, be able to obtain, upon payment of such charge as the Administrator shall prescribe for purposes of defraying expenses incurred in carrying out such program, his conservation sticker for use on his motor vehicle or motor vehicles. In no case, however, shall such program so established have the effect of giving an advantage to an individual owning more than one private motor vehicle over an individual owning only one such vehicle, or of giving an advantage to an individual leasing a private motor vehicle over an individual owning his vehicle. Each individual subject to such program shall be entitled to select the twenty-four hour period during which his vehicle shall be prohibited from utilizing highways.

"(2) Such program established by the President may provide, subject to their consent, for the use of officers and facilities of a State or political subdivision thereof or of State or local boards to handle hardship waivers and appeals and perform other functions, including enforcement, on a reimbursable basis, relative to the implementation of the rationing program provided for by this subsection.

"(3)(A) Such rule may further require all United States Post Offices and all banks the deposits of which are insured by the Federal Deposit Insurance Corporation to distribute conservation stickers in accordance with such regulations.

"(4) Within sixty days following the date of the enactment of this subsection, the Administrator shall submit to the Congress and the Governor of each of the several States plans for the implementation and administration of such rationing program, including cost analysis.

"(5) The rationing program established pursuant to this subsection shall terminate on December 31, 1980, unless the Congress shall otherwise provide by law.

"(6) As used in this subsection, the term—

"(A) 'conservation sticker' means any sticker, item, or thing issued in accordance with such rule for the purpose of display on a motor vehicle to indicate the time period during which such vehicle is prohibited from using any highway;

"(B) 'private motor vehicle' means any motor vehicle, including a motorcycle, owned by a private individual or a business and which is used for purposes other than business purposes, such as commuting to work, shopping, family business and social trips, but such term shall not include a commercial vehicle, or a vehicle used in the maintenance of agricultural operations for at least 70 per centum of the mileage driven;

"(C) 'commercial vehicle' means a motor vehicle, including a motorcycle, owned by either a private individual or by a business and which is used for business purposes for at least 70 per centum of the mileage driven;

"(D) 'business purpose' means driving which is accepted by the Internal Revenue Service as deductible for income tax purposes;

"(E) 'highway' includes any street, alley, parkway, highway, avenue, or other roadway;

"(F) 'agricultural operations' include farming, ranching, dairy, and fishing activities, and services essential to the operations thereof; and

"(G) 'handicapped individual' means any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning, or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent, impediment to mobility."

"(7) Such rationing program established pursuant to this subsection shall take into consideration the needs of handicapped individuals and those individuals who must transport a handicapped individual.".

TITLE II—PETROLEUM IMPORT QUOTAS

SEC. 201. (a) On and after the first day of the first calendar month following the expiration of the ninety-day period following the date of the enactment of this title, no crude oil, residual fuel oil, and refined petroleum products shall be imported into the United States except pursuant to a license issued by the Secretary of Commerce and in accordance with quota limitations established by this title. Such licenses shall be issued with a view to providing a transition for reduced imports of crude oil, residual fuel oil, and refined petroleum products and to reducing the immediate impact on consumers and the economy. The quantity of crude oil, residual fuel oil, and refined petroleum products which may be imported into the United States shall not exceed an average of 5.5 million barrels per day of crude oil and the crude oil equivalency of residual fuel oil and refined petroleum products during calendar year 1976, an average of 5.0 million barrels per day of such oil and products during each of the calendar years, 1977, 1978, and 1979, and an average of 3.5 million barrels per day of such oil and products during calendar year 1980.

(b) The Secretary of Commerce is authorized to issue such regulations as may be necessary to carry out the provisions of this section. Any license issued under this title for the importation of a quantity of residual fuel oil or refined petroleum products shall also show the crude oil equivalency of such quantity.

SEC. 202. (a) Within the sixty-day period following the date of the enactment of this title, the Secretary of Commerce shall sub-

mit to the Congress a report setting forth a schedule of import quota limitations through calendar year 1976 required by section 201 of this title. Such report shall include an economic import statement detailing possible economic effects during the calendar year covered by such report of cutbacks in imports of crude oil, residual fuel oil, and petroleum products required by this title and the expected existence or potential for shortages in the availability of such oil and products, including likely adverse effects upon businesses and industries in the various regions of the United States, and upon the consuming public. Comparable reports for calendar years 1977, 1978, 1979, and 1980 shall be submitted not less than 60 days prior to January 1 of each year.

(b) The Secretary of Commerce shall further submit to the Congress, within sixty days following the date of enactment of this title, a report relative to the importation of crude oil into the United States and its effect upon the United States balance of payments. Such report shall contain specific recommendations as to imposing future ceilings upon the outflow of United States dollars directly attributable to the importation of crude oil, residual fuel oil, and petroleum products into the United States.

(c) The Secretary of Commerce, after consultation with the Secretary of the Treasury, the Administrator of the Federal Energy Administration, and the Attorney General, shall, within ninety days following the date of the enactment of this title, submit to the Congress his views and recommendations with respect to the establishment of a single Federal agency to be charged with the responsibility of purchasing all crude oil, residual fuel oil, and refined petroleum products for importation into the United States.

SEC. 203. The import quota limitations imposed by the foregoing provisions of this title shall not be applicable with respect to any crude oil, residual fuel oil, and refined petroleum products imported into the United States for the purposes of including such oil or products as a part of any national strategic energy reserve system established by law.

TITLE III—ALLOCATION OF CRUDE OIL, RESIDUAL FUEL OIL, AND REFINED PETROLEUM PRODUCTS

SEC. 301. (a) The Administrator of the Federal Energy Administration shall make such adjustments with respect to the mandatory allocations of crude oil, residual fuel oil, and refined petroleum products as may be necessary by reason of the enactment of this Act.

(b) Within sixty days following the date of the enactment of this Act, the Administrator of the Federal Energy Administration shall submit to the Congress and each of the governors of the several States information relative to allocations of crude oil, residual fuel oil, and refined petroleum products, including information specifying individual State shares with respect to gasoline, residual fuel oil, distillate oil, and refined petroleum products through the calendar year 1976. Comparable information for calendar years 1977, 1978, 1979, and 1980 shall be so submitted not less than sixty days prior to January 1 of each such year. In carrying out his functions relating to allocation plans and procedures, the Administrator shall make every effort to consult and coordinate with each of the States in connection with the preparation and implementation of such plans and procedures.

TITLE IV—MISCELLANEOUS

SEC. 401. Notwithstanding the provisions of section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973, or of any other law, the regulation promulgated and made effective under subsection (a) of section 4 of such Act, as amended from time to time in accordance with the provisions thereof, shall not terminate except as the Congress may, by law, hereafter provide.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the bill entitled "The Mandatory Energy Conservation Act of 1975," introduced earlier today by the Senator from Connecticut (Mr. WEICKER) be referred jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Interior and Insular Affairs.

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

By Mr. MONTOYA:

S. 1406. A bill to amend title 38 of the United States Code to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits. Referred to the Committee on Veterans' Affairs.

PENSION CEILING UNFAIR TO VETERANS

Mr. MONTOYA. Mr. President, today I am introducing legislation to amend title 38 of the United States Code to provide that compensation and pensions for veterans and widows of veterans will not be reduced as a result of certain increases in monthly social security benefits. An identical bill has been introduced in the House of Representatives by Congressman ROGERS. Under existing law, veterans pensions were reduced January 1, 1975, as a result of the 11-percent social security benefit increases scheduled during 1974.

As a result of the 20-percent social security increases effective in October 1972, pensions for 1,264,000 retired veterans and widows of veterans decreased to offset the social security increase.

I would like to quote two paragraphs from letters which my constituents wrote at that time reflecting the concerns of veterans throughout the country. I am sure their statements are more convincing than anything further I could say.

I am a veteran of the Second World War and I was getting $98.00 a month from the VA. The VA cut that to $78 a month when I received a $20 increase in Social Security. You take $20 in one hand and add $20 to your other hand, and then take out the first $20—how will that help?

I am coming to you with a problem that I think is unjust. The enclosed copy of a letter from Veterans' Administration shows them cutting my Veterans pension due to the raise we had in Social Security. If this raise was to offset the rising cost of living, why is the VA taking part of it away? Seems like they should be trying to help the veterans instead of pushing him back.

Pensions paid to a veteran in any calendar year are based on the actual income earned by that veteran in the preceding calendar year. A veteran's 1974 pension payment, for example, is based on the actual income—including social security—he received in 1973, and the payment he receives in 1975 will be based on the income he received last year.

This method of calculation benefits has always been unfair to veterans because it effectively denies them the increase in social security benefits granted to all other social security recipients. While other incomes rise, veterans' incomes remain stationary.

A year from now, the unfairness of this method of calculation will be felt especially keenly by 1,331,800 veterans who will suffer an actual loss in cash benefits over what they will receive in the first three quarters of this year.

The reason for this is simple: It is a result of recent social security legislation, all veterans entitled to social security benefits will receive one increase in social security benefits in April and another in June. These veterans will be allowed to keep the full amount of these increases until December when the annual calculation of their incomes takes place. At that time, these veterans will find their veterans' benefits cut back by an amount equal to the increases they received earlier in the year in social security benefits.

Mr. President, the men and women who are the concern of this legislation are poor elderly, and unable to provide extra income for themselves. In many cases they are disabled. The increases which have been made in social security payments were meant to combat the terrible effects of inflation on our elderly citizens. Certainly if any group is deserving of our consideration these impoverished former servicemen and their widows make up such a group. They should not be penalized because their voice is small and their numbers are few. We must not let them think that we have forgotten them.

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

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

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (g) of section 415 title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying paragraph (1)(G) of this subsection, shall disregard any part of any such benefit which results from (and would not be payable but for) the general increase in benefits under such insurance program provided by section 201 of Public Law 93-66 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying subsection (a)(6) of this section, shall disregard any part of any such benefit which results from (and would not be payable but for) the general increase in benefits under such insurance program provided by section 201 of Public Law 93-66 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.".

(c) In determining the annual income of any person for purposes of determining the continued eligibility of that person for, and the amount of, pension payable under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, the Administrator of Veterans' Affairs shall disregard, if that person is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, any part of any such benefit which results from (and would not be payable but for) the general increase in benefits under such insurance program provided by section 201 of Public Law 93-66

or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.

SEC. 2. This Act shall apply with respect to annual income determinations made under the veterans' pension laws and section 415 (g) of title 38, United States Code, for calendar years after 1973.

By Mr. SPARKMAN:

S. 1407. A bill entitled "Housing Cooperative Financing Association." Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am introducing a bill today to create a Housing Cooperative Financing Association within HUD.

The Association would use private financing methods to provide loans at reasonable interest rates to housing cooperatives. This would make it possible for people of modest incomes to achieve homeownership. Within a few years the Association would become wholly privately owned by the borrowing cooperatives. The financing for the Association would ultimately involve no cost to the Federal Government.

The Association would be similar to the successful cooperative associations for agricultural purposes which have been established in the Department of Agriculture. It would have other features patterned after Federal legislation authorizing similar financial institutions for housing.

Initially, the Federal Government would subscribe to $5 million of the preferred stock in the Association, but this stock would shortly be retired from subscriptions by borrowing cooperatives for common stock in the Association. Initially, the Association would also be authorized to borrow funds at a market interest rate from the Treasury up to a maximum of $50 million as needed to make HUD-insured loans to housing cooperatives. Thereafter, the Association would obtain its financing through normal private channels by issuing its bonds against the HUD-insured mortgages in its portfolio securing its loans. Within a few years, the Treasury advances would be fully repaid with interest from the public issues of the Association's bonds.

The Association would be created within HUD and all its powers would be vested in the Secretary. To assure reasonable interest rates, the bonds of the Association would be guaranteed by HUD. This would be similar to HUD's present guarantees of other financial institutions, such as the Government National Mortgage Association on so-called passthrough securities backed by a pool of mortgages. Over 40,000 cooperative dwellings would be developed by cooperatives under this program.

In making loans from its capital and borrowed funds, the Association would limit its operations to HUD-insured loans. The Association would be a one-stop financing vehicle for all types of HUD-insured loans to cooperatives. Through such loans to cooperatives, it will be possible to achieve lower monthly charges for cooperative housing as a result of the lower financing costs, the economies of mutual ownership, with competent professional management and reserves for replacement and contingencies.

The provisions in this bill are the same as those passed by the Senate last year as chapter VII of the housing and urban development bill, S. 3066. That chapter was not offered as an amendment to the House bill or included in the conference report. I am introducing a separate bill containing those provisions so that hearings can be held and action taken on this legislation which is urgently needed to provide financing to unsubsidized housing cooperatives which would serve families of moderate incomes.

There are compelling reasons why a separate financial institution is needed for housing cooperatives. Cooperative housing—like any cooperative endeavor—has the greatest difficulty in securing financing because only a group of consumers is involved. This is in contrast to a profit-making institution with established credit or a non-profit undertaking with an existing affiliated institution. This need for specialized financing institutions for cooperatives has long been recognized in the Federal Government and they have a uniform record of success. In housing, the unsubsidized cooperatives have achieved the best record of all HUD programs, but they are now impeded by lack of adequate construction and long-term financing at reasonable interest rates. The Association would be limited to financing housing cooperatives to assure its financial stability.

By Mr. STEVENSON:

S. 1408. A bill to extend the claim period for compensation of home defects. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, last August, Congress passed legislation to compensate owners of existing unsubsidized homes for the repair of structural or other serious defects which FHA should have, but failed to, discover in the course of its mortgage insurance inspection. I originally introduced such legislation in 1972, and—at my urging—it was included in the Housing and Community Development Act of 1974.

Under the law, those who bought FHA-insured homes in older declining urban areas from August 1, 1968, to January 1, 1973 are eligible for compensation for FHA's failure to do its job properly. But they must apply within 1 year of the law's enactment; namely, before the end of August 1975.

Again, however, the Government failed to do its job. Seven months followed enactment of this law before implementing regulations were issued. They have just now become effective. But applications for reimbursement have still not been distributed, and notices to eligible homeowners did not go out until the end of March. In short, more than half of the 1-year claim period elapsed before eligible homeowners were given an opportunity to make their claims, and now only 5 months remain. The full year which Congress intended for these homeowners has been frustrated by delay in implementation of the law.

I am, therefore, introducing a bill to insure that the intent of the Congress is fulfilled. Under this bill, the claim period would be extended for an additional 7 months to make up for HUD's 7 months' delay in implementing the law. No new benefits would be provided. No new standards would apply. No additional funds would be required. But the full 1-year claim period which Congress originally intended would be preserved.

Mr. President, this legislation is needed in order to do simple justice. Congress made it clear last year that those who have been wronged by their Government should be compensated—and that they should have 12—not 5 months to assert their rights. We cannot and should not permit one branch of the Government to take away what the other has given. Swift passage of this bill would insure that the purpose of the law is fulfilled.

By Mr. NELSON:

S. 1410. A bill to amend the Defense Production Act of 1950, to establish a National Resources and Materials Information System, to repeal and reenact with amendments the National Commission on Supplies and Shortages Act of 1974, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce; and that if and when one committee reports the bill, the other committee has 45 days in which to report.

NATIONAL RESOURCES AND MATERIALS INFORMATION ACT

Mr. NELSON. Mr. President, I introduce today the National Resources and Materials Information Act.

This measure would establish a National Resources and Materials Information System as a permanent part of the Federal Government. The bill would thereby carry out recommendations that have been made and repeated over the past quarter-century by one high-level resources study group after another.

In June 1952, President Truman received the five-volume final report of the President's Materials Policy Commission, known as the Paley Commission. In chapter 31 of volume 1, the Commission strongly recommended that "a single agency" be "designated to keep all aspects of the materials problem under its eye."

A generation later, in June 1973, Congress received the final report of the National Commission on Materials Policy, created in 1970 by Public Law 91-512. In its summary, the Commission noted that—

> Almost every aspect of policy work in this area is handicapped by inadequate, inaccurate, or inaccessible information.

It recommended, accordingly, that an adequate, accurate, and accessible data base be compiled for materials-energy-environment policy development, with the ultimate objective of creating a computerized resource inventory.

On April 29, 1974, Congress received from the Comptroller General of the United States a report entitled "U.S. Actions Needed to Cope with Commodity Shortages." In chapter 5 we find the conclusion that—

> Commodity monitoring and forecasting agencies are not equipped to provide prompt and relevant information to decisionmakers.

The final words of this long and thorough report from the General Accounting Office are that the Congress should consider the need for legislation to establish a centralized mechanism for developing and coordinating long-term policy planning.

MAJOR 93D CONGRESS BILL

At the time the GAO report was received, there were already pending in the 93d Congress several bills which met that description.

The oldest, I believe, was the Energy Information Act, S. 2782, which I had introduced for myself and Senator JACKSON in December 1973. Twenty-eight Senators subsequently cosponsored the bill and a number of House counterparts and near-counterparts were introduced. Hearings on S. 2782 were completed by the Senate Interior Committee in February 1974.

The occasion for delivery of the GAO report to the Congress was a series of joint hearings by the Senate Commerce and Government Operations Committees on four related bills, all concerned with resources monitoring and forecasting. In the order of their introduction, those bills following the introduction of S. 2782, were: First, S. 2966, the Domestic Supply Information Act by Senators TUNNEY and MAGNUSON; Second, S. 3209, the National Resource Information Act by myself and Senator RIBICOFF, with subsequent additional cosponsors; Third, Senate amendment No. 1069, an alternative Domestic Supply Information Act proposed by Senators MAGNUSON and STEVENSON as a substitute for S. 2966; and Fourth, Senate amendment No. 1195, the Shortages Prevention Act of 1974, proposed by Senator HART as an alternative substitute for S. 2966.

Each of those measures was intended and designed, in broadly similar ways, differing in detail, to establish mechanisms for better coordination of materials information, and for collection of missing materials information—in short, to meet the need noted in the 1952, 1973 and 1974 reports on materials policies and problems which I have mentioned.

By mid-May of 1974, the Government Operations and Commerce Committees had completed their hearings on the four proposals. There seemed to be good reason to hope that they would report and the Congress at long last would pass legislation to carry out the recommendations made by the Paley Commission and its successor materials policy study groups.

Encouraging progress was also being made on another front. In the Senate Interior Committee, formal markup work and informal but serious discussions with interested Government agencies and private groups were well underway on S. 2782, the Energy Information Act. By mid-May of 1974, passage of that bill seemed a reasonable prospect—and passage would have established a National Energy Information System as a permanent and powerful analytical apparatus of the Federal Government. That System could easily and sensibly have served as a prototype or pilot program for the across-the-board resources and materials information system which seems, ever more plainly, to be what the country most urgently needs.

ANOTHER STUDY COMMISSION IS BORN

Considering all the momentum that had been built up toward the goal of creating the permanent, powerful, high-level resources monitoring and forecasting mechanism recommended by scientists and experts of the Paley Commission so long ago, and by other experts so often since, there was a surprise—and disappointment—in store for the sponsors of the various pieces of legislation I have mentioned.

On May 22, 1974, a proposal suddenly emerged from the administration to, in effect, arrest the momentum, put all this advanced legislative work on the back burner, and create, instead, yet another short-lived, powerless commission to study the subject of our critical resources and material problems. Protest was heard; but the new bill—S. 3523, the Temporary National Commission on Supplies and Shortages Act of 1974 prevailed. The parliamentary and political details are too complex and lengthy to be worth recounting here. It is enough to say that on September 30, 1974, S. 3523 was officially engrafted onto the Defense Production Act of 1950, as section 720 thereof, by provision of section 5 of Public Law 93-426, the Defense Production Act Amendments of 1974.

Now this study commission plan, while I supported a different approach, does have some advantages. For one thing, the National Commission on Supplies and Shortages, as the group is named, is to be high-level and prestigious. Its membership of 13 is to include two Senators, two Representatives, four officers of high rank from the executive branch, and five public members to be appointed by the President in consultation with the congressional leaders of both parties. The conclusions and recommendations of such a group will carry weight.

For another thing, the Commission was given by the statute a broad mandate to consider, on an urgent basis, our resources and commodities problems in their entirety and to report to the President and the Congress on needed institutional adjustments for examining and predicting shortages and on the existence or possibility of shortages with respect to essential resources and commodities.

But there are also drawbacks to the plan.

The Commission was given the enormous and vital job of studying all our vast and complex resources and materials problems, of reviewing all the thorny areas of conflict, and of making recommendations, including institutional adjustments, to deal with them. But to do that job, it was given a lifespan of only a few months and a severely limited budget. Under Public Law 93-426 as originally passed, the Commission was required to file its first and major report by March 1, 1975, and to file a final report and go out of business by June 30, 1975.

At the time the bill passed the Senate last June, that seemed to me to be a formula guaranteeing that the Commission could not realistically be expected to do the job that needed to be done. It could not be expected to do much more than examine the existing literature, select the portions of the literature that appealed to the pre-existing values and views of its majority, and issue by the statutory deadlines one or two reports reflecting those views.

As things have worked out in practice, even that modest expectation proved too high. On March 1, the date the Commission's first report was due, the five public members had not yet been appointed by the President, and the Commission had not hired a single staff member. In fact, it did not yet have an office, a letterhead or even a telephone number.

Accordingly, the administration requested and the congressional leadership obligingly provided an extension of time. By Senate Joint Resolution 48, which was introduced March 6 and quickly passed both Houses without benefit of referral to or consideration by any committee in either body, the date for the Commission's first report was postponed to June 30 and the date for its final report and expiration was deferred until December 31, 1975. Senate Joint Resolution 48 was signed by President Ford on March 21 to become Public Law 94-9. Now, this week, we are still waiting for and we are told we can except the President to name the five public members.

The members that have already been named, by the way, include: from the Congress, Senators TUNNEY and BROCK and Representatives REES and STANTON of Ohio, and, from the executive branch, Secretary of the Treasury, William E. Simon, Chairman Alan Greenspan of the Council of Economic Advisers, and Assistant to the President for Economic Affairs, William L. Seidman. While he was still in office as Director of the Office of Management and Budget, Roy L. Ash was also designated a member of the Commission; but neither the White House press office nor the OMB was able to inform me this week whether Mr. Ash's successor, James T. Lynn, is a member of the Commission.

The members appointed thus far, by ability and by governmental placement, should be able, even with the low budget and short timespan they have been given, to produce a helpful report, and it will be awaited with interest. We have, of course, only until June 30—less than 3 months—to wait for their first report, barring further extensions.

Obviously, to do the assigned job in the specified time, the Commission will need all the help it can get. The National Resources and Materials Information Act is being introduced today, among other reasons, in the hope that it may be of some help to the Commission and its staff in the framing of their own first and final reports.

But the worst news about the National Supplies and Shortages Commission Act of 1974 has yet to be stated.

The worst news is the phraseology of one of the charges to the Commission.

Under subsection (h) of this one-section act, as it has now been amended by Public Law 94-9:

The Commission shall report not later than June 30, 1975, to the President and the

Congress on specific recommendations with respect to institutional adjustments, including the advisability of establishing an independent agency to provide for a comprehensive data collection and storage system, to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world.

At the time the National Commission on Supplies and Shortages Act was first debated in the Senate, on June 11 and 12, 1974, I took—and still take—vigorous exception to the phrasing of that charge.

During the debate on June 11, in a statement made for myself and Senator HASKELL jointly, this observation appears:

Frankly, Mr. President, for the Congress to be referring that question at this hour to a new study commission is astonishing. It is almost dismaying.

Just because a question is troublesome and still politically controversial; just because the answer to such a question is inconvenient or threatening to many persons, is no reason and no excuse to act as though the answer were not yet in, when it is in.

Mr. President, the answer to the question, "Is it advisable to establish an independent agency to provide for a comprehensive data collection and storage system to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world?" is in. It has been provided to the Congress and the country after thorough study, not once but several times, by learned, competent and prestigious persons.

The answer is "yes."

It is now incumbent on the Congress not to repeat the question but to act upon the answer, to set up the system. I will have to vote against any bill which, in June 1974, asks a new study commission to address that question.

To support such a bill, unamended, would be to condone a substitute for action, a postponement of action, when action itself is what is desperately needed, and when the needed action is well known and entirely practicable.

As an alternative to repeating the question instead of acting on the answer, Senator HASKELL and I proposed an amendment, substantially similar to the bill that is being introduced today. We did not expect nor wish that any proposal so complex would be passed as a floor amendment. We did wish and hope that the Senate might agree to recommit the bill, with instructions to consider the amendment and report back by a day certain. For myself and Senators HASKELL and TAFT, I so moved, on June 12; but that motion was defeated in a rollcall vote of 34 to 56, recorded on page 18944 of the daily CONGRESSIONAL RECORD for that date.

A REASON FOR DELAY

When three eminent studies had addressed a question and given essentially the same answer, had repeated the answer three times over a span of 22 years, why did the administration want the Congress to ask the same question yet another time of yet another commission, and why did a majority of the 93d Congress go along with that request?

One can, perhaps, only surmise; but it seems probable that the real reason may be found in the deep antagonism that exists in the giant corporations of this country toward any new Government policy or program that might make the myriad details that together comprise their great wealth and power more visible, and make themselves thereby more accountable. And just such increased visibility and accountability would be a consequence of any successful implementation of the long-standing recommendation that we create a materials monitoring and forecasting system.

This thought finds support, in gentler language, in yet another final report of yet another study of our materials situation by yet another eminent panel of experts—a report received some months after enactment of the National Commission on Supplies and Shortages Act of 1974.

The new report is entitled "Mineral Resources and the Environment" and was published just this past February by the Committee on Mineral Resources and the Environment—COMRATE—which is a committee of the Commission on Natural Resources of the National Research Council, National Academy of Sciences.

No reader of the Paley Commission report of 1952, the Klaff—National Commission on Materials Policy—report of 1973, or the GAO report of 1974 will be surprised at the 1975 COMRATE report's finding, on page 3, that—

Widely divergent methodologies, based largely on individual judgment, are used both in forecasting demand for, and in estimating supplies of, mineral resources. There are currently no standardized techniques for making either long-term demand forecasts or resource estimates nor are means available to assess adequately the accuracy of the existing methods.

Sophisticated readers will also not be surprised by COMRATE's recommendation, on page 4, that—

Recognizing the interdependence of resources, common scales for units and for quantities should apply to resource estimates. In addition, the gathering of resources data should be refined and systematized so that standard error or confidence level appreciations can be applied as elsewhere in the physical sciences.

However, COMRATE has done a little more, gone a little further than its predecessors in putting the finger on the reason for this persistent problem, noted in all the reports.

Among the "general conclusions," we find this, on page 3:

3. Reliable data on mineral resources are difficult to obtain because of their proprietary or international nature. This affects supply estimates. In the U.S. much improvement is still needed in the work of the U.S. Bureau of Mines and the U.S. Geological Survey in the collection, coordination, standardization and dissemination of mineral resource data.

COMRATE's work was done by four panels, each of which reported separately. The summary of the report of the Panel on Estimation of Mineral Reserves and Resources contains, at page 8, this "general conclusion":

1. A major problem confronting attempts to improve estimates is the difficulty of bringing into the public domain proprietary information gathered by private organizations. Bringing such information together with that available from government files, without negating proprietary values, would enormously facilitate the maintenance of a running inventory of resources, and greatly increase the accuracy of resource estimates.

In the main body of the report, at pages 77–78, this summary conclusion is elaborated as follows:

1. Information on reserves and resources of minerals today is in many different hands. Much information is available in government files, but much is in the hands of private organizations who have acquired it through large expense and years of effort in mineral exploration and development and studies, national or worldwide in scope, of resources of commodities of interest to them. Current resource estimates could be greatly improved if these two categories of information could be brought together in such a way, and in such timing, that a running inventory of resources could be maintained. There are, however, difficult problems involved. Among them is the problem of preserving confidentiality of data that have been acquired at private expense and constitute important assets of organizations that have obtained them.

THE MAJOR ISSUE: ACCESS

The stumbling block, in a word, is access. The issue, in a sentence, is, "To what proprietary information should a National Resources and Materials Information System be given access, and what persons and classes of persons should be given access to such information within the System?"

That is the question without a good answer to which this country will never get the National Resources and Materials Information System it so badly needs.

And by a "good" answer, I mean one that will appeal to the reason of a majority of the reasonable people in a great many different and frequently conflicting communities: big business, and small business, government at all levels, academia, the labor unions, and the public interest and consumer groups, to name the most obvious.

In the big business world, especially, the depth and fervor of the opposition to any kind of reporting of corporate property and profits on any kind of basis that would permit easy comparisons and tabulations among companies, by areas and by lines of business, are very great. If you doubt it, you need only to read the comments the giant corporations have offered in both administrative proceedings and in litigation over two segmental financial reporting programs—rather modest and overdue programs, in my view—of the Federal Trade Commission.

The views of American big business on this subject are reflected in some of the remarks that were made in the Senate by opponents of the National Resources and Materials Information Act last June. At that time today's bill was before the Senate as a possible—not even a pending—amendment to the legislation creating the Supplies and Shortages Commission. It is quite interesting to compare the conclusions and recommendations of COMRATE, which I have just quoted, with the following remarks made in the Senate, with reference to the pro-

posed National Resources and Materials Information System:

The administrator of this agency would have the authority to require from any company such proprietary information as that company may possess. Mr. President, ask yourself what legitimate purpose in the world is served by such authority?

* * * * *

In addition to the handling of this proprietary information, let me suggest that the purpose of this amendment really is to alter and amend the accounting practices of our free enterprise system. What is sought is to force private enterprise to conform to Federal dictates for accounting. When one looks closely at the requirements applied to the private sector you will note the requirement for standardization of all information. Today, our private sector has no requirement for standardization, in fact, that is what it is all about. Private enterprise can use any form to try to ascertain how they are faring. This bill would attempt to standardize all business and accounting practices so that Uncle Sam could keep tabs on the private sector.

So there you see the biggest, toughest issue, clearly drawn. Four eminent panels say we need a central source of resources information, or at least a standardized system into which the data will all come, or through which it will be accessible, in a reasonably regular form. But big business, and Senate speeches which reflect big business thinking, such as the one just quoted, argue that any attempt to respond to that need is a threat to free enterprise. That argument is quite wrong, in my judgment; but I fully appreciate the earnestness—and the political force—of those who make it.

The Senate Small Business Subcommittee on Monopoly has been struggling with this controversial problem for more than 15 years. The bill introduced today reflects the most recent of many, many attempts to write legislation that meets public information needs and governmental information needs while striking a reasonable balance between the public and the corporate interests on the handling of proprietary data.

Those who care about that issue and about how it is approached in this measure are invited to examine section 828 in both the text of the bill and in the section-by-section analysis.

While we are proud of it, section 828 of this bill almost certainly does not contain the last word, the one that will ultimately find its way into an overdue revision of Federal law and policy on corporate information disclosure issues; but it is a very advanced word. It is the refined and re-refined product not only of years of study and argument in the Small Business Committee but also of several months of further study and argument in the Interior Committee, during the deliberations last year on the proposed Energy Information Act.

The recently issued 25th annual report of the Small Business Committee, Senate report No. 94–13, contains in chapter VI a succinct statement of the guiding philosophy that underlies section 828—the case for somewhat more detailed and standardized disclosure by big business concerns of their operations and properties—including the resources they control. Since that report speaks for all the 17 Senators on the committee—none took exception to it—I believe it should be given considerable weight. And so, too, should the formulation contained in section 828 of the present bill.

ANOTHER HARD ISSUE: PLACEMENT

Another of the thus-far insurmountable obstacles to creation of the resources information system so many experts have for so long told us we need is the issue of placement.

The question is, "Where in the Government should the system be located? Who should do the job?"

The Paley Commission thought the job should be delegated to the National Security Resources Board, an agency now defunct. More recently, the Commerce Department, the Federal Energy Administration, the still-to-be-created Department of Energy and Natural Resources, the Federal Trade Commission, the Federal Power Commission, the General Accounting Office, the Library of Congress, and a new agency created expressly for the purpose have all had their supporters.

I lean myself toward the view that a National Resources and Materials Information System should be the responsibility of a new, independent, permanent agency, outside the mainstream of administration or regulation, devoted solely to finding fact and making analyses and forecasts. The present bill, however, would place the System initially within and under the supervision of the temporary National Commission on Supplies and Shortages. That proposal is made primarily because the Commission is now a statutory reality, an accomplished political fact.

Since we have it and are going to have it for awhile, let us give it a real job to do, to extend its lifespan and strengthen its powers and budget enough so that it can in fact set up a National Resources and Materials Information System under the guidelines laid down in this bill, see how it works, find out where the "bugs" are, and consider and recommend where in the Government this permanent System should be placed when the temporary Commission goes out of business. That, as I said, would certainly seem to make more sense than having the Commission engage in further theorizing on whether such a system is needed.

However, I can see drawbacks to giving this particular, heavy responsibility to this Commission, and it is my hope and expectation that this bill's solution or answer to the question of placement will receive close and critical consideration during the committee hearing and markup process. There should also be careful study of this bill's provision allowing the Commission to appoint the Administrator of the System. It might be deemed more appropriate and desirable to have that important office be filled by Presidential appointment, with Senate confirmation.

Mr. President, this is, as I have indicated, a complex bill that represents long, hard, and sophisticated thinking about the issues; but it is not by any means a bill that I would myself recommend that the Senate pass today, without change. Rather, this bill is a working paper, a draft to be improved and still further refined in the committee process.

REQUEST FOR SIMULTANEOUS REFERRAL

Referral of this bill may deserve some special consideration.

Primary jurisdiction can and surely will be claimed by the Committee on Banking, Housing and Urban Affairs, inasmuch as the bill repeals and reenacts, with amendments and additions, the National Commission on Supplies and Shortages Act of 1974, which, in turn, is a part of the Defense Production Act of 1950, a major statute over which the Banking Committee's jurisdiction is firmly established.

But the Supplies and Shortages Commission Act found its way into the Defense Production Act by a circuitous and unlikely route, the result of parliamentary compromise and political accident more than of reason or design. This was, in my judgment, a fortunate accident, because I know that the Banking Committee and its distinguished chairman (Mr. PROXMIRE) will make important contributions to the work that has been underway on this subject for so long. But the principal spadework on the several bills of this variety that were considered in the 93d Congress was done by the Committee on Interior and Insular Affairs. Both of those committees, I know, will be continuing to work on legislation of this type this year.

The Interior Committee will, of course, be working on similar proposals that are confined to energy, so there would seem to be no great need, or any need, for it to have formal jurisdiction over this measure dealing with resources and materials generally. But the Commerce Committee, as I understand, would be reluctant to see the National Resources and Materials Information Act reach the floor without having considered the measure itself. Accordingly, I should like to make a request for simultaneous referral, which I understand the distinguished chairman of the Commerce Committee, or his representative, will support.

Mr. President, I ask unanimous consent that the bill, S. 1410, to amend the Defense Production Act of 1950, to establish a National Resources and Materials Information System, to repeal and reenact with amendments the National Commission on Supplies and Shortages Act of 1974, and for other purposes, be referred to the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce for consideration of those aspects of the bill which are within their respective jurisdictions, and that should either committee report the bill, the remaining committee will have 45 calendar days within which to file its report, after which time the remaining committee will be deemed discharged and the bill be automatically returned to the calendar.

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

Mr. NELSON. Mr. President, I have several exhibits which I should like to identify, as follows:

Exhibit 1 is a part-by-part and section-

National Resources and Materials Information Act.

Exhibit 2 consists of excerpts from the Paley Commission report, more fully identified in the caption and subcaptions of the exhibit.

Exhibit 3 consists of excerpts from the GAO report of last year, entitled "U.S. Actions Needed to Cope with Commodity Shortages."

Exhibit 4 is made up of excerpts from the 25th annual report of the Senate Small Business Committee, which will be helpful to those interested in both the philosophical and the legislative background of this bill. The full report is, of course, available from the committee.

Mr. President, I ask unanimous consent that the four exhibits referred to may be inserted in the RECORD at this point.

(The exhibits referred to follow:)

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

EXHIBIT 1

PART-BY-PART AND SECTION-BY-SECTION SUMMARY AND ANALYSIS OF THE "NATIONAL RESOURCES AND MATERIALS INFORMATION ACT," S. 1410

Technical plan and organization of the bill; notes on short titles.

S. 1410 would repeal and re-enact, with amendments and additions, the National Commission on Supplies and Shortages Act of 1974, which was added to the Defense Production Act of 1950, as section 720 thereof, by provision of section 5 of Public Law 93-426.

The present bill has only two sections. Section 1 contains the short title of the bill as a whole, the "National Resources and Materials Information Act."

Section 2 has three subsections, (a), (b) and (c). The last of these, subsection 2(c), would repeal section 720 of the Defense Production Act of 1950, which section is officially cited as the "National Commission on Supplies and Shortages Act of 1974."

Subsection 2(a) would add to the Defense Production Act of 1950 a new title VIII which would replace and significantly augment the repealed section 720. Under new section 801, the new title as a whole would be cited as the "National Resources and Materials Information Act of 1975." By provision of new section 816, part B of that new title—which would have five parts in all—would be cited as the "National Commission on Supplies and Shortages Act of 1975." That act—part B of new title VIII—would incorporate, with conforming amendments, the substance of the National Commission on Supplies and Shortages Act of 1974, as amended by Public Law 94-9 (S.J. Res. 48, 94th Congress).

Subsection 2(b) of the present bill would amend the table of contents of the Defense Production Act of 1950 to include the contents of new title VIII.

The remainder of this analysis describes the provisions of the National Resources and Materials Information Act of 1975, which would become, under this bill, new title VIII of the Defense Production Act of 1950.

PART A—MISCELLANEOUS

Sections 801, 802 and 803 comprise part A of new title VIII, Resources and Materials Information, which would be added to the Defense Production Act of 1950 by section 2(a) of the present bill. The three sections include, respectively, the short title, "National Resources and Materials Information Act of 1975;" the findings and purposes; and the definitions.

Sec. 802. Findings and purposes

The first five of six findings, set forth in subsection 802(a), are taken verbatim from section 720(b) of the National Commission on Supplies and Shortages Act of 1974. These findings, in brief, are that shortages of resources and commodities are posing increasingly frequent and severe problems for the United States and that existing institutions for monitoring and forecasting resources and materials supplies and shortages are inadequate. A sixth finding, new in this bill, would add that management of the nonrenewable resources supplies of the United States "on the basis of adequate, accurate, standardized, coordinated, and credible information concerning all aspects of . . . availability, extraction, production, distribution, and use is of overriding national importance."

The National Commission on Supplies and Shortages Act of 1974 has a single purpose clause, in subsection 720(c), to the effect that the act's purpose is to create the Commission. The Commission is "to report on needed institutional adjustments for examining and predicting shortages."

The present bill would supplant that statement with five clauses, in subsection 802(b), to the effect that the act's purposes are to establish both a National Commission on Supplies and Shortages *and* a National Resources and Materials Information System. The stated principal purpose of the Commission would be to administer the System, at its inception. The purpose of the System would be "to assure the availability of standardized, accurate, and credible resources and materials information to the Congress, the Government agencies responsible for resources and materials policy decisions, and to others." Analysis of resources information would be another key purpose of the System. A final stated purpose would be to provide for public access to the information in the System, subject to the safeguards which the act would provide.

Sec. 803. Definitions

Of the several technical definitions contained in section 803, the most important are the first seven, which would state the meanings for this act of the terms "resources and materials industries," "resources enterprise," "materials enterprise," "resource," "raw material," "semifinished material" and "finished material." The section also contains definitions of the terms "person," "Federal agency," "agency," "Standard Industrial Classification" (or "SIC"), "company," "establishment," "affiliate," "control," "commerce," "corporation" and "public lands." While the definitions are believed to be consistent with the most usual, industrial and commonsense meanings of the terms, the inclusion of the specific definitions was deemed useful to make the substantive portions of the act both briefer and more explicit.

Additional definitions, of great importance, are contained in section 828, which bears the caption, "Acquisition and designation of information by source, type and access category." The reasons for placing those definitions in the body of the act, rather than the definitions section, are explained in the analysis of section 828, below.

PART B—NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

Sections 811 through 816 comprise part B. These sections are, for the most part, taken verbatim from the National Commission on Supplies and Shortages Act of 1974. However, amendments have been made to have part B conform in purpose and spirit with the remainder of the bill.

Sec. 811. Establishment of Commission

Section 811 coincides with and is derived substantially verbatim from subsections (d), (e), and (f) of the National Commission on Supplies and Shortages Act of 1974. It provides for establishment of the Commission as an independent instrumentality of the Federal Government. Thirteen members comprise the Commission. All members serve for three years or such shorter period of time as the Commission continues in being. (Unlike this bill, the existing act omits the three-year reference, since it does not contemplate the possibility of the Commission continuing that long). Five of the 13 members are appointed by the President from among persons in private life, four from among senior officials of the executive branch, and two each from the Senate and the House. The President is to consult the majority and minority leaders of the Senate and the House in connection with appointments of members from their respective bodies and the five public members, as well as the designation of the Commission's chairman and vice chairman. Commission members from the executive branch and the Congress are to serve without additional compensation; the public members are to be compensated at the per diem equivalent of level III of the Executive Schedule.

Sec. 812. Functions

Section 812 coincides with and is derived substantially from subsections (g) and (h) of the National Commission on Supplies and Shortages Act of 1974. In subsection 812(a) the first five or six stated functions of the Commission differ from the corresponding provisions of the existing law only in their use of the terms "resources" and "materials"—raw, semifinished, and finished—to conform with the definitions in section 803. The stated functions include the making of a report and recommendations on all aspects of resources and materials policy. A sixth function has been changed, to emphasize the Commission's responsibility, under this bill, to establish and commence operation of a National Resources and Materials Information System, to report on any needed improvements in the System requiring further legislation, and to advise on the permanent placement of the System in the Federal Government after the termination of the Commission.

When enacted on September 30, 1974, as a part of Public Law 93-426, the National Commission on Supplies and Shortages Act of 1974 called for submission of the Commissions' first report on March 1, 1975, and termination of the Commission on June 30, 1975. However, on March 1, 1975, the President had not yet named the public members of the Commission; the other members (from the executive branch and the Congress) had held only one meeting, in November 1974; and the Commisison did not have an office, a staff, or even a telephone number. By S.J. Res. 48, signed by President Ford on March 21, 1975, to become Public Law 94-9, the date for the filing of the Commission's first report was moved from March 1 to June 30, 1975, and the date for its termination was advanced from June 30, to December 31, 1975. Under this bill, the date for the first report would be advanced to December 31, 1975, with further reports required at least each six months thereafter. No termination date for the Commission would be set; but appropriations would be authorized for three years only, under section 853.

Sec. 813. Advisory committees

Section 813 of the bill is derived from subsection (i) of the National Commission on Supplies and Shortages Act of 1974. Section 813 provides for the appointment of advisory committees by the Commission. Subsection (a) contains general authority to that end; subsection (b) directs the Commission to establish an advisory committee on the integration of governmental resources and materials policy making. The first subsection is identical to existing law. The second subsection follows the existing law—which is the Humphrey amendment to the original Supplies and Shortages Commission bill—and adds a sentence intended to assure that

the advisory committee's recommendations will cover the role of the National Resources and Materials Information System in the policy-integration process.

Sec. 814. Powers

Section 814 authorizes the Commission to appoint necessary staff, including an Executive Director. The language follows subsection (j) of the National Commission on Supplies and Shortages Act of 1974, in general, but adds provision for the appointment by the Commission, at the same rank as its own Executive Director, of an Administrator for the National Resources and Materials Information System. The Commission is also authorized to convene meetings and hearings under this section.

Sec. 815. Assistance of Government agencies

Section 815, derived verbatim from subsection (k) of the existing law, directs all Federal departments and agencies, and the Congress, to assist the Commission by providing data.

Sec. 816. Short title

Section 816 provides for citation of part B as the "National Commission on Supplies and Shortages Act of 1975."

PART C—NATIONAL RESOURCES AND MATERIALS INFORMATION SYSTEM

Sections 821 through 832 comprise part C, which would provide for the establishment of a permanent National Resources and Materials Information System (hereinafter referred to as the "System").

Sec. 821. Establishment of System

Section 821 would provide for the initial establishment and operation of the System by and within the Commission. After termination of the Commission, the System would be operated and maintained by such other Federal agency as the Congress might create or designate. The System would be independent of the executive departments and under the control and direction of an Administrator. The Administrator would be appointed by the Commission during its existence and thereafter in such manner or by such authority as the Congress might by law provide. The System would have a General Counsel, initially appointed by the Commission, and a staff appointed by the Administrator.

Sec. 822. Functions and powers of the Administrator and the System

Section 822 would provide that the functions of the System would be the collection, collation, comparison, analysis, tabulation, standardization, and dissemination of resources and materials information. The Administrator would be empowered to acquire resources and materials information from any person in such form and manner as he might deem appropriate to achieve the purposes of this bill. The Administrator would also have power to prescribe forms, in consultation with advisory committees and the General Accounting Office, to contract for or conduct mechanical and electronic development work; to utilize, with their consent, personnel and facilities of other public and private, Federal and non-Federal agencies, and transfer appropriated funds under this act as reimbursement therefor; to accept gifts for the benefit and use of the System; to enter into contracts and leases; and to perform other necessary activities to achieve the purposes of this bill. The Administrator would be required to appear in a United States court in any civil action. He would be empowered to appear on his own behalf, or by an attorney designated by him, after notice to and consultation with the Attorney General. The Attorney General would have ten days to take the action proposed by the Administrator. With consent of the Commission, the Administrator would be empowered to issue rules, regulations and orders. In general, judicial review of rules, regulations and orders of the Administrator would be in the U.S. circuit courts. Amounts in controversy notwithstanding, the U.S. district courts would have jurisdiction over other causes arising under this bill, including controversies involving the withholding of access to information under section 828. The Commission would be empowered to select a seal for the System, of which judicial notice would be taken.

Sec. 823. Coordination and transfer of agency activities

Section 823 would direct the Administrator to coordinate existing resources and materials information collection activities of all Federal agencies. He would be authorized to assume all or part of such activities, by agreement with the collecting agency, unless the agency's duty had been expressly conferred by statute. A proviso would also assure that this section would not be construed to limit the collection of resources and materials information by the responsible agencies in connection with law enforcement and regulatory activities. The Administrator would be directed to make recommendations, one year after enactment of this act, for the further coordination and centralization of resources and materials information activities of all Federal agencies. The President would be empowered to transfer to the System resources and materials information activities of existing agencies, subject to the right of either House of the Congress to disapprove any such transfer plan within a 60-day period, which period would be interrupted by any adjournment of the Congress for more than three days.

Sec. 824. Analytic capability and information scope

Section 824 would direct the Administrator to maintain within the System the capability to perform independent analysis, verification, interpretation and evaluation of the resources and materials information collected and developed by the System, to the extent necessary to serve the purposes of the act. The Administrator would be authorized to employ scientific, professional, engineering and other specialized personnel and equipment as requisite to achieve such a capability. The Administrator would be directed to use this capability in pursuit of any of the act's purposes, including a wide, specified—but not exclusive—list of duties. Among these would be the development and evaluation of models characterizing various sectors of the economy, lines of commerce and segments of business in the resources and materials industries, as deemed significant by the Administrator. The Administrator would also have responsibility for developing, at the earliest practicable date, methods, rules and regulations for the standardization of resources and materials information, accounting and statistics. All aspects of the relationships between resources and materials supplies and consumption would be within the System's analytic purview.

Sec. 825. Advisory and interagency committees

Section 825 would authorize the Administrator to establish advisory and interagency committees. Interagency committees would be formed by the Administrator only with the consent of the Commission, during its existence, and the heads of the affected agencies. Advisory committees—which the Administrator would be permitted to organize in addition to those formed by the Commission under section 813—would be required to have representation from various points of view and interest groups. Except in matters of national security, advisory committee meetings would have to be open to the public and structured to permit presentation of public views. Provisions of the Federal Advisory Committee Act would of course also apply.

Sec. 826. Unauthorized disclosures; theft of information; penalties

Section 826 would provide for a $1,000 fine, imprisonment for not more than a year, and removal from office or employment of any employee of the Commission or the System who made unauthorized disclosures of information in the System. Similar penalties would apply to other Federal officers and employees who make unauthorized disclosure of information obtained from the System, for official use, when the information was designated as not for public dissemination. A like provision for fine and imprisonment, but not for removal from office, would be included for State and local officials making unauthorized disclosure of official-use information obtained from the System. Thefts of information from the System would carry a penalty of $10,000 fine, five years' imprisonment, or both.

Sec. 827. Penalties for providing false information or refusing to furnish information

Section 827 would provide for a penalty of $20,000 fine or five years' imprisonment, or both, for knowingly submitting or causing to be submitted materially false information to the System. Refusal to submit lawfully requested information would subject the individual making the refusal to a civil penalty of up to $10,000 for each incident. Knowing submission of an incomplete or inaccurate answer to any lawful request for information would subject an individual to liability for a civil penalty of up to $5,000 for each incident.

Sec. 828. Acquisition and designation of information by source, type, and access categories

Section 828 of the bill would establish a detailed policy of the Congress to guide the Administrator of the System in writing rules and regulations addressed to that most complex and controversial of all questions surrounding governmental data bases, the question of acquisition and use of and access to information. The policy judgments reflected in section 828 were developed, for the most part, during the course of extensive hearings, post-hearing negotiations and mark-up work in the Senate Committee on Interior and Insular Affairs on one of the several predecessors to this bill, S. 2782, 93d Congress, the "Energy Information Act."

Section 828, which contains more than a third of the language in the entire bill, is divided into 12 subsections, designated by the letters (a) through (l). Many of these subsections are further divided into paragraphs and subparagraphs. The aim of the section is to provide basic statutory answers to the questions: (1) what information can the National Resources and Materials Information System obtain—and not obtain—from other parts of government, Federal, State and local, from international sources, and from the private sector? And (2) who can have access, under what circumstances and for what purposes, to various categories of information in the System?

The section anticipates that the Administrator would find it necessary to set up a formal nomenclature for various categories of information in the System. Accordingly, the bill itself sets forth some of the designations that would be used in that nomenclature. The terms "designation" and "categories" of information are used throughout to distinguish the designation of information by access categories, within this System, from the classification systems that

apply, under other statutes and executive orders, to national security information. While provision is made for the inclusion of technically "classified" information in the System, under appropriate circumstances and safeguards, the process of designation of information by access categories, within the System, is not itself to be "classification," in the technical sense of that term. And while this bill's technical system of nomenclature of information by access categories is definitional, it was not deemed appropriate to include these provisions in the definitions section—section 803—because of their length and complexity.

Subsection (a) of section 828 would establish the Administrator's general power to promulgate regulations covering the acquisition of resources and materials information and other information for the System, and the designation of information by use and access categories.

Subsections (b), (c) and (d) would describe, respectively three principal categories of information to be provided for in the Administrator's regulations: "Federal agency information," "official use information," and "public information." Subsections (b) and (c) would also direct the Administrator to provide, in the regulations, for several subcategories and sub-subcategories of Federal agency information and official use information.

"Federal agency information," under subsection (b) of section 828, is a term which the Administrator would be required to use in his regulations to designate all resources and materials information and other information possessed by Federal agencies which could be relevant to the purposes of this act, as set forth in section 802 (b). The Administrator would also be required to provide for two subcategories of Federal agency information. The first would be "excluded Federal agency information;" the second "statistical Federal agency information."

The first term, "excluded Federal agency information," would designate information possessed by other Federal agencies to which the Administrator could not have access and which would, therefore, not be included in the System. The subcategory would include (1) information certified by the head of the possessing agency to be confidential information obtained for law enforcement purposes, the disclosure of which to the System could jeopardize law enforcement; (2) information prohibited by law from being disclosed by the collecting agency to another agency; and (3) certain specified types of proprietary company information obtained by an agency for statistical purposes on a privileged or confidential basis, the disclosure of which to another agency would frustrate the development of accurate statistics.

The second term, "statistical Federal agency information," would designate information which the Administrator could obtain from other Federal agencies for the System, pursuant to specified safeguards. Classified information and Restricted Data, as defined in the Atomic Energy Act of 1954, would be expressly included in this subcategory. Federal agencies would be required to give statistical Federal agency information to the Administrator for inclusion in the System, but only pursuant to a written agreement between the agency head and the Administrator describing use and access. While specified classes of Government officials, including Congressional committee chairmen, could obtain from the System statistical Federal agency information, they would be required to use it in a manner preserving the degree of confidentiality it had in the collecting agency.

"Official use information" is a term which, under subsection (c) of section 828, the Administrator would be required to use in his regulations to designate all information in the System which is neither statistical Federal agency information, as described in subsection (b), nor public information, as described in subsection (d). Paragraphs (1) and (2) would provide for the designation by the Administrator, under his regulations, of two principal subcategories of official use information. The first would be "proprietary company information," the second "restricted governmental information."

Under paragraph (c)(1), the designation "proprietary company information" could be applied only to information meeting all of four tests: first, that it was acquired by the Administrator on a privileged or confidential basis; second, that it pertained to a particular company; third, that the company to which it pertained had a lawful proprietary interest in it; and fourth, that the Administrator found, on the basis of clear and convincing evidence, that its public disclosure would cause substantial harm to the competitive position of the company.

When all four of those tests were met, the Administrator's regulations could provide for the designation as proprietary company information of various specified sub-subcategories: "trade secret," "geological information," "company financial information," and "company commercial information," descriptions of each of which are set forth in sub-subparagraphs of subparagraph (c)(1)(A) of section 828. The Administrator would be authorized to designate other sub-subcategories, if found to be requisite.

Subparagraph (b) of paragraph (c)(1) would authorize the Administrator to obtain proprietary company information from companies on a mandatory basis.

In order that the information so obtained would be of maximum value in the System, to serve the purposes of this act, subparagraph (C) would direct the Administrator, in his regulations, to make provision for the designation of "segments of business" companies, to facilitate comparisons on a standardized basis. The same subparagraph would direct the Administrator to designate "resources enterprises" and "materials enterprises," which would be required to report within one year of the effective date of this act and annually thereafter whatever information the Administrator found to be necessary for the formulation of accurate statistics on the resources and materials controlled, produced and consumed by those enterprises. The basis for selection of resources enterprises, materials enterprises and segments of business to be included in the annual surveys would be the Administrator's determination that the information to be obtained from them would be necessary to provide a statistically accurate profile of each line of commerce or segment of business for the resources industries and the materials industries within the United States and, to the extent practicable, outside the United States.

Subparagraph (D) of paragraph (c)(1) would establish the limitations on access to the proprietary company information obtained by and contained in the System. Those entitled to access to information of that type in its original form would be of two principal classes: (1) officers and employees of the executive, legislative, and judicial branches and the independent establishments of the Federal Government having official use for the information; and (2) any official, body, or commission, lawfully charged with the administration of any energy program of any State, if the information is to be used in furtherance of that program. The Administrator's regulations would be required to provide procedures for obtaining access and for according information officially obtained appropriate degrees of confidentiality.

Paragraph (2) of subsection (c) would direct the Administrator to designate as "restricted governmental information" any information obtained from Federal, State, local or foreign governmental sources on a privileged or confidential basis. The provision is included to give Administrator the flexibility to obtain, on a negotiated basis, information that might otherwise be unavailable to the System or available only at a high cost or with undue delay.

Paragraph (3) of subsection (c) would direct the Administrator to designate or redesignate as public information any information for which no reason for confidentiality exists other than the protection from embarrassment of any public or company official.

"Public information" is a term which, under subsection (d) of section 828, the Administrator would be required to use in his regulations to designate all information in the System to which the public might have access, limited only by rules on office hours and usage fees. (Succeeding subsections of section 828 provide for the designation or redesignation as public information claimed to be or previously designated as official use information of various subcategories.) The Administrator would be directed to establish usage fees which would cover or approach covering the costs of public use of the System, but he would be authorized to waive or reduce fee payments in the case of scholars, nonprofit organizations, and others whose use of the System might enhance its value or serve the purposes of the act. Public information would be indexed and the indices would themselves be public.

Subsection (e) of section 828 would provide for designation or redesignation as public information of any claimed or previously designated proprietary company information under any of three alternative circumstances: first that any of the four tests for designation of proprietary company information—set forth in paragraph (1) of subsection (c)—was not met; or second, the benefit to the public interest in the designation or redesignation would outweigh the demonstrated harm to the company's competitive position; or third, the denial of public access would adversely affect public health or safety.

Subsection (f) of section 828 would provide for designation or redesignation as public information of any claimed or previously designated geological information—one of the subcategories of proprietary company information—under any of four alternative circumstances: first, that any of the four tests for designation of proprietary company information was not met; or second, the information had been in the System for more than two years and continuation of the proprietary company information designation might tend to lessen the value to the public of resources in the public lands or to retard development of new sources of raw materials; or third, the information was more than five years old and had been in the System for more than one year; or fourth, the information was more than ten years old.

Subsection (g) of section 828 would provide for designation or redesignation as public information of any claimed or previously designated company financial information—another of the subcategories of proprietary company information—when both of two tests were met: first, the information pertained to a segment of business involving assets or annual sales of $10 million or more; and, second, the information to be made public would be generally comparable to the information that would be contained in the mandatory annual report to the Securities and Exchange Commission of a hypothetical public company that was identical to the segment in question and that had no other affiliates, property or business. This subsection is patterned on the Hathaway amendment provisions found in section 6 of Public

Law 93-28, the Economic Stabilization Act Amendments of 1973; and in section 14(b) of Public Law 93-275, the Federal Energy Administration Act.

Subsection (h) of section 828 would direct the Administration to review annually all official use information in the System and to redesignate as public information any official use information meeting any one of four tests: first, that all reasons for restricting access had ended; or second, the information was company financial information and was more than five years old; or, third, the information was company commercial information and was more than ten years old; or, fourth, the information had become readily available to the public from sources other than the System and in substantially the same form as in the System.

Subsection (i) of section 828 would establish basic criteria for the resolution by the Administrator of disputes that might arise about the designation or redesignation as public information of information claimed to constitute or previously designated as official use information. The Administrator's regulations would implement and amplify the basic criteria. The subsection would direct the 30 days' notice be given the source of any official use information before any designation or redesignation as public information. If the information in question were proprietary company information and if the source were not the company to which the information pertained, the company would also be entitled to 30 days' notice. The source, the company, and all interested persons would be entitled to present oral and written views and arguments on the issue of designation. Hearings would in general be public; but a private formal hearing could be held solely to prevent disclosure of any information in the System other than public information to persons not entitled to access to that information. In such proceedings, the Administrator would be authorized to designate or continue a designation as proprietary company information of any information described in subsections (f) or (h)—geologic information, company financial information and company commercial information—notwithstanding the age of such information as mentioned in those subsections, if both of two tests were met: first, a company's lawful proprietary interest in the denial of public access to the proprietary company information was more substantial than any public benefit that would be associated with public access; and, second, public disclosure of the information would result in clearly inequitable competitive harm to the company to which the information pertained, in the light of similar information concerning and possessed by other competitor companies which would not be public.

Subsection (j) of section 828 would direct the Administrator to employ attorneys and other requisite personnel to represent the public interest in the designation as public information of a maximum practicable percentage of all the information in the system.

Subsection (k) of section 828 would authorize the Administrator to go to the original source of any excluded Federal agency information or statistical Federal agency information to obtain the excluded Federal agency information for the System or to acquire the statistical Federal agency information for uses other than anonymous statistical aggregates. All the protections of this section would apply to information so obtained by the Administrator which was official use information.

Subsection (l) of section 828 is patterned, both in purpose and in language, on provisions of Public Law 93-502, the 1974 amendments to the Freedom of Information Act, which became effective on February 19, 1975. The aim of this subsection is to provide a mechanism for judicial relief from failure or refusals by the Administrator to designate or redesignate as public information any information in the System which, under this section, should be so designated or redesignated. Under the subsection, any person objecting to such an act or refusal to act by the Administrator could bring an action in specified, convenient U.S. district courts for an injunction against the Administrator's continued withholding of information that should be public. The subsection would authorize any interested person to intervene in such an action. The court would consider the case de novo, with such in camera examination of contested information as it found appropriate. Expedited pleading and consideration would be required in cases under this subsection. The court could award reasonable attorneys' fees and other litigation costs against the United States to a successful complainant under this subsection. The subsection would also provide, in aggravated circumstances, for disciplinary action against any Federal officer or employee found to have been responsible, without reasonable basis in law for the withholding of information that should have been made public under this section.

Sec. 829. Acquisition of information by sampling

Section 829 would authorize the Administrator to use scientific sampling techniques to obtain information for the System, whenever that satistical method would significantly reduce the costs to the Federal Government and the burden on those supplying information, without sacrificing requisite levels of accuracy. A proviso would require that, whenever the sampling method was used to obtain information on any line of commerce, the sample, to the utmost extent practicable should include all resources enterprises and materials enterprises operating in that line of commerce and having total annual sales or total assets in all lines of commerce of $100 million or more. The sample would also be required to include, to the extent practicable, all segments of business—including foreign segments—of those $100-million-and-up enterprises operating in the line of commerce being surveyed and having annual sales or assets of $10 million or more.

Sec. 830. Inspection of records and premises; subpenas; enforcement of subpenas

Subsection (a) of section 830 would require all persons engaged in resources ownership, control, or development, or in materials supply or major materials consumption, to make available to the Administrator such information and periodic reports as the Administrator might by regulation prescribe as necessary to achieve the purposes of this act.

Subsection (b) of section 830 would require the same persons mentioned in subsection (a) to answer questionnaires sent by the Administrator.

Subsection (c) of section 830 would authorize the Administrator to verify the accuracy of information, or to acquire information when necessary, by on-site inspection of the premises and records of resources enterprises, materials enterprises, and of persons that are major materials consumers. The inspections, which would be required to be conducted at reasonable times and in a reasonable manner, could include sampling and inventorying stocks of materials, verification of geological information concerning resources by geological or engineering tests or otherwise, examination of records, and questioning of persons.

Subsection (d) of section 830 would empower the Administrator to subpena the testimony of witnesses and documents, and to invoke the aid of U.S. district courts for the enforcement of those subpenas. Witnesses summoned under the provisions of this section would be entitled to the same fees and mileage as are paid witnesses in U.S. courts.

Sec. 831. Reports

Section 831 would direct the Administrator to make regular periodic reports to the Commission, the Congress and the public. Under subsection (a), the required reports would include (1) monthly reports—and when deemed appropriate by the Administrator, weekly reports—on supply and consumption of materials for which shortages exist or are threatened; (2) an annual report on the activities of the System, including a summary of special reports issued during the year and also including forecasts of supply and consumption trends of critical resources and materials for periods from the next one to twenty years; and (3) annual recommendations to the Congress on needed changes in the System's authority.

Subsection (b) would direct the Administrator to report annually to the Congress on compliance problems that have arisen in the administration of the System.

Subsection (c) would authorize and direct the Administrator to furnish special analytical reports to committees of the Senate and House upon request of their chairmen. To the extent personnel and funds are available, the Administrator could also accept requests for special reports from individual Members of Congress. Reports prepared under this subsection would be required to be public, unless the Administrator determined, under provisions of section 828, that all or parts of some reports should be withheld from the public.

Sec. 832. Acquisition of energy information from institutions outside the Federal Government

Section 832 would direct the Administrator to enter into arrangements for the use by the System of resources and materials information possessed by institutions outside the Federal Government. The section is, deliberately, not specific on the form of the arrangements, to allow the Administrator considerable flexibility. The purposes for which information-purchasing and information-sharing arrangements might be made by the Administrator would include both comparison with and extension of the information base of the System. The section contemplates and would authorize such arrangements being made with foreign governments, United Nations affiliates and other international organizations, State and local governments, universities and foundations, private business concerns, and business and trade associations, among others. This section is intended to encourage and authorize the Administrator to acquire—by purchase, exchange, or other arrangements—information from existing data bases, rather than collecting information from original sources, whenever that would be a sufficiently complete and accurate and a more efficient and economical way to serve the purposes of the act and improve the usefulness of the System. The section is also intended to discourage the System from entering into any unnecessary competition with or duplication of information-collection and analytical activities already being adequately performed by others, including business concerns in the fast-growing information industries.

PART D—RESOURCES SURVEYS AND INSPECTIONS BY THE DEPARTMENT OF THE INTERIOR

Sections 841, 842 and 843 comprise part D of proposed new title VIII, which would authorize and direct the Secretary of the Interior to make resources surveys and inspections.

Sec. 481. Survey of resources in the public lands

Section 841 would direct the Secretary of the Interior to compile, maintain and keep

current on an annual basis or more frequently a survey of all resources in the public lands of the United States. The survey program would be required to provide information about the location, extent, value, and characteristics of the resources in the public lands. The stated reasons for the program would be to provide a basis for development and revision of Federal leasing programs, for wider competitive interest in production of raw materials from the resources in the public lands, for making informed decisions on the potential quantities of materials to be derived from the resources, and for better serving the purposes of this act.

The section would authorize the Secretary to contract for or purchase the results of various specified types of physical assessment of resources quantity, quality and location. The section would direct the Secretary to submit to Congress within six months of enactment of this act a plan to carry out the survey program, and, within 20 months of enactment, to submit a report on survey results to date. That report would be required to be updated annually thereafter. Copies of all reports and surveys would be required to be furnished by the Secretary to the Administrator for the System.

Under subsection (g) of this section, the Secretary and the Administrator would be exempted from the obligation to file environmental impact statements for actions taken under the survey program, or for any purpose of the System, if those actions were not physically disruptive. However, drilling of exploratory wells for oil and gas and other physical exploratory activities of a comparable or greater magnitude would expressly be subject to the impact statements provisions of the National Environmental Policy Act of 1969.

Subsection (h) of this section would prohibit the Secretary and the Administrator from conducting physically disruptive exploration for resources on any Federal lands that are within any national park, wilderness, seashore, or wildlife refuge area, or any lands held in trust for any Indian or Indian tribe; but exploration which could be conducted from the air, without intrusion or below the surface, would be permitted with the written consent of those holding authority over such lands.

Sec. 842. Verification of reported resources in private ownership

Section 842 would authorize the Secretary, when requested by the Administrator, to inspect company records for the purpose of verifying the accuracy of information pertaining to resources required, under authority of this title, to be reported to the Administrator for inclusion in the System. This section is intended to authorize the Administrator to delegate to the Secretary some but not all of the Administrator's own powers of verification and inspection; as set forth in sections 824 and 830.

Sec. 843. Contents of Secretary's reports

Section 843 would require the Secretary's reports to the Congress and the Administrator to include organized data on ownership, control, location, extent, value, and characteristics of resources. But any information on ownership and control of reserves and resources by private persons, correlated with location, would be required to be designated as geological information that is proprietary company information and handled by the Administrator in the System in accordance with subsection (f) of section 828. The intent here is to provide for the protection of confidential geological information of companies for the reasonable periods of time contemplated by section 828, while also providing prompt public disclosure of geological information concerning resources over which only governments have any ownership or control.

PART E—MISCELLANEOUS

Sections 851, 852 and 853 comprise part E of new title VIII. These sections include provisions for General Accounting Office oversight of the functioning of the System, for separability, and for authorization of appropriations.

Sec. 851. General Accounting Office oversight of resources and materials information collection and analysis

Section 851 would give the General Accounting Office, an arm of the Congress, a continuing oversight or "watchdog" role under this act. The Comptroller General of the United States, head of the GAO, would be required to continuously monitor and evaluate the operations and activities of the System including its reporting requirements. The section has five subsections, (a) through (e).

Under subsection (a), the Comptroller General would be directed to perform certain specific functions upon his own initiative, or upon the request of a committee of the Congress. To the extent personnel and funds were available, any of the same functions could be performed by the Comptroller General upon the request of an individual Member of Congress. The functions so specified would include: (1) reviewing the System's resources and materials information-gathering procedures to evaluate their adequacy in the light of the purposes of the act; (2) reviewing issues—i.e., conflicts—that might arise in the collection of resources and materials information and the designation of the information by access category; (3) studying existing statutes and regulations governing collection of resources and materials information; (4) reviewing all Federal agency policy and practice in the gathering, analysis and interpretation of resources and materials information; and (5) evaluation of particular projects or programs. To carry out these functions, the Comptroller General would be given access to all information within the possession or control of the Administrator obtained from any public or private source whatever, notwithstanding the provisions of any other act. The Comptroller General would be directed to report to the Congress at such times as he deemed appropriate his findings and recommendations in connection with any of these matters.

Subsection (b) of section 851 would give the Comptroller General the right of direct access to any records and documents of any person, to the extent necessary to carry out his responsibilities under this section. A relevance of the documents sought to the management, development, production, consumption or conservation of resources and materials would be a prerequisite to such access. The Comptroller General could require any person to submit in writing, under oath or otherwise and within a reasonable time, any resources and materials information that he might prescribe.

Subsection (c) would give the Comptroller General a qualified power to enforce his access rights, under subsection (b), by the issuance of subpenas. The qualification would be that each such subpena would have to be approved in advance, in its particulars, by resolution of a committee of the Congress having legislative or investigative jurisdiction over the subject matter.

Subsection (d) would empower the Comptroller General to obtain the aid of the U.S. district courts in the enforcement of subpenas issued pursuant to subsection (c) or in requiring the production of records and documents pursuant to subsection (b).

Subsection (e) would require reports prepared by the Comptroller General under this section to be available to the public at reasonable cost and upon identifiable request. But the Comptroller General could not disclose to the public any information obtained from the System which could not be disclosed to the public by the System under this act.

Sec. 852. Separability

Section 852 would provide that invalidation of any provision or application of this act would not affect the validity of any other provisions or applications.

Sec. 853. Authorization of appropriations

Section 853 would authorize appropriations of $15,000,000 in each of the 1976, 1977 and 1978 fiscal years to fund the activities of the Commission that would be re-established and the System that would be established by this act. One-tenth of the amount appropriated for the 1976 fiscal year would be for the general purposes of the Commission.

EXHIBIT 2

EXCERPTS FROM VOLUME I OF "RESOURCES FOR FREEDOM," A REPORT TO THE PRESIDENT BY THE PRESIDENT'S MATERIALS POLICY COMMISSION, WILLIAM S. PALEY, CHAIRMAN (JUNE 1952)

CHAPTER 31. PREPARING FOR FUTURE POLICY—THE CONTINUING TASK

One thing seems certain about the materials problem: it will persist. Its forms will alter; its severities may be controlled, and partial solutions will brightly present themselves—but the forces that brought the problem into being will increase rather than diminish. The central fact seems unalterable: as industrial civilizations grow in complexity they compound the demands made upon materials. This Commission does not accept the view that the world's increasing population pressures are catastrophic; it believes the reason Malthusian doom is so overdue is that Malthusian calculations have never given sufficient weight to the extraordinary ingenuity of mankind in extricating himself from situations before they become wholly and finally intolerable.

* * * * *

In this and other volumes of its Report, the Commission has attempted to outline the main features of the materials problem as seen from mid-century, and to find realistic answers to some of the questions it poses. The Commission believes that the policies and programs it has recommended will, if promptly and vigorously administered, do much to alleviate threatened shortages and to stimulate economic growth and promote free world security.

At the same time, the Commission is well aware that no single study by a temporary group can deal adequately with an immensely complicated situation cutting across the entire economy, persisting indefinitely, and changing from year to year. It was for this reason that, earlier in the Report, the Commission stated: "A task of such scope and complexity cannot be completed in one attempt. . . . The most important conclusion this Commission presents is . . . that the job must be carried on, cooperatively by Government and private citizens, not periodically at widely spaced intervals, but day by day and year by year."

Responsibility for surmounting materials difficulties and for carrying out a forward audit of foreseeable problems is shared widely among many industries, the universities and foundations, and many places in Federal, State, and local Governments. Each has its specific role to play. The Federal Government's task has been defined elsewhere (chapter 5, this volume), and will not be reviewed here. This Commission has not undertaken to add to its larger task the responsibility for examining in detail the structure and functions of the Federal Government as they relate to materials policy and programs.

Since the Commission has not undertaken to examine in detail the structure and functions of the Federal Government as they relate to materials policy and programs, it here concentrates on two problem areas of materials policy formation upon which it feels in a position to offer suggestions—collection and analysis of facts, and comprehensive appraisal of the whole materials situation.

The importance of fact-gathering and analysis by Government agencies as the foundation of materials policies and programs has been recognized frequently in the course of this Report. Some of these findings were:

No Nation-wide census of minerals has been taken since 1939 (chapter 7).

Although both the Bureau of Mines and the Geological Survey develop some excellent data, they are not equipped between them to provide a comprehensive, current picture of the minerals situation in the free world or even in the United States (chapter 7).

No one agency of Government can offer a comprehensive picture of the pattern of federally financed technological activity relating to materials, much less to the whole field of technology (chapter 25). Even for one specific energy fuel—coal—the Commission found no adequate machinery for listing and appraising public and private projects of research and technological development (chapter 19).

There is no single source for a comprehensive appraisal of the Nation's long-range outlook for energy (chapter 22).

The Commission was somewhat encouraged to find that some agencies are identifying the materials problem and that industry is beginning to recognize that basic fact-gathering and analysis by Government can help industry determine useful lines of research and development work. But these are only beginnings.

Agencies responsible for fact-gatherings and analysis in the materials field tend to concentrate on immediate problems at the expense of studying long-range situations that may become even more pressing if neglected. Even when agencies recognize the value of research and analysis this undramatic line of work often is the first to feel the axe of budget-cutting by Congress. The Commission can understand these tendencies, but the sober fact is that such neglect will cost the Nation heavily in the long run. A modest investment now in fact-finding and analysis, and in attention to the future, would pay large dividends in helping to spot problems in advance and in stimulating action to avert costly crises.

In the opinion of this Commission no type of activity is more essential to giving the taxpayer the most for his money in the long run. The Commission believes that analytical machinery in Government should be strengthened from top to bottom, wherever materials problems are dealt with. The Commission already has recommended (chapter 7) that the Department of the Interior intensify its fact-gathering and analytical work in connection with minerals, and that sufficient funds be made available for a complete census of minerals industries in 1954 and every 5 years thereafter.

The Commission further recommends:

That each agency of the Government concerned with primary data on materials and energy strengthen its own fact-gathering, analytical, and programming machinery so that the Government's total efforts in this field will be adequate as a basis for estimating the total materials problem and that special attention be paid to the need for more and better economic analysis.

Not only is work in the different areas of the materials field imperfectly correlated, but there is a damaging lack of consistency even within distinct areas, as was developed earlier in this Report.

Domestic Resources. The Commission concluded that there can be no purely domestic materials problems but only domestic aspects of world problems. Policies and programs affecting domestic production of minerals, for example, should be balanced with those concerning foreign development and imports and with others concerning technology in the use and substitution of materials. Programs concerning the various domestic resources should be better related, each with the other.

Foreign Resources. The Commission recommended that a successor agency, or agencies, be created upon expiration of present emergency agencies to administer programs to help expand foreign production of materials needed by the United States. The Commission also recommended legislation to authorize elimination of import duties on needed materials for which the United States is, or might soon become, dependent upon imports. Effectiveness of these recommendations would depend on adequate (and as yet nonexistent) machinery for accurately appraising the entire materials situation—the position of the United States in relation to that of the free world as a whole.

Energy. The Commission recommended that a single Federal agency be designated to keep the entire energy situation and long-range outlook for all energy sources under review and that these activities should be closely coordinated with similar efforts in the formation of policy for all materials.

Technology. The Commission recommended designation of a single agency to keep track of public and private research affecting production and use of materials in the light of current needs and future prospects, and to make sure that urgent research projects which industry could not be expected to undertake were referred to public or private organization capable of carrying them out.

Security. The Commission emphasized the need for relating emergency policies and programs, both short and long range, to the economy as a whole for examining the probable effects of immediate programs upon longer range developments.

A single agency designated to keep all aspects of the materials problem under its eye should not, the Commission believes, be an operating agency. Its energies should be directed to broad, long-range analysis and not diverted into immediate problems of operation.

With access to all facts and analyses developed in various areas of the materials field, it could correlate this information and point out its deficiencies and gaps.

It could assess policies and programs in the light of assembled information and call attention to needs for new projects or for changes. It could keep abreast of significant activities among private agencies, including industry groups, universities, and the foundations, so that duplications by Government could be avoided, or conversely, so that any urgent and uncared for task could be signalled to attention. It could survey the total pattern of activities in the materials and energy field.

It should issue periodic reports to inform industry, the general public and the legislative as well as the executive branches of Government concerning leading developments in all the related material fields.

To perform an assignment of such dimensions, the proposed reviewing agency would have to be high in the structure of the Federal Government, preferably part of the Executive Office of the President. It should be so placed because it would be informing operating agencies of the Government of needs for collecting new data and for analysis to serve new ends, and would have the essential task of indicating programs and tasks to various agencies. As an advisory body, framing recommendations for long-range policy, it would not duplicate the work of either permanent or emergency operating agencies. As a body primarily responsible for projecting the Nation's materials position as much as 25 years ahead, it would not duplicate the immediate and temporary coordinating functions of the Office of Defense Mobilization or the Defense Production Administration.

No existing agency fulfills all the requirements, but the National Security Resources Board appears most nearly qualified by present functions and past experience to undertake the responsibility.

It is an advisory rather than an operating agency, and it is situated within the Executive Office of the President. Under the National Security Act of 1947, its function is to advise the President on the coordination of military, industrial, and civilian mobilization, and many of its activities have therefore been concerned with materials.* Prior to the outbreak in Korea, N. S. R. B. had been organizing to perform many of the duties proposed here. The new emergency agencies created specifically to deal with mobilization drew upon plans already made by N. S. R. B. and early in 1951 absorbed a large part of its staff. At the time, these actions seemed a necessary expedient, but now that the emergency agencies are well established, N. S. R. B. should be in a position to rebuild and enlarge its long-range advisory service. To perform the task effectively, N. S. R. B. would have to recruit additional personnel of experience, judgment, flexibility, and constructive imagination and would need to be strengthened with additional funds.

N.S.R.B. appears to have the necessary statutory powers. Its authority to plan military support through economic mobilization necessarily comprehends the preparation and appraisal of policies to assure a strong resource base in peace or war. As the Commission has pointed out in chapter 27—Military security depends heavily on a vigorous and expanding economy to produce the overwhelming quantities of the equipment, machinery, and supplies necessary for modern military strength. . . . Neither military nor economic strength can be raised to its highest potential without an abundant and varied flow of materials.

N.S.R.B. is already authorized, under the National Security Act of 1947, to utilize to the maximum extent the facilities and re-

*Sec. 103(c) of the National Security Act of 1947 (61 Stat. 499) provides:

It shall be the function of the Chairman of the Board to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

(3) policies for unifying, in time of war the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

sources of the various departments and agencies of Government.

The Commission therefore recommends:

That the National Security Resources Board be directed, and provided with adequate funds, to collect in one place the facts, analyses, and program plans of other agencies on materials and energy problems and related technological and special security problems; to evaluate materials programs and policies in all these fields; to recommend appropriate action for the guidance of the President, the Congress, and the Executive agencies; and to report annually to the President on the long-term outlook for materials with emphasis on significant new problems that emerge, major changes in outlook, and modifications of policy or program that appear necessary. To the fullest extent consistent with national security, such reports should be made public.

EXHIBIT 3

EXCERPTS FROM "U.S. ACTIONS NEEDED TO COPE WITH COMMODITY SHORTAGES," REPORT TO THE CONGRESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES, REPORT NO. B-114824 (APRIL 29, 1974)

CHAPTER 2. EXECUTIVE BRANCH SHORT-SUPPLY DECISIONMAKING PROCESS

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The use of "crisis management" without effective communication, coordination, and planning has resulted in decisions that have been fragmented in terms of decisionmaking responsibility, application of alternative policy actions, sources and flows of policy analysis, and informational input and have led to continuing conflict over policy priorities, options, and short-supply policy alternatives.

* * * * *

Decisionmaking responsibilities for policy formulation evolve not only from five major departments but also from a series of high-level economic councils with overlapping economic policy functions. Thus, the system is fragmented among the many policy areas affected by short-supply situations, such as export controls, import quotas, export expansion programs, and concessional sales.

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Our review isolated many deficiencies in the Government's short-supply decisionmaking process. Short-supply decisions are the products of complex interactions of many divergent forces, and recommendations to improve the decisionmaking process must necessarily embody many management considerations. Government adoption of a more active and anticipatory short-supply decisionmaking process could resolve many of the problems noted. Identifying or establishing a focal point organization to substantially reduce organizational and information overlap and fragmentation is central to such a role. Such an organization should be able to resolve differing data inputs and policy interests so that more responsive short-supply decisions can be made.

* * * * *

CHAPTER 5. PROGRAMS FOR GATHERING COMMODITY INFORMATION AND MAKING FORECASTS

An ability to forecast future economic events is a basic requirement if Government is to be aware of impending short-supply or over-supply situations and able to devise policy actions to avoid or moderate their effects.

* * * * *

This chapter deals with programs, policies, and processes employed by the major agency forecasting groups for gathering commodity information and making forecasts: ERS (Agriculture); OBRA (Commerce); Bureau of Mines (Interior); and the Offices of International Commodities, Food Policy and Programs, and Economic Research and Analysis (State). There is a pressing need to reevaluate these programs. Except for ERS, which has recently been restructured and reoriented, these agency forecasting groups are undeveloped in potential and static in operation as a source of policy inputs.

Organizational structures are inadequate and unresponsive to the requirements of analyses and forecasting.

Administrative procedures and priorities are not defined.

Several agencies are understaffed and their personnel lack necessary research skills.

The data base of relevant information needed for statistically reliable commodity forecasts has been neglected.

Production, consumption, and price information needed to monitor key industrial and mineral products is unavailable to the Government except to the extent that private industry is willing to provide it.

Modern statistical methods and research techniques have not been used to make commodity forecasts.

Agency analysts having relevant information are frequently not consulted by decisionmakers and interagency coordination is lacking.

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Most of the research and analysis in commodity forecasting is a result of informed opinion rather than such scientific methods as partial simulation models embodying judgment and statistical relationships or fully computerized models. Methods used are generally selected in an ad hoc manner from a variety of sources, not programed by type of inquiry or analysis. The research is not based on a steady accumulation of data and analysis. Agencies, therefore, rely on an individual analyst's expertise, developed within the organization on specific commodities, and do not build a general data base that can be used as a permanent record. Relying on such commodity expertise hinders the development of standards of reliability and improved forecasting.

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To be useful, commodity analysis or forecasting information must be communicated to those who need it. Key commodity analysis agencies, however, have had continuing problems of information flow, both up the chain of command and laterally to other agencies.

Only Agriculture's ERS, for instance, has direct communication channels through the Director of Agricultural Economics to high-level Agriculture policymakers. This direct access makes it difficult to ignore ERS analytical inputs, which can be a constructive factor in improving forecasting performance. Agriculture officials' criticism of ERS as being out of step with the Secretary's priorities and not providing timely or pertinent data brought about the recent reevaluation of ERS research procedures to minimize errors and improve forecasting.

Commodity analysis groups at the other agencies are segments of bureaus having other primary program responsibilities. In these agencies, commodity information may be screened several times before passing from commodity analysis groups to policymakers.

* * * * *

Conclusions

Forecasts involve explicit observations and theory, consistent data series, and opportunities to later verify their accuracy. A variety of deficiencies detracted from major agencies' abilities to monitor and forecast commodity situations.

Commodity monitoring and forecasting agencies are not equipped to provide prompt and relevant information to decisionmakers. With the exception of Agriculture's ERS, they had not reassessed commodity data requirements, administrative procedures, or management information needs.

The agencies had not reexamined past forecasting roles and performances. Thus, there was little awareness of procedural modifications necessary to improve commodity forecasting.

There were no regular interdepartmental exchanges among agencies having commodity monitoring and forecasting responsibilities. Different agencies studied many commodities that were interactive or that responded similarly to the same occurrences. Regularly communicated findings and techniques of analysis could prove helpful to commodity specialists in other areas.

Serial publications were not adequately reviewed for purposes of developing and maintaining reliable and retrievable data bases for commodity forecasting. Often they lacked forecasts of pertinent information, provided only narrative analysis without supportive data series or methodologies, and served limited industry needs.

ERS has attempted to examine its forecast record and to determine its data requirements, administrative procedures, and management information needs. No other agency has undertaken this necessary first step. No agency approached these problems in concert with other agencies as common concerns. Since these problems are not unique to a particular agency, presumably all agencies would benefit from such interaction.

Only ERS possessed research autonomy and lateral access to policymaking levels. Research autonomy and greater organizational stature would limit the intrusion of departmental program constraints into the information and analysis flow before it reached policymaking levels, which would reduce information loss and establish accountability.

The data base of most of the agencies was in a nonretrievable form. Insufficient attention had been given to the use of automatic data processing techniques or to the relatively large number of persons who could not use them. Adopting computerized information retrieval systems would facilitate consideration of aggregate data techniques and promote use of these techniques by a larger number of persons.

The imbalance of specialized skills was apparent in all agencies except ERS. Not enough emphasis had been placed on transferable research skills and too much on nontransferable commodity expertise. Commodity analysis and forecasting agencies should have technically proficient research capacities as well as commodity expertise.

* * * * *

Recommendations

Because of the insufficient attention given to commodity monitoring and forecasting by responsible agencies of the four departments, we recommend that—

The Secretaries of Agriculture, Commerce, Interior, and State and the Director of the Office of Management and Budget:

Review the commodity monitoring, analysis, and forecasting record of their agencies with a view toward isolating actions needed to upgrade their capabilities for these functions.

Create an interdepartmental commodities committee of representatives from agencies with monitoring, analysis, and forecasting responsibility to regularly exchange information on data requirements and research findings and techniques.

Review and upgrade serial publications emphasizing reporting of forecasting methodologies, findings, and sources of data.

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CHAPTER 7. OVERALL CONCLUSION, AGENCY COMMENTS AND OUR EVALUATION, AND MATTERS FOR CONSIDERATION BY THE CONGRESS

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We believe that the U.S. Government does not now have an adequate planning, policy analysis, and policy formulation system for

basic commodity issues. In our opinion, existing executive branch programs do not provide a coordinated process and mechanism for dealing effectively with short-range commodity problems.

* * * * *

Commodity policy analysis, decisionmaking, and planning cannot be effective if adequate information is not available. Commodity policy decisions can have only limited utility, and may even be counterproductive, if they are not guided by a set of established long-range policies, and extensive data gathering has little value if the data is not effectively used for analysis. Data gathering, analysis, forecasting, decisionmaking, and planning must be considered together for the system to function properly.

* * * * *

Matters for Consideration by the Congress

We are making this report to the Congress because of the great interest expressed by its Members and Committees in the adequacy of the current Government policy system for dealing with commodity problems and the more than 100 legislative bills that have been introduced on this subject.

The Congress should consider in its deliberations the actions that executive branch agencies are taking and ou. recommendations for improving these agencies capabilities to cope with commodity problems. It should also consider the need for legislation to establish a centralized mechanism for developing and coordinating long-term policy planning.

EXHIBIT 4

EXCERPTS FROM THE 25TH ANNUAL REPORT OF THE SENATE SELECT COMMITTEE ON SMALL BUSINESS, S. REPT. NO. 94–13 (FEB. 15, 1975)

CHAPTER VI. CORPORATE GIANTISM

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B. Legislation on corporate information disclosure

The need for more and better public accounting by giant corporations of their diverse activities, along standard, comprehensible and comparable industrial and geographic lines, has been noted frequently in the work of the Subcommittee on Monopoly over a period of many years.[3] The first bill in either House of Congress to call for standardized segmental financial information disclosure by big business under certain competitive circumstances, the "Dual Distribution Reporting Act of 1962,"[4] was introduced by Senator Russell B. Long while serving as chairman of the subcommittee and was developed by committee staff in pursuit of the subcommittee's conclusions and recommendations.[5]

1. General Considerations Concerning Corporate Financial Disclosure

Discussion of the need for more detailed and standardized segmental financial reporting by giant, diversified corporations, in hearings and reports of your committee and elsewhere, has commonly focused on these points:

Equity for small business

The small concern, simply because it is specialized, is *relatively* exposed to public view—including the view of its giant competitors—on at least such basic questions as whether the firm is making some operating profit (enough to stay in business) in the narrow line of business in which it is engaged. If the specialized concern happens to be registered with the Securities and Exchange Commission or a comparable State agency, the degree of exposure is of course much larger.

The giant conglomerate, in contrast, is able to conceal fundamental details of enormously important economic activities behind the screen of consolidated financial reporting. For example, present SEC requirements permit General Motors to keep *all* sales and profit data from its huge refrigerator and locomotive businesses, not to mention its separate automobile divisions. It is argued, therefore, that smaller and more specialized concerns would be on a more equitable competitive footing if the huge, diversified corporations were *at least* required to report publicly, under the Standard Industrial Classification system, which of their operations accounting for $10 million or more a year in sales are money-making and money-losing.[6]

Efficacy of competition as a check on inflation

Just as the profit motive is the fuel, the propelling force, of a competitive, free-enterprise economy, the braking force of the system is competition. Both are essential. Profit and the hope of profit make things go, but competition keeps profit from going too far or too fast. When functioning properly, competition restrains excessive profit far more effectively, and more fairly than either taxation or bureaucratic regulation.

But, it is increasingly noted and argued, in economic democracy not less than in political democracy, competition fails when secrecy prevails. Existing competitors of giant business, and would-be competitors—prospective new entrants—even more, are severely handicapped, unable to make wise investment decisions, when they cannot ascertain with some precision where the conglomerates are making money and where they are losing money. Administered-price inflation, the product of ineffective competition, thus becomes easier and more likely because of corporate secrecy.[7]

Accountability of power

Because giant corporations exercise powers over suppliers, employees, consumers—and sometimes foreign policy—not unlike the powers of the political governments of states and nations, a view is gaining currency that such corporations should give comprehensible, departmentalized public financial accounts of themselves for precisely the same reason that politicians and political governments are increasingly required to do so. In this view, the idea in the Declaration of Independence—that governments derive their just powers from the consent of the governed and that any true consent requires information on what government is up to—is applied to the "private governments," which global corporations are more and more perceived to be.[8]

Resources monitoring

With energy fuels, food, and a host of minerals in dangerously short supply, the need has become acute for better methods of keeping track of supplies and forecasting future shortages. But information vitally needed for workable resource-monitoring systems is, frequently, a closely-held secret of business concerns. Within the past year, a consensus has emerged that more energy and resource information must be collected and existing information must be more effectively compared and coordinated, although considerable controversy still exists over important details.[9]

In growing awareness of these principles, members of your committee and many other Senators and Representatives have introduced in this Congress a considerable number of bills, discussed below, intended to meet the suggested needs.

2. Specific Legislative Proposals

The following is an update on principal legislative proposals in the 93d Congress, mentioned in our Twenty-fourth Annual Report or subsequently introduced, which would provide for better monitoring of energy and materials resources and improved corporate information disclosure. (Reference is made to our last annual report for additional description and background of the legislation discussed here.)

The "Energy Information Act," S. 2782, progressed to the point of publication of a three-volume hearing record[10] and a fifth revised version of the bill in committee-print form.[11] At that point, however, the Interior Committee discontinued its markup work and laid the bill aside, without an agreement to report it, but also without having taken a vote to reject it.

The "Energy Information Act" would establish a National Energy Information System: a fully computerized mechanism for the efficient coordination, comparison and analysis of existing massive governmental, academic and business files, libraries and electronic data bases of energy information. The head of the System would also have power to obtain from energy producing and consuming companies information about their reserves and operations which he discovered to be needed but unavailable from existing governmental sources. The Department of Interior would be empowered to verify reports of energy resources in private lands and would be directed to report annually on energy resources in public lands.

The latest Interior Committee markup version of the "Energy Information Act" reflected these principal changes from the bill as introduced: (1) The original bill placed the National Energy Information System within a Bureau of Energy Information in the Department of Commerce. The last committee print (like all earlier committee prints after the first) would establish a new independent agency, the National Energy Information Administration,[12] to set up and operate the Energy Information System. (2) The three-tier plan of the original bill, for placement of information in public, confidential and secret libraries, according to access category, was superseded by a somewhat looser plan, but one which might extend confidential treatment to a wider range of information types.[13] (3) The original bill's description of types of information to be collected from major energy producers and users was supplanted by language somewhat less detailed and more flexible.[14] (4) Language in the original bill, intended to give the Energy Information System the widest practicable range of extraterritorial outreach for the collection of energy information outside the United States through jurisdiction over corporate affiliates within the United States, had been eliminated.[15]

Senator Nelson, principal sponsor of S. 2782, has expressed an intention to reintroduce the measure in the 94th Congress in a further-amended version that will adopt the best provisions of both the original bill and the draft that had evolved in the Interior Committee's markup process before the legislation was laid aside. As this report was prepared, S. 2782 had obtained the cosponsorship of 30 Senators.[16]

Despite the failure of S. 2782 to obtain enactment, the Federal Energy Administration has obtained, through other recently enacted statutes, a substantial measure of energy-information-gathering power and responsibility. Among the relevant new laws are the following:

The "Federal Energy Administration Act," Pub. Law 93–275,[17] contains elaborate and extensive provisions for the collection, analysis and reporting of information by the FEA,[18] and for access to that information by the Comptroller General[19] and the public.[20] In October and November of 1974, the FEA sponsored seminars for state and local officials in a number of cities around the country on the operations of its Energy Information Center.[21]

The "Emergency Petroleum Allocation Act of 1973," Pub. Law 93–159,[22] imposes upon the President (and now, by subsequent delega-

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Footnotes at end of article.

tion and transfer of functions, the FEA) the duty to compile information and report to Congress monthly, beginning not later than January 1, 1974, on the aggregate market shares of each of the marketers of each of certain Congressionally-designated refined petroleum products: gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, and diesel fuel.[22]

The "Energy Supply and Environmental Coordination Act of 1974," Pub. Law 93-319,[24] requires the FEA to promulgate rules for the collection of reports at least every 90 days from specified classes of companies engaged in energy activities. The reports are to contain such information as the FEA Administrator determines to be necessary to carry out the purposes of this act and the Emergency Petroleum Allocation Act of 1973. Among the specified purposes of this act are the development of—

as full and accurate a measure as is reasonably practicable of—

(A) domestic reserves and production;
(B) imports; and
(C) inventories;

of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal.[25]

An expansion of the concept of the "Energy Information Act," S. 2782, was contained in two other measures introduced by Senator Nelson in 1974: the "National Resources Information Act," S. 3209,[26] and an amendment (S. Amdmt. No. 1406) which would have established a National Resources and Materials Information System.[27] The latter was a refinement and amplification of the former and both would, if enacted, establish computerized systems for the collection, comparison and analysis of all relevant data—notably including some types of important data now held in secrecy by giant corporations—on resources and materials, including energy resources. On April 29 and May 8 and 10, 1974, joint hearings[28] were held by the full Senate Commerce and Government Operations Committees on S. 3209 and three other measures similar in purpose.[29] However, the 93d Congress did not establish any kind of permanent, thorough system for monitoring and analyzing either energy or resources and materials information. Instead, a new, temporary National Commission on Supplies and Shortages was created.[30] That commission, with a lifespan well under a year, is directed to report by March 1, 1975, among other things on—

The advisability of establishnig an independent agency to provide for a comprehensive data collection and storage system to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world.[31]

Senator Nelson's Amendment No. 1406 was introduced in negative reaction to that charge to the commission. According to the Senator, the question has already been answered in the affirmative by at least three earlier high-level Federal studies. It is time now, the Senator stated, to act on the answer, not repeat the question. But a motion by Senator Nelson (for himself and Senators Haskell and Taft) to recommit the measure, with instructions to report favorably or unfavorably the amendment to create rather than consider an information system, was defeated 34-56.[32]

* * * * *

E. Conclusion

Equity for small business, and the effective operation of free competitive markets as the best known check on inflationary pressures, would alike be served by more and better public disclosure by giant corporations of their operations and profits on the basis of recognizable industrial, organizational and geographical segments.

The Senate Small Business Committee supports the efforts of the Federal Trade Commission to demonstrate, through its line-of-business program, that such data can be prepared and filed by large, diversified companies. The Commission's regulations (and a recently enacted appropriations bill) providing that such data, when filed, must remain unavailable to small business competitors and customers of the corporate giants, and to law-enforcement agencies, deserve more critical scrutiny than they have thus far received.

Consideration of various information-disclosure bills sponsored by members of this committee and discussed in this chapter has provided, and when the bills are reintroduced in the next Congress will again provide, a useful basis for continuing and serious review of Federal laws and policies that support big-business secrecy. On the basis of the foregoing discussion, the committee feels, those policies and laws may now be outmoded.

FOOTNOTES

[3] Senate Small Business Committee, Twenty-fourth Annual Report, pp. 81-88, contains the most recent discussion. The subcommittee's (and committee's) earliest references to the subject not cited in last year's annual report are: Senate Small Business Committee, "Studies of Dual Distribution: The Flat-Glass Industry," S. Rept. No. 1015, 86th Cong., 1st Sess., recommendations 4 and 8, pp. 8, 10 (1959); and Twelfth Annual Report of the Select Committee on Small Business, U.S. Senate, S. Rept. No. 1491, 87th Cong., 1st Sess. (1962), pp. 31-35.

[4] S. 2640, 87th Cong., 1st Sess. (1961); subsequently reintroduced as S. 1108, 88th Cong., 1st Sess. (1963) and as S. 1843, 89th Cong., 1st Sess. (1965). See also *Cong. Rec.*, vol. 111 pt. 7, pp. 8840-8841, 89th Cong., 1st Sess., April 28, 1965 (remarks of Senator Long); and Hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, United States Senate, on S. 1842, S. 1843, and S. 1844, "Dual Distribution Legislation," 89th Cong., 1st Sess. (pt. 1, 1965) and 2d Sess. (pt. 2, 1966).

[5] S. Rept. No. 1015, 86th Cong., 1st Sess.; S. Rept. No. 1491, 87th Cong., 1st Sess. (note 3, supra).

[6] See, generally, testimony of Profs. Walter Adams, Willard F. Mueller, and Donald F. Turner in Hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, U.S. Senate, on the role of giant corporations in the American and world economies, 92d Cong., 1st Sess., pt. 2, corporate secrecy: overviews (Nov. 9 and 12, 1971).

[7] *Ibid.*

[8] See testimony of Prof. John Kenneth Galbraith, *ibid.*, pp. 1087-1093.

[9] William C. Boesman, "Materials Information Systems," Issue Brief No. IB74118, Congressional Research Service, Library of Congress (1974). See also Appendix N.

[10] Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, Pursuant to S. Res. 45. A National Fuels and Energy Policy Study, 93d Cong., 2d Sess., on S. 2782, a bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of United States energy resources on public lands and elsewhere, and for other purposes (pt. 1, Feb. 5 and 6, 1974; pt. 2, Feb. 14 and 15, 1974; pt. 3—appendixes); (hereinafter cited "Hearings on S. 2782"). Discussion of the bill and its background will be found in Senate Small Business Committee, Twenty-fourth Annual Report, pp. 83-86.

[11] Senate Committee on Interior and Insular Affairs, Committee Print for Markup Purposes (July 22, 1974), S. 2782, 93d Cong., 2d Sess. Several earlier committee prints of S. 2782 for markup purposes are available from, or in the files of, the Interior Committee.

[12] The hearings and markup sessions produced almost unanimous agreement that a National Energy Information System is needed but no clear consensus on where in the Government the System should be placed. The Administration was insistent that the System should be the responsibility of the Federal Energy Office (later the Federal Energy Administration), pending creation by the Congress of a Department of Energy and Natural Resources. The issue of 'placement" was discussed in a memorandum dated Mar. 1, 1974, from Senators Nelson and Jackson to the Members and Ex Officio Members of the National Fuels and Energy Policy Study: Hearings on S. 2782, pt. 1, p. 56.

[13] The issue of access, and restrictions on access, to company information filed in the Energy Information System was probably the single most difficult and controversial of the principal issues which remained unresolved when the bill was laid aside for the year. The Nelson-Jackson memorandum cited in the preceding note discussed the issue. Each successive committee print reflected some change in position on the issue.

[14] The issue of "description of the Energy Information System was the third of three principal issues on which views were perceived to be widely divergent in the Nelson-Jackson memorandum. note 8, above.

[15] Hearings on S. 2782, p. 59: Nelson-Jackson memo's discussion of the subject. Compare sec. 401 of the bill as introduced (at page 37 of the hearings) with sec. 203 of the last markup version (July 22 committee print at page 32).

[16] Senators Nelson, Jackson, Eagleton, Muskie, Cannon, Kennedy, Clark, Nunn, Mondale, Hathaway. Moss, Stevenson, Proximire, Bible, McGovern, Pell, Humphrey, McGee, Hughes, Montoya Tunney, Cranston, Williams, Hatfield, Metzenbaum, Magnuson, Randolph, Gurney.

[17] Act of May 7, 1974, 88 Stat. 96 (H.R. 11793, 93d Cong., 2d sess.). The Senate version (S. 2776, 93d Cong., 2d sess.) was briefly discussed in Senate Small Business Committee, Twenty-fourth Annual Report, p. 87.

[18] Pub. Law 93-275, secs. 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26.

[19] Pub. Law 93-275, sec. 12. Haskell and Ribicoff.

[20] Pub. Law 93-275, sec. 14. Subsection (b) of sec. 14 contains an amendment by Senator Hathaway, a member of this committee, intended to provide for disclosure of certain corporate information for which claims of proprietary secrecy might otherwise be made. Discussion in Senate Small Business Committee, Twenty-fourth Annual Report, pp. 82-83, 87.

[21] Federal Energy Office, press release dated May 24, 1974, "Sawhill Announces Energy Information Center"; Federal Energy Administration, press release dated Oct. 8, 1974, "FEA Regional Workshops To Tell State, Local Governments of Energy Information Capabilities"; Federal Energy Administration undated brochure, "The National Energy Information Center" (1974). These documents are reproduced in Appendix M.

[22] Act of Nov. 27, 1973, 87 Stat. 627 (S. 1570 93d Cong., 1st Sess.).

[23] *Ibid.*: Pub. Law 93-159, sec. 4 (c)(2)(A). See footnote 55 of this chapter for discussion of and citation to litigation filed by Senator Abourezk, a member of this committee, to enforce compliance.

[24] Act of June 22, 1974, 88 Stat. 246 (H.R. 14368, 93d Cong., 2d Sess.).

[25] *Ibid.*: Pub. Law 93-319, sec. 11(c)(1). See footnote 55 of this chapter for discussion of and citation to litigation filed by Senator Abourezk, a member of this committee, to enforce compliance.

[26] S. 3209, 93d Cong., 2d sess. ("National Resources Information Act"), a bill to establish a National Resource Information System, and for other purposes: *Cong. Rec.*, Mar. 21,

1974, p. 7688 (introduction of bill by Senator Nelson for himself and Senator Ribicoff), pp. 7691–7710 (remarks by Senator Nelson, with insertions). (Senators Bible, Cook, Hathaway, Humphrey, McIntyre, Moss, Pell and Williams subsequently became additional cosponsors.)

[27] S. Amdmt. No. 1406, amendments intended to be proposed by Mr. Nelson (for himself and Mr. Haskell) to S. 3523, a bill to establish a Temporary National Commission on Supplies and Shortages: *Cong. Rec.*, June 7, 1974, p. 18253 introduction of amendment): *ibid.*, June 11, 1974, pp. 18741–18749 (joint statement by Senators Nelson and Haskell describing amendments); *ibid.*, June 12, 1974, p. 18926 (amendment withdrawn by unanimous consent), pp. 18916, 18926–18949 (debate and roll call on motion by Senator Nelson, for himself and Senators Haskell and Taft, to recommit S. 3523 with instructions to consider and report on Amendment No. 1406).

[28] Joint Hearings before the Senate Committee on Commerce and Committee on Government Operations on S. 2966. Amendments 1069 and 1195, to establish identification and reporting procedures, to determine the existence and causes of shortages of products in interstate commerce, and S. 3209, to establish a National Resource Information System, 93d Cong., 2d sess., April 29; May 9, 10; June 17, 1974.

[29] S. 2966, 93d Cong., 2d sess. ("Domestic Supply Information Act"), a bill to establish identification and reporting procedures to determine the existence and causes of shortages of products in interstate commerce: *Cong. Rec.*, Feb. 6, 1974 (introduction of bill by Senator Tunney for himself and Senator Magnuson); S. Amdmt. No. 1069 ("Domestic Supply Information Act"), amendment (in the nature of a substitute) intended to be proposed by Mr. Magnuson (for himself and Mr. Stevenson) to S. 2966, 93d Cong., 2d sess.: *Cong. Rec.*, Mar. 26, 1974 (introduction of amendment); S. Amdt. No. 2966 ("Shortages Prevention Act of 1974"), amendment (in the nature of a substitute) intended to be proposed by Mr. Hart to S. 2966, 93d Cong., 2d sess.: *Cong. Rec.*, Apr. 11, 1974 (introduction of amendment).

[30] By section 5 of Pub. Law 93–426, "Defense Production Act Amendments of 1974" (S. 3270, 93d Cong., 2d sess.), act of Sept. 30, 1974, 88 Stat. 1166, Sec. 5, added to the bill in conference and adopted by the House, contained the text of S. 3523, the "National Commission on Supplies and Shortages Act," as passed by the Senate earlier in the year.

[31] Sec. 720(h) of the Defense Production Act of 1950 (50 U.S.C. app. 2061) as added by section 5 of Pub. Law 93–426.

[32] *Cong. Rec.*, June 12, 1974, p. 18944.

By Mr. SPARKMAN (by request):

S. 1413. A bill to authorize a U.S. payment for fiscal year 1975 to the United Nations for expenses of the United Nations Force in Cyprus. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to authorize a U.S. payment for fiscal year 1975 to the United Nations for expenses of the United Nations Force in Cyprus.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill and a justification be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated March 19, 1975.

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

S. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Force in Cyprus Authorization Act."

There is authorized to be appropriated for the Fiscal Year 1975 for payment by the United States toward the costs of the United Nations Force in Cyprus, $4,800,000. Such amount shall be in addition to any other contribution from Fiscal Year 1975 funds to such Force by the United States pursuant to any other provision of law.

MARCH 19, 1975.

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

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation which would authorize a special additional U.S. contribution of $4.8 million to the United Nations Force in Cyprus (UNFICYP) from FY 1975 appropriations.

The Secretary General of the United Nations has appealed to members of the United Nations for additional voluntary contributions to offset the increased costs of the expanded Force in Cyprus since the crisis last July.

A detailed justification is enclosed.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed authorizing legislation to the Congress and that its enactment would be in accord with the program of the President.

Cordially,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

Enclosure: Justification.

JUSTIFICATION—THE UNITED NATIONS FORCE IN CYPRUS (UNFICYP)

In 1964 the United Nations Security Council created UNFICYP to restore and maintain a climate conducive to establishing an equitable and enduring peace. The Force is financed on a purely voluntary basis and its mandate has been extended in six-month periods with the last extension ending June 15, 1975.

As a result of the coup in Cyprus and the subsequent Turkish intervention in July, 1974, Secretary General Waldheim increased the size of the Force in Cyprus from 2,341 to 4,335, reversing, in light of the new circumstances, his previous reduction of UNFICYP from 3,000 in 1973 to 2,341 in May, 1974. To maintain UNFICYP at this July, 1974 troop strength will require $27.4 million annually. Additionally, there is a current cumulative deficit of $27.3 million.

On September 20, 1974 the Secretary General appealed for further voluntary contributions for the UNFICYP fund. The U.S. pledge for $4.8 million for CY 1974 was made prior to the Cyprus crisis last July and the resultant subsequent increase in Force operations and costs. To help meet the needs of the expanded Force, we propose an additional contribution to UNFICYP of $4.8 million providing a total contribution of $9.6 million to UNFICYP for CY 1974 from FY 1975 appropriations. The amount of $4.8 million has already been pledged and paid. It is now requested that the additional $4.8 million contribution be authorized by the "United Nations Force in Cyprus Authorization Act."

The situation in Cyprus will undoubtedly remain unstable and potentially dangerous as long as a settlement of the basic problems is not reached. In these circumstances, the continued presence of UNFICYP is regarded as essential not only to help maintain the ceasefire called for by the Security Council, to promote the security of civilian population and to provide humanitarian relief assistance, but also to foster a climate for peaceful and productive negotiations between the parties concerned.

By Mr. TUNNEY:

S. 1415. A bill to monitor interstate and foreign commerce by establishing identification and reporting procedures on long-term shortages of products, materials, and resources, and for other purposes. Referred to the Committee on Commerce.

Mr. TUNNEY. Mr. President, I am introducing today the Materials Information and Economic Forecasting Act of 1975. It is essential that we develop immediately a mechanism within the Federal Government to monitor our materials situation and to serve as an early warning system against potentially devastating shortages.

The Arab oil embargo alerted this Nation to the fact that we are increasingly dependent on foreign sources of supply for energy and other natural resources. The United States is dependent on imports for its major supply of six of 13 basic raw materials: Chromium, nickel, rubber, aluminum, tin, and zinc. By 1985, if present trends continue, this country will depend on imports for more than half of its iron, lead, and tungsten. By the year 2000, imports will have to supply more than half of our copper, potassium, and sulphur. Also by the year 2000, it is projected that the United States could face a $100 billion balance-of-trade deficit in the mineral area alone.

Competition for the dwindling stocks of nonrenewable resources is intensifying dramatically. Furthermore, many economists predict continuing severe natural resource price fluctuations throughout this century.

We must prepare for these potential crises and attempt to avoid or mitigate their effects. The establishment of a materials information and economic forecasting system is an essential first step toward intelligent management of our resources. One of the key lessons of the energy crisis was that our failure to prepare for it was due not so much to a lack of statistics but rather to the absence of a mechanism for coordinating the statistics, developing a careful analysis, and presenting the issues and alternatives forcefully to key decision makers in the executive branch and Congress.

My legislation would set up an entity in the executive branch to monitor materials information and continuously audit and forecast the supply and demand for materials and resources. The need for such action has long been apparent. In 1908, a Governor's conference on natural resources recommended the formation of such a materials information system. It was called for again by the President's

Materials Policy Commission—Paley Commission—in 1952.

The intensity of demand for reform of our materials monitoring program has increased continually. The second annual report of the Secretary of Interior on Mining and Mineral Policy in 1973, for example, stated:

The U.S. Government information base for the conduct of its mineral responsibilities is grossly inadequate . . . Information on foreign mineral operations is even more fragmentary.

A 2-year study by the President's National Materials Policy Commission in 1973 also took a strong position in this area:

Almost every aspect of policy work in this area is handicapped by inadequate, or inaccessible information. Much data that is available is structured in ways that served past needs and policy requirements but do not meet present nor prospective demands. Effective management and rational policy-making require sufficient reliable and usable data concerning both the constituent parts of the materials system and the interactions of the system itself.

The most devastating critique of the present Government resource monitoring programs is contained in a 281-page report by the General Accounting Office released in April of 1974. This study detailed the chaotic state of our Government monitoring programs, calling them "ad hoc and crisis-oriented." The GAO pointed out that—

There are numerous gaps in the data base. These deficiencies have compromised efforts to achieve coherent, coordinated national policies for confronting probably future economic issues.

The GAO concluded:

No focal point exists for commodity policy among all these groups, commodity monitoring and forecasting agencies are not equipped to provide prompt and relevant information to decision makers.

To remedy these deficiencies I introduced the first bill in the 93d Congress to establish a monitoring system for the supply of products, materials, and resources. Shortly thereafter, Senator NELSON also introduced legislation in this area. In 1974, Senator MAGNUSON presented a shortages monitoring bill which gave microeconomic analytical functions to an expanded Council of Economic Advisers. The Senate Commerce Committee held hearings on these bills in the spring of 1974. As an outgrowth of these hearings, today I am introducing a strengthened version of my previous legislation. This bill includes useful suggestions received from Senators MAGNUSON, NELSON, and BROCK.

My legislation will give oversight and coordinating authority to a monitoring group within the executive branch. This group will provide the framework for the systematic collection, coordination, analysis, and dissemination of information pertaining to our natural resource and materials supply.

This group will be mandated to analyze the present data collection process, identify information gaps, improve the comparability of data, and see that this data is systematically disseminated within the executive branch to the Congress and the public. This program will also institute modern information filing, storage, search, retrieval, and processing techniques throughout the Government—areas in which the GAO found present Government procedures particularly deficient.

This group will give priority attention to potential shortages of materials and resources in industries that provide essential products which serve the critical needs of the Nation's consumers.

This group will also develop improved methods of data gathering from private industry. Much critical information is presently unavailable to Government; it is essential that Government and industry have access to this critical data so that they can respond in time to potential materials problems. An upgraded materials information gathering system will enable us to critically evaluate our resource position on a continuing basis and assign national priorities and goals to alleviate projected shortages, environmental damage, and international security problems. Further, this system will be capable of developing alternative strategies for resource evaluation to alert the President and Congress to future materials problems.

The National Commission on Supplies and Shortages has been mandated to report to the President and the Congress by June 30 of this year "on specific recommendations with respect to institutional adjustments, including the advisability of establising an independent agency to provide for a comprehensive data collection and shortage system, to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world." As a member of the Commission I hope that this legislation will help focus its discussion on a new institutional structure for materials monitoring. It is essential that the Congress act quickly in this area. I believe this legislation can form the basis for development of definitive legislation in this area. The Senate Commerce Committee is planning to hold hearings on this legislation.

Mr. President, I ask unanimous consent that this legislation 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. 1415

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 "Materials Information and Economic Forecasting Act of 1975".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) The United States has recently experienced severe economic troubles, including unemployment, inflation, and shortages of food, energy, and other products, materials, and resources.

(2) Such shortages of products, materials, and resources increase inflation and burden commerce.

(3) Industry and Federal agencies do not have sufficient information on the supply and demand for critical products, materials, and resources and thus are unable to intelligently manage and to optimize the supply of such products, materials, and resources to meet the needs of the Nation.

(4) Existing Federal agencies do not adequately coordinate national policies to long-term future needs for products, materials, and resources; do not adequately identify and anticipate shortages of such products, materials, and resources; do not adequately identify environmental problems of extracting, producing, using, and disposing of such products, materials, and resources; and do not adequately monitor, study, and analyze other market imbalances involving specific industries and specific sectors of the economy.

(5) Economic information and resource data with respect to such needs, shortages, environmental problems, and imbalances are collected in various Federal agencies for various purposes; are often duplicative, incomplete, and obsolete; are often not comparable; and are not systematically coordinated and disseminated to the public, the appropriate Federal agencies, the President, and the Congress for the purpose of timely and effective action.

(6) Such lack of coordination, comparability, and dissemination does not permit the systematic analysis in the long-term future of the major interdependent factors of the materials cycle regarding such needs, shortages, environmental problems and imbalances.

(7) It is likely that, unless the Federal Government systematically analyzes the interdependence of the materials cycle regarding such needs, shortages, environmental problems, and imbalances, the impact of long-term shortages and other market imbalances will become increasingly severe.

(8) A comprehensive materials and resource information system is needed to provide information on—

(A) the availability of critical products, materials, and resources essential to industry and to commerce;

(B) long-term shortages of products, materials, resources, and market dislocations;

(C) serious environmental problems as marginal resources are used to meet such long-term shortages and dislocations; and

(D) alternative policy options which will alleviate such shortages, environmental problems, and dislocations.

(b) PURPOSES.—It is the purpose of this Act to establish the means to—

(1) improve the regular collection, standardization, comparability, coordination, analysis, and dissemination of information on products, materials, resources, and market dislocation, including the long-term availability of critical products, materials, and resources essential to industry and commerce, and the serious environmental problems associated with the alleviation of such shortages and dislocations; and

(2) provide alternative policy options to the President and the Congress for administrative and legislative actions to alleviate such shortages, environmental problems, and dislocations.

DEFINITIONS

SEC. 3. As used in this Act—

(a) "Bureau" means the Bureau of Materials Forecasting established by section 8 of this Act;

(b) "commerce" means trade, traffic, transportation or exchange (a) between a place in a State and any place outside such State or (b) which affects trade, traffic, transportation, or exchange, described in subparagraph (a);

(c) "Federal agency" means any department, agency, office, or other instrumentality within the executive branch of the Federal Government; and any independent agency or establishment of the Federal Government including any Government corporation;

(d) "long-term" refers to predicting and

forecasting the availability of products, materials, and resources for one to twenty years into the future;

(e) "market dislocation" means a situation in a specific industry or specific sector of the economy in which market conditions fail to provide goods and services equitably and at reasonable prices to the Nation's consumers; and

(f) "product, material, and resource" means any product; food; mineral; raw material; or any unproduced, undeveloped, or unextracted natural resource that is, or with new technology will become, a source of raw materials, including water supplies, forests, and nonmineral resources which have been identified as sources of energy; and

(g) "shortage" refers to a market condition where any such product, material, or resource (1) is essential to industry and the Nation's consumers, and (2) is not reasonably available to all users or can be acquired only at a price which has increased significantly relative to the general price level as a result of limited availability.

MATERIALS INFORMATION SYSTEM

SEC. 4. (a) RESPONSIBILITIES.—It shall be the responsibility of the President to establish a materials and resource information system pursuant to this section to provide alternative policy options with respect to the long-term availability of critical products, materials, and resources; with respect to market dislocations; and with respect to serious environmental problems associated with such shortages and dislocations.

(b) ESTABLISHMENT OF INFORMATION SYSTEM.—(1) Within six months after enactment of this Act the President shall review the methods of collecting and comparing information gathered by Federal agencies with respect to the availability of products, materials, and resources, and market dislocations, and shall determine the means for assuring the standardization and comparability of such information in order to meet the requirements under this Act.

(2) Upon the completion of such review, the President shall establish a national materials and resource information system (hereinafter referred to in this Act as the "system") within the executive branch to monitor the availability of products, materials, and resources. Such system shall provide for the systematic collection, standardization, comparability, coordination, analysis, and dissemination of economic and resource information with respect to product, material, and resource shortages and other market dislocations involving specific industries and specific sectors in the economy.

(3) Such system shall utilize pertinent data gathered by Federal agencies, including the Bureau of Materials Forecasting and other relevant offices within the Department of Commerce; the Economic Research Service within the Department of Agriculture, Council of Economic Advisers; and offices within the Department of State, Department of Treasury, and Department of Interior. To the extent practicable, the President shall assign the data collection and coordination requirements to such system to the Bureau.

(4) The President is authorized to acquire by purchase or otherwise from States, counties, cities, or other units of local government or from private persons copies of records, reports, and other data as may be required for the efficient and economical collection of information pursuant to this Act.

(c) PRIORITIES.—In carrying out the purposes and responsibilities under this Act, the President shall give priority attention to—

(1) industries which provide products, materials, resources, and services essential to the Nation's economy and industries which serve critical needs of the Nation's consumers, and

(2) product, material, and resource shortages and other market dislocations expected in the long-term future.

(d) DESIGN AND CAPABILITY OF INFORMATION SYSTEM.—(1) The President shall maintain within the system the capability (A) to perform analyses and verification of resource and materials information to the extent necessary to serve the purposes of this Act, and (B) to develop and evaluate models characterizing specific sectors of the economy and lines of commerce deemed critical to the economy and needs of the Nation's consumers.

(2) Such system shall—

(A) utilize appropriate economic models;

(B) utilize modern information filing, storage, search, retrieval, and processing mechanisms;

(C) readily permit quick additions, retrieval, and analyses of data; and

(D) maintain data historically and update data periodically to permit time-series analyses.

(3) Such system shall provide for the collection of data which shall include, but not be limited to, data on current and long-term supply, demand, consumption, capital investment, wages, prices, imports, exports, changes in technology affecting supply and demand, environmental concerns and other relevant matters relating to the availability of products, materials and resources, and market dislocations.

(4) To supplement the information otherwise available, the President is authorized as is necessary to carry out the provisions of this Act—

(A) to conduct public hearings and inquiries;

(B) to require, by subpena or special or general order, that any person or Government agency attend such hearings or submit in writing reports, papers, documents, or answers to questions, as the President deems advisable to carry out the purposes of this Act, including, if appropriate, but not limited to information referred to in section 1905 of title 18, United States Code; and

(C) to petition any United States district court for assistance in requiring the testimony of witnesses or the production of such reports, papers, documents, answers, or information.

(5)(A) In the event of refusal to obey a subpena or order issued pursuant to paragraph (4) of this subsection, the United States district court in which venue is proper shall have jurisdiction to issue an order to require any person to comply therewith. Failure to obey such an order of the court is punishable by such court as a contempt of court.

(B) Any person who neglects or refuses when appropriately requested to answer completely and correctly to the best of such person's knowledge any question or to furnish information requested under the authority of this Act shall be fined not more than $25,000 or imprisoned not more than 1 year, or both; and if such person willfully provides a false answer to any such question, such person shall be fined not more than $50,000 or imprisoned not more than three years, or both.

REPORTS AND ANALYSES

SEC. 5. (a) REPORTS.—Not later than January 20 and July 20 of each year, and at such more frequent times as the President determines are appropriate, the President shall transmit to the Congress a report setting forth—

(1) an enumeration of major, long-term product, material, and resource shortages in this country;

(2) estimates of the available domestic and world supply of such products, materials, and resources and an assessment of the various factors affecting such supply, including when appropriate, but not limited to, the availability of energy; environmental problems; regulatory controls and policies; the structure of control of the markets for such products, materials, and resources; the effects of imports and exports; the current and long-term availability of modern, efficient technology to produce such products and materials and to extract and to develop such resources; the availability of labor and capital for production; wages; prices; and plant capacity;

(3) estimates of domestic and world demand for such products, materials, and resources and an assessment of the various factors affecting such demand, including, when appropriate, but not limited to, an assessment of demand by class of consumer and by geographical region, the reasons for any change in demand, the elasticity of demand, the effect of fiscal and monetary policies of the Federal Government on demand, and the effect of imports and exports on demand;

(4) an enumeration of other major market dislocations and an evaluation of the causes thereof;

(5) an enumeration of environmental problems associated with the alleviation of such shortages and dislocations;

(6) an assessment of the impact on the economy of the United States and other nations of the shortages, dislocations, and problems enumerated;

(7) an analysis of the competitive structure of the industrial markets for such products, materials, and resources, and recommendations to improve competition in such markets;

(8) an assessment of the effects on national security and international relations of such shortages and dislocations;

(9) a review of the extent to which present programs and activities of the Federal Government may contribute to the cause or prevention of such shortages, dislocations, and environmental problems;

(10) a review of the current stockpiles of materials and resources owned by Government and private companies and of the need for increasing or decreasing such stockpiles;

(11) a listing of alternative policy options for legislative and administrative actions including but not limited to programs of conservation, research development, stockpiling and shifts in patterns of economic growth all designed to alleviate or contain such shortages and dislocations; and

(12) an assessment of the economic, social, and environmental strengths and weaknesses of the policy options specified, which may include recommendations as to which of such options are, in the view of the President, most desirable.

(b) ANALYSES.—In addition to reports submitted under subsection (a) of this section, the President shall, as frequently as is necessary and practicable, submit interim reports, recommendations, and analyses to the Congress concerning any of the matters listed under subsection (a).

DISSEMINATION OF INFORMATION

SEC. 6. (a) GENERAL AVAILABILITY.—Copies of any communication, document, report, or information received or sent pursuant to the requirements of this Act shall be made available to the public and to Federal agencies upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) LIMITATIONS.—The President or any officer or employee of the President shall not disclose any information obtained under this section which is a trade secret referred to in section 1905 of title 18, United States Code,

except that such information may be disclosed in a manner designed to preserve its confidentiality—

(1) to other Federal agencies and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings.

PERSONNEL

SEC. 7. (a) HIRING OF PERSONNEL.—The President is authorized to appoint and remove such employees as is determined necessary to carry out the responsibilities under this Act and to fix the compensation of such employees in accordance with the civil service and classification laws of the United States.

(b) CONSULTANTS.—The President is authorized to employ consultants as is necessary to carry out the responsibilities under this Act in accordance with section 3109 of title 5, United States Code, and to compensate such persons at rates not in excess of the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day they are so employed (including traveltime) and pay such persons travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) CONTRACTS.—In carrying out the provisions of this Act, the President is authorized to enter into any developmental or operational contracts with educational or research organizations.

ESTABLISHMENT OF BUREAU

SEC. 8. There is established within the Department of Commerce a bureau to be known as the Bureau of Materials Forecasting. The Bureau shall be a main line agency of the Social and Economic Statistics Administration, coequal therein with the Bureau of the Census and the Bureau of Economic Analysis, and shall be under the direction of a Director who shall be appointed and removed by the President and compensated at the rate provided for level III of the Executive Schedule of Pay Rates (5 U.S.C. 4314).

FUNCTIONS OF BUREAU

SEC. 9. The Secretary of Commerce (hereinafter referred to as the "Secretary") shall, through the Bureau, collect and maintain such information as is required by the President to meet the purposes of this Act in order to provide for the collection of and to facilitate analyses on the long-term availability of critical products, materials, and resources essential to industry and commerce. At a minimum, the collection of such information shall permit analyses of—

(1) the long-term consumption of products; raw, semifinished, and finished materials by such classes, and geographical regions as the President and Secretary shall determine are appropriate for the purposes of this Act; and the long-term depletion of resources;

(2) the long-term sensitivity of resource exploration, development, production, transportation, and consumption to economic factors, environmental constraints, technological improvements, and substitutability of products, materials, and resources in various uses;

(3) the long-term capital requirements of the public and private institutions and establishments responsible for the production and distribution of materials and the development of resources; and

(4) the long-term industrial, labor, and regional impacts of changes in patterns of materials and resources supply and demand.

ACQUISITION OF INFORMATION BY THE BUREAU

SEC. 10. (a) HEARINGS AND SUBPENAS.—The Secretary, through the Bureau, may exercise, to the extent necessary, to carry out the provisions of this Act, the same powers authorized to the President under section 4(d)(4) and 4(d)(5) of this Act.

(b) ACQUISITION OF INFORMATION BY SAMPLING.—The Secretary, through the Bureau, may acquire information through the statistical method of sampling whenever the adoption of such a method would significantly reduce the cost to the Federal Government and burden upon those supplying information without sacrificing the accuracy required to achieve the purposes of this Act: *Provided*, That, when such method is employed to obtain required information on any line of commerce, the sample used shall, to the utmost extent practicable, include the universe of materials and resources enterprises operating in such line of commerce.

GENERAL ACCOUNTING OFFICE OVERNIGHT

SEC. 11. (a) RESPONSIBILITIES.—The Comptroller General of the United States (hereinafter referred to as "Comptroller General") shall be responsible for continuously monitoring and evaluating the operations of the President and Bureau pursuant to the requirements of this Act, including reporting requirements. Upon the Comptroller General's own initiative or upon the request of a committee of the Congress, the Comptroller General shall (1) review the system's products, materials and resources information gathering procedures to insure that the system is obtaining all necessary products, materials and resources information from the appropriate sources to carry out the purpose of this Act; (2) review the issues that arise or might arise in the collection of any of the types of products, materials and resources information required to achieve the purposes of this Act, including but not limited to issues attributable to claims of business establishments, individuals, or governments that certain information is proprietary or violative of national security; (3) conduct studies of existing statutes and regulations governing the collection of products, materials, and resources information; and (4) review the policies and practices of Federal agencies in collecting, standardizing, comparing, coordinating, analyzing, and disseminating such products, materials, and resources information. The Comptroller General shall have access to all information within the possession or control of the President or Bureau obtained from any public or private source whatever, notwithstanding the provisions of any other Act, as is necessary to carry out such Comptroller General's responsibilities under this Act.

(b) REPORTS.—The Comptroller General shall report to the Congress at such times as such Comptroller General deems appropriate on the implementation of this Act. Within a resonable time, not to exceed 90 days, following a report by the President to the Congress pursuant to section 5(a) of this Act, the Comptroller General shall issue comprehensive comments to the President and the Congress on such report including, but not limited to, an assessment of each policy option contained in such report. The Comptroller General additionally is authorized and encouraged to comment to the President and the Congress on each interim report, recommendation, and analysis submitted by the President pursuant to section 5(b) of Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 12. (a) GENERAL.—There are authorized to be appropriated for the purpose of establishing and maintaining a material information system under section 4 of this Act such sums as are necessary not to exceed $5,000,000 for the fiscal year ending June 30, 1975; $10,000,000 for the fiscal year ending on June 30, 1976; $6,000,000 for the transitional fiscal quarter ending on September 30, 1976; and $12,000,000 for the fiscal year ending on September 30, 1977.

(b) BUREAU.—There are authorized to be appropriated to the Department of Commerce for the purpose of collecting and maintaining the information required under sections 8, 9, and 10 of this Act such sums as are necessary not to exceed $3,000,000 for the fiscal year ending on June 30, 1975; $8,000,000 for the fiscal year ending on June 30, 1976; $4,000,000 for the transitional fiscal quarter ending on September 30, 1976; and $10,000,000 for the fiscal year ending on September 30, 1977.

(c) GENERAL ACCOUNTING OFFICE.—There are authorized to be appropriated to the Comptroller General for the purpose of carrying out the provisions of this Act under section 11, such sums as are necessary not to exceed $1,000,000 for the fiscal year ending on June 30, 1975; $5,000,000 for the fiscal year ending on June 30, 1976; $1,000,000 for the transitional fiscal quarter ending on September 3, 1976; and $5,000,000 for the fiscal year ending on September 30, 1977.

By Mr. HARRY F. BYRD, JR.;

S. 1416. A bill relating to the settlement of debts owed the United States by foreign countries. Referred to the Committee on Foreign Relations.

(The remarks of Mr. HARRY F. BYRD, JR., on the introduction of the above bill are printed earlier in the RECORD.)

By Mr. HUMPHREY (for himself, Mr. JOHNSTON, Mr. DOMENICI, Mr. KENNEDY, Mr. MAGNUSON, Mr. MORGAN, Mr. PELL, Mr. SYMINGTON, Mr. TALMADGE, Mr. BENTSEN, Mr. BROOKE, Mr. JAVITS, Mr. DOLE, Mr. MONDALE, Mr. STONE, and Mr. NUNN):

S.J. Res. 70. A joint resolution to extend support under the joint resolution providing for Allen J. Ellender Fellowships to disadvantaged secondary school students, and for other purposes. Referred to the Committee on Labor and Public Welfare.

ELLENDER FELLOWSHIPS FOR YOUTH

Mr. HUMPHREY. Mr. President, joined by several of my distinguished colleagues, I am today introducing a joint resolution to extend the life of the Allen J. Ellender Fellowship program, which has enabled thousands of disadvantaged high school students and their teachers throughout our great country to learn more about their government and the opportunity to serve as constructive and effective citizens.

Three years ago, when this body lost the leadership of our beloved colleague and friend, Allen Ellender, many of us joined together to honor the memory of this devoted public servant by instituting an Ellender Fellowship program in his name. Since that time, the Allen J. Ellender Fellowship program has taught many young people around this Nation that Government is more than words on a page—that instead, it is a human institution composed of people trying to respond to the many pressures and responsibilities of this great Nation of ours.

In my countless encounters with the young beneficiaries of this program, I

am always struck by their freshness, their candor, their excitement in seeing Government on a people-to-people basis. I am always heartened and encouraged to know that they leave Washington with a clearer understanding and better appreciation of the democratic process, and that they carry with them to their communities and home a positive feeling for personal involvement in that process.

In retrospect, I do not believe that there could have been a more fitting tribute to a man who devoted the greater part of his life to public service than to have so many young people and their educators, through a program in his memory, develop into a concerned and participating citizenry.

I know, too, that it would be an equal source of pride for him to see the fine implementation of this program through the Close Up Foundation, an organization which he endorsed with his full support and unyielding enthusiasm. As a member of the original board of advisers, he provided expertise and, through his interest, encouraged others to do the same. His constant support and enthusiasm for the "community concept and approach of Close Up" helped to begin a learning experience which brought entire communities of students—black and white; Mexican/American; city, suburban, and rural; public, private, and parochial—together to share a common learning experience in our Nation's Capital.

As Senator Ellender himself once said:

Close Up does not necessarily take the top scholars from only a few high schools. Nor do only those who can afford to pay for the trip participate in Close Up. By awarding participation grants to economically disadvantaged youths and combining these students with those who can afford to pay the program tuition themselves, a unique environment for learning has been created. For the first time ever, many of these students work together with students of different ethnic, religious, and economic backgrounds.

By involving entire cities and surrounding communities in this learning experience together, the Close Up Foundation has been able to create a new dimension which has taken the program far beyond the academics of learning about Government and politics. The program has also become a great and meaningful human experience, creating a framework where students and teachers from a variety of backgrounds in a community could share common experience.

The theory behind the community concept is what, I believe, has led to the great successes of the program. Because its academic and followup programs are organized around cities or communities, each session or class includes a cross section of young people and their teachers from the same city and surrounding communities who get to know each other as well as the Government they are studying. When they return home they have an opportunity to establish a network of communication which leads to a greater sense of community and country. As I said when the legislation was first introduced:

The aspect of the program that is most intensely significant to me and I believe to the whole country, is the fact that this sense of community and feeling of camaraderie do not end on the plane trip home. The Close Up experience moves whole communities. I personally have seen this in the creation and execution of the Minneapolis/St. Paul program which brought more than 200 Minnesotans to Washington. These were not 200 students from a special place or a particular school. They came from virtually every high school—public, private, and parochial—in the community area, and just as important, they came together to take part in the Close Up program in Washington. Upon return home, students and teachers alike formed committees to look into community problems, sent delegates to both state party conventions, and through such actions and others, began to make the Close Up spirit the spirit of the community.

My interest in young people is what originally led me to be enthusiastic about this program, but let me tell you that even my most enthusiastic expectations for the success of the "community concept" as an educational endeavor have been surpassed. Communities grasp the Close Up spirit with enthusiasm, recognizing the vital importance today of enabling young people to build their own sense of community and country. Large and small newspapers are responding with generous words of encouragement. Educational systems have developed courses in which an enrollment requirement is participation in Close Up. Mayors declare Close Up "days," "weeks," and "months," in their cities. Businesses, large and small, have contributed so area or community participation could be increased. It gives me a great deal of satisfaction to have been an integral part of such a unique endeavor. I know of no other program which unites business, education, local and civil government, and a meaningful cross section of young people with such outstanding success.

Mr. President, we can all be proud that the Allen J. Ellender Fellowships provided by the Congress are the catalyst for this type of involvement. Using the Ellender Fellowships to generate broad-based community support, the Close Up Foundation has continued to encourage communities, business, and other private sources to provide assistance to students in need, making the Close Up concept a true community effort. To this end, the Close Up Foundation has taken the Federal mandate and pursued it with the greatest of vigor, involving hundreds of large and small companies and foundations from many communities throughout the Nation. In each community, the overwhelming "multiplier effect" of Federal funds is apparent. Thus, during the 1974 funding period, 1,431 students and teachers were able to participate in this unique learning experience through the Ellender Fellowships. Through efforts of the Close Up Foundation, an additional 3,861 students and teachers participated in the program through additional community funding from large and small businesses, philanthrophic organizations, service organizations, associations, unions, and individual family support. The 1975 Close Up programs show an even greater "multiplier effect". With close to 1,500 Ellender Student and Teacher Fellowships as a base, the Close Up Foundation has been able to generate approximately 6,500 additional student and teacher participants during their 1975 January to June programs. The monumental problems facing this country have not deterred the growing spirit of this program. I believe that my own Minneapolis/St. Paul area provides a good example of the kind of tremendous support and enthusiasm that has been able to be generated for this fine program. Such is the case in community after community. From Boston to Seattle, Minneapolis to New Orleans, city to city, community to community, this tremendous success story has been repeated.

Mr. President, I know we are all interested—particularly in this post-Watergate era, when political cynicism seems to be the order of the day, when faith in many of our fundamental institutions has been so badly shaken—in having our young people rededicate themselves to the noble challenge of public service and better citizen involvement. I believe it important, therefore, that this body continue and increase the life of this most worthwhile fellowship program, which provides for our young people and their educators a meaningful opportunity to spark the flame of positive and constructive involvement—a flame which, once lit, burns brightly from city to city.

Mr. President, I wish to share with my colleagues a sampling of the responses received from some of the participants in the Close Up program. In particular, I would like to call attention to the words of a teenager from Dade County, Fla., whose message of freedom and hope written while at Close Up should read as a declaration of the unalterable importance of this learning experience and should serve as an inspiration to all of us.

Mr. President, I ask unanimous consent that the text of my joint resolution, along with several of these letters, and an article from the April 9, 1975, Washington Post be included at this point in the RECORD.

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

S.J. RES. 70

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b)(1) of the joint resolution entitled a "Joint Resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program" approved October 19, 1972, is amended by striking out "not more than one thousand five hundred", and by striking out "in any fiscal year".

SEC. 2. Section 5 of such joint resolution is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof the following: "three succeeding fiscal years, $750,000 each for fiscal year 1977 and fiscal year 1978, and $1,000,000 each for fiscal year 1979, and fiscal year 1980,".

LETTER FROM A STUDENT IN MIAMI, FLA.

Awed in silence I looked at it lying there on its pedestal of marble. Although faded and partially wrinkled, its regal beauty out-

shone the gleam of its bronze casing. The lettering, blurred but still readable, stood out on the parchment, as if in defiance of the punishments of time and change. For the first time in a week of hustle and sights, I felt a slowing down, a wakening of heart and soul. And in a state of wonder, the Declaration of Independence engraved within my mind the boldness and strength of a nation.

The realization that I was actually in Washington city finally sank in. After the race against time in search for sponsors and the planning and waiting for the week to come, my arrival in the nation's capital left me unbelieving. But now, as I gazed up at the display in the National Archives Building, I knew and accepted that fact that I was really here.

My eyes rolled up and down the faded writing and I concentrated on finding the famous John Hancock signature. It stood out among the rest, plain, legible, silently shouting the cries of a determined young country.

And suddenly, I was going back into time . . .

I remembered anxious feelings, being scared, being small and sensitive. Dust-covered memories took life and spun around me like a carousel of time. Recollections of a plane ride, holding my mother's hand, walking and walking, finally being held tight before going to bed in a new place, a new beginning—a new life.

I remembered growing up, knowing that my country had lost its freedom. Learning that chains of hatred imprisoned her, leaving her to drown in a hopeless nightmare. Alone, unfree, forever lost to me.

And then I remembered being loved by my new land. Being accepted, encouraged and educated. Taken in, given hope, and set free to be myself, strong-willed and the pride of my parents.

For, the carefully handwritten document and I shared a common win: we had both won our separate wars, many years apart. But through its victory, I had gained my own. Because of its faded writing, I had grown in liberty, had tasted knowledge, and lived in a richness unknown to my imprisoned native land—the richness of a life with justice, equality, freedom.

I stood there as any other young American, admiring the historic record of human struggle. I ran my hand along the marble pedestal and saw my reflection in the glass case. And without a word, in private joy, I put my head in my hand—and I cried. Lili (Lidia) Fernandez, Hialeah Miami Lakes Senior High, Miami I Program, Close Up 1975.

LINCOLN, R.I.,
March 15, 1975.

DEAR SIR: I have been interested in government since Grammar School. I admire you as a man of character and integrity. I also believe that you're one of the best speakers the United States Senate has seen in its 94 sessions, but that's not why I wrote.

During the week of Feb. 22–March 1 I was in Washington with the Close Up Program. It was one of the greatest experiences of my life. I became totally involved in Close Up and especially Government. I am now seeking a job at my own State House so I can be closer to government.

The Close Up Program received a five year $500,000 grant from the Federal Government. The five years are up as of Jan. 1, 1976. Please work for more support of Close Up.

There is no better organization that can present government to youth than Close Up. It's also important that Close Up continue because the *youth* of today will be the *leaders of tomorrow*. Please keep the door open so people (especially youth) can see inside government.

Thank you very much and please vote for and support Close Up.

BOB MARCOTTE,
An interested youth.

FEBRUARY 3, 1975.

Hon. HUBERT H. HUMPHREY,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR HUMPHREY: I have just completed the most intensified learning experience in Washington, D.C. This letter is in regards to the Close Up Program which receives federal funds in the form of Allen J. Ellender Fellowships to teachers and students across the country. I have been a recipient of such a Fellowship and I urge Congress to continue this worthwhile program.

In a time of National crises, I feel that wherever Congress can trim the budget, it is most wise. However, this program bears such merit for further appropriations, Close Up is an intensive look at our Federal Government at all angles.

This is not a tourist program, but one which makes our Federal Government come alive to students and teachers.

The students question not only Senators and Congressmen, but also members of the press, lobbyists, and beaureaucrats. They come away with a new emotion for their Government. The buildings no longer look like stone and mortar, but filled with conscientious, hard-working people.

Sincerely yours,
Mrs. SALLY L. WALIGURA,
Pasadena High School.

ELGIN, MINN.,
January 29, 1975.

The Elgin-Millville Community Schools have now participated in the Washington Close Up Program for three consecutive years. The first year three students and one social studies teacher participated. The second year one student and another social studies teacher participated. Just last week ten Elgin-Millville students and a social studies teacher again had the privilege of visiting Washington, D.C. and observing the United States Government in action.

I am not exaggerating when I say that the Close Up Program has added a new dimension to our social studies curriculum, to our school, and to the school community. Close Up is a truly outstanding educational program. We strongly urge you to initiate and support funding for the Close Up Program in future years. Lacking federal money, it is our understanding that Close Up will terminate at the end of the current fiscal year. We do not want that to happen. Just as our students had the opportunity to participate in Close Up this year, we are hopeful that other students in future years will have the same opportunity. We need your assistance.

Thank you for your cooperation.

Sincerely,
Dr. ROGER M. NORSTED,
Superintendent of Schools.

MARCH 5, 1975.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: As a faculty member in the late Senator Ellender's district, it has been my tremendous fortune to have recently participated in the Close-Up program. I personally found the program to be an extremely rewarding, educational experience. Our students were totally overwhelmed by an actual close-up look at their government in action. They were exposed to many facets of the operation of our system, and enjoyed every minute of their week in Washington.

This Close-Up experience has been a learning process that the participants will never forget. As an adult it was invigorating to see the change and growth of these students in just one week's time. Although most students who attended had rather vague notions about government when they first arrived, by the end of the program they had formed definite opinions about the system under which they live.

It has been my understanding that this is the year that funds must be re-appropriated for the program. As a taxpayer, high school teacher, and mother, I would personally like to see this important asset to our future lawmakers continued. It is in itself a government class that our students can get no where else. Because of its unestimable influence on them, we are anxiously awaiting the congressional decision. We sincerely hope that it is postive in this time of tight money because of its benefit to our future generations. We thank you for your aid in this endeavor, and hope that we may be successful in continuing this Close-Up program.

Sincerely,
NELWYN D. LATOUR.

MARCH 26, 1975.

Hon. HUBERT H. HUMPHREY,
U.S. Senate
Old Senate Office Building,
Washington, D.C.

DEAR MR. HUMPHREY: I wish to thank you and express my appreciation for your generous support of the Close-Up program. I, along with 19 classmates from Notre Dame Academy, joined 11 other schools in the Miami area on February 16, 1975, for our trip to Washington, D.C.

The experience of getting to know my country's government a little better, and of getting to know the people involved, made this trip one I have prospered from, and will always remember. Your support for this program has been most beneficial and advantageous for all who have had the opportunity, as I have, to attend.

Again, I most gratefully thank you for all your support, and hope that you continue to keep an active interest in the Close-Up program.

Sincerely yours,
STELLA ST. PIERRE,
Close Up participant, Miami 3.

MARCH 14, 1975.

Hon. HUBERT H. HUMPHREY,
U.S. Senate
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: As members of the Bristol High School's Rhode Island II Close Up group, we would like to thank you for your support of the Close Up program. The interaction with government officials, lobbyists, diplomats, and the press was a unique educational experience. In addition to this, we also took the traditional sightseeing tour. Sightseeing, the museums, galleries, and a play were also part of the program. Our week was exceptional and we urge you to continue your support for Close Up through participation and legislation.

Sincerely,
BRENDA MARSHALL,
PAUL SILVA,
DEBORAH LEPAGE,
NORMAN FURIB,
BECKY SMITH,
MICHAEL RAMO,
Close Up Student Participants.
WILLIAM R. FASANO,
Close Up Teacher Coordinator.

[From the Washington Post, Apr. 9, 1975]

ADVICE FOR THE YOUNG—FORD URGES INVOLVEMENT IN GOVERNMENT

(By Lou Cannon)

President Ford yesterday urged young Americans to ignore former Nixon aide Gor-

don S. Strachan's advice to "stay away" from government.

"That was poor advice then, and it is poor advice now," Mr. Ford told 600 high school students in the White House Rose Garden." . . . The right answer is to get close up, be involved at the local, state and the federal level. And if you do, you will be happier."

On his first day back at the White House after nine days of vacationing and speechmaking in California and Nevada, the President took more than an hour with the high school students, who came from his hometown of Grand Rapids, Mich., and from Atlanta.

Mr. Ford did not mention Strachan, a former White House deputy to H. R. Haldeman, by name. But he quoted from the advice that Strachan had given to young Americans during testimony before the Senate Watergate committee on July 23, 1973.

Strachan was indicted as a co-conspirator in the Watergate cover-up, but the charges against him were later dropped.

"It may not be the advice you could look back and want to give," Strachan said before the committee, "but my advice would be to stay away."

Mr. Ford recalled that he had come to Washington for the first time in June, 1931, with a group of other high school graduates and had been photographed with them outside the Capitol.

"As I look back, I must have gotten an inspiration then to want to be involved in our government," Mr. Ford said. "I suspect that was where the seed was planted, of course never expecting to have an opportunity of living in that great historic house."

"But let me say to each and every one of you, if a 17-year-old from Grand Rapids, Mich., could come from that to this, the same opportunity exists for each and every one of you, both male and female," he added.

Speaking to the accompaniment of horn honking from protesting coal miners' trucks on Pennsylvania Avenue, Mr. Ford then cited the Strachan quotation and told the students that the country "needs your involvement, your dedication, your wisdom, your creativity."

The President spoke without notes, but the reference to Strachan's advice had been contained in a suggested text shown to Mr. Ford by a White House speechwriter.

After his speech Mr. Ford invited the high school students into the Oval Office, where he shook hands with each of the 600. They were in Washington as part of the "Close-Up" program, which gives students a first-hand look at government.

While the President was talking in the Rose Garden, the National Security Council was preparing recommendations on the limited options remaining to the United States in its efforts to assist the government of South Vietnam.

White House press secretary Ron Nessen turned aside all questions on Mr. Ford's Vietnam decisions, saying that these will be contained in a nationally televised foreign policy speech the President will make to Congress Thursday night.

The National Security Council is scheduled to meet with Ford today to discuss the Vietnam options, Nessen said.

Nessen also said that Mr. Ford was seeking the opinions of past and present military and diplomatic advisers, whom he declined to name, in preparing his foreign policy report.

The President has been preparing the speech, off and on, for nearly a week. He spent much of the night home Monday night working on it with Secretary of State Henry A. Kissinger and with White House chief of staff Donald Rumsfeld.

But the President also found time to hold a surprise, airborne double birthday party for his wife, Betty, who became 57 today, and for political counselor Robert T. Hartmann, who turned 58.

Mr. Ford also spoke yesterday at a reception in the East Room for the National Alliance of Businessmen, whom he lauded for their program of finding jobs for "America's disadvantaged adults, Vietnam veterans and needy youngsters."

"We cannot—and must not—forget the veterans of the Vietnam war, nor can we ignore America's youngsters," the President said.

Mr. JOHNSTON. Mr. President, I am pleased to join with Senator HUMPHREY of Minnesota in introducing a bill to extend the life, purpose, and accomplishments of the Allen J. Ellender Fellowship program administered and conducted through the Close Up Foundation.

It has been almost 3 years since this country experienced the loss of leadership, devotion, and wisdom occasioned by the passing of Allen Ellender. At that time many of his colleagues joined in concert to establish the fellowship program that bears his name. I now hold the office to which he devoted almost half of his life and feel privileged as a representative of Louisiana to be able to help continue the Allen J. Ellender Fellowship program.

Many times it seems that when we draft legislation to solve a problem or create or extend a program, we never personally view the results. How different it is in this case. The results and growing effect of the Ellender Fellowship program are known to many of us. The thousands of young people and their teachers who are directly benefiting from the intense people-to-people approach in learning about Government are exciting testimonials to the basic concept of this program. I have met with hundreds of these students and teachers myself and have seen their excitement.

There is no secret to why Allen Ellender was dedicated to the city-community approach of Close Up. Too often today, our young people within the same community or area are strangers, with no practical opportunity for meaningful interaction, or dialog to exchange views and beliefs. The city-community concept of the Close Up Foundation using the unique facilities and resources of Washington, D.C., brings together all elements of a community or area to work toward a better understanding of our democratic system. In theh process, common backgrounds are shared, teaching methods are explored and improved, and a better sense of community and country is realized. This was a principal reason for the dedication of Allen Ellender to the Close Up program. He saw that it was not just a 1-week experience, but an opportunity for whole communities to benefit by working together. He would be even more enthusiastic today for the Close Up Foundation has taken its modest Federal mandate and multiplied it several-fold through participation of large and small businesses, philanthropic organizations, associations, unions, boards of education, and individual families. In fact, an overall picture of the multiplier effect of the Close Up Foundation's city-community concept gives a realistic indication of its success in administering and conducting the Allen J. Ellender Fellowship program.

Since the inception of the Ellender Fellowships program in 1972 and including estimates of the foundation's 1975 academic year slightly more than 440 Ellender Fellowships will have been awarded to low-income students and their teachers. Using the Ellender Fellowship as a base of support, the Close Up Foundation has been able to generate approximately 12,500 additional participants. On every program a complete cross section of ideas and backgrounds is represented from the same community or area. This "multiplier effect" and cross section of ideas is the essence of the Close Up city-community concept.

This program, with its central themes of involvement, awareness, and better understanding of community and country, merits our support. Its vision is our Nation's vision—a concerned, informed, and active citizenry.

Earlier this week the President of the United States expressed this very theme of involvement to hundreds of Close Up students and teachers assembled at the White House. Many were Allen J. Ellender Fellowship recipients and all were given an encouraging and inspirational message. I would like to quote a part of the President's remarks to these young people and their teachers:

I am convinced as I look in your faces, know of your record, that all of you have the creativity, the imagination, the dedication, and the desire for involvement to make this country an even better place in which to live—your participation in Close Up is your answer. The right answer is to get "close up," be involved at the local, the state, and the Federal level. And if you do, you will be happier. You will fee that you are making a contribution to your government, to your country.

And our country today, as we face the problems both at home and aboard, needs your involvement, your dedication, your wisdom, your creativity.

We have a great country and the problems we have can and will be solved. But as I look at this great group of young people, I am encouraged and I know that your enthusiasm can be infectious.

Those remarks need no embellishment. They express how many of us feel about this concept and this program.

A number of letters from participants in the Close Up program elaborate on this idea. I would ask unanimous consent that some of the letters expressing the reactions of students and teachers who have been a part of Close Up be printed in the RECORD.

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

NEW ORLEANS, LA.,
January 30, 1975.

CLOSE UP STAFF: Our week in Washington was unbelievable. We reaped countless benefits and came away so motivated that perhaps you should warn Congress that there's a whole new generation of "participants" who are laying plans. I do hope this enthusiasm is not squelched. At school it has been contagious and the student council is planning a "Close Up Day" using your format of seminars and work shops. Mrs. Phylis Landriew, Democratic State Chairman has accepted our

invitation to participate and students are lining up a variety of other speakers. One of the "biggies" in the plan is to have Close Up participants be "staff." And that's a tremendous challenge! That is if they are to measure up to the staff members who guided our group in Washington. You're terrific! Thanks for a wonderful program, thanks for sharing your knowledge and thanks for all the personal considerations you showed us.

VIOLET WALSH and Girls,
St. James Major High.

FEBRUARY 10, 1975.

Miss SUSI BALDWIN,
Program Administrator, Close Up Washington, D.C.

DEAR SUSI: Its been one week, just seven days, since I've returned to Miami and the regular routine. I can truly say, Miami will never be as spectacular as Washington. Close Up has affected a change in my ideas and opinions of what Washington politics are all about.

It is difficult to express how one feels after such an experience. I could list many adjectives and superlatives to describe the Close Up Program and your staff. For me, it was you and your staff that made the noticeable difference . . . the personal interest you showed in the students, always being there when needed and the untiring efforts to make the Miami I experience the best possible.

To say "thank you", doesn't seem enough for everything you all did. Most of all, I am appreciative of your patience with us film makers. Please share this letter with your most remarkable and outstanding staff, and particularly extend my appreciation to Adam Maier for his valuable guidance and assistance throughout the week.

May your enthusiasm continue to be contagious and your blessings many fold.

Very best always,

DAVID G. DENAULT,
Broadcast Services, Department of Public Information.

MARCH 13, 1974.

Mr. STEVE A. JANGER,
Close-Up Program, Washington, D.C.

DEAR MR. JANGER: As a principal of a school which has participated in the Close-Up Program for four years, I want you to know how much we appreciate the program. This year's program was especially rewarding. The time spent in Washington was exciting, stimulating, and enjoyable for teachers and students alike.

Your grants to needy students and to teachers from each private and public school in our area (as well as in many other areas of the United States) has made a real difference in the way teachers and students feel about their government and about each other. All had an unforgettable experience, obtaining knowledge and understanding through observing the government in action and discussing problems with governmental leaders and with a capable, dedicated Close-Up staff.

We appreciate your having Nan Dupont on the Board of Close-Up. She has helped promote the program in our school and in this area.

We hope to continue being a part of the Close-Up Program because it has helped provide better teaching in our school and has encouraged student interest in government, changing attitudes of many students from a negative to a positive approach.

Sincerely yours,

DAVID S. MCLURE.

MRS. JOAN JOHNSON,
Executive Assistant, the Martha Holden Jennings Foundation, Cleveland, Ohio:

This letter comes with deepest expressions of gratitude to you for helping to make possible the beautiful experience for many of our students who participated in the Close-Up in Government Program in Washington. I do want to thank you for providing the opportunity for students to see government at close range, to talk with senators, representatives and even the President. These experiences they will long remember.

I had a chance to mingle in an informal way with the students. I must tell you how very edified I was with their conduct, their ability to stand up for what they believe, and the way in which they were able to articulate their questions and responses to speakers whose occasionally provocative statements would have deterred a weaker audience. I daresay that the political science classes in some schools will be refreshingly enlivened by students who are permitted to share their experiences with their classmates. Believe me, there is great hope for America in our young people.

In addition to seeing government at work, students were given the opportunity to absorb some of the culture of Washington. Visits to the Smithsonian, the art gallery were new for most of the students. Some were fortunate to be able to view the special archaeological exhibit from the Peoples Republic of China.

The last evening of our week with Close-Up a banquet was held. Students were given the opportunity to publicly express their gratitude of the Close-Up Staff. I jotted down many of the comments which the students made. They are included with this letter. I think if I could sum up one idea which repeated itself it is this: Students have faith in government. Government is run by real people who have real concerns and the good of the country at heart. The process takes time, but the process does work and we have the power to make it work.

My personal thanks to you for making this opportunity available to our students and teachers.

Cordially,

Sister MARY LOYOLA, S.C.,
Social Science Consultant.

MARCH 18, 1974.

CLOSE UP FOUNDATION,
Washington, D.C.

DEAR SIR: I guess there will never be another week spent in my teaching career that I will consider as worthwhile and as enjoyable as my week in Washington, D.C. with the Close Up Program. Thank you for giving me the opportunity to participate in this program. The twelve students who participated have come back to Humble High School and have spread so much good information about Close Up that I wonder if we'll have any students left in school when we go back next year.

Not only did students have an opportunity to see government-in-action, but they were able to make so many friends and meet students of different cultural backgrounds and with different ideas. This is something that many of my students would have never had the opportunity to do.

If there is ever anything that I can do personally or that Humble High School can do for the Close Up Program, please call on us. We all appreciate what Close Up is doing and, we hope, continues to do.

Sincerely,

ANNE FONTENOT,
Teacher Coordinator, Humble High School, Houston, V.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 200

At the request of Mr. PERCY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 200, the Consumer Protection Act of 1975.

S. 520

At the request of Mr. JACKSON, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 520, the eastern wilderness bill.

S. 667

At the request of Mr. MONDALE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 660, the Home Owners' Loan Act of 1975.

S. 667

At the request of Mr. BEALL, the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. PHILIP A. HART) were added as cosponsors of S. 667, a bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 755

At the request of Mr. BURDICK, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 755, the postal supervisors bill.

S. 850

At the request of Mr. MCGOVERN, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 850, a bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, the special supplemental food program, and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs.

S. 952

At the request of Mr. MONTOYA, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 952, a bill to provide States unable to meet the matching requirements for Federal-aid highway funds with moneys to cover Federal Highway Administration apportionments.

S. 953

At the request of Mr. STEVENSON, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 969

At the request of Mr. HARTKE, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 984

At the request of Mr. JACKSON, the Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 984, the Land Resource Planning Assistance Act.

S. 1145

At the request of Mr. PHILIP A. HART, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1145, the National Reconciliation Act of 1975.

S. 1188

At the request of Mr. BUCKLEY, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mr.

TOWER) were added as cosponsors of S. 1188, a bill to phase out the earning limitation for social security recipients.

S. 1196

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1196, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels of government and with Members of Congress.

S. 1216

At the request of Mr. TALMADGE, the Senator from Alabama (Mr. SPARKMAN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1216, a bill to amend the Federal Water Pollution Control Act.

S. 1254

At the request of Mr. MCGOVERN, the Senator from Minnesota (Mr. MONDALE), the Senator from Michigan (Mr. PHILIP A. HART), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1254, a bill to amend title 10, United States Code, to establish new, regionalized boards for the review of other than honorable discharges and dismissals granted former members of the armed forces, and to establish new procedures and standards for determining the equitability of these discharges and dismissals.

S. 1326

At the request of Mr. JAVITS, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1326, the Special Public Service Employment and Railroad Improvement Act of 1975.

S. 1336

At the request of Mr. CASE, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Illinois (Mr. STEVENSON), the Senator from Maine (Mr. HATHAWAY), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1336, to provide for research on the effect of chlorofluoromethane compounds on the environmental ozone layer.

S. 1343

At the request of Mr. CRANSTON, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1343, a bill to insure the financial privacy of individual citizens.

S. 1344

Mr. BEALL. Mr. President, on March 26, 1975, I introduced S. 1344, which would reverse a 1973 Internal Revenue ruling that the portion of student loans, which were canceled as a result of service in certain professions, such as teaching, or the service in certain areas, such as medically underserved areas, is taxable income.

Joining me in introducing this measure were Senators BAYH, DOLE, DOMENICI, MCGEE, and YOUNG. I ask unanimous consent that Senator TOWER be added as a cosponsor of this measure.

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

S. 1350

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1350, a bill to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for fiscal year 1975.

S. 1380

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1380, a bill to amend the Foreign Assistance Act of 1974 to increase the amount of assistance available to South Vietnamese, Cambodian, and Laotian children.

SENATE JOINT RESOLUTION 23

At the request of Mr. HARRY F. BYRD, Jr., the Senator from Alabama (Mr. SPARKMAN), the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arizona (Mr. FANNIN), the Senator from Colorado (Mr. HASKELL), and the Senator from Louisiana (Mr. LONG) were added as cosponsors of Senate Joint Resolution 23, a joint resolution to confer posthumously full rights of citizenship on Gen. Robert E. Lee.

SENATE JOINT RESOLUTION 32

At the request of Mr. HOLLINGS, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Joint Resolution 32, to authorize and request the President to issue a proclamation designating the month of October 1975 and each succeeding October as "National Fish and Seafood Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. JAVITS, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of Senate Joint Resolution 50, to provide for the annual proclamation of National Medical Laboratory Week for the period of April 13–19.

SENATE JOINT RESOLUTION 50

At the request of Mr. KENNEDY, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 50, to authorize and request the President to proclaim the second week in April of each year as "National Medical Laboratory Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. STEVENSON, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to disapprove Export-Import Bank financing of a nuclear reactor sale to South Korea.

SENATE RESOLUTION 126

At the request of Mr. BROCK, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Resolution 126, endorsing the continued presence of the United Nations peacekeeping forces in the Middle East.

SENATE RESOLUTION 127—SUBMISSION OF A RESOLUTION TO CENSURE VIOLATION OF THE PARIS ACCORDS

(Referred to the Committee on Foreign Relations.)

Mr. BUCKLEY (for himself, Mr. BARTLETT, Mr. CURTIS, Mr. LAXALT, Mr. THURMOND, Mr. YOUNG, and Mr. HARRY F. BYRD, Jr.) submitted the following resolution:

S. RES. 127

Whereas, the current general offensive against South Vietnam by North Vietnam and Viet Cong forces is in flagrant violation of the Paris Peace Agreement,

Whereas, in preparation for this offensive, Hanoi has from the beginning violated the essential term of the ceasefire, (which limited both sides to a one-for-one replacement of manpower and equipment) by augmenting its forces with more than 200,000 men, and bringing it at least 400 additional tanks and 1,000 additional artillery pieces, and building military roads, airfields and anti-aircraft systems;

And whereas, the massive buildup in South Vietnam that preceded the current offensive could not have taken place without generous shipments of equipment and ammunition from the Soviet Union and the People's Republic of China, or without their knowledge and approval;

And whereas, the current Communist offensive in Vietnam constitutes a threat not only to the survival of a independent South Vietnam, but a threat as well to the peace and security of all nations of Southeast Asia;

And whereas, the United States during this of detente, to ship large quantities of grain and sophisticated equipment to both the entire period has continued, in the interest Soviet Union and China.

And whereas, the United States, the Soviet Union, and the People's Republic of China share responsibility for assuring the faithful observance of the Paris Agreement by the Vietnamese signatories;

Therefore be it resolved, that the Congress of the United States condemns in the strongest terms the flagrant violation of the Paris Agreement by the Communist side in Vietnam and the massive aggression which now threatens the survival of an independent South Vietnam.

And be it further resolved, that Congress—realizing the unwillingness of the United Nations as currently constituted to intervene actively or even to protest—appeals individually to the governments of all freedom loving nations to join in this condemnation and in this demand on the Hanoi government;

And be it further resolved, that Congress lets it be known to the Governments of the Soviet Union and the People's Republic of China that all thinking Americans are bound to call into question the terms and the benefits of the existing détente if the two communist superpowers provide the guns and ammunition for aggression and expansion by their communist client states, that it looks upon their attitude toward the present aggression in Vietnam as a critical test of good faith, and that it calls upon them to use their very great influence with Hanoi to persuade Hanoi to pull back to the original cease-fire lines and to return to the conference table;

And finally be it resolved, that the tragic flight of millions of refugees from the areas occupied by the Communist forces is properly a matter of international concern and that Congress calls upon the Administration, the governments of all free nations, and the United Nations, to mount a concerted action to assure the right of asylum and resettlement to all those Vietnamese who feel that

they have good reason to fear for their lives if the communists win, or who refuse to accept the tyranny of communism.

SENATE RESOLUTION 128 AND SENATE RESOLUTION 129—ORIGINAL RESOLUTIONS REPORTED TO PAY GRATUITIES

(Placed on the calendar.)

Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and Administration, reported the following resolutions:

S. RES. 128

Reolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Edna M. Murray, sister of James B. Murray, an employee of the Senate at the time of his death, a sum equal to one years' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. RES. 129

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marilyn Walker and Laura S. Morales, daughters of Laura M. Miller, an employee of the Senate at the time of her death, a sum to each equal to two months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE CONCURRENT RESOLUTION 29—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING THE ANNEXATION OF THE BALTIC NATIONS

(Referred to the Committee on Foreign Relations.)

Mr. CURTIS submitted the following concurrent resolution:

S. CON. RES. 29

Whereas the three Baltic nations of Estonia, Latvia, and Lithuania have been illegally occupied by the Soviet Union since World War II; and

Whereas the Soviet Union was attempt to obtain the recognition by the European Security Conference of its annexation of these nations; and

Whereas the United States delegation to the European Security Conference should not agree to the recognition of the forcible conquestion of these nations by the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concuring), That it is the sense of the Congress that the United States delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

Mr. CURTIS. Mr. President, today I am introducing a resolution calling for a reaffirmation of the principle of freedom as an inalienable right of mankind.

It is a sense of the Congress resolution to prohibit this country from recognizing any Soviet claim to the Baltic States.

Mr. President, all of us deplore the inhumane seizure of the Baltic States by the Soviet Union in 1939, at the start of World War II. The Soviet occupation constituted a veritable plunder of the rights and freedoms of a people strongly nationalistic and strongly desirous of maintaining that freedom.

With freedom lost, they face a ceaseless struggle.

The United States has never recognized the Soviet occupation or annexation of these Baltic nations. We have never recognized the right of any dictator to overcome a free but weaker country and rule it as its own.

This is surely no time to reverse that policy.

There are indications that the Soviet Union will be attempting to gain recognition of its annexation of the Baltic States by the European Security Conference at its meeting in Helsinki this summer.

There are indications the United States is considering such a recognition in the interests of détente.

But to do so would act against the interests of millions of Lithuanians, Latvians, and Estonians who long for the freedom we regard as an unquestioned part of our daily lives.

To do so would violate the aspirations of more than 2 million Americans who have migrated here from the once-free countries. These are Americans who cannot help their relatives and friends behind the Iron Curtain and, in many instances, cannot even communicate with them. These are children separated from mothers and fathers, brothers from sisters, husbands from wives.

To recognize, or even to abandon our principle of nonrecognition of this Soviet absorption of free people, would be tacit approval of repressive Soviet policies. It would give the Soviet Union a free hand to continue such policies with no recourse.

It would be, I believe, an admission of failure.

SENATE CONCURRENT RESOLUTION 30—SUBMISSION OF A CONCURRENT RESOLUTION RECOGNIZING THE ROLE OF FRANK WILLS IN THE WATERGATE AFFAIR

(Referred to the Committee on the Judiciary.)

FRANK WILLS—A SYMBOL OF OUR TIMES

Mr. MATHIAS. Mr. President, Frank Wills was the security guard at the Watergate who first discovered signs of the burglary of the Democratic headquarters at the Watergate. Mr. Wills alerted police, who arrested the Watergate burglars.

Subsequent events have made Watergate a phrase which will live for a long time in every American's memory. To some, Watergate means a time of ignominy, for the investigation of that burglary uncovered criminal conduct in the highest offices of our land. To others, however, Watergate will be a term of pride, for the episode as a whole demonstrated the fundamental strengths of our democratic constitutional system and the strong faith of Americans committed to preserving that system.

But to Frank Wills, Watergate may be just a place that he was once employed. Mr. Wills, having begun the Watergate investigation, went on to lead us toward our second major concern, that of the deepening recession and rising unemployment. Mr. Wills has been unemployed for a major part of the period since his discovery of the burglary. Like millions of other Americans, he has been forced to draw unemployment compensation rather than work in gainful employment. Mr. Wills did not ask to play such a personal part in this second American tragedy, any more than he had asked to be involved in the first.

I am introducing today a resolution recognizing Mr. Wills' unique role in our recent events. This resolution has previously been introduced in the House of Representatives by my colleague from Maryland, Congressman PARREN MITCHELL. I believe the resolution merits the attention of all Senators, and I urge its consideration by the appropriate committee and the Senate as a whole.

I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

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

S. CON. RES. 30

Whereas Mr. Frank Wills, a twenty-six-year-old native Georgian, was employed as a security guard at the Watergate Complex on June 17, 1972;

Whereas on that same day, being an alert and competent guard, he discovered evidence of improper tampering with a basement door in said complex and, therefore, immediately reported such findings to the proper police authorities;

Whereas it was subsequently determined that the headquarters of one of the major political parties of the United States had been illegally entered;

Whereas subsequent events, unfolding as a direct result of his initial discovery and report, eventually constructed a scenario to be known in American history as Watergate, involving corruption in the highest levels of the Government of the United States;

Whereas Watergate provided one of the greatest tests of the constitutionality of the Government of the United States, resulting in the purging of persons connected with corrupt and criminal activities;

Whereas the Government of the United States has withstood this test and, again, proven its viability for operating in the best interests of all Americans;

Whereas a national expression of gratitude for his efforts has not been heretofore rendered: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) sincerest thanks and appreciation be expressed to Mr. Frank Wills on behalf of all the people of the United States of America, and

(2) every effort be made to assist him in obtaining gainful employment in a position commensurate with his past experience and training.

SENATE CONCURRENT RESOLUTION 31—ORIGINAL CONCURRENT RESOLUTION REPORTED AUTHORIZING THE PRINTING AS A SENATE DOCUMENT PRAYERS OFFERED DURING THE 93D CONGRESS

(Placed on the calendar.)

(Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and

Administration, reported the following concurrent resolution:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-third Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

HOMEOWNERSHIP OPPORTUNITIES FOR MIDDLE INCOME FAMILIES—H.R. 4485

AMENDMENT NO. 339

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. EAGLETON submitted an amendment intended to be proposed by him to the bill (H.R. 4485) to provide for greater howeownership opportunities for middle income families and to encourage more efficient use of land and energy resources.

AMENDMENTS SUBMITTED FOR PRINTING

SCRIMSHAW ART PRESERVATION ACT OF 1975—S. 229

AMENDMENT NO. 338

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

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 229) to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 15

At the request of Mr. MANSFIELD (for Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of amendment No. 15 intended to be proposed to the bill (S. 633) to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy standards for new automobiles, and for other purposes.

CHANGE IN LOCATION OF HEARINGS ON S. 6, S. 1256, S. 1264, EDUCATION OF THE HANDICAPPED ACT

Mr. RANDOLPH. Mr. President, on Tuesday, April 8, I announced that the Subcommittee on the Handicapped had scheduled hearings on S. 6, S. 1256, and S. 1264, the Education of the Handicapped Act. The hearings will be held on Tuesday, April 15, 1975 at 9:30 a.m.

The room for these hearings has been changed from room 6202 to room 6226, Dirksen Office Building.

Persons wishing to testify should contact Mrs. Patria Forsythe, professional staff member, 10–B Russell Senate Office Building, (202) 224–9076.

NOTICE OF SEMINAR

Mr. BROCK. Mr. President, I would like to draw attention to the evaluation seminar that has been held for over a year on Capitol Hill. This seminar has met on a monthly basis to discuss program evaluation activities.

I would like to invite all interested persons to attend the next evaluation seminar. This seminar will be held on April 16 at 12 noon in room 155 of the Russell Senate Office Building. John Evans, Assistant Commissioner of the Office of Education, will speak on educational evaluation techniques. In addition, comments will be made on his presentation by committee staff from both the House and Senate.

Those interested in attending this seminar may notify Dr. Harrison Fox, of my staff, at 224–9579.

ANNOUNCEMENT OF HEARINGS ON ENERGY CONSERVATION

Mr. RIBICOFF. Mr. President, the Committee on Government Operations will hold 3 days of hearings on energy conservation next Wednesday, April 16, **Thursday**, April 17, and Friday, April 18. The hearings will be held in the Government Operations hearing room, 3302 Dirksen Senate Office Building, and will begin at 10 a.m.

ANNOUNCEMENT OF PUBLIC HEARINGS BEFORE THE PARKS AND RECREATION SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JOHNSTON. Mr. President, I wish to announce, for the information of the Senate and the public, the scheduling of a public hearing before the Parks and Recreation Subcommittee of the Senate Interior and Insular Affairs Committee.

The hearing is scheduled for May 12, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding five bills which are presently before the subcommittee. The measures are: S. 82, a bill to repeal certain provisions of the act entitled "An act to provide for the establishment of Assateague Island National Seashore in the States of Maryland and Virginia and for other purposes," approved September 21, 1965, and for other purposes; S. 98, a bill to establish the Klondike Gold Rush Park; S. 150, a bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes; S. 313, a bill to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Tex., and for other purposes; and S. 466, a bill which authorizes the Secretary of the Interior to accept the donation of certain lands for te Franklin D. Roosevelt National Historic Site.

For further information regarding the hearings you may wish to contact Mr. James Beirne of the subcommittee staff on extension 47145. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Parks and Recreation Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

NOTICE OF HEARINGS ON SMALL BUSINESS AUTHORIZATIONS

Mr. GARN. Mr. President, as ranking minority member, on behalf of the chairman of the subcommittee (Mr. MORGAN), I make the following announcement:

The Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs will hold hearings at 10 a.m. on April 21 and 22, in room 5302, Dirksen Senate Office Building. The subject of the hearings will be S. 1239, *to* amend the Small Business Investment Act of 1958 and such other matters as may properly come before the subcommittee.

All persons wishing to testify should contact Ms. Ellen Oberdorf, room 5300, Dirksen Senate Office Building, telephone 224–0891.

ADDITIONAL STATEMENTS

THE MENACE OF REDTAPE

Mr. McGOVERN. Mr. President, as I was reading one of the weekly papers from South Dakota, I came across a statement by Mr. Francis Kelly of Beresford, S. Dak., outlining his reasons for discontinuing his construction business.

I think Mr. Kelly's statement should be read by all of my distinguished colleagues as a reminder of the results of the legislation we will act on during this session of Congress. It is all too easy to pass legislation designed to cure the ills of our Nation and not realize the price of that legislation to the individual citizen.

It is essential that we remember that the Government of these United States is to be a servant of the people; the people are not to be servants of the Government. I ask unanimous consent that Mr. Francis Kelly's statement as it appeared in the Beresford Republic be printed in the RECORD.

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

KELLY CONSTRUCTION CO.,
Beresford, S. Dak., March 27, 1975.

At 5 p.m. today, Kelly Construction company will stop. Work contracted and not finished will be completed by Kelly Industrial company and all guarantees will be honored. Since this decision was made in mid-December, no new work has been bid or contracted.

The tractor and backhoe will be kept for those wanting the service, and the operator, Don Heinzman, will be a key man in the factory the rest of the time. The air compressor and some concrete finishing equipment will be available for rent. Other equipment will be sold as time permits.

I started the construction company on March 27, 1948 with a trowel, a hammer, a

rented mixer and skills I had learned while working with my father, with the Seabees and on east and west coast construction jobs. During the past 27 years, the company has built many residential, commercial and institutional buildings in the area.

My decision to stop is a matter of priorities. I believe my time can be better spent than completing the ever mounting paper work required such as the forms, surveys, reports and questionnaires sent by state and federal bureaus and agencies, frequently for both companies I operate. I hope by stopping one company I may cut the number of tax paid workers who mail out, receive, tabulate and file this information, much of which appears to be trivia.

I can also use to better advantage the time I spend as a tax collector, deducting social security and withholding taxes from my employees, keeping full records of the transactions, making monthly deposits and completing quarterly and annual reports.

I also hope to save money and considerable expense, both to myself as a businessman and to myself as a taxpayer, by removing one company from OSHA inspections. In the past it has been necessary to attempt to keep track of each change in regulations of that bureau for both construction and manufacturing, and then provide the gadget, gimmick or whatever plus the necessary indoctrination to the crew to use it, regardless of the fact that it frequently made a machine inoperable or a worker disgruntled. Since 1960 I have received certificates of commendation for no disabling injuries from the Associated General Contractors for 13 of the 15 years. In the past year I have had two OSHA fines.

The cost of workmen's compensation insurance, state and federal unemployment insurance, social security, fuel tax, sales tax, and property taxes has spiraled since I started the construction company. The benefits from the increased taxes are an increasing number of local, state and federal employees paid by the taxes and given an increasing amount of power to perpetuate themselves in their jobs and to demand additional public funds for what they deem at the moment to be "absolutely necessary." And when successful, those tax paid officials move on to more powerful jobs and greater demands, leaving taxpayers behind with the cracked monument, the dry lake or the half hollow building and additional public debt.

I firmly believe in the free enterprise system and a fair profit for value received. I have never been out for the fast buck, nor do I believe in passing the buck. Under the growing bureaucratic system that keeps evolving, too many tax paid free loaders are making what I consider too many demands.

And so, while I still have my trowel and my hammer, I am stopping.

Sincerely,

FRANCIS L. KELLY.

A $100 MILLION SAVINGS—NOT PEANUTS

Mr. GRIFFIN. Mr. President, my attention has been focused upon an article which appeared in the April issue of the Virginia Farm Bureau News.

I hope that the article will also be read in the Department of Agriculture. Certainly, any suggestion that might save $100 million is worthy of some attention.

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

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

DELANO RAPS USDA ON PEANUT POLICY

Virginia Farm Bureau has offered President Ford a plan to save the government "at least $100 million."

VFBF President Robert B. Delano, in a letter to President Ford, said the USDA is in a position to save that amount by adjusting its resale policy on peanuts currently under Commodity Credit Corporation loan.

"It is no secret that Secretary (Earl) Butz has attempted to cause changes in the peanut program," Delano told the president. "There are some who say that he is determined to run the cost up in order to force legislative changes. I hope this is a false accusation."

Delano said Farm Bureau has been a supporter of Sec. Butz and has normally agreed with his administration of farm programs.

"However, we feel compelled to differ with the secretary in his handling of the current peanut situation," Delano said, "especially during this period when the U.S. Treasury needs to eliminate all unnecessary losses."

The Virginia farm leader said that an estimated 777.8 million pounds of peanuts now under the loan program required a Commodity Credit Corp. outlay of $142,346,000.

He stated that to permit these peanuts to remain in storage will result in a loss of that amount, plus any funds required to transport peanuts for placement in new storage.

"With the present prices for peanut meal and oil, we believe that the 777.8 million pounds held by CCC could be moved into normal channels of trade if the USDA's resale policy were adjusted from the current 100 per cent level to a minimum 75 per cent level," the VFB president stated.

"We believe that all peanuts now held under loan could then move into the market channels and result in a recovery of $105,227,000," Delano said. "Simply put," he added, "it would reduce a $142 million loss to approximately $37 million."

Delano said these peanuts now are stored in Texas, Oklahoma, Alabama, Florida, Georgia, North Carolina, and Virginia.

LEGION OF HONOR

Mr. KENNEDY. Mr. President, on March 21, my sister, Mrs. Eunice Kennedy Shriver, was presented France's highest award, the Legion of Honor, by President Valery Giscard d'Estaing, for her work in helping handicapped children when her husband, Sargent Shriver, was Ambassador to France. She received this award for the founding of the Franco-American Volunteer Association which sponsors programs for the mentally retarded.

Mrs. Shriver is executive vice president of the Joseph P. Kennedy, Jr., Foundation and president of the Special Olympics, and she accepted this award on behalf of the world's handicapped children.

Mr. President, I ask unanimous consent that the text of Mrs. Shriver's acceptance speech be printed in the RECORD.

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

SPEECH OF MRS. EUNICE KENNEDY SHRIVER

I am touched and greatly honored to receive this award from you, Mr. President, and to be among the distinguished members of la Légion d'Honneur. It is always a delight to return to your proud country which has been so generous to the members of my own family and to my brother, President Kennedy.

I can remember dining here in this beautiful Palace in 1962, with red roses on the table—symbols of France's respect for the two heads of state. Today, Mr. President, the Legion of Honor I am accepting is a symbol of France's devotion to human rights—as it honors the mentally retarded and their families. And I am deeply proud to be a part of this occasion.

The mentally retarded around the world, Mr. President, have lived so long in isolation and loneliness. Yet today, the retarded force us to ask universal questions of the meaning of life itself: the obligation of the strong, to protect and enlarge the rights of the weak.

Such questions have been posed by all peoples. Among certain American Indians, it was considered rude to ask an individual, "Who are you?" or "What is your name?". The reply was both a rebuke and a revelation: The indian would answer, "I'm a person." The nameless retarded of the world give us this same response. And then we are forced to ask ourselves, "What *is* a person?" For the retarded are always the first to have their human rights denied, the first to be experimented upon, to be placed in institutions, to be sterilized, to be allowed to wither and even to be destroyed.

Do we care? A cold wind reminds us that one day we—here in this room—the strong, the privileged, the bright—will inevitably be weakened by illness and aging. Will those who are strong then care about us? Will they secure our human rights? The wheel turns.

Here in France, there are many who care. I think in particular of the generous and inspiring work of the F.A.V.A. volunteers. I remember watching the students from the Université, only a few hours before their examinations; playing with the retarded children—a game of soccer—and then hurrying to the classroom. It is young people like these who will, as my brother, Robert, hoped, "Make gentle the life of this world."

Finally, Mr. President, a gift of the retarded is to show us how similar we are; one of them has a mind that cannot add: one of us has a heart that cannot feel. One of them has legs that stumble: one of us will look away and let him fall. Yet some of them will reach out to some of us: and some of us will grasp those hands. The whispered message of the retarded is that we may be different in our gifts, but equal in our humanity. In my family, my sister, Rosemary, was retarded in mind but rich in spirit. She was loved and accepted as an equal by us in our youth. And she showed that character and courage are just as important as great intellectual gifts.

Although there is much that intellect can do, there is much else that can be done only with love. Your own great philosopher, Teilhard de Chardin, said it best: "Some day after mastering the winds, the waves, the tides and gravity, we shall harness for God the energies of love. And then, for the second time in the history of the world—man will have discovered fire."

NEW YORK WINNERS OF FRENCH LANGUAGE CONTEST

Mr. JAVITS. Mr. President, I am pleased to extend my warmest congratulations to all the New York City schoolchildren who recently participated in French Language Week—February 28 to March 8, 1975 as proclaimed by the Honorable Abraham D. Beame, mayor of the city of New York—and the city-wide contest on French-related themes sponsored by the Board of Education of the city of New York.

I wish to pay special tribute to the pupils—and their teachers—who were awarded French contest prizes for demonstrating extraordinary bilingual talent and interest in French language and culture. I ask unanimous consent to have printed in the RECORD a letter dated March 7, 1975, from the Cultural Affairs

Office of the French Embassy in New York City which includes the winners' names and schools.

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

FRENCH LANGUAGE WEEK

Distribution of prizes organized in the schools of N.Y. by the "Board of Education"

PHOTOGRAPHY

Shari Zook,* PS 164q.
Susan Wilkins,* PS 164q.
Robert Brownstein, JHS 220k.
Gloria Moy, JHS 65m.
Marina Smith, JHS 281k.
Nancy Rosenberg, JHS 167m.

WORKS OF ART

Amy Waxgiser,* PS 91k.
Tara Notrica, PS 79k.
Lisa Pellicci, PS 79k.
André Bonaccotta, PS 32k.
Lisa Handelman, PS 178q.
Lynne Morales, PS 178q.
Kwok Choi, C. Sumner JHS.
Josephine Wan, C. Sumner JHS.
Peter Dong, C. Sumner JHS.
Priscilla Chang, C. Sumner JHS.
Hilma Yu, C. Sumner JHS.
Stanley Kwong, C. Sumner JHS.
Maggie Drucker,* PS 178q.
Monica Salazar, C.E.S.35b.
Amy Kaplan, PS 173q.
Sumja Ojakli, PS 104k.
Helen Plastrik, IS 74.
Wendy Kantor,* JHS 218q.
Doris Greenbaum, JHS 167m.
Lonelle Foster, IS 246k.
Jane Woo, C. Sumner JHS.
Ning Wong, C. Sumner JHS.
Emily Lanza, C. Sumner JHS.
Lauren Cherry, JHS 167m.
Rosemary Rodriguez, IS 74q.
Anita DePonte,* Tottenville HS (R).
Bjørn Aune, Curtis HS.
Wilner Nau, South Shore HS (K).
Michele Guss, Sheepshead Bay HS (K).
Sharon Fishman, South Shore HS (K).
Jane Weinberger, Bayside HS (q).
Marie-Jeanne Charles, Beach Channel HS (q).
Debbie Lang, Bayside HS (Q).
Betty Ann Hawkins, Ed. Murrow HS.
Pat Praskins, Curtis HS.
Jacques Garnier Cadet,* John Adams HS.
Denise DuBrino, Canarsie HS.

FRENCH CONTRIBUTIONS

Matthew Schmidt, PS 102k.
Robert Shelton, PS 173q.
Daniel Caron, PS 32q.
Kevin Hughes,* PS 164q.
Spencer Fisher, JHS 218q.
Curtis Newell, JHS 167m.
Eddie Gonzalez,* IS 29m.
Tuley Guadamir, IS 88.
Mercedes Arazoza, IS 88.
Robin Tabachnik,* B. Cardozo HS.
Paul Rung, Flushing HS.
Wendy Lewis, Forest Hills HS.
Joseph Berthine, South Shore HS.

*First prize (Charles Sumner JHS took first prize in group.)

SCIENTIST SAYS NOT EATING MEAT WILL NOT HELP SOLVE FOOD SHORTAGE

Mr. HUMPHREY. Mr. President, I want to call the Senate's attention to an article which appeared in the Austin Daily Herald in Austin, Minn., on Monday, March 31, 1975. The article reports the viewpoint of Robert Touchberry at the University of Minnesota Department of Animal Science.

This country has been engaged in a great dialog concerning the shortage of food in the world and America's role in helping to alleviate the suffering resulting from that shortage.

One of the controversial subjects concerns the amount of red meat that is eaten by Americans. In this connection, I believe that the views of Mr. Touchberry are worth considering along with the many other shades of opinion on this subject.

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

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

NOT EATING MEAT WILL NOT HELP SOLVE FOOD SHORTAGE

Forgoing animal products such as meat, eggs and dairy products so that grain now used for livestock can feed hungry people "is not sound reasoning," a University of Minnesota scientist says.

"Beef and dairy animals eat many products that would otherwise be wasted—such as grass and other forages," says Robert W. Touchberry, head of the UM Department of Animal Science.

"We hear that livestock feeding is inefficient protein production because it requires so much grain to produce meat. Figures cited have been ratios ranging from 8:1 to 21:1 pounds of grain to produce a pound of beef.

"These figures are wrong—nearly 78 per cent of a steer's lifetime diet comes from its mother's milk from grasses, forage and other supplements. Only about three pounds of grain per pound of beef is fed.

"Pigs consume mostly grain, but they convert grain to meat at efficient ratios ranging from 3:1 to 5:1. And these ratios are improving through better genetics and management.

"Perhaps most important is that little or none of the grain provides the niacin, thiamine, riboflavin, iron and other essential nutrients that pork and beef put on our tables. Grain certainly doesn't give us the high quality protein that meat does.

"Besides, it's no sound argument to say that we should not eat well because others do not. Livestock products contribute to a well balanced diet and our efforts should be directed towards helping others achieve adequate diets, not at destroying our own good diets," he says.

"It's not widely publicized, but for the last three or four years we have had more food per capita in the world than ever before. We've always had famine in some part of the world. This will probably continue until countries involved bring about a balance between their food supply and populations and develop systems.

"The ultimate solution is for those countries subject to frequent famine to establish and carry out strong programs to produce more of their own food, or get the food on the world market.

"The U.S. is exporting large quantities of grain, but that grain should be exported at world prices. It should not discourage development of a strong agricultural industry to produce food in those countries subject to famine," the UM animal scientist emphasizes. "In any event, grain exports should not be at the expense of the American farmer."

BALTIMORE URBAN LEAGUE CELEBRATES 50TH ANNIVERSARY

Mr. BEALL. Mr. President, during the week of April 6–12, the Baltimore Urban League will celebrate its 50th anniversary. Mayor William Donald Schaffer of Baltimore has designated this period as "Baltimore Urban League Week" when Marylanders will take time to recognize and honor the league on its many accomplishments.

The Baltimore Urban League is a community service organization specializing in the field of race relations. Organized and chartered from the National Urban League in 1924, the Baltimore Urban League is a member agency of the United Fund. Constantly seeking to foster equal opportunity and greater inclusion of blacks and other minorities in American life, the league offers a time-tested program designed to eliminate racial inequities. It combines objective research with constructive social action geared toward the welfare of the entire community. The league's membership elects an interracial executive board of 33 persons which sets policy and works with the staff to carry out its programs.

I join with the community in offering my best wishes to the Baltimore Urban League on its anniversary.

THE TRUTH ABOUT SOCIAL SECURITY

Mr. CHURCH. Mr. President, in recent months scare stories have circulated about the financial condition of the social security trust funds.

In far too many cases, these articles have been based upon misleading, inaccurate, or questionable information.

Unfortunately, these accounts have created needless anxiety and concern for retirees and workers.

It is refreshing to note, however, that several articles have been published recently to set the record straight about the value and worth of social security, as well as the financial status of the program.

One such example is the January 9 issue of the Machinist, which examines several arguments to discredit social security. The article concludes that social security is the best insurance available anywhere for workers and their families.

Another excellent account is Clayton Fritchey's article—entitled "The Truth About Social Security"—which appeared in the March 31 Washington Post.

Both of these articles, it seems to me, merit the attention of the Senate.

Mr. President, I ask unanimous consent that "The Truth About Social Security" and "Social Security Your Best Insurance" be printed in the RECORD.

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

THE TRUTH ABOUT SOCIAL SECURITY

(By Clayton Fritchey)

Despite all the scare stories and headlines to the contrary, the U.S. Social Security System is in sound shape, and there is every reason to believe it will remain so.

If, however, millions of Americans are confused and disturbed about the state of this immense national institution, in which nearly everybody has a vital personal stake, it is not surprising, for in the last year it has been the target of concerted criticism.

The headlines and captions on a flood of

articles have been strikingly sensational, especially in the ultra-conservative press. A banner line in the weekly Human Events, for instance, warned: "Social Security—A Growing Monster." It was based on a series of articles published in Chicago Today and reprinted in 80 other papers.

Unfortunately, a number of responsible and respected publications which have generally supported Social Security and been sympathetic to its problems have also taken an alarmist look at the old-age retirement system.

The headline in Harper's magazine was: "Social Security—The Cruelest Tax." The New York Times Magazine caption was "Catch 65—If You're Counting on Social Security for Your Retirement Income One Day, Count Again." The National Observer headline asked: "Is the System Becoming Social Insecurity?" And the American Survey in the London Economist also asked, "Is Social Security Going Broke?"

Dr. Milton Friedman, an economist of national standing, is quoted as describing the last 20 years of Social Security as "a crushing defeat for the average wage earner." Warren Shores, in Chicago Today, flatly declared, "The U.S. Social Security is bankrupt."

All this finally prompted an unprecedented defense of the program by five former secretaries of Health, Education and Welfare and the three surviving commissioners of the Social Security Administration. In a 4,500-word White Paper they joined in saying that the system was sound and healthy.

As a spokesman for the group, Wilbur Cohen, HEW secretary under Lyndon Johnson, denounced what he called a "rash" of reports picturing Social Security as "bankrupt or doomed to collapse or a deception foisted upon the American public." Older citizens, he said, have no reason to fear their checks will stop. As for younger citizens, he added:

"The most vicious of these attacks is the one charging that promised Social Security benefits may not be paid when they fall due 20 or 30 or 40 years hence. To the worker who is compelled to contribute from his earnings every payday, who is counting on these benefits for his security in retirement and for the protection of his family in the meantime, planting seeds of unwarranted doubt is a cruelty."

The payment of benefits, of course, is mandated by law. A claim to Social Security benefits is a legal right enforceable in court. And Congress, as Cohen points out, has made clear beyond question its pledge to the American people that the Social Security commitment will be honored.

It is generally recognized that as time goes on the system will no doubt require some additional financing, but that poses no insuperable hurdle. For extra funds can be raised either through increasing the present payroll tax or by supplementing it from general revenues. It's a question now before Congress.

The current rate of inflation is so high that benefit increases tied to the cost of living are expected to outrun by $2.5 billion the additional income from higher wages this year. Yet both President Ford and the Social Security Advisory Council (composed of 13 prominent private citizens) agree that this is not an urgent problem, for the Social Security Trust Fund is still close to $50 billion, which would cover any shortfall for the rest of this decade at least.

Over the next 25 years, Cohen says, the problem "is easily manageable and certainly does not constitute a financial crisis." He is not disturbed, either, that in the very long run, say from 2010 on, the active labor force in the United States may have to support relatively more retired people than was previously estimated.

In the 21st century, if the birthrate continues to drop, fewer young workers may be supporting more older retired ones, but at the same time, with smaller families, they will be supporting fewer children. So the final burden of providing for nonworkers may be no greater than it is today.

Those who can believe that Social Security is a mammoth swindle must also be prepared to believe that Congress, the President, the Cabinet and the courts are conspiring to cheat the American public. If they are willing to believe that, there is no hope for the country.

SOCIAL SECURITY YOUR "BEST" INSURANCE

(NOTE.—IAM President Floyd Smith, chairman, AFL–CIO Standing Committee on Social Security:

"The principle of Social Security rests on the assumption that each generation will pay for the retirement of the generation that has gone before and receive its retirement from the generation that comes after. This is in the nature of a social compact and is backed by the full faith and credit of the United States Government.

"As long as this nation remains a democracy and responsive to the will of the people, there is no conceivable way that any future President or Congress could or would break this social compact. You can be assured that the Social Security system is sound and all the articles and reports comparing it to private insurance are hogwash.")

This special section of the Machinist is published to give union members the facts about the Social Security system and how it insures Americans of all ages.

Scare stories have appeared in newspapers and magazines recently claiming that the Social Security system will go broke by the late 1980's, the 1990's or around the turn of the century.

Similar attacks appeared in the late 1940's and 1950's, about the time that the labor movement first began to campaign for national health insurance.

Best evidence is that this new wave of Social Security scare stories is being inspired by opponents of national health insurance—the medical lobby, the insurance industry, big corporations and big-money interests. They fear that labor will win its long-sought national health security plan in the new, forward-looking 94th Congress.

To undermine labor's drive, they seek to discredit Social Security and Medicare since national health security would be financed and administered through Social Security in the same manner that Medicare operates.

The attack centers on the fact that the USA now has a declining birthrate which, if it continues for some decades, could produce a situation in which more Americans would be drawing Social Security benefits than would be paying in. This ignores two probabilities:

If there are fewer children in the future, there will certainly be more working wives paying into the system.

Should the time come when the trust fund begins to shrink, Congress can be expected to act to protect the Social Security system as it always has in the past.

Here are expressions of confidence in Social Security from American leaders, some of whom have been intimately connected with the program for decades. The following three pages describe operations of the various phases of Social Security and Medicare. Save this Special Section to help you answer those who would like to see the system junked.

George Meany, AFL–CIO president—

"In recent months, you have seen the scare stories which infer that Social Security will be broke by 1980, or 1985, or 1990 or the year 2000—the date varies. The recurring theme of the stories is that the trust fund won't have enough money to pay benefits. That's baloney!

"The Social Security Trust Fund is not in danger of collapse unless the Congress and the White House fail to respond to warning signals. And those who pretend otherwise have a political axe to grind. They hope their campaign will hurt the drive for genuine health legislation."

Nelson Cruikshank, president of the National Council of Senior Citizens, former director of the AFL–CIO Department of Social Security:

"Paying out at the rate of $120 million a day—and that's every day of the week including Saturdays and Sundays—America's Social Security system is the world's biggest social welfare program.

"Probably no other public program has been as thoroughly and frequently analyzed as has Social Security. The system was devised in 1934 by distinguished experts drawn from business management, labor, and leading universities. It has been periodically reviewed by similar Advisory Councils since that time, and they have made frequent recommendations to the Congress on the steps to be taken to keep it viable and solvent. Congress has never failed to protect the Social Security system.

"It is a many-sided program. Not many people understand it, and we don't pretend to comprehend all its far-reaching complexities. But having been close to its development from the start, and having been for 21 years Director of the Department of Social Security of the AFL and the AFL–CIO, I do know that many of the people writing about it don't understand the principles on which the system was built. They do a great disservice when their shrill attacks drown out the voices of reason and honest debate which seek to keep this vital program alive and functioning well."

Wilbur J. Cohen, dean of the University of Michigan School of Education, former U.S. Secretary of Health, Education and Welfare:

"There are 30 million people receiving Social Security checks every month. It has not missed a payment since it started. It has never gone bankrupt and ceased to do business as have a number of private insurance plans.

"As long as Social Security payments are guaranteed by the Federal Government, I do not believe there will ever be any default in the commitments made under the Social Security program."

James B. Cardwell, U.S. Commissioner of Social Security:

"Insurance involves the banding together of a number of people in order to share a common risk. Social Security, it seems to me is exactly that—workers banding together to share common risks—the risk of losing one's capacity to earn a living as a result of retirement, disability or death.

"The system has two important financial safeguards designed to protect its integrity:

The existence of a closed trust fund which always carries credits that, when added to any one year's receipts, provide more than is needed to finance one full year's benefits.

Compulsory participation and contributions . . . backed up by the good faith and credit of the U.S. Government. As long as our Government stands, the Social Security trust funds will be protected. As it turns out, if our Government were to fail, so, in all likelihood, would the reserve systems of the private insurance programs."

U.S. Sen. Frank Church (D, Idaho), chairman of the Senate's Special Committee on Aging:

"The Social Security system is not—and I want to underscore this point very forcefully—on the verge of financial collapse. . . . I want to stress that the Social Security system can be improved. And, to my way of

thinking, it should be improved in several key areas.

"But commentaries relying upon questionable data can serve no useful purpose in determining the appropriate future direction of Social Security, a program which now affects the lives of almost every American family in one form or another."

U.S. Rep. James C. Corman (D, Calif.), member of the House Ways and Means Committee and author of much Social Security legislation:

"Social Security is solvent. Reports that the system is bankrupt are misleading and cruel. Checks have gone out every month for nearly 40 years and they will continue to do so in the future. According to the last annual report, there was a surplus in the trust fund of approximately $45 billion.

"And what distinguishes Social Security from private insurance or retirement programs is that it is backed up by the financial resources of the Federal Government."

Bert Seidman, director, AFL-CIO Department of Social Security:

"Of course, the Social Security system is not perfect. But scare articles about alleged financial unsoundness have cruelly alarmed older citizens as well as workers looking toward protection in the future.

"Even if the birthrate forecasts are accurate, there will not necessarily be proportionately fewer in the work force to support Social Security beneficiaries. . . . Smaller families will bring more women into the labor force since there will be fewer years when they are caring for small children. Many older people, now forced into retirement, are likely to continue working."

JOINT SPACE FLIGHT

Mr. GARN. Mr. President, this coming July, the first space venture involving more than one country will begin, in separate launches from the United States and the Soviet Union. A few weeks ago I visited the Johnson Space Center in Houston, met the astronauts and cosmonauts who will be involved in this event, and piloted the training device used to teach the space teams the proper technique. I am sure that the astronauts will do a better job docking their craft than I did, and that international cooperation will proceed more smoothly than I was able to manage.

Sunday, the supplement to the Washington Post carried an article outlining the background to this joint venture, and explaining some of the problems which have been encountered and solved along the way. I take this opportunity to enter the article in the RECORD, and invite my colleagues to observe the unrolling of this historic event.

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

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

U.S. and SOVIET CREWS EAGERLY AWAIT JOINT SPACE FLIGHT

(By Don A. Schanche)

HOUSTON, TEX.—Donald K. "Deke" Slayton, last of the original Mercury astronauts and Col. Aleksei Leonov, first man to "walk" in space, admit that an American-Soviet get-together in orbit would have been hard for either to accept when the proposal was first made by Parade in 1966.

"It was the last thing on any of our minds," says Slayton, throwing a comradely arm around the Russian cosmonaut's shoulder. "We were running a race against each other, and no one in our country or theirs was talking about joint space flights. But now the time is right."

On July 15, if all continues to go smoothly in the two-year-old joint Apollo-Soyuz Test Project, the proposal will become reality. In the most spectacular demonstration yet of détente, the U.S. and the U.S.S.R. will, within hours of each other, launch spacecraft from opposite sides of the globe. Two days later astronauts and cosmonauts will hold a handshaking, hospitality-swapping reunion before a worldwide television audience as they float weightlessly to and fro between each other's linked space ships 140 miles above the earth.

Right now, the American space crews are in the Soviet Union for a training mission that includes a trip to the Russian launching site of Baikonur, Kazakhstan. It's part of a series of visits by the spacemen to each other's facilities, which have brought the Soviet pilots for extended periods to the Lyndon B. Johnson Space Center in Houston and also given them a look at the John F. Kennedy Space Center at Cape Canaveral, Fla. Altogether, each group has undergone three training periods in the other's country.

On one of these sessions in Houston, PARADE was present while the five men who'll meet in orbit—three Americans and two Russians—demonstrated the amiability and friendliness, as well as the mutual technological respect and understanding, that are the ingredients of the upcoming space adventure.

STUDY LANGUAGES

Taking a few minutes out of tightly scheduled joint training exercise to pose for our cover photo, Aleksei Leonov, 40, and his flight engineer, Valery Kubasov, 30, clowned like schoolboys.

Space fliers on both sides of the joint venture studied one another's languages four to six hours a day for almost a year and use Russian and English interchangeably in all of their training, as they will during their flights. But each still stumbles occasionally on the other's unfamiliar idiom.

"I had Leonov and some of the others out to my house for dinner and I wanted to deliver a friendly, welcoming toast in my best Russian," says Slayton, who at 51 will be the oldest American ever to fly in space. "Instead I got the wrong phrase. I said, 'See you later,' and tossed back my drink. It broke them up."

During one dry run of a space link-up in Houston, Leonov and Kubasov were perched inside a mock-up of the globular Soyuz orbital module that they will fly, rehearsing the complicated joint procedure that must be accomplished before they can open their hatch and invite the American astronauts aboard.

The American crew commander, Tom Stafford, 44, and rookie astronaut Vance Brand, 43, third member of the U.S. team, were in their docking module, attached to the Soyuz, dryly reading a checklist aloud in Russian through their miniature microphones.

TRAINING HORSEPLAY

As they reached the climactic moment in the rehearsal when the Soviet hatch was ready to burst open in welcome, Stafford dead-panned a final Russian remark into the intrecom set. Inside the Soyuz Kubasov tapped his radio headset and gasped in mock surpise. Then Leonov, whose expressive, freckled face sometimes looks like that of a lean Nikita Khrushchev in a rare good mood, broke into a delighted grin.

"Da," he said, "we got the vodka . . . but we forgot the space suits!"

Later, during a training exercise in which each side had to sample the other's vacuum-packed meals (the Russians lean toward dried fish and currant juice, the Americans toward beef, fowl and citrus drinks), Leonov lightheartedly picked up a collapsible tube from the Apollo spaceship's food chest and squirted its contents into his mouth. Two seconds later he was out of the model spaceship and running for the water fountain while his American and Russian colleagues uproariously read on the tube: "Liquid Black Pepper."

After cooling off in his temporary office on the third floor of the astronaut's building at the Houston space complex, the ebullient Leonov eagerly showed a copy of PARADE's original proposal by Editor Jess Gorkin for the joint flight to the six fellow cosmonauts who form his three backup crews.

"It was good a idea," he exclaimed after reading aloud Gorkin's open letter to the late President Lyndon Johnson. "Now we will meet in space as this man said. Together we have begun an irreversible thing. The machine of Apollo-Soyuz is operating now and no one can stop it!"

SAY THEY'RE READY

The Americans are as confident as Leonov. "We're certainly ready for it," said Tom Stafford, an Air Force brigadier general and veteran of three space flights including one around the moon.

But the path toward an orbital rendezvous has not always been so smooth. After former President Nixon and Premier Kosygin signed the agreement to begin planning the joint flight in May, 1972, technical experts and officials of the U.S. National Aeronautics and Space Administration and the Soviet Academy of Sciences became almost constant international commuters, haggling over the details. Before the work was hardly begun, however, the teacher of the Russian group, Mstislav Keldysh, who is president of the Soviet Academy of Sciences, became gravely ill with crippling cardiovascular complications in both legs. His condition threatened to stall the difficult technical talks. But at Academician Keldysh's request the Department of State rushed the famed Houston heart surgeon, Dr. Michael E. De Bakey, to Moscow to operate. Within a few months Keldysh was back.

SYSTEMS DIFFER

There also were major problems involving differences between the two space systems and the ways our astronauts and their cosmonauts operate.

"The Soyuz is designed strictly for earth orbit pretty much under control from the ground," explained Stafford. "Our Apollo is designed to go to the moon, lose its systems on the way and still permit the crew to bring it home on their own, with no control from the ground."

"The other important thing after technical preparation was human relations between us," added Leonov, who in addition to being a cosmonaut is a popular Russian film-maker and illustrator of science fiction, as well as a member of the Presidium of the Supreme Soviet. "If human relations were bad there could be no flight—nothing."

Fortunately, since their joint training began, the American and Russian spacemen have had what one NASA official calls "the camaraderie of World War I fighter pilots." First they got to know one another by exchanging brief visits, then the Americans returned to the Soviet Union last July for their first lengthy joint training at Star City, just outside Moscow, where the cosmonauts live and work. Leonov, Kubasov and their backup crews spent most of last September in Houston and in February for even more intensive work. This month and next the astronauts are in the Soviet Union, and will visit the supersecret Communist space launching facilities at Baikonur.

In the course of so much work together, the space fliers have become as comfortable with one another as if they had been flight mates for years. They have run, swum, fished and played tennis together, had snowball fights in Moscow, hunted antelope in Wy-

oming and toasted away countless convivial evenings in one another's homes.

"We must trust each other with our lives, therefore we must be like a family," says Leonov.

While their trust is not likely to be put to the final test during the Apollo-Soyuz flight, the main objective of the historic rendezvous is to make such international space lifesaving possible for future astronauts and cosmonauts.

"You might say that both countries have gotten together to build a better mousetrap," said Stafford in describing the mutual docking system that will be tested during the flight. In perhaps the most significant achievement of Apollo-Soyuz Project, U.S. and Soviet engineers worked together to design a clamshell-like connecting apparatus that will be used on future manned spacecraft by both nations.

PERSONAL DRAMA

Behind the air of suspense that accompanies all space flights, and the comradely adventure of this particular one, there are quiet personal dramas being played out among some of the principals. But none contains so much individual triumph as Slayton's presence on the American crew.

Slayton was hand-picked 12 years ago, after John Glenn's first orbital adventure in the tiny Mercury spacecraft, to make the more demanding second U.S. orbital space flight. Shortly before the mission, however, physicians detected a heart murmur, and he was grounded. Although the source of the murmur was never discovered, it was assumed by most that Slayton was washed up as an astronaut. Yet although out of the spotlight for more than a decade as his old flight mates took increasingly bolder steps into space and eventually to the moon, Slayton never wavered in his determination to rejoin them. While handling a demanding executive job as NASA's director of flight crews operations, he put himself through the same rigorous daily training as the flying astronauts.

BACK ON THE JOB

Slayton's determination paid off in 1972, when medical experts, unable to detect any recurrence of the mysterious heart murmur and impressed by his extraordinary physical condition, restored him to flight status.

"I figure a man can fly into his 60's if he's in physical condition for it," Slayton says.

Neither the American nor the Russian fliers give much thought to age, however. "It is professional ability and physical condition that count," says Leonov. "The American astronauts are ochen-OK."

"All of the crewmembers from both countries are first-rate," agrees the American commander, Tom Stafford. "You might say that we have *nyet* problems."

WOMEN'S RIGHTS

Mr. CLARK. Mr. President, some progress has been made in recognizing the needs, contributions, and rights of women.

The National Conference on Women and the Law in Palo Alto, Calif., last weekend reviewed the changes in the legal status of women and found that the courts and legislatures have advanced equality of treatment for women and men. This year, for instance, the Supreme Court corrected inequities in the areas of jury selection and social security law. A number of State legislatures, including Iowa, removed references to gender in State laws in an effort to apply the law more fairly. And over the last few years, Congress has enacted laws which prohibit discriminatory treatment in credit transactions, federally related mortgage loans, employment, education, and pensions. It also has affirmed the principle of equal rights through its overwhelming approval of the Equal Rights Amendment. Waiting in the wings are proposals for child care and for flexible hours for Federal workers unable to work standard working hours.

As the remaining State legislatures gradually awaken to the moral imperative underlying the ERA and as the Supreme Court moves case-by-case closer to treating discrimination by sex as a suspect category under the 14th amendment, the Congress needs to move ahead.

Two areas in particular deserve the attention of this Congress. The first is that some Federal laws still permit discriminatory treatment. Senate Resolution 92, which I introduced on February 26, 1975, is designed to remove the remnants in the Federal code which discriminate.

A second area is one for which a compelling case can be made for immediate action: enforcement of the law. The most disturbing example of poor enforcement is the backlog of cases before the Equal Employment Opportunity Commission—EEOC. The Equal Pay Act was enacted in 1963. The Civil Rights Act, with its ban against discrimination in employment, was enacted in 1964. A decade has passed. But the evidence suggests that discrimination in hiring, pay, and promotions is still substantial. And we have seen more than a decade pass since the enactment of those laws.

What can Congress do? If we have learned anything over the last 12 years, it should be that we cannot simply pass laws and then expect the problem which precipitated the enactment of those laws to vanish. Legislation must be followed through the entire policy process. It is incumbent upon both legislative and appropriations committees to review the progress of the administration of the law. Oversight hearings are insufficient. We have had oversight hearings, for instance, on the EEOC. We know that that Commission has yet to process 120,000 cases. We know that staff positions authorized by the Congress have gone unfilled, but little has been done to correct those problems.

Women deserve fair treatment. The courts, the State legislatures, the Congress, and the Federal bureaucracy must all work to see that they achieve it.

Mr. President, I ask unanimous consent that the editorial, entitled "EEOC. Picking Up the Pieces," in the March 31, Washington Post and the article, entitled "Law Parlay Finds Women Lagging in Rights," in the March 27, New York Times, be printed in the RECORD.

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

LAW PARLEY FINDS WOMEN LAGGING IN RIGHTS

(By Lesley Oelsner)

PALO ALTO, CALIF.—Courts and legislatures have dramatically changed the legal status of women in recent years, bringing it far closer to that of men. But a substantial gap remains, with women around the country sometimes denied rights that men have, other times given different rights.

A thousand lawyers and law students, nearly all of them women, review the progress to date and the problems remaining during the National Conference on Women and the Law here this weekend. They found both gains and gaps in areas as diverse as employment and taxation, in situations ranging from that of women as parents and women as victims of crime.

Ruth Bader Ginsburg, the Columbia Law School professor who has argued most of the recent major sex discrimination cases before the Supreme Court, put it this way:

"Realizing the equality principle will require a long and persistent effort, after the artificial barriers are removed, to prevent perpetuation of the effects of past discrimination long into the future."

Among the major areas covered were the following:

THE SOCIAL SECURITY SYSTEM

Last week the Supreme Court handed the women's movement one of its most significant court victories to date; a unanimous ruling that the Social Security law's system of denying child care benefits to the spouse of a deceased female wage earner, while providing those benefits to the spouse of a deceased male wage earner, was unconstitutional.

Most of the Supreme Court Justices, according to Professor Ginsburg, who argued the case, appeared to base their decision largely on the fact that the law denigated the work of women—providing less protection for the families of women wage earners than for the families of men wage earners.

The Social Security law has other features, however, which also treat women workers differently from men workers.

One of those, in the view of women's rights proponents, is the Social Security System's failure to provide any independent coverage for women who work in the home, as housewives, as opposed to in the market place.

Another is the effect of provisions covering two-earner families, with both husband and wife contributing through Social Security payments during their working lives.

A husband and wife "who work through their lives might have less money on retirement than a one earner family with the same income" as a result of those provisions, Margaret Gates, director of the centre for women's policy studies in Washington told participants at the conference.

Still another feature of the Social Security System provides that people who leave the work force for five years are not entitled to receive disability benefits until they have re-entered the work force and worked another five years. Said Professor Ginsburg, this "ignores the fact" that most women have intervals in their working careers when they drop out of full-time work in order to bear and rear children.

The Advisory Council on Social Security, appointed last year and required to report regularly on the system to both Congress and the President, has recommended removing some but not all of the features that critics consider discriminatory.

TAXATION

According to Susan Spivak, a visiting professor at Stanford and a panelist at the conference here, several aspects of the tax system "operate to make it disadvantageous for the secondary wage earner, the one who earns less than the wage earner in the family, is most often the wife.

Among other things, there are strict limitations on deductions for the costs of child care incurred when a mother goes to work outside the home, and the progressive tax rate, when combined with the system of aggregating the incomes of the husband and wife, can also work to create what Professor

Spivak called a "disincentive" to women would-be workers.

THE JURY SYSTEM

Women are now entitled to serve on juries in federal as well as state courts. This is a relatively new right, in that a few states continued to exclude women from their courts' juries even into the nineteen-sixties, and that until 1957, the right to serve on a jury in a Federal District Court depended on the law of the state in which the court sat.

Last January, the Supreme Court, in the case of Taylor v. Louisiana, struck down Louisiana's system of requiring women, but not men, to "affirmatively register" if they wanted to serve as jurors. The Court said that exempting women from jury service solely because of their sex violated a defendant's right under the Sixth Amendment to have a jury drawn from a cross-section of the community.

However, according to one of the panelists at the conference—Liz Schneider of the Center for Constitutional Rights in New York—the Taylor case may not have as broad an effect as women's rights advocates would like.

The facts in the Taylor case were particularly strong, she said, with no women at all in the jury pool used in the case involved in the court's decisions; it is thus possible that the decision will not be applied in cases where at least some women are in the pool.

Even if all affirmative registration systems are struck down, moreover, according to Rhonda Copelon, another lawyer at the center, other discriminatory features of the jury system remain. Among them: laws in four states that grant an absolute exemption to women, which they can claim if they wish; exemptions in many Federal courts and some state courts for women with children, regardless of whether or not the woman actually needs to be at home to take care of the children.

EMPLOYMENT

Title VII of the Civil Rights Act prohibits discrimination based on sex in employment opportunity covered by the act and a number of suits have been brought and either won or successfully settled under the act, often with affirmative action programs. But the recession is threatening some of those gains—particularly through the so-called "LIFO" system, or "last in first out," provided for in some labor contracts.

PREGNANCY

The law relating to pregnancy has likewise seen some changes, but nowhere near as many as women's rights leaders would like.

The Supreme Court's rulings invalidating anti-abortion laws were one major gain. Another was the Court's invalidation of a required maternity leave at four months of pregnancy for public school teachers in Cleveland.

However, the Court in another case refused to strike down a provision of California's disability insurance system that denied payments for disabilities of normal pregnancies.

A similar pattern is seen in other areas as well. Marilyn G. Haft, director of the American Civil Liberties Union's sexual privacy project, noted during the conference that the courts in a few states have found that prostitution laws are unconstitutional to the extent that they provide only for the prosecution of women prostitutes, not of male prostitutes or customers of prostitutes.

Judge Lisa Richette of the Court of Common Pleas in Philadelphia, noted that some jurisdictions are easing the burden of proof required in rape cases, a burden that has traditionally been higher than in other types of cases.

EQUAL RIGHTS AMENDMENT

The rights amendment, if passed, is expected to do much to change this pattern of scattered gains and lingering discrimination. As for the reasons underlying the pattern, lawyers suggest that at least some of the gains to date have come because the various laws involved have been so blatantly discriminatory—"easy cases," in lawyers' terminology.

Professor Ginsburg suggested an additional reason: There is a certain ambivalence in the society, she said, and courts, including the Supreme Court, reflect it:

"Conditions of contemporary life demand recognition that distinct roles for men and women coerced or steered by law are antithetical to the American ideal of freedom of choice for the individual. But action based on that recognition is deterred by fear—fear of unsettling familiar and, for many men and women, comfortable patterns."

EEOC: PICKING UP THE PIECES

Until several days ago, no federal agency was as wrought with anguish and dissension as the Equal Employment Opportunity Commission. Created by the Civil Rights Act of 1964 to bring about the desegregation of the American job market, the agency had in recent months fallen into disarray. Its commissioners were feuding furiously among themselves, and especially with their chairman, and the staff seemed to be going its own way. Its caseload is years behind and its internal management could hardly be said to exist. Not all the problems stemmed from its leadership, but it was clear that those problems could not be solved with the leadership EEOC had.

Recognizing that inescapable fact, President Ford moved decisively to clear out the contending parties at the top of the agency by accepting the resignations of Chairman John H. Powell and General Counsel Edward Carey. Those resignations gave the President some maneuvering room, further augmented by the existence of several other key vacancies on the commission and within its staff. In all, there will soon be three vacancies on the commission for the President to fill, including that of chairman. Also, the post of executive director of the agency is vacant, along with the position of general counsel. In effect, the President has a clean slate with which to begin putting EEOC back together.

How the President uses that opportunity is one of the critical guides to his own thinking about the importance of removing the blot of job market discrimination against minorities and women from the American scene. This is an important time for White House leadership and direction. As the economy declines, the question of layoffs becomes more and more critical. At some point, EEOC should issue guidelines of its own in this area, even though a series of law suits will soon culminate in a Supreme Court decision on some aspects of the layoff question. Leadership from the Executive Branch is critical if workplace racial strife is to be avoided.

A wisely staffed EEOC, one free of politically motivated appointments, could serve the whole country well in that difficult area. By law, the commission is to be bipartisan, but the President can go beyond the mere letter of the law to its spirit, by finding a team that can work effectively together on this highly complicated problem. Some of Mr. Ford's most recent appointments show that his administration is capable of coming up with high-level talent for key jobs, and the search should be no less diligent for EEOC.

Eventually, several other problems of the agency should be addressed by Congress and the administration. Once it has the personnel it needs, EEOC is going to need a great deal of technical assistance to get its tangled administrative mechanism straightened out. It is 120,000 or so cases behind and it has a number of other administrative hangups. It has a computer that is hardly a helpful instrument as matters now stand. These are the kinds of problems that the Office of Management and Budget and the General Services Administration can assist in solving. They are not policy problems, just problems of technical management, but they are part of the reason EEOC as an agency has been dead in the water for the past several years.

The Congress amended the EEOC act in 1972 to give the agency the power to file suit when it felt that need. At some point, the question of whether EEOC should have the power to issue cease and desist orders should be reviewed again on Capitol Hill. There are many serious students of the agency and of the problem of job discrimination who believe that power would make EEOC a more effective agency, one that could dispose of cases that involve no great precedent-setting issues, but are merely questions of law. If EEOC could decide those cases itself, as the National Labor Relations Board does, it would spare many hours of judicial time. Furthermore, that device would give EEOC commission members more of a task than they now have. It is apparent that many of the problems of the recent past have sprung from the fact that the chairman of the commission has a measure of power, but the members of the commission have very little. Many of EEOC's recent unpleasantries could be avoided in the future if the agency's structure were changed to give all its commissioners meaningful tasks.

EFFECT OF CERTAIN COMPOUNDS ON THE ENVIRONMENTAL OZONE LAYER

Mr. CASE. Mr. President, I ask unanimous consent that Mr. MCINTYRE, Mr. STEVENSON, Mr. HATHAWAY, and Mr. LEAHY be added as cosponsors of S. 1336, the bill I introduced before the Easter recess and which amends the Clean Air Act to provide for research on the effect of chlorofluoromethane compounds, of which freon is one, on the environmental ozone layer.

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

Mr. CASE. Mr. President, recent hearings by the House Subcommittee on Public Health and the Environment have brought out the fact that we may be destroying ozone in our atmosphere through the use of freon as a propellant in aerosal spray cans.

Ozone acts as a protective shield to life on this planet. And most scientists agree that life on the surface of the earth did not begin to evolve until the ozone layer had formed.

As the ozone level decreases, the risk of skin cancer increases because there is not enough ozone to filter out the ultraviolet rays. If a 5-percent decrease in the ozone level should occur, there might be a 10-percent increase in the number of cases of skin cancer. It also seems obvious that there may be a relationship between increased ultraviolet radiation and the surface of the Earth, and the crops growing on it, which we consume as food.

To a layman reading the articles on ozone depletion that have appeared in scientific journals, one conclusion is im-

mediately obvious. There is insufficient knowledge now available on the subject to enable us to make sound judgments and decisions as to whether the ozone level is in fact decreasing and, if it is decreasing, whether this decrease is caused, in part, by the release of Freon into the atmosphere.

In our industrialized society, we use great quantities of Freon. Freon is used in closed systems, such as in refrigeration and air-conditioning. We assume, but we do not know whether we are right, that this Freon is never released into the atmosphere. But it is also used as a propellant in aerosol spray cans, where it is released directly into the atmosphere.

The legislation I am sponsoring, and which has been introduced in the House by Representative PAUL ROGERS, requires a report by the National Academy of Sciences on the potential effects of Freon on the public health and the environment; recycling methods; methods of preventing the escape of Freon into the atmosphere; and safe substitutes for Freon. The report is required 1 year after enactment.

A second report is required to be done by the National Aeronautics and Space Administration—NASA—also within a year, on the nature and likelihood of potential effects of Freon on public health and the environment. Recommended standards to be applied on limiting Freon emissions are required to be submitted to Congress by NASA 3 months later.

Unless, after consideration of the reports, consultation with concerned Federal agencies and scientific bodies, and public hearings, the Administrator of the Environmental Protection Agency finds that Freon poses no significant risk to the public health, safety, or the environment, the manufacture and sale of aerosol spray cans discharging Freon into the air will be banned. The ban will go into effect 2 years following enactment of this legislation, or 1 year following completion of the reports.

We have an obligation to ourselves and to the generations to follow to make sure that we are not—deliberately and knowingly—creating an irreversible and potentially dangerous situation through our consumption habits today. That is why it is so important that this research be undertaken.

DEDICATED STAFF

Mr. MOSS. Mr. President, as the Members of this body know, I have been the chairman of a large number of interesting and in-depth hearings about conditions in nursing homes. The degree of success in these hearings is in no small measure due to the loyal and dedicated service of Val Halamandaris, who serves as associate counsel of the Senate Committee on Aging.

In the last issue of Modern Healthcare is an article by Gregg W. Downey which details the excellence of Mr. Halamandaris' staff work. I ask unanimous consent that the article be printed in full for the benefit of the Senate.

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

VAL HALAMANDARIS IS NOT A VIKING

During the last decade, people have grown familiar with the activities of the U.S. Senate Subcomittee on Long-Term Care—sometimes to their profound regret.

Sen. Frank E. Moss (D., Utah), the chairman and ranking minority member Sen. Charles H. Percy (R., Ill.) are the names most frequently associated with the Senate panel, but there is a man behind the subcommittee scenes who, if less well-known, is often more important to the health field than his senatorial employers. Val J. Halamandaris, the subcommittee's 32 year old chief counsel, is that man.

When long-term care legislation is developed, such as the bills codifying nursing home patient rights or establishing a loan program to help facilities install fire safety equipment, there's a better than even chance Mr. Halamandaris had a hand in writing it. When one of the subcommittee members delivers a speech, such as the controversial one in which Sen. Moss criticized the $350,000 image improvement campaign of the American Nursing Home Association, attentive listeners can hear the echoes of Mr. Halamandaris' cogitation. Most dramatically, when the Senate comes to town to probe the dealings of castigated nursing home owners, the research and arrangements have been coordinated by Mr. Haldamandaris. Lately, one of his principal assignments has been to oversee the publication of Nursing Home Care in the United States: Failure in Public Policy, a series of in-depth reports examining the problems and potentials of long-term health care.

In spite of his name, Val Halamandaris is not a Viking, although the forays he's helped to launch into the domains of wealthy nursing home barons could make the notion apt. He's of Greek descent, his immigrant grandfather traveling West with the railroad and settling down in Utah to become a coal miner.

"If it hadn't been for Sen. Moss," said Mr. Halamandaris, "I'd still be out there digging coal or planting crops." Instead, the senator gave him a job that helped him work his way through undergraduate school at George Washington University. He received his law degree in 1969 from the Catholic University School of Law and was admitted to the bar of the U.S. District Court for the District of Columbia, U.S. Circuit Court of Appeals, and U.S. Supreme Court.

Working without a private secretary in a supremely unpretentious cubicle on the ground floor of the new Senate office building, Mr Halamandaris often finds himself attacked as vehemently by nursing home officials as by nursing home detractors. The officials seem to forget such things as his ringing defense against the broadside blasts contained in "Tender Loving Greed," while the self-appointed reformers overlook the incisive questioning of industry profiteers that has led to the closing of wretched facilities around the country. "My greatest frustration," he said, "is the inability of people on both sides of the issue to understand my role. It's just not black and white. I'm not all friend and I'm not all critic."

Mr. Halamandaris is, however, one of the few people on Capitol Hill who have a more-than-surface understanding of nursing home affairs. Shortly after the New York hearings (page 43), he was asked these questions:

MH: Do you think a small group of people control large numbers of poorly run nursing homes?

VJH: "Yes. I think that's true in some places—in Illinois, New York, and Florida, for example. We loosely refer to these groups as 'syndicates' and have great problems about their operations. Frankly, I think they give the entire nursing home industry a bad name."

MH: Is organized crime involved?

VJH: "No. On the contrary, I have always maintained that organized crime is not involved, because we've never seen any evidence."

MH: What should nursing home associations do to put an end to these constant scandals?

VJH: "Establish rigid peer review and work to bar substandard facilities and profiteers from the industry. I think ANHA should be that organization. Associations always tell me they can't do it, because they're not at liberty to revoke someone's license. My answer has always been that if they assert such responsibility, the state agencies would be delighted to let them do it. Unfortunately, I think associations are still trying to hang on to every member they can get."

MH: Do you think most people who run nursing homes are well-motivated?

VJH: "Without a doubt."

MH: Then why did one of your recent reports say more than 50 per cent of the nation's nursing homes are seriously substandard?

VJH: "As the system presently operates, you could hardly expect things to be otherwise. Our report shows that the federal government has established virtually no policy for the treatment of the infirm elderly and that state reimbursement formulas are designed, in effect, to guarantee poor care."

MH: So why don't you investigate HEW and the politicians?

VJH: "If you recall, our first report contained a scorching indictment of HEW. As we see it, part of the fault is with the operation of government and some of the fault is right here in Congress. Much of P.L. 92-603, for example, is bad legislation. We predicted the dumping of people from SNFs into ICFs, and that is coming to pass. We try to head these things off, but we're not always successful."

MH: What's the most important thing that can be done to improve long-term care?

VJH: "Follow the buck and you've got the answer. The whole problem in New York is their reimbursement system—this grand cost-plus formula where they pay the operator for everything he spends, plus a profit. It encourages manipulation. In other states, where there's a flat-rate system, operators are encouraged to cut back on staff and services. In most places, the operator of a good nursing home is at a competitive disadvantage. I don't think it would cost much more to have a reimbursement system with stiff penalties for profiteering, which is (1) cost-related and (2) provides incentives in favor of good care."

MH: Can such a system be legislated?

VJH: "I think it can be. We're looking at options right now that suggest just that. We don't have any precise handle on it, but we'll find it. The key is to provide the operator with fair reimbursement based on a set of standards that is reasonable and accepted throughout the industry, then to provide financial incentives for good care, so that when you reach a certain level of service, your reimbursement will be increased. I'm not adverse to anybody making a profit, even a large profit. All I'm adverse to is somebody making a huge profit at patients' expense."—G.W.D.

ALLOTMENT OF SEWAGE TREATMENT FUNDS

Mr. DOLE. Mr. President, as a cosponsor of S. 1216, a bill to amend the Federal Water Pollution Control Act of 1972, I should like to make a few comments in support of the measure and its provisions.

The major purpose of S. 1216 is to alter the allotment system by which the indi-

vidual States will receive a share of Federal construction grants for waste treatment works, which have recently been made available. Without this alteration, $9 billion in construction grant funds will be improperly allocated according to an outdated "needs" survey that would shortchange a great majority of the States.

Earlier this year, President Ford provided for the allocation of $4 billion for waste treatment construction grants in the fiscal year 1976 budget. These funds were obtained from a total $9 billion previously impounded from fiscal year 1972, 1973, and 1974 appropriations. A few weeks later, the U.S. Supreme Court ordered the Environmental Protection Agency to allocate the remaining $5 billion of the impounded funds. These decisions have made long-awaited Federal funds available to the States for further development of sewage treatment plants.

However, the formula upon which allocation of these funds is to be made to the States was developed 3 years ago according to a "needs" survey among the States which is now extremely outdated. This allotment system threatens to significantly shortchange 35 State governments.

NEW FORMULA MORE EQUITABLE

The revised formula, to be implemented under the provisions of S. 1216, would require EPA to allocate the $9 billion during fiscal year 1976 according to both population and an updated "needs" survey that more accurately reflects current nationwide conditions. By this formula, my own State of Kansas would receive nearly $46 million more in Federal construction funds for waste treatment works than it would receive under the outdated formula. Thirty-four other States would similarly benefit. In addition, S. 1216 provides that future allocations of Federal sewage treatment plant grants be distributed according to the same "50 percent population—50 percent need" formula.

Mr. President, the undue delay in getting these important funds to the States makes it all the more important that they be distributed in an updated and equitable manner. It is particularly important that the grant money go where it will offer the greatest proportionate benefit to our citizens and to the goal of preserving the quality of our Nation's water resources. The measure which I am cosponsoring, S. 1216, will insure that these considerations are recognized by the Environmental Protection Agency as it distributes Federal waste treatment construction grants.

CRIME PREVENTION GUIDELINES FOR CITIZENS

Mr. HARTKE. Mr. President, the continuing growth in the crime rate cannot be ignored and must be faced by every citizen. In fact, everyone can take simple steps to protect himself and his property. Criminal justice agencies can do little to reduce crime without the sympathy and support of the community.

Citizens can make their own residences more secure against criminals through the suggestions offered by Clarence R. Demoret, assistant director of program coordination for the Indiana Criminal Justice Planning Agency, and Herbert A. Robert and George W. Young, law enforcement coordinator and assistant law enforcement coordinator for the planning agency, respectively.

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

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

CRIME PREVENTION GUIDELINES FOR CITIZENS

RESIDENTS' ASSESSMENT OF SECURITY MEASURES

Will an intruder approachng a residence be observable to a neighbor?

Are the neighbors apt to be present to see an intruder?

Will the intruder's presence be apparent?

Are the accessible doors and windows to a residence locked?

Are the locks adequate to withstand common techniques of forced entry?

Are the doors, the frames, and the hinges resistant to common techniques of forced entry?

If the burglar gets in, will his presence be detected?

If a burglar is detected, what is likely to happen?

Will a burglar desist when he becomes aware of the security measures which are present?

Are there ways to make a burglar more aware of the security measures, without diminishing their effectiveness?

How does the residence compare with others in the area, in terms of the observability of entry points, occupancy patterns, ease of illegal entry through doors and windows, and the possible detection of intruders within the premises?

MEASURES TO REDUCE VULNERABILITY CAUSE BENEFITS IN TERMS OF REDUCED CRIME RISK

The cost-effectiveness of a given security device in a particular residence depends upon a number of factors, among which the most significant are:

The vulnerability of the particular residence compared to others in the area.

The anticipated loss, should a crime occur.

The effectiveness of the device in reducing the vulnerability of the residence on the anticipated basis.

The extent to which the device reduces apprehension or fear about crime.

The purchase, installation, and maintenance costs of the device, as well as the cost of associated devices or services.

The non-monetary costs of the device, including any necessary adjustments in household behavior, interference with privacy or other values, and nuisances caused by malfunctions.

It is impossible to prescribe the relative importance that a resident should assign to security expenditures, as opposed to alternative outlays.

MECHANICAL, ELECTRO-MAGNETIC AND ELECTRONIC SECURITY EQUIPMENT (ALARMS)

Detectors and sensors

Intrusion detection devices are designed to detect presence or motion, or both. One example is ultrasonic motion detectors, which will not detect the presence of a person standing still, but will quickly sense an intruder moving through their range. Passive infra-red detectors, contrariwise, may detect an intruder by reading a person's infra-red radiation, regardless if he be in motion.

Another class of devices requires an intruder to break a circuit—a beam, magnetic door, in entrance ways or other areas—whereby the presence of an intruder is reported by triggering an alarm.

All such devices are designed to function in an environment in which the motion or presence of an intruder needs to be reported or indicated.

A difficulty in using these devices in residence environments is the resultant restrictions it imposes on the normal use of the residence; also the need to observe required procedures.

The devices have to be activated when the residence is going to be unoccupied.

They may be activated when the occupants retire for the evening; however, all occupants must be trained not to activate the alarm by accident.

Alarms

All intrusion detection devices should be connected to some sort of an alarm, siren, bell, horn, or other loud sound-producing device; however, they may also be connected to a *silent* alarm linked to a remote monitoring station, a neighbor's house, or some commercial agency especially utilized for this purpose.

When an alarm or intruder detection system is utilized, the system should be attended properly. One should be attentive to prevent false alarms; i.e., the activating of the alarm by carelessness. For, if an alarm is to be efficient, it must be carefully operated. It follows that if the alarm system is activated frequently by carelessness, it will lose its effectiveness. Those whom you depend upon to aid you or call for assistance will tire of the false alarms, and thus will not act when you need them most.

If the residents elect to utilize a communicated (silent alarm) they are buying a whole range of services related to the monitoring and response to alarm signals.

There are numerous intruder alarms systems on the open market; therefore, one needs to determine which may meet his particular needs. Recently, most mail order houses have advertised security systems, up to and including a security survey.

Though the intent may be good, always give second thoughts to allowing a stranger to survey your residence without proper background information.

SECURITY DEVICES AND SYSTEMS

Door systems

Even the best lock cannot afford the protection claimed for it, unless it is part of a door or window that has a minimum number of construction and material supporting factors.

Whether the door is constructed of wood or metal, is solid or hollow-core, how well it fits to the frame—these, and other considerations, will determine how resistant the door is to forced entry, in addition to how it is secured with locks.

There are many different kinds of doors in residential use. The types and qualities of materials used in door construction vary from neighborhoods, and from different resident builders. The quality and prices of doors vary, and even more so for replacement doors.

The vulnerability of a door, as compared to its frame, hinges, and other accessories, is usually defined in relationship to its penetrability; i.e., how easy it is—or how long it takes one to break through the door itself.

Breaking through a door is not the most common method used for defeating a door system. A hazard exists, if the door fits loosely to the frame, allowing it to be pried or forced open.

USUAL TYPES OF DOORS USED IN RESIDENCE CONSTRUCTION

Flush doors

There are two common types.

Hollow Core: This type of door is nothing

more than two sheets of thin substance overlaying hollow cardboard strips.

Despite the obvious ease of penetrating this type of door, they are being used as exterior doors of new residences, because they are less expensive than other types of doors.

Solid Core: This type of door has a substantial security advantage over the hollow-core door. A common type of solid core door construction is composed of wood blocks bonded together, with end joints staggered, and sanded smoothly to a uniform thickness. This type of core provides good strength in width and dimensional stability.

Solid cores add sound insulation, fire resistance and security to flush doors. These doors are often used between a house and such hazardous fire areas as garages and utility areas.

Stile and rail doors

This type of door varies in its security characteristics. Thickness, the type of wood used, and the quality of fit to the frame are important considerations.

Some panel and louver designs provide more resistance to attack than hollow-core flush doors; sash, storm, and screen designs offer little or no security at all.

Metal doors

From a security perspective, a steel-sheathed door comes with a metal frame which usually is reinforced by interior formed sections. Metal doors, however, are less attractive and they offer less insulation than wood doors.

Hinges

The security value of the door hinge is often overlooked. A well-secured hinge protects a residence against two types of forced entry: (1) forcing the door out of the frame; and (2) lifting the door out of its frame after removing the hinge pins.

From a security standpoint, the most important features of a hinge lie in whether it is located on the inside or outside of the door and (if the hinge is on the outside) if its pins are removable. A door opening outward is less vulnerable than one opening inward, because it is much more difficult to pull a door outward from its frame than to push it inward.

If a door opens outward, however, the hinge pins will also be on the outside, thus making it possible to remove the hinge pins and gain entry.

Remedies

There are several easy remedies for the security of a door opening outwardly. One is to weld the pins to the hinge or between the two ends. Although this method is effective, it also is permanent.

Also, there are three additional methods of remedy: One requires drilling a small hole through the hinge and inside pin and inserting a second pin or small nail flush with the hinge surface. The pin or nail can be made removable, as desired. Another method is to insert two large screws in the door or jamb, leaving the heads exposed about one-half inch. A hole is then drilled on the opposite side, so that the exposed screw head fits in it when the door is shut. This prevents removal of the door, even if the hinge pins are removed. The screw head can be removed, if desired, thus preventing removal of the screws.

A third technique is a minor variation of the above, with the difference being that the screw is used in one of the main hinge screw holes in both upper and lower hinges, where it is left extended about one-half inch, so that it slides into a drilled hole on the opposite side when the door is closed. It should be noted that this technique may weaken the door installation to some extent, since it reduces the number of screws holding the hinge to the door.

LOCKS AND LOCKING DEVICES

Here, concern should be directed to the resistance of locks to forced entry by amateurs or relatively unskilled intruders, the types of persons who commit the majority of burglaries.

There are five major categories of locks used in residences.

Cylindrical (key in knob) locks.

Mortise Locks.

Cylinder Deadbolt Locks.

Rim Locks.

Cylindrical Locksets with Deadbolt Functions.

The security aspects of these types of locks and miscellaneous auxiliary locks may be discussed separately.

Cylindrical (key in knob) locks

This type of lock is also known as a key-in-knob lock. It is the most widely used in residential construction, because it is inexpensive. It is used in apartment building also because it is simple to rekey.

The better cylindrical locks have deadlocking latch in addition to the spring latch, but they afford the least amount of security. Since the cylinder is located inside the knob, there is no way of protecting the lock against simple attack. The less expensive cylindrical locks have even more serious security shortcomings. They are made of lightweight metals and poorly machined parts, and they do not have a deadlatch. In most cases, they can be opened with a credit-card-type strip of celluloid or plastic.

Most cylindrical locks have a button on the inside knob, which can either be pushed or turned to lock the unit. The better-quality cylindrical locks have a "panic-proof" design that permits the inside knob to be turned in either direction to open.

Despite the minimum security protection afforded by this type lock, it maintains its popularity because of its basic simplicity, relative low cost, and its ease of installation and replacement.

Mortise locks

This type lock fits into a cavity cut into the outer edge of the door. It has declined in popularity, however, since the introduction of the cylindrical lock.

Mortise locks are more expensive to install, because large sections of the door and jamb have to be especially mortised to fit the lock. A good mortise lock should have a deadbolt with a sufficient throw to fit securely into the door frame. This is defined as at least one inch for doors that fit their frames loosely.

Cylinder deadbolt locks

Single cylinder deadbolt locks are becoming the most popular security auxiliary lock. They are usually installed above the primary lock, and they are available with a one-inch throw deadbolt. The best designs of this type have steel cores and cylinder guards which are designed so that they cannot be twisted, pried, or broken off.

For security purposes, the double-cylinder lock is preferred to a single cylinder lock, since it effectively offers two locks, with the second one being operated from an inside cylinder that is locked separately. Thus, even if an intruder breaks a window and reaches inside, he still cannot unlock the door without a key.

It must be remembered that this type lock causes a potential safety hazard, which might be particularly acute in case of fire or other emergency where rapid entry and/or exit is essential.

Rim locks

These locks differ from other types, in that they generally are not used as the primary lock. Rim locks are installed on the inside of the door, usually above a vulnerable primary lock. They are equipped with either horizontal or vertical sliding deadbolts, with the latter being preferred because it prevents intruders from spreading the door from the jamb to defeat the lock. Rim locks make an excellent auxiliary lock.

Cylindrical locksets with deadbolt functions

This type lock is fairly new to the security hardware market. The better designs incorporate a one-inch-throw deadbolt, a recessed cylinder to discourage forceable removal, concealed armor plate to resist drilling, and a cylinder guard which spins freely when the deadbolt is in position. Also included is a panic feature which assures that the knob will turn freely from inside, to permit rapid exits.

Available auxiliary locks

Deadbolt devices attached to the door and frame can only be secured from the inside.

Padlocks and horizontal bar latches are useful to provide an additional access barrier.

A chain lock which requires a key to unlock should give the suggestion to an intruder that the residence is occupied.

WINDOWS AND SLIDING GLASS DOORS

Windows and sliding glass doors pose more complex security measures than do doors themselves.

The choice of window size or type is based primarily on ventilation and lighting considerations, with a strong secondary emphasis on attractiveness. Only to the extent that a properly placed window makes vulnerable areas observable does a window have security values. In all other respects, windows decrease security of a residence.

The cost of burglar-resistant glass, and the replacement frame and sashes such installation entails, is prohibitive for residential installations. Also, in many glass doors with moveable sashes, the lock or latching devices are susceptible to manipulation from the outside. Such a simple technique as inserting a coat hanger or other form of twisted wire through a crack between sashes is sometimes sufficient to release the latching device.

One simple method to secure windows, either singly or doubly hung, including sliding glass windows, is to drill one or more holes through the sash and frame, and then insert a pin or nail to prevent the windows from being opened. Louvered windows are particularly vulnerable, since there is no practical way to secure them.

The principal alternative available for protecting vulnerable windows is to mask them with steel bars, metal mesh, or grillwork.

LIGHTING

Outdoor lighting can be one of the most effective deterrents against crime. When properly used, it discourages criminal attacks, increases natural observability, and reduces fear.

One critical aspect of protective lighting in outdoor applications is coverage; i.e., the number of lighting sources used to cover any horizontal or vertical surface. This is especially important in open terrain where landscaping or man-made barriers would cast large, deep shadows, if all light were coming from a single direction.

Single-family housing

It is difficult to conceive specific lighting standards which would suit all residential requirements; however, certain suggestions are apropos.

Exterior Lighting: (1) Floodlights to direct lighting to shadowed areas and points of possible entry, including entrance doors and windows; (2) Porch and outside garage lights; (3) An automatic on-and-off procedure or time-oriented switch.

Interior Residence Lighting: (1) Leave lights on in the residence when absent; (2) Change location of lights from time to time; (3) Use automatic timer switches.

OTHER SECURITY CONSIDERATIONS

To secure homes against burglars and other unwanted intruders, residents should:

Arrange a cooperative house watch system, in conjunction with their neighbors.

Advise the neighbors of the location of lights which will be left on.

Whenever possible advise where you may be contacted in case of an emergency.

Leave a radio, television, or record player on when absent from a residence.

Park a vehicle in the driveway, when absent from a residence, if possible.

During the winter season, arrange with neighbors to clear snow from vehicles and other areas, to give the appearance that a residence is occupied.

SECURITY WHEN TRAVELING

When at a motel or hotel, leave light on in bathroom, with the door ajar, giving the inference that someone is about. This will also provide you with sufficient lighting to allow you to find some way around in a strange environment and will also provide lighting which will enable you to see any intruder.

CJ COMMISSION OKAYS $600,000 FOR PROGRAMS

At its December meeting, the Indiana Criminal Justice Commission approved some $660,000 in action grants for law enforcement, crime prevention, and judicial and corrections programs, said James T. Smith, commission chairman.

Among the grants were $62,867 for the East Chicago Police Department to upgrade its communications system and $31,783 for the Marion County Sheriff's Department to buy 35 portable radio transceivers.

Other grants included $2,902 for the South Bend Police Department to purchase a polygraph and $2,912 for the Wabash Police Department to buy two mobile radios and one portable transceiver. Also funded were the Anderson police to purchase five mobile radios for $3,159 and for $6,000 to establish a crime prevention bureau.

ISP ENFORCEMENT AID FUNDED

The Indiana State Police were awarded $42,593 for its enforcement aid fund and Montgomery County was given $13,358 to continue its youth service bureau.

Some $22,000 went to the Terre Haute police to continue a police-school liaison program, while the City of Fort Wayne received $60,827 which represented first year funding for a Street Outreach Worker Program which is to be operated jointly by the city and the Fort Wayne Parks Department.

Also, the Michigan City Schools were awarded $33,000 which represented first year funding for a parent delinquent education program, and $43,137 went to the Bloomington City Court to continue a multi-county alcohol abuse treatment and management project.

PROSECUTOR AND COURT PROGRAMS FUNDED

The Marshall County Prosecutor was given $5,000 to continue a student intership program, while the Hamilton County Prosecutor received $19,577 to be put to the same use.

The Jefferson-Switzerland Circuit Court was awarded $1,350 to enable it to hire a summer student intern, and the St. Joseph County Superior Court was given $17,000 to continue a volunters-in-probation program.

Some $35,000 went to the Gary City Court for expansion of a volunteer-in-probation program to include family counseling and psychological testing.

In the corrections area, the Indiana Boys School was awarded $54,584 to continue its juvenile diagnostic unit, and the Indiana Reception and Diagnostic Center received $48,103 for pre-sentencing diagnostic services.

JUVENILE PROGRAM TARGETS CRIME PREVENTION

One recent move in crime prevention undertaken by the Indiana Criminal Justice Planning Agency lies in the area of juvenile crime prevention, where the ICJPA has begun the implementation of a total youth services concept to provide treatment and services for juvenile offenders and their families.

Currently funded for $140,000 is Regional Youth Services, Inc. in ICJPA's Planning Region VII.

The project is organized and designed to provide crime prevention and rehabilitative services on a regional basis to the counties which comprise Region VII.

17 COUNTIES ARE INCLUDED

Included are Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur and Floyd counties. Other counties receiving services include Harrison, Jackson, Jefferson, Jennings, Ohio, Orange, Ripley, Scott, Switzerland and Washington.

Regional Youth Services, Inc. is organized on a total community concept. That is, once the juveniles are referred to the organization by a court, the Youth Services organization attempts to utilize all resources of a community to effect a solution to what it defines as a community problem.

Judge Harry Poynter of the Clark County Superior Court, who serves as project director, works in conjunction with Robert Durig, Ph.D., who oversees project functioning. The project performs an initial diagnostic function to evaluate a juveniles' situation at the time of referral, then attempts to enlist whatever assistance may be required within a community—probation, welfare, parole, service clubs, religious groups and churches, social agencies, and others—in an effort to mold the situation into a curative atmosphere designed to prevent crime and rehabilitate the youthful offender.

ALTERNATIVE TO COMMITMENT

The program is seen as an alternative to institutional treatment, operating on the theory that community treatment is more effective because it permits the juvenile to lead a normal life while being treated.

Both individual and group counseling are provided under the program. Another technique utilized is that of conjoint family therapy. Over 90 percent of the participating juveniles are placed into foster care. Often, this may involve relocation, though at all times the welfare and good of the juvenile are considered.

The project is one of Indiana's first attempts to use a total community approach to treatment as a means of crime prevention. Its success, says Frank A. Jessup, executive director of the Indiana Criminal Justice Planning Agency, could lead to statewide implementation of similar projects.

THE ACHIEVEMENT OF RALPH MURILLO

Mr. TOWER. Mr. President, I would like to bring to the Senate's attention the accomplishments of a young man of whom we all should be proud.

Ralph Murillo of El Paso, Tex., was honored here last week by Vice President ROCKEFELLER, as one of the 10 outstanding handicapped Federal employees of 1974. This award is only the most recent in a series that have punctuated Mr. Murillo's scholastic and business career; and I expect, from the evidence of his competence, ambition, and vitality, that there will be many more.

Mr. Murillo is community economic industrial planner in the small Business Administration's El Paso branch office. His job emcompasses both the duties of a minority enterprise representative and those of a business development officer. His activities in this area have broadened to include a weekly radio program conducted for the benefit of the small business community. A graduate of the University of Texas at El Paso with a B.A. in political science, Mr. Murillo will also soon receive a second degree in business administration from El Paso Community Office.

His energy and enthusiasm undepleted by professional demands, Mr. Murillo has also been very active in Cub Scouts and other youth programs, civic service, and the El Paso Association of the Physically Handicapped.

Although Mr. Murillo was severely handicapped by polio, which he contracted at the age of 3, a list of his achievements and the numerous ways and means by which his efforts have borne fruit would belie the definition of "handicapped." To the contrary, I would say that he is a young man who has been greatly gifted, and who, fortunately for us all, intends to make the most of his substantial talents.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, George F. Wills' April 18 column in the Washington Post, "Remembering Buchenwald," is a reminder to this body of the need to ratify the Genocide Convention.

Mr. President, I ask unanimous consent that Mr. Wills' article be printed in the RECORD.

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

REMEMBERING BUCHENWALD

(By George F. Will)

Elie Wiesel, the novelist, was a young boy when he, his parents, baby sister and other relatives were deported from Hungary to Auschwitz. His mother, sister, and other relatives died there, and he and his father were moved to Buchenwald, where his father died shortly before the Americans arrived.

In Wiesel's autobiographical novel, "Night," the protagonist, a boy, remembers Auschwitz:

"Not far from us flames were leaping up from a ditch, gigantic flames. They were burning something. A lorry drew up at the pit and delivered its load—little children. Babies! . . . Never shall I forget the little faces of the children, whose bodies I saw turned into wreaths of smoke beneath a silent blue sky."

It is a time, 30 years later, for remembering the holocaust, and for foreswearing the innocence that should have died with the millions of innocents. It is time to remember Buchenwald, the concentration camp located on a hill above Weimar, home of Schiller, Liszt and Goethe.

Around noon, April 11, 1945, the SS men left. That afternoon U.S. tanks rolled into the camp. As camps went, Buchenwald was not ambitious. Fewer than 60,000 people died there. The principal killing camps were in the east, outside of Germany.

But Buchenwald provided the West with the first shattering sight of what can be done when a modern state is put on the service of radical evil. It is the joining of

ancient sins and new forms of tyranny that has made this century a charnel house—the worst century in terms of the quantity of inflicted death, and in terms of gratuitous ideological beastliness.

The counter-intuitive is always fascinating, and the Holocaust refutes those modern intuitions that flatter men.

"What a piece of work is man!" exclaimed Hamlet, who knew better, "How noble in reason! how infinite in faculty! . . . in action how like an angel! in apprehension how like a god! the beauty of the world! the paragon of animals!"

In 1936 a piece of work called Herman Goering arrived late at a reception at the British Embassy in Berlin, explaining that he had been shooting. British Ambassador Eric Phipps, who was leaving Berlin and thus could be incautious, replied, "Animals, I hope your excellency."

One could not be sure about such things in the middle of the 20th century in the middle of Europe.

The Holocaust was not just the central event of the 20th century, it was the hinge of modern history. It is the definitive (albeit redundant) refutation of the grand Renaissance illusion that man becomes better as he becomes more clever. The most educated nation in Europe built modern transportation systems and machines, and transported Jews to machines of mass murder.

The Holocaust, like most modern atrocities, was an act of idealism. It did not make economic sense, and it hindered the German war effort, but it was a categorical imperative for Hitler, and hence worth all the trouble.

Genocide requires bureaucratic organization to bring together men and material, railroad rolling stock and barbed wire, Zyklon-B gas and ovens. As the Israeli court in the Adolf Eichmann trial noted, acidly: "The extermination of the Jews was . . . a complicated operation . . . Not everywhere was convenient for killing. Not everywhere would the local population submit to the slaughter of their neighbors."

The size of the gas chambers defined the issue. Their purpose was not the punishment of individuals for violations of known laws. Rather, their purpose was the liquidation of a people whose crime was existing.

A task of that scale required paper work, record-keeping, tidiness: a loudspeaker in one camp announced the request that anyone planning suicide should, please, put a note in his mouth with his number on it.

Eventually the bureaucracy tattooed victims of what it called the "negative population policy." It is still with me, the chill I felt on a warm summer night in 1964 in a cafe in Brussels, when I saw the blue numbers on the forearm of the matron at the next table.

There was nothing new about cruelty to Jews and other vulnerable people. Remember, for centuries Jews and gypsies (also Nazi victims) were considered "uncanny" and "not belonging" and were hounded through history.

There was a time when some Rhineland nobility hunted not foxes but gypsy women. To force the women to run from the baying hounds even when desperately weary, the huntsmen lashed the women to their babies. This occurred in the 18th century, the age reason and good horsemanship.

What was new about the Nazis' "final solution" was the bureaucratization of cruelty.

WAGES AND INFLATION IN EUROPE

Mr. BROCK. Mr. President, a recent editorial painted an interesting picture of the economic situation today in Europe. It poses some object lessons for us as well, and I ask unanimous consent that those comments be printed in the RECORD.

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

WAGES AND INFLATION IN EUROPE

Economics is a lot more than charts and tables. The economic life of a nation is, in fact, a continuous referendum in which everyone not only keeps having to express opinions but express them with real money. As an example of the way things work, it is instructive to contrast two recent European wage settlements and their consequences. In Britain last month the miners won a 31 per cent increase in wages. Since coal mining is a nationalized industry, in effect the government itself granted the increase. That makes it difficult for the government to refuse similar raises to the other unions now invoking the miners as a precedent. The inflation rate in Britain over the past year was 20 per cent, and the size of the miners' settlement adds weight to predictions that inflation will be even steeper over the coming year. The inability of the British government to restrain wages is hardly a new phenomenon, but it is cause for increasing dismay.

In West Germany, the crucial wage settlement involved the metalworkers' union. They got a raise of 6.8 per cent, very close to the 6 per cent rise in the German cost of living over the past year. Like the miners' raise in Britain, the metalworkers' negotiations have set a general pattern for the rest of the unions in Germany. The comparison helps explain why Germany's inflation is the mildest among the rich countries, and why Britain's is not only among the highest but also rising rapidly.

Both countries are governed by socialist parties. The difference is that the German government has managed to keep control of economic policy while a succession of British governments have not. The reasons probably have less to do with the current performance of individual politicians than with the whole web of national experience since World War I, as working men and union members felt and understood it. Whether you choose to call it responsibility or docility, the German unions seem to have decided that they profit more substantially when they go along with the national consensus. In Britain there is very little national consensus on economic goals. The idea of the British as a tightly cohesive, homogeneous people evidently needs revision. The last Conservative cabinet was voted out of office a year ago because it could not deal with the unions, and now it appears that the Labor cabinet is not going to have any better luck with them. The present atmosphere is more amicable, but that amicability does not translate itself into lower rates of wage inflation. There was supposed to be a social contract between the unions and the present government to limit wage demands for the common good. While the concept of a social contract is currently enjoying a certain vogue in this country, it has become a term of derision in Britain.

Most of the European countries are, in one degree or another, going through the same recession as this country. It is a painful passage for all of them, but each meets it in a different frame of mind. In Germany there have been funeral salutes to the end of the great boom, and the concern over the present high level of unemployment is very real. But the country possesses the confidence of new wealth and three decades of steadily rising economic success. There is an epidemic of intellectual pessimism in Europe, but in Germany it takes on a rather detached tone.

In this country, there is not much of that pessimism; it is not the national style. Most Americans assume that while this recession is obviously a good deal deeper than the others of the past generation, it will turn around in due course as those others did. But underneath that assurance, a good many Americans are aware that they will emerge into a world rather different from the period before 1973. As a society, Americans will no longer be massively richer than everyone else. We shall continue to live very well, but there is a sense that we shall probably find ourselves living a bit more modestly than in our recent past. As for the British, they have the unhappy knowledge that the recession is only the latest in a chain of misfortunes that have overtaken them over the years and left them with the lowest economic growth rate of any of the major nations. As recently as 1960 they were the richest of the Europeans. Now they have been far overtaken by both Germany and France while the collisions between British unions and employers—especially when the employer is the government—grow steadily more damaging.

SENATOR ROBERT C. BYRD'S ADDRESS TO HUNTINGTON ROTARY CLUB

Mr. HUDDLESTON. Mr. President, on Monday, March 31, Senator ROBERT C. BYRD addressed a luncheon of the Huntington Rotary Club in his home State of West Virginia. He was introduced by Dr. Stewart H. Smith, the distinguished former President of Marshall University and a man who has made significant contributions to his community as well as to the university.

I ask unanimous consent that the introduction by Dr. Smith and the speech by Mr. BYRD be printed in the RECORD.

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

INTRODUCTION, SENATOR ROBERT C. BYRD, HUNTINGTON ROTARY CLUB, MARCH 31, 1975

When the city state of Athens fell before the onslaught of the Spartans in 510 B.C., some of its greatest thinkers walked amidst the ruins and dreamed and talked of a perfect government. The philosopher Plato told of the qualifications of those who should govern.

He said that among the youth of the nation only those with the greatest sense of justice, of loyalty to their country, and the greatest powers of intellect and character should be chosen to serve the highest function of humankind, that of governing one's fellows.

24 centuries later a boy was born in the little mountain town of North Wilkesboro, North Carolina, whose life was destined to exemplify Plato's lofty qualifications.

Orphaned as a small child, he surmounted one obstacle after another until he is regarded as one of our most distinguished West Virginians.

He attended Marshall University for a time during the middle forties and I am sure that was a big factor in his later achievements. Last year Marshall awarded him the honorary degree of Doctor of Laws and a number of other colleges and universities have conferred honorary degrees upon him.

He has held more elective offices than has any other individual in the history of W. Va.

He was elected to the House of Delegates in 1946 and re-elected in 1948. In 1950 he was elected to the W. Va. Senate and to the U.S. House of Representatives in 1952–54 and 56.

He was elected to the U.S. Senate in 1958 and re-elected in 1964 by the greatest numerical vote and by the greatest numerical majority vote ever accorded a W. Va. candidate.

He won the 1970 primary with the highest percentage (89%) of votes ever received by a candidate in a W. Va. statewide election.

In the general election that year he carried all 55 counties which was also a first in the State's history.

During his earlier years as a U.S. Senator, he attended night classes at the Law School of American University where he earned the Doctor of Jurisprudence degree, cum laude.

He has served in the Senate for 16 years during which time his percentage of attendance at Roll Calls was 96.4%. Last year his percentage of attendance was 100%.

He is a member of the Appropriations Committee, the Judiciary Committee, and the Committee on Rules and Administration.

In January 1967 he was elected Secretary of the Senate Democratic Conference and was re-elected by a unanimous vote in January 1969.

He was elected Senate Democratic Whip in January 1971 and re-elected to that office by a unanimous vote in January 1973.

We have the honor today to hear from one of our Nation's leading statesmen; a man of reasoned judgment, fearless action, and unwavering devotion to his State and Nation.

The Junior Senator from West Virginia.

The Honorable Robert C. Byrd.

Senator BYRD. Mr. Chairman, ladies and gentlemen:

It is a pleasure for me to be back once again in Huntington and in Cabell County. It is always good to greet old friends.

Just over one year ago, we were given a taste of the inconvenience and frustration that can strike a highly industrialized and highly mobile society when the energy fuel that we must depend on is suddenly denied us in the quantities needed to maintain our industrial production and our style of living.

For the past six months, inflation and recession, high unemployment and high prices have occupied center stage in the American economy, and they certainly are problems that must be solved as rapidly as possible. But lurking in the immediate background is the fact that petroleum imports still constitute one quarter of the total value of our annual imports.

In 1974, according to figures supplied by the Federal energy office, and agreed to by private economic sources, the United States imported $29 billion worth of oil and oil products—an increase of 300% over the $7½ billion we spent for oil imports in 1973.

As you know, of course, this rise in the cost of foreign oil is creating severe disruptions in our international trade posture. This will continue to produce a worsening imbalance in our trade and in our balance of payments picture unless domestic consumption of oil is reduced and domestic supply is increased.

International political intrigue and jealousies and hatreds that exist between nations in the Middle East have played a significant role in the decision by the Persian Gulf leaders to raise their oil prices to such astronomical levels. Up to the beginning of 1974, U.S. oil companies were paying $3 a barrel for foreign oil. In January, 1974 that price jumped to $11.65 a barrel, and it has stayed at, or a few cents a barrel above, that price since.

What is most significant about the price hike is that it bears no relationship to cost. It costs 10¢ to 20¢ a barrel to bring Middle East oil out of the ground. But the producing governments' take out of a barrel of oil, which until a year ago was $1.77 a barrel, is now approximately $7.00 a barrel. This steep rise in price is playing havoc with the economies and with the cash reserves of the industrial nations that depend on imported oil to fuel their industries and sustain their economies.

Saudi Arabia, with a population numbering less than the population of New York City, is now second in the world in cash reserves behind only West Germany. It is ahead of the United States and Japan.

Wishful thinking is not going to change this unsatisfactory situation. The most effective way in which the United States can counteract this trend toward even greater dependence on foreign energy fuel, and toward even greater deterioration in our foreign exchange position, is for the government, and industry and the citizens to cooperate in maximum conservation and maximum domestic production of energy fuels resources.

So far, despite the hardships that we experienced during the oil embargo of a year ago, we have done a poor job of conserving gasoline. Gasoline is taking a larger and larger share of the oil market. For instance, in 1973, gasoline use represented 42% of total oil demand in the United States. After the embargo, and the drop in consumption, it was hoped that the use of gasoline and gasoline's share of the total oil products distribution would fall. On the contrary, the latest figures from a consensus of the Federal Energy Administration, and statistical studies by private oil economists, show that gasoline's share of total oil products distribution in the U.S. rose from 42.1% in 1973 to 43.5% in 1974.

By comparison, oil used for home heating fell from 17.5% of total oil products distribution in 1973 to 17% in 1974. Liquefied gas from crude oil fell from a 9.1% share of total distribution to 8.9%. Distillate fuels from crude oil fell from 19.3% of the total in 1973 to 19% in 1974.

It is true that weather conditions have an effect on the use of home heating oil and liquefied gas, but it is significant that of all the categories into which crude oil is broken down in the refineries, gasoline is the only one that showed an increased in consumption between 1973 and 1974.

Everyone agrees that energy fuels conservation is a first priority toward achieving a U.S. energy independence. Conservation in the use of gasoline is the number one essential. We waste enormous amounts af gasoline, both by carelessness and by non-essential use.

Now, gentlemen, this is a serious problem. The facts have got to be impressed upon the Nation's consciousness.

There are people who do not believe that there is any necessity for saving gasoline or cutting down on its use. They do not believe that there is any shortage, present or impending—and, in fact, there is not a present shortage.

On the contrary, the world's storage facilities are full. There is more gasoline available now than there has been at any time in recent months. The OPEC cartel, indeed, would like to be producing and selling 20 to 25 percent more oil than it is now shipping. As a result production has been cut back some 10% in Iran, 30% in Saudi Arabia, nearly 50% in Kuwait, and more than 50% in Libya.

But the price remains high, and may go higher, despite all the laws of economics. And people—when they are being urged by Government to conserve—can be forgiven for asking, what in the world is going on?

What is going on is that the United States and the industrial nations are in trouble. It can get worse. The people of this country have got to be brought to an understanding of that simple fact.

The problem boils down to two things: (1) we cannot afford to continue to send $29 billion a year out of the U.S. to pay for oil—a fact that contributes both to inflation and to recession; and (2) we cannot afford the threat to our national security that is implicit in this situation. What would we do for fuel for tanks, and planes, and ships, and trucks, and locomotives in an unexpected war?

Gasoline use—petroleum use—in the United States must be viewed and understood in the context of a world situation and a domestic situation that grows worse, not better, in terms of our national interest.

The Middle East peace talks have collapsed. The Geneva meeting is unlikely to move the two sides nearer to a settlement. Portugal totters on the brink of communism and could be lost to NATO along with the Azores. The moderating influence of King Faisal is gone. Another Arab-Israeli war is possible and a renewed oil embargo is by no means out of the question.

What I am attempting to emphasize is that we have serious problems that will take all our ingenuity and skill to overcome. And along with that ingenuity and skill, there will have to be a dedication and a determination on the part of all of us to bear whatever burdens or make whatever sacrifices that are necessary to ensure our national security and restore to America a healthy, viable economy.

National security and a healthy economy are not possible if we lack adequate supplies of the energy fuels needed to keep our economy at full capacity. There is practically no facet of our economic or social life that does not depend on energy. We are an energy-dependent society. Energy is the single most important commodity in America. Until we come as close to energy self-sufficiency as possible, we can never be completely the masters of our own fate.

We have set a goal of doubling our coal production by 1985. If this is to be achieved, many new mines will have to be opened, and they are enormously expensive. Just last week, the Old Ben Coal Company announced its intention to open a new deep mine in Illinois at a cost of $93 million.

And, if the coal production goal is going to be possible, we have a major rehabilitation job to do on our national railroad system. Our present coal freight rail capacity is probably inadequate for a greatly increased tonnage.

Meantime, the experts, in and out of Government, can't agree on how to keep a coal carrier like the Penn Central running—or even where the money is coming from to buy needed hopper cars and maintain roadbeds on many solvent lines.

My purpose in these remarks is not to paint the darkest picture with respect to our country's use of petroleum, but to paint a realistic one—one that I am convinced all too many of our citizens do not yet fully comprehend.

Both the Congress and the executive branch are seriously and diligently seeking the right and prudent answers to the problems that beset us. Many departments and agencies of Government are involved.

The key word is realism. All of us have got to understand the situation we are in. And we have got to be realistic about it.

Strict conservation of energy fuels—particularly gasoline—is essential to our future well-being as a nation. Greatly increased exploration for and production of oil and natural gas within our own land is an inescapable duty. These steps are not just desirable. They are absolutely vital to our future. And everyone can help. For instance, if every automobile owner in America used just five gallons less per week than usual, we could save no less than 25 billion gallons of gasoline a year. And that would be a tremendously significant contribution toward our energy self sufficiency.

The Congress has passed a number of energy-related measures and is working on a number of others; and we, in this country, have licked a lot of tough problems before.

All of us have got our work cut out for us.

ANOTHER TITANIC?

Mr. DOMENICI. Mr. President, one of the main concerns of those of us on the Senate Budget Committee is to guarantee that whatever recommendations we make do not refuel inflation all over again. We know we need temporary stimulation of the economy. But, we also know that we must not begin new, open-ended programs that can burgeon into deficit-increasing systems in just a few years.

The American people, in their unique manner, are very aware of the difficulties caused by unrelieved, huge deficits. They are writing letters to me and many of my colleagues, warning us of the danger of a new round of inflation.

We should all heed the voice of the American people. One excellent expression of this concern is an editorial in the Los Alamos Monitor, a newspaper in my State. The editorial writer sums up the dilemma with an excellent metaphor—is the economic ship of state another *Titanic?* I ask unanimous consent that this editorial be printed in the RECORD for the consideration of my colleagues.

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

ANOTHER TITANIC?

If the predictions made by some fairly prominent forecasters are even partly correct, the American ship of state is in for a rough crossing as it sails across the seas of recession and inflation. Both George Mahon, head of the House Appropriations Committee, and Arthur Burns, who heads the Federal Reserve System, have said that the Congress is over-reacting in its efforts to end the recession and that hyper-inflation will be howling about the Nation's head within a matter of a couple of years.

Those two gentlemen agree on few things, but they've both been quoted as saying that the size of the deficit, that the sheer awesome magnitude—somewhere between $50 and $100 billion—of the deficit in the 1975–76 Federal budget is enough to guarantee explosive price increases in this country. This is particularly true, other observers claim, if there is enough money pumped into the economy to keep the construction industry afloat.

It seems that quite a few people believe the United States can't have it both ways, that it won't be able to borrow incredibly huge chunks of money and at the same time keep prices on an even keel. If the treasury borrows $50 billion in the coming fiscal year, then obviously that money won't be available to build houses or buy equipment or pay employes. And that the only way that the government will be able to keep those activities from grinding to a halt as sources of capital dry up is to simply print a lot more money.

If the country isn't terribly careful, its efforts to extricate itself from the recession will cause it to capsize in a sea of red ink.

SENATOR KENNEDY'S ADDRESS ON NUCLEAR NONPROLIFERATION

Mr. HUMPHREY. Mr. President, I sincerely commend Senator KENNEDY for his active sponsorship of Wednesday's successful conference of the Arms Control Association.

A formal review of the Nonproliferation Treaty by its signatories is due next month, and this wide-ranging and sophisticated discussion served as an instructive preliminary.

We must face the fact that the Nonproliferation Treaty has not lived up to its promise. On the one hand, several near-nuclear nations are still averse to ratifying it. On the other hand, the nuclear powers which are party to it have not fulfilled their commitment to negotiate "effective measures relating to cessation of the nuclear arms race at an early date."

I believe it behooves the superpowers to take the initiative—not just to "cap" the arms race, but to stop and even reverse it. Our overkill capacity is staggering. Yet, even one nuclear bomb can be devastating, so minor and potential nuclear powers must also assume some share of responsibility to constrain armaments.

It is manifestly in the common interest of all nations, whatever their nuclear status, to recognize that nuclear power cannot be equated with military security or political prestige, to prevent the spread of such power, and to insist on the strictest safeguards in the peaceful application of nuclear technology.

I believe Senator KENNEDY's eight-step nonproliferation program deserves our immediate and serious attention. As he says:

Unless we and others act, today, this will in time become a world of many nuclear powers—a world that will be far more dangerous and uncertain than it is now.

I will work with Senator KENNEDY and others in the coming weeks and months as we grapple with the difficult task of halting nuclear proliferation.

Mr. President, I ask unanimous consent that the address by Senator KENNEDY at the Conference on the Nonproliferation Treaty be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE CONFERENCE ON THE NONPROLIFERATION TREATY

APRIL 9, 1975

It is a great pleasure for me to join with you this morning to talk about the critical subject of limiting the spread of nuclear weapons. I was honored that the Arms Control Association asked me to host this conference, drawing together such a distinguished group of speakers and participants.

In the four years since it was founded, the Arms Control Association has built an admirable record in increasing awareness of the importance of issues like the one we discuss, today. My thanks to its officers and staff for their excellent work, including the preparation of today's meeting.

I hope that, today, we will be able to cast some light on the issues facing the United States—and other nations—at the forthcoming review conference of the Non-Proliferation Treaty. Since it was negotiated seven years ago, the NPT has come to symbolize a significant effort by mankind to put a final end to the tyranny of nuclear weapons. But it would be self-delusion to believe that the NPT has solved the central problems of nuclear weapons, and their possible spread around the globe. The NPT is only one step in the right direction—one part of a major and comprehensive effort to bring sense and sanity into discussions and decisions about nuclear weapons.

It has been nearly thirty years since the atom bomb was used in war—thirty years in which man's memories of the twin holocausts of Hiroshima and Nagasaki have lost the force of immediacy; but the *fact* of these weapons remains.

During the past three decades, the power of the largest bomb has increased 4,500 times. The arsenals of the major powers have increased to staggering size, so that now the United States and the Soviet Union deploy the equivalent of more than a million Hiroshimas—more than 7,000 times the explosive power used by all sides in World War II.

And the secret is out. There are now five declared nuclear powers—and a sixth that has set off a nuclear explosion. But even more important, the technology of these deadly devices is easy to come by. We are now even worried that nuclear weapons will cease to be a state monopoly, but will be in reach of hijackers and others who are able to divert nuclear material from the massive quantities daily shipped about the globe.

During the same decades, we in the United States have focused our attention on relations with other nuclear powers—especially the Soviet Union. And it is a great success that there has been no nuclear war; that there *is* a doctrine of deterrence accepted on both sides; that it *is* possible to talk seriously about *controlling* the nuclear arms race.

The Strategic Arms Limitation Talks must be considered one of mankind's great political triumphs—one of the great testaments to man's ability in crisis to reach out for sense and sanity.

But in a very real way, what has been done at SALT helps to obscure new dangers—dangers which may in time prove just as deadly, just as threatening to our future on this planet.

As the two superpowers have focused on their direct nuclear relations, they have tended to lose sight of the ease with which other nations can build nuclear weapons. For many years, the superpowers acted as though by out-distancing all possible nuclear rivals, they would decrease the risks to the world from a spread of nuclear capabilities. Yet in maximizing their own nuclear power—in building potential rivals out of the nuclear sweepstakes—they have forgotten that it does not take a million Hiroshimas to wreak untold destruction: it takes just one. One bomb in the hands of a nation or group disposed to use it would still raise unacceptable dangers. It would still threaten the lives of tens of thousands of people somewhere in the world.

Today, in both Moscow and Washington, emphasis is on the "fine tuning" of nuclear relations. It is on newer, larger, more accurate, and more powerful weapons. It is on providing insurance against accidents to highly-controlled systems. It is on new devices to increase target-coverage, to introduce greater flexibility, or to seek control of the actual fighting of a nuclear conflict.

But while we focus attention on these third and fourth generation problems, we give little thought to the impact these developments will have on other nations. Yet I believe that both we and the Soviet Union are missing the most important issue of nuclear weapons. We are missing the most important threat to the future of mankind from the unlocking of the atom's deadly secret. Neither of the superpowers gain from continuing their own nuclear arms race, and they will both lose as their own actions call into being other such races, however insignificant they may seem in comparison.

Let us then break the old habit of seeing problems of nuclear weapons solely in terms of U.S.-Soviet relations; let us break the cycle of arms competition that feeds upon itself—to no benefit for either side—while helping to foster an even more deadly danger.

Unless we and others act, today, this will in time become a world of many nuclear powers—a world that will be far more dangerous and uncertain than it is now—a world

in which the security provided by superpower deterrence will not suffice: not for many nations, and perhaps not even for the superpowers, themselves. This is the first critical lesson of the new era of nuclear power. Yet it will be of value only if there is a shared view that the dangers of nuclear spread outweigh its value to any individual nation. It is too late to *impose* nonproliferation on the rest of the world.

Of course, it is important for us and others to gain greater control over the technical possibilities for building nuclear weapons. This means we and others must reassess the value of nuclear power for peaceful uses—in particular the generation of electricity. This means recognizing the inherent dangers of spreading nuclear materials—in increasing quantities—to the far corners of the globe. Already, more than 20 countries have the fissionable material that could technically be diverted to arms manufacture; and the number of countries—and quantities of material—will grow inexorably as the demand for nuclear reactors also grows. Yet few countries have controls as strict as our own—and even ours need to be improved.

It is also important to improve safeguard mechanisms, administered through bodies like the international atomic energy agency. We must safeguard shipments of nuclear material to reduce the risks of hijacking or other diversion. We must develop with other nations the strictest controls on the reprocessing of material from nuclear reactors. And we must attempt to limit agreements on nuclear reactor technology to those nations firmly committed to the NPT.

The NPT itself remains a keystone of any non-proliferation strategy. Too many nations near the threshold of a nuclear capability have not signed the NPT; too many others have not ratified it.

Yet even as we seek to bring more nations under the provisions of the NPT—as we seek technical means to limit the spread of nuclear weapons—let us not delude ourselves into believing that these steps will be enough. Too great a reliance on these functional steps could lead us to ignore the basic reasons impelling nations to acquire nuclear weapons. These reasons are largely political and they cannot be offset merely through technical or legal means. No technical safeguard that is now possible will long thwart a nation from building the bomb; and no signature on the NPT will have a decisive effect, unless the signatory is convinced for other reasons to abstain from becoming a nuclear nation.

I believe that there are eight political and economic steps—beyond those I have mentioned—that we and others must take, if we seriously want to limit the spread of nuclear weapons.

Each of the eight steps must have a common premise: that trying to limit the spread of nuclear weapons is not something that the nuclear powers want to do to the non-nuclear states. Rather it must be something that all nations do together in their common interest. Unless there is a shared concern to prevent a world of many nuclear powers—especially a concern shared by those nations near the threshold of a nuclear capability—this effort will be doomed to failure. This has been a weakness of the NPT—that too often it has seemed in practice to be a device for the nuclear nations to retain some sort of hegemony. Whether that view is right or wrong, the policies we adopt now must, above all, seek to dispel it through the sincerity of our actions. And we must do what is possible to avoid an atmosphere of discrimination at the forthcoming review conference.

First, we in the United States must press for the early conclusion of a treaty banning the testing of all nuclear weapons. For some time, it has been clear to most knowledgeable observers that the United States could accept a comprehensive test ban without a threat to our nuclear deterrent or our security. While we cannot know what precise attitude the Soviet Union will adopt on this issue, there have long been promising signs that negotiations on this subject could bear fruit.

Today, however, attention is focused on a threshold test ban treaty—which would not go into effect until March 1976; which does not cover peaceful nuclear explosions; and which is set at the high level of 150 kilotons. Such a treaty fools no one. It offers no incentive to any other nuclear or nonnuclear power to refrain from its own developments. And it shows almost no superpower restraint—in fact it is a virtual mockery of commitment to restraint.

Second, the superpowers themselves must finally make a serious demonstration of their willingness to halt their own arms race. A real halt has been achieved in the building of defensive nuclear arms. But in offensive arms, we have managed only to *regulate forward progress*. Even the Vladivostok limits—a combination of the programs of the two superpowers for the next several years—does nothing to inhibit the qualitative arms race. This arms race is just as much a matter of "vertical" proliferation as the race upwards in numbers. And only if the superpowers will consent to stop this vertical proliferation, can they begin to hope to limit it "horizontally."

The commitment to restraint is clear, and is contained in article six of the NPT. Yet it is hard to challenge the view that superpower efforts to stop their own arms race during the past seven years have fallen far short of the mark. In strategic missiles alone on both sides, the number of deliverable warheads has increased nearly four-fold, from 2,600 to 8,000, in the seven years since the NPT was signed. And these figures do not include thousands of tactical nuclear weapons and those delivered by bombers. This simply will not do, if we and the Russians wish to demonstrate to the nuclear have-not nations of the world that we both are serious about arms restraint.

Non-proliferation was one of the important factors in my decision to join with Senators Mathias and Mondale in introducing the Vladivostok Resolution. This resolution calls for early negotiations to go beyond the Vladivostok Agreements, and particularly to impose restraints on the qualitative arms race. I am gratified that this resolution has the support of the State Department. But I am deeply concerned that the weapons programs advanced by the Secretary of Defense do not appear to be following the spirit of this resolution, nor provide a realistic basis for developing *mutual* restraint in the qualitative arms race.

Halting the superpower arms race will not in itself be enough to limit the spread of nuclear weapons. But without such a critical step—in everyone's real interest—there is little else that we can hope to do.

Third, the superpowers must also begin to play down the importance of nuclear weapons in assessments and assertions of their own national power. We must try to persuade other nuclear nations to take the same view.

During the uncertain days of the 1950's, before the onset of mutual assured destruction, there was a strong temptation to emphasize the might of nuclear weapons, as *the* critical indicator of national power. Yet today, nuclear weapons are increasingly unusable by the great powers; we are concerned about the *control* of nuclear weapons; *detente* has helped bring other factors—primarily economic might—more to the fore in determining the political power of nations in world politics.

Thus there is little value for either the United States or the Soviet Union in continuing to emphasize the size and power of its nuclear arsenal as a coign of national political might and influence. Certainly, these nuclear arsenals have less effect in political relations with other states than in days gone by.

But in addition, continuing to emphasize the link between nuclear power and political influence merely increases the desire of smaller nations to follow suit. We cannot ask nuclear have-not nations to foreswear these weapons—for whatever reason—if the superpowers continue to overplay the bomb's importance in assessing their place in the world arena. Only if we and the Russians will begin to play down nuclear weapons in political relations, can we expect this lesson to be learned elsewhere—in the world—rather than the lesson that emerging major powers must have the bomb for prestige and political power.

Fourth, we should seek agreement among all the nuclear powers that these weapons will never be used against countries not having them. Following the negotiation of the NPT, the United States, the United Kingdom, and the Soviet Union agreed that they would: "provide or support immediate assistance, in accordance with the UN Charter, to any non-nuclear weapon state party to the NPT that is a victim of an act or threat of aggression in which nuclear weapons are used." Clearly, that vague commitment is not enough, especially when any decision in the Security Council is threatened by the veto. Clearly, there must be a more extensive commitment. If we are concerned to see nuclear weapons limited to deterrence of attack—for our security and that of our Allies—we must be prepared to foreswear the use of these weapons against non-nuclear states. And we should seek a similar pledge from other nuclear powers.

Fifth, we must join with other states—nuclear have and have-not—to encourage the extension of nuclear free zones to new areas of the globe. This concept now applies to Latin America and Antarctica. It could usefully be extended as a measure of mutual self-denial—a form of collective security—to other areas, beginning with the Middle East and Africa. At the same time, we should encourage local states, working together, to seek other means of guaranteeing their mutual security—including the Indian Subcontinent despite India's nuclear test.

It is difficult in advance to assess the possible effect of such efforts, but at least they should be encouraged, not retarded.

Sixth, the United States should join with all major suppliers—and consumers—of conventional arms, to seek restraint on the supply of these arms to volatile areas of the world, such as the Persian Gulf. In some areas, conventional military strength will reduce ambitions for nuclear arms. But in others, it is in new arms races that the seeds of escalation to nuclear power may find most fertile soil. It is rarely in restricting the flow of conventional arms—through mutual agreement—that the nuclear danger lies; but rather in fostering the cast of mind that security is merely a matter of military power, not of political effort and agreement.

Seventh, we must come to terms with the problem of peaceful nuclear explosions. In the United States, we may have concluded that these are not worth the effort, the risks, the costs, and the dangers of proliferation. But, this view is not shared everywhere; "education" by our lights will not suffice; and sovereign nations may make different calculations about the economic value of peaceful nuclear explosions.

We should first seek with the Soviet Union a total ban on peaceful nuclear explosions by the superpowers. This subject should be a prime topic for negotiations in the current talks on the threshold test ban.

Whether or not this effort succeeds, we should also seek an international agreement banning peaceful nuclear explosions—but one that does not discriminate against nuclear have-not nations. And at the very least we should seek to join with other nations—nuclear and non-nuclear—to create an international regime for the firm control of these explosions in all countries. In itself, such a regime could help to remove some of the incentive for peaceful nuclear explosives. It would remove any basis for the charge that this is another area of modern technology which the superpowers seem to want to keep out of the reach of the have-nots. Sharing the benefits of peaceful nuclear technology has already been promised in the NPT. And by creating an international regime on PNE's, there would be added incentive for all nations to rely on an internationally-agreed means of conducting any peaceful nuclear explosion. Efforts could then continue for ending the use of PNE's altogether.

Eighth, we must join with other nations in recognizing and meeting the most fundamental reason of all for building nuclear weapons: the needs of national security. For it will profit us little to adopt the foregoing steps to limit the spread of the bomb, if individual nations see their own security to be threatened without it.

Clearly, we have passed beyond the time when a monopoly of nuclear weapons by a few nations could convince all other countries either of the risks of having a nuclear capability, or the benefits of foreswearing it. And just as clearly some nations will judge it in their national interest to build the bomb for reasons of security, unless that security can be gained in other ways.

Thus the United States must continue to affirm its political, military and economic commitment to critical Allies, especially in Europe and Japan.

And we must also be prepared in particular cases to join with other nations in seeking to damp down conflict—and to help resolve sources of conflict—in parts of the world where the temptation to build nuclear weapones might otherwise be great. Today, this is certainly true in the Middle East; it is also true in the Indian Subcontinent.

No nation, seriously interested in reducing the risks of a nuclear war anywhere in the world, can withdraw from active concern with the reduction of local conflict. No nation will be able to rest easy, once the next nuclear weapon is used in anger.

As a world civilization, all of us share a common interest in avoiding nuclear war—not just because of the terrible destruction it would wreak anywhere—the terrible tragedy—but also because of the awesome precedent this would set for the conduct of relations between states and peoples. In this very real sense, "no man is an island, entire of himself. . . ."

I believe that these eight steps—plus the NPT, technical efforts, and a new look at the side effects of nuclear reactors—can help us build a sound strategy for limiting the spread of nuclear weapons. It can help achieve that goal—but, again, only if we consistently and scrupulously work to remove any hint of discrimination in doing so. Only if limiting the spread of nuclear weapons is seen by all as in the common interest—only if today's nuclear powers will voluntarily give up certain political advantages—can we hope to succeed.

Most important, before we otherwise may have to face a world of many nuclear powers, we must work to increase awareness of the dangers of proliferation. We must take our eyes off the "fine-tuning" of the U.S.-Soviet nuclear arms race and put them squarely and clearly where they belong: on the dangers of a world overgrown with the atom bomb.

A BANKER'S VIEW OF U.S. MONEY WOES

Mr. TOWER. Mr. President, the Nation's economy and its financial system face a variety of challenges in the period ahead. Many of these issues have already been addressed by the Committee on Banking, Housing and Urban Affairs this year, and others will be addressed as we move through the year.

Many of these issues were discussed recently in an interview with Walter Wriston, chairman of the First National City Bank, which appeared in the April 6 issue of the Washington Star. I found Mr. Wriston's comments to be particularly refreshing and extremely informative. I ask unanimous consent that the interview with Mr. Wriston be printed in the RECORD in full.

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

A BANKER'S VIEW OF U.S. MONEY WOES

NOTE.—Walter Wriston is chairman of First National City Bank, the second largest in the nation. It has operations worldwide and is considered one of the most aggressive and successful banks in operation today. Wriston was interviewed by Washington Star Staff Writer John Holusha.

Question. In the last two years, three big banks have failed or been merged in distress situations. Does this indicate that there's something wrong with the banking system?

WRISTON. No, I don't think it indicates this. There are 20,000-odd banks in the world and a mere three or four of them failed. The usual reason is just bad management. The Franklin Bank really was not a big bank. It was a Long Island bank that decided to go in the international business. But it never understood the marginal cost of money concept and got in trouble and it was bailed out without any loss to its depositors. U.S. National and Security, the same deal. It had no management. Any business without management will fail. No regulator has ever saved any organization from a railroad under the tender care of the Interstate Commerce Commission to a public utility under the tender care of the state regulatory agency.

Q. But, nonetheless, they're talking again the old concept of a super-agency for banking. How do you view that sort of a trend?

A. Well, one of the things that fascinates me at the moment in the world is image and event. Images which are being projected by some politicians and by the media bear absolutely no relationship to the event. The event is that every industry which has been regulated over a long period of time eventually winds up bankrupt. That's the fact, you can check that on any reading of history. So that the image is that if you regulate them some more things will come right, actually it will go just the other way.

Q. So your view is tighter regulation would be counterproductive?

A. It would be very counterproductive. One of the problems with the thing is that people say let's have regulation. What does that mean? What would you do? Would you pass a law that no one will have a heart attack after noon on Saturday? Prosecute everybody that does? Would you decree that everybody have 20-20 prophecy powers and therefore will never make a bad loan? Everytime you make a loan you make a judgment about the future. I really don't know anyone who's that sure about tomorrow, so all you can do is to train people in all the skills. The percentage of bum loans in this country, is not any worse today than they were many years ago. They just get a lot more attention.

Q. The House Banking Committee is negotiating with the Federal Reserve on a federal credit allocation bill—don't you think there's an argument for ensuring that scarce credit is channelled into areas that society as a whole judges useful?

A. Well, we already have credit allocation in this country and it is a disaster. It's in the housing business. The housing lobby is probably the strongest lobby in the world. And housing is equated with motherhood. But the facts are, there are about 400,000 unsold houses in America today and approximately 300,000 unsold condominiums. Nine percent of all the houses for rent under 10 years old are vacant. And 40 percent of all the direct credit given by the United States government in the last year has gone into housing. There is credit allocation with a vengeance. The only problem is it doesn't work.

Q. Why?

A. For the very simple reason that people don't want to buy houses at that price, which is the oldest argument in the world. The housing business has built a house at a price that nobody wants to buy and they say the problem is credit allocation. Credit is already allocated to them. If you add up the numbers on Fanny Mae and Ginny Mae and all the rest of them, it's the largest single item that the federal government guarantees. The second reason is that the consumer is being ripped off by price control (on bank savings accounts). If you're poor you get 5 percent, and if you're rich you get ten. This is pushed by congressmen who claim that they have the public interest at heart, but the facts are there are 30,000,000 people with savings accounts in America that average out to roughly $1,100 apiece. There are only 17,000,000 people that have fixed rate mortgages. You would think the light would go on in the political parlor some day that in fact the working man is being forced to subsidize the rich person in the suburbs who wants fixed rate mortgage.

Q. Looking 10 years down the road, do you see some form of a national banking?

A. Yes, I think so, I think that it will come the way things always come in America, it will evolve. I would suspect that New York and California will offer each other reciprocity on some limited basis. And then Illinois and Texas or whoever will join in, and through some kind of state rather than federal reciprocity networks will in fact spring up on a de facto basis.

Q. Dr. Arthur Burns of the Fed has said that the petrodollar problem is insoluble in its present condition. What's your opinion?

A. Well, it depends on what you mean by insoluble. If you mean that it can't be managed by government, it's quite accurate. If it means that the free market can in fact handle it, the answer is that it has handled it. The whole problem is going to go away in a very few years. The surpluses which were predicted have not happened, nor will they ever happen and the cartel will decay as it is now decaying and the private market has in fact handled the greatest transfer of financial resources in the history of the world in the shortest time frame with practically zero casualties.

Q. But there is a transfer of wealth going on.

A. Of course, but that's a different thing. The ownership of the dollar has changed. Just as when the Washington Star gives you a paycheck the ownership of those dollars passes from the Washington Star to you. The next question is what are they going to do with the wealth. In the case of the OPEC countries, they're going to spend it, faster than anybody, other than an American Senator, can spend money.

Q. You say the cartel is decaying. Are there specific signs in the case of OPEC?

A. All cartels decay. No cartel in history has ever lasted. Why nobody reads any his-

tory escapes me. The world is now producing approximately 20 per cent more oil than it will consume at the current price. That being the case, there is no way that that price can be maintained except by cutting back production. As you cut back production, the question then arises, whose production. When you cut it back far enough so it affects, which it will, the level of spending to which various countries have grown accustomed, then you will see the fraying around the edges. If you go back and study the cartel on coffee, or on any commodities, this has been the history.

Q. The City Bank is known for doing business in the Arab world.

A. We're known for doing business in every country.

Q. Do you do business in Israel?

A. Yes, certainly.

Q. How have you handled the boycott problem?

A. Well, the boycott problem is quite misunderstood in a sense. Every country has a trading with the enemy act. The United States has one. Israel has clauses in all of their letters of credit which say that no goods can be carried on a ship that stops at an Arab port. These are printed on the credits, and the reason is fairly simple. It is explained in the credit they are afraid the goods would be expropriated. We can understand their reasons. The Arabs could say that no things imported to them could be carried on a ship that stops at an Israeli port, for the same reason. The United States, until recently, required a certificate of origin for a piece of jade you'd bought in Hong Kong to prove that it wasn't manufactured in the People's Republic of China. To this day, the boycott against Cuba is complete, then you see credits from Pakistan who wish to have a certificate that the goods were not made in India, and credits from India that goods were not made in Pakistan. And credits from Taiwan that the goods were not made in the People's Republic. Since I've been around this business for 26 years, each national government, including the United States, has had a list of prohibited trade. We have one right now which is as long as your arm on what you cannot sell to the Soviet Union.

Q. But doing business both with Israel and various Arab countries do you get caught in the middle?

A. No, we haven't gotten in any problems on either side, since they clearly recognize that the integrity of the City Bank has gone back to 1812 and we do business with any government which is recognized by the government of the United States of America. That has been our touchstone.

Q. As an American based bank, doing a substantial part of its business overseas, are there times when the objectives of the bank and the objectives of the government's foreign policy conflict?

A. I think the general answer to that question is no, we have not had such problems. There is a problem which is not endemic to banks but is endemic to the American ebullience to export our value systems all over the world on the grounds that it's good for you whether you want it or not. Example: we say that you cannot sell something to the People's Republic of China. The subsidiary of an American company doing business in say, France, gets an order from China and under French law this export is perfectly legal for France. There have been cases where the United States government says to the American company, "Stop that export." In fact there is a case in which the French government seized the American subsidiary until it shipped. So that export of American law to foreign countries is as resented as we resent foreign countries attempting to impose their value system on us. That is because we are somewhat less sophisticated than the world and some people have been at it a little bit longer than us.

Q. The argument is made that multinational corporations are amoral. They don't really belong anywhere, they're not really dedicated to anything except making money . . .

A. The question is very simple. If a corporation takes a political position and supports it with money, its chief officers go to jail, that's the law. If a multinational corporation meddles in the affairs of a foreign country, they get kicked out.

Q. Then it follows that a corporation is fully justified in moving its operations around from country to country, playing the laws of one off against the other?

A. When you say playing the laws of one off against the other, you may make a value judgment as to which law is correct. Let's take it in microcosm. I live in a city here called New York. Corporations are moving out of New York City every day because this has the highest tax environment in the world. Are they immoral to move to Connecticut? Are they playing the laws of New York against Connecticut, and is that bad or is that good? Or, do we live in a tough competitive world, in which if Connecticut doesn't need this enormous tax, why is it that New York does?

Q. The labor people, particularly argue that the industrial base of the country's being eroded by multinationals moving operations offshore. Do you agree?

A. It is being eroded, not by the banks, but by the Congress. The facts are that for 20-odd years the Congress particularly has encouraged consumption and penalized savings, at a very time when we need to encourage savings and this is not being done. It starts with regulation which rips off the consumer, so he doesn't want to save. They tax "corporations" but no one pays taxes but people. Corporations don't pay taxes, only people pay them. You put a 100 percent tax on corporations; it'll be passed through on the price to the consumer. We have depreciation schedules which are based on 1950 dollars. So what we have to do is rethink what it is we want to do.

Q. What do you think of the tax cut bill?

A. Well, the tax bill is a very bad bill; it's basically a Christmas tree and not a tax bill. I argued strongly for the bill that the labor-management committee of the President formulated, one that would put money in the pocket of the working man, would cut the corporate tax rate in order to motivate companies to give jobs, and to get moving again.

INCREASING ESTATE EXEMPTION FOR FAMILY FARMERS

Mr. McGOVERN. Mr. President, the South Dakota Legislature recently approved a resolution calling on the Congress to favorably consider legislation to provide for an increase of the estate exemption accorded family farmers.

The number of family farmers in America is rapidly diminishing and one reason is the unfair rate of estate taxes. Farmland is often assessed on the grounds of potential development rather than the productive capability of that land if left to farming.

I believe it is imperative that we change the estate tax laws during this session of Congress and I call upon my colleagues to join me in support of S. 227, the Family Farm Inheritance Act, a bill designed to meet the demands of the current farm situation.

I ask unanimous consent that the resolution passed by the South Dakota State Legislature be printed in the RECORD.

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

HOUSE CONCURRENT RESOLUTION No. 518

A concurrent resolution, memorializing Congress to enact legislation presently before Congress for the reform of the federal estate tax

Be it enacted by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the federal estate tax exemption structure has remained unchanged since 1939 at $60,000; and

Whereas, an estate valued at $60,000 in 1939 would today average $180,000 due to inflation and changes in the nation's economy; and

Whereas, the illiquidity of many farm and ranch estates causes the destruction of those farms and ranches as operating units because of the inadequate federal estate tax exemption structure: Now, therefore, be it

Resolved, by the House of Representatives of the Fiftieth Legislature of the State of South Dakota, the Senate concurring therein, that the United States Congress favorably consider legislation presently before Congress to provide for an increase of the estate exemption from $60,000 to $200,000 to keep pace with inflation, to increase the marital deduction to $100,000, and to provide alternative procedures for the valuation of farm and ranch land; and be it further

Resolved, that the Chief Clerk of the House of Representatives forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the South Dakota Congressional delegation.

LOSING BATTLE

Mr. DOMENICI. Mr. President, with all the crises and alarms raised around us today, we must not lose sight of the real-life, everyday battle too many of our citizens confront—the battle to get home safely and to protect their loved ones.

The crime statistics released last month should sober us all. We are not winning the war against crime. In one of its most basic functions—that of protecting law-abiding citizens against criminals—government at all levels is apparently failing.

The reasons for this failure are topics for much learned discussion. The answers are not easy to come by. But, one thing is certain. Innocent people are becoming more and more often victims of criminals who too many times have already been arrested for some other crime earlier in their lives.

One of the most thoughtful comments on the crime problem, and part of its solution, appeared recently in the Roswell Daily Record, a newspaper in my home State of New Mexico. I believe the editor of this paper has said some things we must all consider. Therefore, I ask unanimous consent that this editorial, "Losing Battle," be printed in the RECORD.

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

[From the Roswell (N. Mex.) Daily Record, Apr. 1, 1975]

LOSING BATTLE

The United States is engaged in a life and death struggle.

It's not in Southeast Asia. Or in the Middle East.

The war is being fought in the streets of our cities—primarily our larger ones.

This conflict is between the criminals and the rest of us.

According to the FBI's uniform crime reports for 1974 this is a war the criminals appear to be winning.

During last year, crime in the United States increased 17 per cent over the year before.

Even to those of us who have become hardened toward statistics after seeing monthly government reports that unemployment and inflation are up, 17 per cent comes as a real shocker.

It means that for every 100 crimes committed in the United States during 1973, there were 117 last year. That's one heck of a large increase.

Obviously, something has to be done.

And it is not something that should be left to the federal government.

The solution lies at the lowest levels of government, in our towns, villages, cities and countries.

It also rests with the individual, law-abiding citizen.

The time has come—actually, it has been here for quite some time—for the citizens of the United States to let their government leaders know in no uncertain terms that they are fed up with being the fall guys for the criminals.

Crime cannot be dealt with by an insulated judicial system that sits high in an ivory tower dealing with the technicalities of the law.

When this occurs, the laws formulated to protect society become little more than puzzles played by defenders and prosecutors.

As these games progress the meaning and the reason for laws soon is lost sight of.

We believe that the rights of society should not suffer to protect the rights of an individual, or vice versa.

There is no reason why they should. That is the reason for law; and it fails miserably if one set of rights is lost while justice goes overboard to protect the other set.

CIA PAPER ON U.S.S.R. TRADE

Mr. STENNIS. Mr. President, there is a tendency in some quarters to sensationalize concerning the CIA and its purported activities. What is forgotten in the process by some is that CIA represents essentially a pool of highly professional individuals whose job it is to objectively analyze and report upon foreign developments of the deepest significance to the well-being of our Nation.

The dissemination of much of CIA's analytical work and reporting is necessarily limited but there are occasions where the public dissemination of its work can be accomplished without undermining the sources and methods which contribute to the final product—so they can be used again.

Some time ago I said that the CIA system affords the President and his advisors valuable information on the economy of foreign countries.

Recently, one such useful CIA work has been released and is available through the Library of Congress. It concerns the long-range prospects for hard currency trade by the Soviets.

In fact, the news story of this activity by the CIA was carried by the New York Times under date of April 8, 1975 and was written by Edwin L. Dale, Jr.

In view of the importance of this subject and the widespread interest throughout the Nation, Mr. President, I ask unanimous consent to have this news story printed in the RECORD.

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

SOVIET HAS TRADE SURPLUS WITH WEST, CIA REPORTS

(By Edwin L. Dale, Jr)

WASHINGTON, April 7.—The Soviet Union's balance of trade with the West swung into surplus last year after years of deficits because of much higher prices for oil, gold and other Soviet exports, a new study by the Central Intelligence Agency has concluded.

The study estimated the 1974 trade surplus at $500-million to $1-billion and said a surplus was expected to continue for the rest of this decade. One major consequence, according to the study, is that the Soviet Union will be able to pay for a much larger volume of imports from the West in the years ahead without having to rely on credit.

The study has been declassified and is available at the Library of Congress.

It does not deal directly with whether the new Soviet balance-of-payments position will make less important, from the point of view of United States exporters, the ban on extension of credit to the Soviet Union by the Export-Import Bank imposed by Congress last year.

But it indicates that if the Russians want something from this country badly enough, they will have no trouble paying for it in the next five or six years. The study concludes:

"Western medium- and long-term credits have been an important factor in the growth of Soviet imports from the West. They almost certainly will be less of a factor over the next five to six years, although the U.S.S.R. will continue to draw on the large volume of Western credit already extended.

"With export earnings rising rapidly, Moscow will have little need to solicit Western credits in order to increase imports substantially during 1975–80. But as long as Western Governments continue to offer long-term credits at interest rates below the expected world long-term inflation rates, Moscow will probably opt for credits, at the same time reducing exports of gold and/or goods whose real worth is expected to increase over time."

What the study terms "hard-currency imports" by the Soviet Union have risen dramatically since 1967. From $1.6-billion in that year they reached $6.6-billion in 1973 and an estimated $6.5-billion in 1974, when agricultural imports declined.

Because of a sharp rise in the Soviet Union's export prices, the study said, "In 1974 the U.S.S.R.'s balance of trade may have been in surplus by $500-million to $1-billion, in vivid contrast with the $1.7-billion deficit in 1973 and the practically uninterrupted string of deficits since 1960."

The outlook for Soviet exports to the West in the year to 1980, the study said, is such that Soviet "import capacity" will rise by as much as 30 per cent a year. It added that "the Soviet economy will not be able to assimilate imports at this rate."

The Soviet Union will adjust, the study estimated, "by keeping gold sales below current production, using Western credits only when terms are particularly favorable and holding back exports of certain raw materials."

The study estimated that Soviet "import capacity" would grow less rapidly after 1980 but that it would still be large. At an annual average of $31-billion a year in the 1980–85 period, the study said, this capacity "may well be adequate to satisfy Soviet needs for Western equipment, technology and other goods."

EXPORTS AT $7.5 BILLION

In 1974 Soviet exports to the West totaled about $7.5-billion, the agency calculated. It forecast that exports this year would rise to $9.3-billion, by 1980, $17.7-billion, by 1985, $24.7 billion. All the figures are adjusted for inflation.

Among the exports, the C.I.A. said, were an estimated $750-million worth of gold sold on the free market last year, compared with $1-billion in 1973.

At an estimated long-run price of $150 an ounce, sales from current gold production alone could increase the average annual import capacity by about $1.7-billion over the short run and by roughly $2.3-billion during 1981–85, the study said.

Moscow also reduced its short-term liabilities on the London Eurodollar market during the first six months of last year by more than $200-million while increasing its assets by about $100-million.

"This pattern, if mirrored in the entire Eurocurrency market, could result in a sizable reduction in the U.S.S.R.'s short-term liabilities," the C.I.A. added.

The C.I.A. said that while price increases were expected to tail off from now on, world demand for many of the U.S.S.R.'s major exports—oil, natural gas, coal, timber and diamonds—should remain strong.

Beyond the nineteen-seventies, export growth should, however, decline sharply as the quantity of oil available for export steadily diminishes and deliveries of natural gas to Western Europe level off. The signing of additional commodity pay-back deals—where Western companies guarantee to buy a portion of the output from plant and equipment sold by them—would offset some of the decline in export growth, it said.

TENTH ANNIVERSARY OF ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. JAVITS. Mr. President, 10 years ago today a landmark piece of education legislation was enacted. April 11, 1975 marks the tenth anniversary of the landmark Elementary and Secondary Education Act. This law, after a decade of accomplishment, is still the basis of Federal aid to virtually every school child in America. ESEA clearly established a broad foundation for the major Federal role in assisting State and local governments deliver education services to every American. The 1965 act built upon earlier limited purpose Federal education legislation, particularly the National Defense Education Act of 1958. However, it is the 1965 act with its several extensions and amendments that stands at the center of the Federal commitment to advance education.

Among Republican Senators, I find that I am the only member of the Labor and Public Welfare Committee who was serving in 1965 and is currently still on this committee.

A number of able legislators in the Senate, and in the House of Representatives, should be praised for their contri-

butions to the Elementary and Secondary Education Act. The fruitful results of their efforts in originating and refining this act should be widely recognized.

ACCOMPLISHMENT OF ESEA

It is traditional when reaching such a milestone to reflect on the accomplishments, and to look to the future. We should remember that one third of our American people are involved full time in education, including several million adults in instructional and administrative careers in schools. Young people now in school, and those in school over the last decade have had the opportunity to benefit from the ESEA. About half of our citizens have been directly affected. Few other Federal efforts have such a potential for assisting this number of Americans in a more vital way. But looking at the number of beneficiaries is not enough. We should look also at the accomplishments.

DISADVANTAGED CHILDREN

Today over 5 million disadvantaged children receive ESEA title I supported services in addition to local and State funded programs. During the last decade possibly double this number have benefited. While we have not yet answered some of the most difficult questions in compensatory education, this largest Federal education program has given local educators new resources to apply to their most serious education problem—basic education of disadvantaged children. Better methods must still be sought, but the over $10 billion under title I in the last decade has been vital to the progress which has been made, and in many cases prevented deterioration of education—caused in part by problems outside the schools.

OTHER ACCOMPLISHMENTS

Other titles of ESEA are better suited to assessment of achievements. School libraries in both public and private schools have been strengthened and updated. Innovative projects run by State and local educators have been supported. State departments of education, the key organization in administration of ESEA, have been strengthened, expanded and modernized. Bilingual and bicultural programs for children of limited English speaking ability have been greatly increased. These are merely a few highlights of the achievements of the Elementary and Secondary Education Act, and, special attention to gifted and talented children is in sight. Probably the best way to summarize the achievements is that the local education officials have had an additional source of financial support, over and above State and local revenues, to focus on their most serious education problems. Thus, the success of ESEA is beyond dispute. Better ways can and will be found for the future. However, as we take note of this first decade of the act, we can be proud of our accomplishments and let this milestone urge us to still further efforts for the decades ahead.

SPRING FESTIVAL OF AMERICAN MUSIC

Mr. STEVENSON. Mr. President, the beginning of the Nation's Bicentennial Year was marked by a series of 35 free concerts at the John F. Kennedy Center during the week of March 30 through April 6. These concerts were made possible by a donation from McDonald's Corp, of Oak Brook, Ill.

The combined efforts of Mr. Fred L. Turner, president of McDonald's Corp., and Mr. Roger L. Stevens, Chairman of the Kennedy Center, provided us with an unforgettable Spring Festival of American Music. From 10:30 in the morning until nightfall throughout Easter week, the festival filled the Kennedy Center with music, allowing all—visitors as well as Washingtonians—to see and hear the center alive with audience and performers any time during the day.

Among the highlights of the festival was the concert presented by the great American composer Aaron Copeland, who conducted his own music before an overflow audience of more than 3,000 people.

The Spring Festival of American Music was a worthy beginning of the American Bicentennial Year.

Mr. President, I ask unanimous consent that the Washington Post articles of March 31 and April 7, and the Washington Star article of April 1 about the concerts be printed in the RECORD.

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

[From the Washington Post, Mar. 31, 1975]

AS AMERICAN AS A HAMBURGER AND FRIES

(By Joseph McLellan)

The earlybirds got seats on the red-carpeted steps leading into the Opera House in the Kennedy Center's Grand Foyer yesterday afternoon. It was great for the view but acoustically overwhelming, once the United States Marine Band (more than a few good men) launched into a rousing march and started the McDonald's Spring Festival moving.

The coming week will see a whirlwind of admission-free events at the Kennedy Center—half a dozen programs each day—with material as American as a hamburger and french fries, to be climaxed next Saturday night when Aaron Copland conducts a concert of his own music.

For the opening program the Marine Band gave a performance as polished as its own bright brass instruments, and the crowd loved it. The audience was packed solid, sitting on the floor—a fairly comfortable floor—across the whole stretch of foyer from the Hall of Nations to the Hall of States, dwarfed under the long line of bright chandeliers. There were children, infants dazzled by their own reflections in the long mirrors (one little girl clutching an inflated plastic Easter bunny), grandmothers in their pastel Easter finery and plenty of high-schoolers in blue jeans.

Beyond the two main intersections of the foyer the crowd thinned out, but there were clumps of spectators sitting on the steps of the Eisenhower Theater on one end and the Concert Hall at the other. Others sat on top of the bars, which were inoperative during this program, or stood on the bandstand (also inoperative) at the head of the Hall of Nations, getting a birds-eye view of the red-jacketed bandsmen going through their music with the precision of a drill team or a commando unit.

It all sounded about right down at the far end of the foyer at the entrance to the Concert Hall, although there were a few acoustic accidents there with the sound system being tested for the 8:30 concert. At that end was also a small side show, a group of children doing cartwheels, playing tag and running races while the band played on.

Anything as big as a Bicentennial should probably take at least two years if it's going to be done thoroughly. Since this is the beginning of the Kennedy Center's Bicentennial celebration, we may assume that the cultural observance in this city will be thorough.

A total of 35 events, packed into one week and all with admission charges appropriate for the land of the free, looks like a good beginning.

[From the Washington Star, Apr. 1, 1975]

EVEN MUSIC COMES IN A SEASAME SEED ROLL

(By Boris Weintraub)

Kids were sprawled all over the floor of the Kennedy Center's South Gallery, listening to balladeer Joe Hickerson sing songs of Ireland, England, Scotland and America. Their interests was flagging as he sang a lengthy Scottish ballad, complete with an almost unintelligible Scottish refrain.

Suddenly, their interest perked up. There were a few smiles among the adults present, several giggles from the unrestrained youngsters. Could it be? Yes, Hickerson really was singing a ballad about an English lord named "Sir Ronald McDonald."

Actually, it was very appropriate. After all, the folks out in Hamburgerland were responsible for Hickerson's being there in the first place on the first full day of the spring festival saluting America's musical heritage.

Hickerson was one of several performers to draw amazingly large crowds to the Kennedy Center yesterday. Each of the five events on the day's program, some in the South Gallery and some in the Grand Foyer, drew nearly a thousand, large and small. The "Spring Festival" was, as every ad, flyer and sign announcing it noted, complete with golden arches, "a gift from McDonald's resturants."

But the tribute to Sir Ronald McDonald was only accidental. Gillian Anderson, a musicologist who specializes in the songs of revolutionary war America, and Wayne Shirley, a reference librarian at the Library of Congress, put together the daytime programs: yesterday's five, another five today, another five tomorrow, and five more on Thursday and five on Friday.

The performers are all from the greater Washington area, which Ms. Anderson considers "extraordinary."

"We sat down and thought about all the kinds of American music there were," she said yesterday while waiting for one of the 40-minute-long programs to begin. "The only limit we had was budgetary—it would have been nice to have a Civil War brass band, playing instruments from the period which are in the Smithsonian, but it would have cost $10,000.

"Our main criterion in selecting performers was to have people go away afterwards and say, 'Gee, I never heard that before.'"

Yesterday's performers, on stages draped in red, white and blue bunting, included a program of Indian dance music put on by the American Indian Society; the country blues of Libba Cotton and John Jackson; two ballad programs by Hickerson, and a demonstration of handbell ringing by the green-jacketed troops of the Potomac English Handbell Ringers.

Kids sat in their mothers' laps, a young girl sat on the floor and sketched, and other kids played hopskotch on the ornate rug in the South Gallery. All in all, everyone, old and young, appeared pleased at the opportunity to go to the Kennedy Center for free.

That, in fact, was one of the purposes of the festival, according to a Kennedy Center spokesman.

"We're always hearing about how the center is just for the elite, but shows like this prove that it isn't," she said.

Today's programs will include the old-timey string band music of the Fast-Flying

Vestibule; work songs sung by Poe Lazer and Alan Bennett; a repeat of the Libba Cotton-John Jackson country blues show, and gospal songs sung by the Howard Gospel Choir.

A 5:30 p.m. concert today will feature songs of the revolutionary period, sung by the Colonial Singers and Players, and selected and conducted by Ms. Anderson.

That will be the format for the rest of the week, too: five day-time programs and a 5:30 p.m. concert. The festival will close with a concert of music by Aaron Copland conducted by the composer.

[From the Washington Post, Apr. 7, 1975]

COMPOSER AARON COPLAND'S AMERICA: TAKING THE AUDIENCE HOME

Saturday night was one of the great nights in Kennedy Center history, or for that matter, in the history of music in this city. Thanks to the Center and McDonald's restaurants, Aaron Copland was on hand in a program of his own music.

He conducted, played the piano and received some of the most unbridled, roof-raising applause of his career. His comment was: "I'd like to take this audience home in my pocket."

The audience, filling the Concert Hall, included another 1,000 or more who listened to the music over loudspeakers in the lobby. There was an electric tension in the house that erupted like gunshot at Copland's entrance and grew in enthusiasm from then on.

There was ample reason for the demonstration. Copland has literally written himself into the artistic fabric of this country and Saturday's music included some of his most famous works. He conducted 13 players from the National Symphony in the original version of his matchless ballet, "Appalachian Spring," bringing it to Washington in precisely the same form in which it was first heard at the Library of Congress in 1944.

Then he led the Madison Choir, plus some voices from St. Matthew's Cathedral Choir, with D'Anna Fortunato as mezzo soloist in "In the Beginning." This work was written for Harvard University's historic symposium in music criticism in 1947 and stands as one of Copland's singular achievements in a field he rarely entered.

William Masselos played the Piano Variations with his total kind of authority and rich beauty of tone. Copland as pianist then joined Masselos for his Danzon Cubano, a strangely fascinating study in rhythms. "Quiet City," full of haunting evocations, with its choice solos for English horn and trumpet, brought a larger number of the National Symphony to the stage, where they closed the program by playing with the Madison singers in the Old American Songs. The choir was superb in the earlier work, immensely exciting in Copland's settings of the songs.

The audience seemed as unwilling to let Copland go as he was loath to end the unusual evening. So the final song was repeated and then everyone left, carrying away memories of a night of great music and the presence of a wonderful man.—PAUL HUME.

INTERNATIONAL TRADE COMMISSION FIELD HEARINGS

Mr. HATFIELD. Mr. President, before the International Trade Commission opened its field hearings around the country, I commented at that time what a worthy idea it was to allow people affected by the upcoming trade negotiations the opportunity to testify without the burden of coming to Washington themselves.

I hope that more Government agencies consider holding such substantive field hearings on issues of direct impact of people. I note the word "substantive," for I would not want various departments and agencies engaged in a series of "road shows" jetting around the country doing little but promoting their own existence and gathering little substantive material.

Newspaper articles have called attention to these hearings, and at the conclusion of these remarks, I ask unanimous consent that articles from the Portland Oregonian, the Washington Post, and the New York Times be printed in the RECORD.

I also want to call attention to a press statement I received from the Oregon Department of Agriculture, telling of a visit and discussion by ITC Commissioner Dan Minchew following the Portland hearings. Commissioner Minchew's discussions with top agriculture officials in Oregon, I am sure, will pay dividends to our State in the years ahead. I ask unanimous consent that this press statement be printed in the RECORD following the newspaper articles.

Following that, Mr. President, I ask unanimous consent that an article written by Mr. Jay Glatt in the State of Oregon publication, Agriculture Marketing Activities, be printed in the RECORD. Mr. Glatt is one of Oregon's leaders in the area of international trade, and his work as Director of Oregon's Agricultural Development Division of the State Department of Agriculture is well known to all of us interested in international trade. Mr. Glatt's article is called "Pacific Northwest Agriculture and International Trade."

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

[From the Sunday Oregonian, Mar. 23, 1975]

TRADE PANEL TAKES PULSE OF OREGON

(By Donald J. Sorensen)

Oregon is a long way from Georgia but for one native of the Southern state it is just like coming home.

"I spend just as much time out here as I can," said Daniel Minchew during a break in the trade hearings in Portland last week.

Minchew is the latest addition to the six-member U.S. International Trade Commission and was in Portland on federal business.

His interest here lies beyond trade, however. His wife is from Oregon and they have a small farm near Estacada and he said he manages to get out here every two months or so.

Minchew is only 35 and has been on the commission since last October when he was appointed by President Ford to fill an unexpired term until 1979.

Although he has been on the commission only a few months, he obviously relishes his work and is interested in getting views from small business, "original sources," he calls it.

"These hearings in the field," he said, speaking of the hearing here and in a dozen other cities outside of Washington, D.C., "are invaluable to us because we can get original source witnesses, the kind we have not been able to attract to Washington.

"The field witnesses, the menon the firing line, know more about what they're doing than the witnesses we hear in Washington. They are largely lobbyists and attorneys and they are not as familiar with the problems as the men in the field."

This philosophy was demonstrated in his questioning of witnesses here. He inquired of a Washington beekeeper about the effect of foreign honey, the price of it and how tariffs would affect U.S. production.

He was equally solicitous of an executive of a Eugene company that makes about 8 percent of the mop and broom handles in the U.S.

The company has about 150 employes. Minchew said, "We welcome your opinions and you have given us some facts about an industry we didn't know much about."

Minchew said it is better to hear witnesses in "their own environment where they feel more at home" than to take them to Washington "where they will feel out of place."

He admitted that a long trip east is out of the question for many in Oregon.

"When the hearings were held in Washington in 1962 before the Kennedy round of tariff negotiations, there were only two witnesses from Oregon," he said. "Now we will hear from about 60 of them."

Mention of the Kennedy round touched another tender point to him. "Do you know," he exclaimed, "that the hearings of the Kennedy round are still secret? Why? That was 13 years ago."

Warming up to his subject, he stated, "There is too much secrecy in government. I am in favor of having the report of these hearings released as soon as possible after negotiations have been held."

The data obtained from the hearings will be used by the commission to make recommendations to President Ford on items that could have tariffs reduced or eliminated in negotiations with other nations.

Minchew said he has been pleased at the turnout at the hearings and he admitted to a couple surprises.

"I had expected more of a protectionist tone from the witnesses," he said. "But I have really been surprised at the awareness in the country about international trade. This has been very noticeable to us."

He said he believed the "big shock of the oil embargo brought home in a way that is very evident the importance trade in one commodity is to us. One of the good side effects of this is to make people more aware of international trade."

Minchew said the turnout at Portland was better than in some other larger cities. He attributed it to more sophistication in trade because it is so important to the state's economy.

"You also have a very progressive state and we have noticed less of an insular feeling than in other parts of the country," he added.

Before joining the commission, Minchew was top staff aide to Sen. Herman Talmadge, D.-Ga. He admits that he was surprised at his appointment and "the senator knew I was being considered before I did."

U.S. HOLDS ROAD SHOW ON ITS TRADE

(By Edward L. Dale, Jr.)

WASHINGTON, March 30.—A unique Federal Government traveling road show will be in New York Tuesday.

It is a kind of open forum in which citizens, important and unimportant, can get off their chests whatever is bothering them in the broad area of the nation's foreign trade.

The road show, which has already visited six cities and will visit at least 12 more, is the brain child of the newly named International Trade Commission (formerly the Tariff Commission). It must report to President Ford by July on the probable economic effects of further reductions of United States tariffs in the forthcoming round of international trade negotiations in Geneva.

A BROADER AIM

That sounds rather technical. But in the mind of the chief inspirer of the floating hearings—Will E. Leonard Jr., who will become chairman of the commission in June—the aim is much broader than just more information about tariffs.

"I'm very excited about it," he said in a recent interview. "We are trying to show people that their Government can pay attention to their concerns, that they are not going to be ignored."

A few episodes in the experience to date illustrate how the experiment operates:

As a result of a letter sent to the commission several years ago, a small manufacturer in Massachusetts was contacted by telephone to inform him of the hearings and urging him to testify if his problem was still there. The man replied: "You have the wrong party. I have only 25 employees." But he was assured that no mistake had been made, and he apparently plans to testify at the hearing in Boston late this week.

In New Orleans a young electrician walked in off the street in the second day of the hearings and gave an impassioned speech on how the Government, including the commission, had failed in the past to prevent damage to the economy from imports.

A retired textile executive spoke in Atlanta of the benefits of foreign trade—though his own industry had wanted and had achieved protection.

RULES ARE PLIABLE

The commission decided to scrap the normal bureaucratic rules requiring 20-day advance notice for each witness and 20 copies of each prepared statement. It sent advance men (on one occasion Mr. Leonard himself) to each city to drum up interest and make known that a hearing would take place.

While the commission has welcomed advance notification that a person would like to be heard, and most have given notice, there is no bar to unscheduled witnesses.

"We have tried to eliminate formalities," Mr. Leonard said. "We are not swearing in housewives. We are trying to show people that they need not be in awe of the bureaucracy and their Government."

Normally two or three of the six commanders are present at each hearing. They make no speeches, but they pledge that every word will be recorded and will be examined when the commission's final recommendations to the President are made. They ask questions. The hearings normally begin at 10 A.M. and last into the evening, with about two dozen witnesses each day.

GENERALLY 2 DAYS

The hearings have generally lasted two days in each city. But they can be extended—as is likely to happen in New York—if all who want to testify cannot be heard in two days.

Mr. Leonard said that "the majority" of witnesses so far, both from industry and labor, had asked for some degree of protection from imports—either a demand that tariffs on their products not be further reduced or that they be increased.

However, under the terms of the new Trade Act, the hearings in advance of trade negotiations are open for the first time to consumer groups as well as industry, labor and agricultural interests. And this extends to state and local government officials, from port authorities to "consumer protection" officials.

Thus the "free trade" viewpoint has been heard. Mr. Leonard has been somewhat disappointed that, so far, the retail industry has not been well represented, though the owner of one regional chain of shoe stores did argue against import restraints on low-cost foreign-made shoes.

DATA ON PRODUCTS

As expected, much of the testimony has been of a specific kind—about shrimps or glass products or oranges—but such product information is what the commission needs to complete its formidable task.

In principle, it must report to the President on the economic effect of reduction of any one of the 6,000 tariffs in the United States customs list. In practice, it will lump duties into about 1,900 categories, with a brief analysis of each, which will be difficult enough.

Its recommendations to the President will almost certainly be kept confidential to protect the American negotiating position, though Mr. Leonard would like to find some way of showing the witnesses who have testified that their concerns had, in fact, been taken account of in the commission's final recommendations.

WASHINGTON FINALE

The commission will wind up in Washington with the more traditional type of hearings and the more familiar type of witnesses: trade lawyers, lobbyists and trade association officials.

But meanwhile it will have shown that not all members of the National Association of Manufacturers have the same view on foreign trade. And it hopes that some labor groups will take a position different from the strongly protectionist stance of their parent organization, the American Federation of Labor and Congress of Industrial Organizations.

An associate of Mr. Leonard rhapsodizes that these hearings are a kind of antidote for Watergate and the public's general distrust of government. Whether or not that is a realistic appraisal, the hearings are clearly something different.

PANEL TRAVELS TO GET WIDER TARIFF VIEWS

(By Carole Shifrin)

NEW YORK.—The last remaining domestic mill producting cotton typewriter ribbon cloth may have to close if tariffs on the comparable imported items are reduced, ending jobs for 400, its official says. "I believe it would wipe us out," says Robert F. Eisen, executive vice president of Greenwood Mills, Inc.

A representative of the firms which import, sell and distribute cheese from abroad assert that reducing duties ranging from 7 to 25 per cent on those already more costly products would not harm the domestic cheese industry and would aid consumers. "How can we in all seriousness and good faith talk about preventing inflation, and at the same time refuse to eliminate artificial and unwarranted barriers to competition which only serve to increase the basic costs of such a vital food as cheese?" asked Robert Fromer for the Cheese Importers Association of America, Inc.

An official of a New York firm in the business of fabricating granite, marble and travertine for construction complains that American firms can't compete with the imports subsidized by the exporting countries. Though his firm has been declared eligible for federal assistance, Arthur Weiss, of Joseph Weiss and Sons, Inc., says he would rather see higher duties on the imports. "Our family goes back 50 years in this business and, frankly, I don't want trade assistance," he complains. "We'd rather be on our own."

These are some of the plaints, pleadings, and exhortations being heard by the International Trade Commission during an unusual trek around the country to solicit views from citizens about how future tariff reductions on imported items may affect them.

Under the Trade Act of 1974, the President is authorized to enter into negotiations aimed at harmonizing, reducing or eliminating tariff and non-tariff barriers and other distortions to international trade. As part of it, he may reduce by 60 per cent import duties which are currently more than 5 per cent, and may eliminate entirely duties currently less than 5 per cent.

Before he can enter those negotiations, however, the act requires that he seek the advice of the Trade Commission, formerly the Tariff Commission, on the "probable economic effects" of tariff changes on industries and on consumers. In addition to conducting studies and investigations, the Trade Commission is required to hold public hearings in preparing its report to the President.

The hearings it is holding differ markedly from those undertaken in anticipation of the last major round of trade negotiations in the early 1960s, when nearly 700 people testified in Washington.

The commission decided to hold hearings in Washington, but also to travel the country and eliminate some of the normal trappings of the government hearing. "When you stay in Washington, you get the input of the Washington trade lobby, but don't hear from those people who don't have trade associations or lobbies . . .," says Will E. Leonard Jr., the commissioner who becomes chairman in June. "There's no question that we get a type of witness we wouldn't have gotten in Washington."

Among the unexpected witnesses were a retired textile executive in Atlanta who spoke up for freer trade, in contrast to the position of his industry, and an electrician in New Orleans who walked in to decry the damage imports had caused the economy. Among those scheduled to testify in the 20 cities the commission will visit—from Augusta, Maine, to Los Angeles—are housewives, consumer groups, labor groups, small businessmen and teachers, as well as the big industries. The only group not represented so far has been retailers, Leonard says.

Witnesses have been solicited in an unusual way, too. Leonard said mail sent to the commission over the last couple of years on trade matters was collected and the senders written or called with an invitation to speak at the hearings if they still had the problem they had written to the commission about.

At Leonard's instigation, the commission also threw out the usual hearing accoutrements: Witnesses are not being sworn in, they don't have to sign up 20 days in advance—they can merely walk in and say they want to speak and they don't have to bring 20 copies of prepared testimony.

"We want to make it as easy as possible for you to let us know what's on your mind," Leonard told a room full of witnesses at the opening of the four-day New York hearings last Tuesday. "We're here to listen to you tell us how you think future changes in tariffs will affect you. We need your advice before we can advise the President . . . what economic results will occur should he modify up or down or continue existing duty or duty-free treatment on imports."

Much of what the commissioners are hearing is predictable—importers hope to have duties reduced and domestic producers of goods with foreign competition hope to have the duties remain or even be raised. But always they are being given an education on various sectors of the economy—information they are passing on to their "commodity analysts" who are drawing up some 1,900 trade agreement digests on more than 6,500 products which may be subject to trade negotiations, and which the commissioners will use to decide what to tell the President about those "probable economic effects" of actions he may take.

In just the first day and a half of the New York hearings, the commission learned about:

Cigars. They are composed of three parts—the filler, or core; the binder, which is wrapped around the filler to hold it in shape; and the wrapper, or outer dressing. Cigar Association of American president Carl J. Carlson told them, passing out samples. He urged them to recommend tariff reductions on filler tobaccos, which he said are in short supply worldwide.

Although the association wants tariffs reduced on the raw materials, it opposes reduced tariffs on imported cigars. "Our pleading with respect to cigars is frankly a protectionist one," Carlson said. But he continued that they wouldn't oppose a reduction if there were a reciprocal reduction of non-tariff barriers so that it was "just as easy for

U.S. cigar manufacturers to export their cigars as foreign countries may export them to the United States."

Artists' brushes. Holding up a sample of his wares, Fred Mink, Jr., vice president of the F. M. Brush Co., urged that tariffs on imported brushes be strengthened, not reduced. The price of the materials is the same, but the price of labor is much higher in the U.S., making American-made brushes more expensive and less competitive, he suggested. As a sidelight, the commission learned that red sable, used to make what Mink called the "best brush," costs $1,400 a pound.

Imported foods. Harold Bruce, executive vice president of the Association of Food Distributors, Inc., a food importers' trade group, suggested that the commission recommend abandoning altogether duties on items having no domestic counterparts and items produced here but not in sufficient quantity to meet domestic demand.

In the first category are such foods as 16 per cent duty; inshell pistachios, with a 1-cent-a-pound duty; anchovies, 6 per cent; and heart of palm, 8.5 per cent.

In the second category, he put such things as jalapeno peppers, fig paste and shelled filberts. Reducing those duties would reduce the prices to consumers, make the foods more plentiful, and would exert a deterrent effect on possible anticompetitive price and supply fixing by the domestic food industry, Bruce contended.

In questioning witnesses, Leonard repeatedly sought specific evidence and data of the impact tariff cuts from the last trade negotiations had on both consumer prices and the work force. Robert Kaleko, of Kaleko Bros. diamond cutters and importers said he couldn't produce evidence to support his claim that his foreign competitors raised prices when the tariff was reduced from 10 to .5 per cent in the last round. "I can't give you facts, but I know the people—when the duty goes down, they add it to their price," he said.

In contrast, Edward Frank, president of the Moreddi Division of Raymor/Richards, Morgenthau, Inc., importers of furniture from Europe, said the price of Scandanavian furniture being imported did show a drop when duties were decreased in the past, and promised he would furnish the commission with the evidence. "All I would have to do would be look up old price lists," he said. "Reduction, even if only 5 or 6 per cent, would make an important contribution to consumers since furniture represents big dollar purchases," he contended.

The complexity of the problems in some of the industry is also apparent in many of the presentations. Leonard S. Halpert, president of Cocoline Chocolate Co., Inc., a candy manufacturer, explained to the commission that his industry has problems with U.S. government agricultural policies which increase the cost of the candy makers' raw materials as well as with their foreign competitors. They not only are getting their raw materials for less but are also being granted special benefits by their governments, he said.

For instance, he told the hearing, statistics indicate that when the world price of raw sugar—a prime candy ingredient—was 45.25 cents a pound, confectioners in England were paying 23 cents a pound and in Mexico were paying 8 cents a pound, thanks to their governments' subsidies. In contrast, until the end of 1974, U.S. confectioners were paying prices for sugar that were even higher than the world price because of provisions of the now-defunct Sugar Act.

The candy makers here also have a problem with milk products because of the government's parity price support system, according to Halpert, who also is president of the Association of Manufacturers of Confectionery and Chocolate, Inc.

Despite his problems and his wish for some form of "help and protection," however, Halpert sounded a theme future chairman Leonard says has been heard repeatedly throughout the hearings: reciprocity.

"I personally have no doubt that true free trade is the solution," Halpert said. "By that I mean no tariff barriers, no quota barriers and, more important, no government intervention which creates artificially high domestic or imported raw material prices, and no artificial low costs, raw materials or otherwise, given to foreign competitors by their governments' intervention in the marketplace."

After the hearings are over—they have been held in nine cities so far, with 11 remaining—the commission faces the monumental task of culling all the material into some coherent form and making its decisions and recommendations—all by July 14. The hearings themselves won't even end until May 10.

Pennsylvania Governor Milton J. Shapp, the lead-off witness last week in New York, wondered whether the enormity of the task—assessing the total impact of future tariff cuts on all sectors of the economy—wasn't beyond the ability of the commission—with its limited time, 375 employees, and $9 million annual budget.

Leonard thinks they can do it, and thinks they will be able to incorporate a good deal of what they're hearing in the process. "It's not enough to just listen to their words; we have to utilize them in our work product.

"Then I'm just hoping the President uses what we give him," he says with two fingers crossed, "so hopefully the guy who testified today or last week will see that the President considered his views, even if they weren't totally accepted."

Oregon Advised to Become Involved in Trade Negotiations

When international trade negotiations get underway in Geneva next fall Oregon and the Pacific Northwest area should become actively involved.

This was the advice of Daniel Minchew, commissioner of the U.S. International Trade Commission during a March 27 visit to Salem.

The commissioner was in Salem for an informal meeting with Ben Allen, acting director of agriculture, and Jay Glatt, head of the department's Agricultural Development Division, and his staff.

Minchew told Glatt, "At some point I would like to see you associate yourself with part of the negotiating team in Geneva."

Noting that many go to Geneva to serve behind the scenes, Minchew suggested this approach to becoming involved and having input on the importance of agriculture in feeding the world and helping balance this country's international trade.

Minchew told the Agricultural Development staff he feels there is need for more agricultural input on the same basis as industry and that agriculture should be as high at the negotiating table as possible.

He pointed out the increasing importance of supplying food for the world and said with this country's corner on food it is becoming as important as the Arab oil supplies.

Explaining the procedures followed in negotiations, Minchew said Frederick B. Dent, former U.S. Secretary of Commerce, who has just been selected as President Ford's Special Representative for Trade Negotiations (STR) will have two deputies. One will be in Geneva and the other the advisor in Washington, D.C. He suggested that agricultural interests make a major effort to have the domestic deputy either be from agriculture or, at least, a person with an understanding of the importance of agriculture and knowledgeable in the problems faced by agriculture.

Minchew's personal philosophy is that in taking testimony for trade negotiations there needs to be input from persons actually involved in production and marketing. He made the Salem visit as a result of testimony given by Glatt at an International Trade Commission hearing in Portland March 20–21.

His purpose was to gather additional in depth information that would give him a greater insight into the diversity of agriculture in the Pacific Northwest area; he apprised of the amount of produce from this area flowing into international markets and learn of problems faced in international marketing.

The marketing problems have involved not only tariff barriers, but other restrictions as sanitation and additive regulations, national production or transportation subsidization, freight rate disparities, variable levies, quantitative restrictions and regulatory standards.

These problems were pointed out by Glatt in his testimony and he suggested that, since agricultural imports by the U.S. play a comparatively minor role to the imports of nonagricultural products, the nonagricultural sector could be used effectively in securing concessions from foreign nations in agricultural trade barriers.

The Oregon Department of Agriculture supplied Minchew with a packet of information on Pacific Northwest agriculture highlighting major items from the area that are involved in international trade. Pointed out were such products as white wheat, grass seed, dry peas and lentils, and spearmint and peppermint oils.

Pacific Northwest Agriculture and the Geneva Trade Negotiations

The considerable experience of the Pacific Northwest agriculture industry in international trading is likely to become an important resource for the U.S. Presidential Negotiating Team at the international trade negotiations in Geneva, Switzerland, in the fall of this year.

A negotiating concept we presented was received enthusiastically recently at a hearing of the U.S. International Trade Commission in Portland, Oregon. Portland was one of 14 cities in which the Commission held hearings to assess the potential impact of the reduction of U.S. tariffs on 1247 agricultural and non-agricultural items.

The Trade Act of 1974 empowered the President to reduce or eliminate tariffs on these items to accommodate agreements in Geneva with parties to the General Agreement on Tariffs and Trade (GATT), a United Nations organization. The 1247 items have a 5 percent ad valorem or less U.S. import duty. Of those items 284 are agricultural products directly competing with or similar to Pacific Northwest agricultural products.

Members of the U.S. International Trade Commission (formerly U.S. Tariff Commission) present at the Portland hearings were Chairman Catherine May Bodell (formerly a member of Congress from Yakima, Washington), Vice Chairman Joseph O. Parker and Commissioner Daniel Minchew.

The hearings drew 42 witnesses, of which 17 spoke for Pacific Northwest agriculture. We told the Commissioners that if any import duty on agricultural commodities is negotiated away, it should be done only after hard bargaining for reciprocal concessions in foreign trade barriers whether tariff or nontariff.

Historically agreements on agriculture have been negotiated from non-agricultural trade pacts. The basic concept is that the U.S. could develop more favorable agreements by combining the two segments.

The great buying power of the American people can provide significant leverage at Geneva by teaming up agriculture export

and non-agriculture import considerations to negotiate meaningful foreign concessions. Therefore it is important to have a person experienced in agricultural trading on the President's negotiating team.

In the next few years the power of U.S. international agricultural marketing could become as influential as oil is today in world trading. This can be achieved only with a strong agricultural industry at home and the strength of our agriculture, particularly in the Pacific Northwest, depends a great deal upon the expansion of foreign markets.

The significance of this industry on the national economy is revealed in the balance of trade picture for 1974. This nation saw a deficit of $3 billion. Without agricultural exports the deficit would have been $14.8 billion.

The concept of using separate sectors of trade to help one another was received enthusiastically by Commissioner Daniel Minchew when he met in Salem with us to gain a keener perspective on the idea and on Pacific Northwest agriculture and its involvement with international trade.

Commissioner Minchew, recognizing the significance of international trading to Pacific Northwest agriculture, strongly urged that the industry in this region send a representative to the GATT negotiations. He explained that Presidential Representative for Trade Negotiations Frederick B. Dent would have two deputies—one in Washington, D.C. to handle domestic ramifications of U.S. tariffs, and one in Geneva negotiating. The domestic deputy would set the policy that the negotiating deputy would carry out. A Geneva monitor could apprise Pacific Northwest agricultural interests to submit timely information to the domestic deputy.

We applauded the Commission for going afield to develop data for the Geneva negotiations. It is important that the Commission hear firsthand of the longstanding efforts by Pacific Northwest organizations to remove access barriers to import channels of international trade. Agricultural commodity groups have been able to mitigate trade restraints in several foreign markets, but many significant barriers remain that might be removed by implementing a comprehensive negotiating strategy through the Presidential team at Geneva.

Our position in market development has always carried a primary concern and effort to gain market access in addition to market promotions.

The office of the President's Special Trade Representative, Foreign Agricultural Service, International Trade Commission, and our Congressional Delegates have been assured that we will cooperate to focus agriculture's needs concerning multilateral trade negotiations.

It is necessary for agri-business to be unified to maximize its position in trade negotiations. With your support we are attempting to project this cohesive voice.

THE WRONG SPIRIT OF COMPROMISE

Mr. KENNEDY. Mr. President, from the hundreds of calls and letters I have received—from Boston to Saigon—there is a deep and despairing sense of helplessness among the American people over the human tragedy in South Vietnam and Cambodia. The appeals of our citizens reveal a profound sense of commitment and urgency to help—a commitment and urgency which has yet to find expression in the policy and actions of our national leadership.

America today seeks ways to help meet the desperate humanitarian needs of the people of Indochina, while our national leadership talks of a spirit of compromise that will allow some more guns and some more bombs for some more war in Vietnam. It is as if we have learned nothing from our decade of war and military involvement in Indochina.

These feelings were eloquently expressed in a letter I received from the president of Simon's Rock College in Great Barrington, Mass., and I would like to share with my colleagues the plea of President Baird Whitlock's letter.

Mr. President, I ask unanimous consent that the text of President Whitlock's letter be printed in the RECORD.

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

SIMON'S ROCK COLLEGE,
Great Barrington, Mass., March 6, 1975.

DEAR TED: I'm writing to you today simply as an individual, not as a college president looking for help. I plead with you not to compromise on the continued arms aid to southeast Asia. It is now over ten years since I took part in my first teach-in and nine years since my first visit to Thailand with a group of students. Nothing has changed except that through our own stupidity and moral turpitude we have ruined the most beautiful country in Asia—Cambodia. Every government statement for the ten years of our involvement has been either a direct lie or an incredibly mistaken judgment. To argue that we must save Cambodia from bloodshed by sending more arms is just one more of the same kind of nonsense.

I have given my life to trying to educate young people. I have tried desperately to blend a sense of history and reality with some honest hope for change and improvement. Now I see once again the weekend trips to Washington, trying to argue not only sense but some basic honesty into public servants. At some point it is going to become impossible to argue that positive change can be made. I had tremendous hope for this Congress—the initial stopping of some of the President's sillier acts, the attack on the oil depletion allowance at last!—and the first stage of discussions on additional aid to Viet Nam and Cambodia. And now I see the whole thing falling apart "in the spirit of Compromise"—compromise which keeps up our evil involvement in southeast Asia, compromise which leads to unfair economic pressures on the lower classes in oil tariffs and taxes, and compromise which allows the oil companies to continue to "rip-off" the entire economy.

Please don't give in on your knowledge of what is honestly right for our country at this crucial "compromise time." We are about to compromise away our national soul.

Cordially,

BAIRD WHITLOCK.

COACH RALPH "SHUG" JORDAN

Mr. SPARKMAN. Mr. President, I would like to take a moment to pay tribute to a distinguished Alabamian who has become a legend in his own time in the sports field. Effective in January 1976, Coach Ralph "Shug" Jordan of Auburn University in Auburn, Ala., will ended his 25-year reign as head of the Auburn football Tigers.

The statistics on Coach Jordan's career are most impressive. After the 1974 season, his 24th, Coach Jordan's teams had amassed 172 victories, against 72 losses and 5 ties. This record ranks Coach Jordan third in the Nation among active coaches. His teams have appeared in 13 postseason bowl games and were 1957 National and Southeastern Conference champions.

The honors which Coach Jordan has received include: Coach of the Year in the SEC four times, the Washington Touchdown Club Coach of the Year, as well as becoming a charter member in the Alabama Sports Hall of Fame.

Perhaps the most noteworthy things about Coach Jordan cannot be listed in statistics, but rather, are reflected in the image he has built among Alabamians. Mostly, Coach Jordan has confined his efforts to promoting Auburn University in his quiet, mild-mannered way. His name has become synonymous with Auburn.

As one of Coach Jordan's players phrased it:

Coach Jordan always has a kind of gentleman-of-the-South image. This image is now an Auburn trademark.

Another Auburn player said:

It is hard to think of Auburn without thinking of Coach Jordan first.

I think that these statements portray the feelings of many Alabamians.

It is ironic that on the night of Coach Jordan's retirement announcement, he was to speak at the Unsung Hero Banquet in Clanton, Ala., on behalf of Mike Flynn, one of his players. Characteristically, Coach Jordan apologized to Mike for timing his announcement so that it might overshadow Mike's moment of honor.

Coach Jordan's philosophy and personality have been transmitted to his football teams. Auburn teams often take the role of underdog, and I might add, relish this role.

In the past several years Auburn has become noted for the number of scholarships earned by try-out players, many of whom have gone to earn SEC and national recognition as well. This would seem only natural under a head coach who started in 1950 with a team that won only one game in the previous season, and built them into a nationally-recognized football power.

I wish to extend on behalf of Mrs. Sparkman and myself the best of wishes for coach and Mrs. Jordan in the years to come.

Mr. President, an article appeared in the April 9, issue of the Birmingham Post Herald entitled "Glory, Glory to Old Auburn," by Mr. Philip Marshall which I feel will help give my colleagues an idea why Coach Jordan is so highly regarded by thousands of Alabamians, and I ask unanimous consent that excerpts from it be printed in the RECORD.

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

GLORY, GLORY TO OLD AUBURN

AUBURN, ALA.—It isn't often one sees history made, particularly in the world of sports.

But when Ralph Jordan, the greatest coach ever to set foot on Jordan-Hare Stadiums turf and one of the greatest ever to walk the sideline anywhere, said he was planning to retire—that was history.

It's awe-inspiring, really, to glance around the Auburn University campus and see the things for which Ralph Jordan is responsible. A magnificant stadium that seats 65,000 football fans, a glistening new coliseum that

houses the Auburn athletic department, pictures of All-Americans and Heisman Trophy winners, trophies filling a case to overflowing. Those things say a lot about Ralph Jordan.

LOOKING BACK

When you look all the way back to 1951 to the time a Georgia line coach took over at Auburn, you see a ramshackled stadium that would seat some 20,000 and an athletic department over $100,000 in debt.

Auburn athletic accomplishments—and there are many—have one common denominator. Ralph Jordan.

Looking back over 24 years of coaching, the greatest thing about Jordan may not be 172 triumphs and a national championship and coach of the year honor and on and on.

What he has done for and meant to people is what stands out.

To cover every Jordan accomplishment would take a book. He, surely, will be remembered as one of the all-time greats in a profession that demands more perfection than practically any other.

There aren't many disappointing things for Auburn people when they look back over Jordan's career.

That's because Jordan put Auburn ahead of everything—including himself.

I didn't originate this phrase, and it was made about another man, but I think it appropriate.

Like everybody else, Ralph Jordan will pass away in the years to come and that's not to say it will be any time soon.

When he does, they'll bury him in a blue coffin with an orange top. The epitaph will read, "Glory, Glory to Old Auburn."

NUCLEAR POWER FOR NORTHEAST MISSISSIPPI

Mr. STENNIS. Mr. President, I was very gratified to receive word on April 3 that a site in northeast Mississippi has been selected as the probable site for one of two new nuclear electric power generating plants to be constructed by the Tennessee Valley Authority. I say "probable site" because it is still subject to the preparation and filing of an environmental impact statement, and certain additional detailed studies, but based on site evaluations by TVA they have selected a location in Tishomingo County, Miss., and are proceeding with their planning on that basis.

Lead times of many years are involved in modern electric generating and transmission systems, so the question of siting these two new nuclear plants has been a subject of discussion and encouragement by me for several years—discussions in which I have participated with interest because of my overall interest in TVA as well as the site in question and, more recently, my concern about the energy shortage.

As chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I conduct the annual hearings on the TVA budget and programs. The board of directors and the staff of TVA appear before the subcommittee, and we review their current activities and their plans for the future. In 1971, with my encouragement, TVA acquired the land for this plant, called the Yellow Creek site, and began extensive core borings and other investigations to insure its suitability for a nuclear plant. I have been encouraged by the progress of these engineering studies, and now I am very pleased that the selection of the site has been confirmed.

This large plant will mean many new jobs for the area, beginning 2 years from now, when actual construction will start. There is an additional significance, however, in the selection of this site in rural northeast Mississippi, and I believe that significance is excellently evaluated in an editorial in the Tupelo, Miss., Journal, under date of April 3, 1975. I ask unanimous consent that this fine editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, the editorial makes the point that the potential of northeast Mississippi has now been recognized, and that this is attested to by the fact that modern technology is in the process of working wonders in the economy of that area.

Mr. President, Yellow Creek is an embayment of Pickwick Lake, which is created by the Pickwick Landing Dam on the Tennessee River, a few miles north in Hardin County, Tenn. The plant site is on the east side of the embayment, just across from the Yellow Creek Port, a modern inland waterway terminal and industrial area. Three miles southwest of the plant site is the northern terminus of the Tennessee-Tombigbee Waterway, which when completed will carry vast amounts of tonnages by barges between that point and the sea at Mobile, Ala., as well as northward to the Ohio River Valley and beyond.

Here, within a few square miles, in what used to be considered a remote rural area with little growth potential, are coming together electric power and water transportation facilities of the most sophisticated modern types. It would be hard to find a place in the United States with a greater potential for industrial and economic growth than this area in northeast Mississippi.

EXHIBIT 1

[From the Tupelo (Miss.) Journal, Apr. 3, 1975]

AREA NEED TOO BIG FOR ANY TO BLOCK

Announcement by the Tennessee Valley Authority that it is considering Tishomingo County as the site of a nuclear power plant costing almost two billion dollars is one of the most welcome developments of the decade for our area.

For the location of such a plant at the Yellow Creek site north of Iuka means more than hundreds or thousands of good jobs during the seven-year construction period and readily available power as long as we may need it.

Construction of the plant at this site will mean that Northeast Mississippi has finally arrived both as a participant in some of the world's most sophisticated technology and in providing a market for greatly increased supplies of electrical power in the years ahead.

This latter point may appear insignificant. But when in this column some four or five years ago we first started urging TVA to build a nuclear power plant in Northeast Mississippi, we were told by officials of the agency that our area was so rural and represented such a poor potential for increased power use that they could see no prospect of TVA's building a nuclear plant in this area by the end of the century.

A couple of years ago when we talked with TVA officials during a Tennessee meeting on energy problems, we received a little more encouragement. And now it seems almost certain that unless the Tishomingo project is blocked by some environmental group, Northeast Mississippi will have a nuclear power plant under construction within a couple of years—and a rather big one at that.

To us this means not merely that the Yellow Creek site is a good one geographically and economically but that TVA has at last recognized the development potential of Northeast Mississippi along with West Tennessee.

It is quite possible that TVA may run into efforts by environmentalists to block this project as they sought to halt and did delay construction of the Tennessee-Tombigbee Waterway through Northeast Mississippi.

But there have been numerous major advances in the safety factors built into nuclear power plants since the 1950's when most of the dire predictions of disaster were made.

And if one looks at the national or global problem of disposing of nuclear waste, we should remember that all other regions of America and all industrialized nations of the world are steadily moving ahead in expanding production of electricity with nuclear power. Hence, that problem will be with us whether our area gets a nuclear plant or not.

A year ago, for example, Alabama had five nuclear power plants under construction around the state and reactors bought for four more.

And nuclear power plants are even more numerous in the crowded, highly industrialized states of the East and Midwest than they are in rural states like Mississippi.

The last site map we noticed, for example, showed six nuclear power plants in operation in Illinois and reactors bought for eight more. Similarly, the map showed two in operation in Pennsylvania; five under construction, and nuclear reactors bought for seven more.

Even the crowded area around New York City has four nuclear power plants in various stages of development or in operation. And so does the crowded nearby state of Connecticut. New Jersey has even more, as does Michigan, with a dozen nuclear plants in operation, under construction, or reactors purchased.

In view of the satisfactory safety record of these scores of plants and the speed with which additional ones are being planned here and abroad, we feel that a statement by Dixy Ray, lady head of the Atomic Energy Commission a year or two ago is relevant.

She told a congressional committee studying the safety of nuclear power plants:

"Many scientists have felt that it was beneath their dignity to popularize science; hence, many adults have grown up with the feeling that science was beyond them, a closed book. When this attitude is coupled with something like radioactivity which bursts on the human consciousness in a destructive act of atomic war, the inevitable result is difficult communication.

"This is the easiest possible way to raise the spectre of fear bred by ignorance."

She indicated that it might take a lifetime to erase those fears though achievement of such a goal might be possible earlier with all-out constructive effort to educate the public on nuclear operations.

We feel that the anticipated location of a nuclear power plant in Tishomingo County ranks with construction of the Tennessee-Tombigbee Waterway, already under way, as the biggest factors in Northeast Mississippi's development during this decade.

And we hope that no one listens seriously if some outside group tries to come in and block or delay the construction of this two billion dollar project as they did the Tombigbee Waterway.

For we need as soon as possible the thousands of jobs this project can provide. And though it may be difficult for many people to realize today, our area soon will be needing the power such a major electric power facility will produce.

RURAL HOSPITAL DILEMMA

Mr. DOLE. Mr. President, there appeared in the American Medical News this week a very enlightening article concerning the impact of utilization review regulations on the small hospitals of our country.

While based primarily on interviews with administrators of facilities in my State of Kansas, the message it conveyed is applicable to the dilemma which these new rules will be imposing on similar institutions in rural areas throughout the Nation.

I am requesting that the full page commentary be included in the RECORD today because I feel that all of us in the Senate must focus our attention on the crisis which may be developing as the compliance deadline for UR standards nears.

Although that date was, on March 25, moved back to July 1 of this year, I think it is apparent that nothing short of substantive changes in the guidelines themselves is going to afford the necessary relief—unless, of course, the AMA is successful in its pending court action for a preliminary injunction.

Mr. President, we are all interested in some form of cost control on Federal health programs, but we must at the same time be wary of any mechanism which may jeopardize the quality—and in some cases even the availability—of health care services.

Both those possibilities are all too evident in the April 7 report on the outlook in Kansas, and I ask unanimous consent that that account printed in the RECORD for the benefit of all my colleagues.

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

[From the American Medical News, Apr. 7, 1975]

REMOTE-AREA HOSPTALS WARY OF EFFECTS OF UTILIZATION REVIEW RULES

More than a thousand miles separate the nation's capital from the wheat fields of Western Kansas, but federal regulations manage the distance nicely.

Small hospitals in Kansas and other areas of the country with low population densities and great distances between facilities have been hardest hit by the government's cost-control rules for Medicare and Medicaid, and a note of desperation and bitterness is encountered among hospital administrators attempting to comply with directives from Washington.

Today, many administrators are anxiously awaiting further action by the Health, Education, and Welfare Dept. in the wake of its postponement until July 1 of the compliance date for utilization review regulations. Originally, HEW had said that hospitals would have to comply by April 1 or face financial penalties.

The regulations specify that all Medicare-Medicaid patient admissions must be reviewed within 24 hours to determine their validity. However, HEW Secretary Caspar Weinberger, in announcing the postponement (AMN, March 31, 1975), noted that "some rural hospitals have expressed concern about their ability to conform to the regulations." And Jay Constantine, chief health staffer for the Senate Finance Committee, had told the Federation of American Hospitals on March 21 that modifications on the requirements for rural hospitals are expected.

The problems faced by small hospitals under the original regulations were spelled out to AMN recently by hospital administrators from three small Kansas towns.

"They can make us comply; they can't make us like them," said John McGee, administrator of the 25-bed Kiowa, Kan., District Hospital and Clinic. The medical staff at the hospital at Medicine Lodge, 25 miles away, said they will not do the first day's recertification. We've only got two doctors on our board here so there's no way we can comply.

"Our doctors are willing to go along with it. In case of a difference of opinion, a third physician must be called in to break the tie. This is the reason we are meeting with Medicine Lodge. I can run the chart up there and say 'how do you vote' to somebody and that will do it. Maybe they will come around, but as of March 11 when they had their medical staff and board meeting they turned down the recertification.

"Eighty percent of the United States is rural, there are some 40-odd hospitals in Oklahoma, about 50 in Kansas that have less than three physicians. There is no way they can legally comply unless they can do like us and jump over and have a meeting with a neighboring hospital. Quite often these distances are so great you can't do it. So what you do is comply on paper, do the best you can.

"We have until April 30 to get the utilization review plan approved. You can bet it's increased our paper load. We've had people do extra duties. I don't know what it's going to do in the way of extra paperwork because we arent' in it far enough to see.

"We do the same thing in our 25-bed hospital that you would do in Washington, D.C., in a 200-bed hospital. We take care of the flu, the gallbladders, the appendices, the geriatrics, the broken hips. We do the same thing in our small hospitals out here in Kansas, Oklahoma, Nebraska, and Eastern Colorado, and small towns in Eastern Arkansas, Louisiana, Missouri, and Texas that you all do in your 200-bed hospitals back there in the East.

"We are just covered with small hospitals because towns are so far apart. We have one doctor who practices out of a little black bag who practices between us and the next hospital due west which is 200 miles away.

"We had a utilization review plan that was effective; it was working. I'll put our length of stay up against any of your Eastern hospitals. I'll put our costs up against them for darn sure.

"I don't know what the government is getting so uptight about. The UR is an unnecessary thing. They counter with the idea that you can take a lay person and put him on the committee and he can do the certification. But how can a lay person certify that it is medically necessary? This is what he is doing, he's legally certifying that it is medically necessary for this patient to be hospitalized.

"It is ridiculous. It is just increasing the paperwork. The physician is the one who knows whether or not this patient needs to be hospitalized. When his peers get together once a month in these rural areas, they look these over and if they think he's keeping somebody too long, they ask him why.

"The 24-hour certification is ridiculous. They have the idea that these small hospitals can come up with a non-professional person to sign. There is no problem in the big hospitals. But they will have to hire extra people. These girls are going to have to pull these charts and say 'sign here and sign her,' and they may pull one and say 'here's one there's some doubt about.'

"The physician will have a chance to look at about three in an hour and sign 160. They are going to pay this doctor $60 an hour to do this and what good is it really? Then they are going to pay three girls who will take all day pulling charts.

"They are trying to shoot down the whole system to get one or two people who are cheating. They are penalizing the system rather than the individual. The present system will catch the individual.

"In rest homes, the situation is worse. My parents and an aunt are in rest homes. The requirements are now that these homes be reviewed every two months to see if these patients can be rehabilitated. These people aren't going to be able to go to work in an aircraft company or anything like that. My aunt doesn't even know me. It runs the costs up. Someone has to pay this increased cost. They say they want to save money but they are increasing the costs.

"We have always taken care of people in the same way. We ran 54–58% over age 65 before Medicare. Since Medicare, the percentage is the same. I don't understand their philosophy. It's been a good system in the past, and I just don't see why it has to be compounded by any more paper work.

"I'm about to be covered over with it. It's becoming ridiculous. I know a lot of bureaucrats are sincere about it, but they just don't understand the problem. We have snake bite cases coming in here from 60 miles. If they close us up, they'll take those cases to Wichita, Kan., where they don't know what a snakebite is.

"The greatest snakebite expert in this part of country is from a little town of 1,200–1,500 people in Oklahoma.

"You can call him and describe the snake bite and he can tell you what kind of snake it was and whether it is poisonous. His hospital down there was declared out of conformance by Social Security because they only had three men on the staff. And they had just been surveyed by the Joint Commission and approved."

Russell Horton, administrator of the 72-bed Ellsworth County Memorial Hospital, said, "We had to close down our nine-bed extended care facility, a wing of the hospital, Jan. 1, because of 1974 regulations requiring us to have additional personnel to provide services.

"In a small area such as this, there is no way we can find these specialists such as occupational therapists, patient care coordinators, and so forth. The same regulations apply to a nine-bed facility as to a 150-bed extended care facility.

"We make an effort to put extended care patients in Salina about 35 miles away, but they are generally filled up. The regulations allow us to care for them in acute beds if it is impossible to place them elsewhere.

"So when this happens we have to clear it with the social welfare officials. They have to make the ruling on whether we can keep them or just have to let them out. Actually, we have received patients from Salina who were really too sick to be classified as extended care, but Salina had to discharge them from the hospitals and when their extended care facility was full, send them to us for our acute care beds.

"We are going to run into problems with the 24-hour certification regs. With a small hospital like ours, it is certainly going to be a problem. The regulations state there must be two doctors on the review committee who have no financial interest in the patients.

"To give you a good example, we perform an operation up here (we have four doctors on our staff), one doctor performs the operation, one assists, and a third is an anesthetist. There is no way in the world that two of our four are not going to have a financial interest in the patient.

"We've put two people with our medical records librarian because she knows more than anyone but the doctors and the nurses about the patients, the number of days, the diseases, and so forth. It's kind of funny because here you have laymen telling the doctor whether he can admit a patient.

"In order to carry out this type of program some people are estimating its going to cost us an extra $1,500 just for people to handle the records.

"Some hospitals only have one doctor. There is no way in the world he's not going to have a financial interest in his patients. Social Security's idea was right to start with, but it just didn't apply to everybody. They are thinking about Kansas U. Medical Center with 800 beds, but it doesn't work applying the same standards to small hospitals.

"I've been here for more than 2½ years. we have been in 100% compliance with utilization review up to this point. The idea is good to prevent admission of patients who don't belong. But it can't apply to everybody."

John Meyers, administrator, Cedar Vale, Kan., Regional Hospital, 35 beds, said:

"I'm not sure how we are going to get the utilization review committee formed, quite honestly. We have only two active doctors on the staff. One of them has a financial interest in the hospital. The other doctor will have a financial interest after a year's stay, which would elliminate both of them.

"We've been hustling trying to get doctors from adjoining towns that we would have to pay. I've got one doctor lined up, but we need two and I've been totally unsuccessful in finding another one. We're going to have to pay this one doctor $100 a month. By appointing a lay person as the review coordinator to make the non-controversial decisions, we could get by, but we're going to have a problem on the disputed cases because there's no one to review them.

"I have no faith in the government's ability to even see the problem of rural areas, much less react to them. I am quite frankly as bitter as hell. I used to be bureaucrat. We are trying to give good primary care in this rural area. It seems as if the government just doesn't want good primary care in rural areas; it's that simple.

"Assuming we can get the doctors, to operate the new UR on an annual basis will cost us in the neighborhood of $13,000. This translates for every Medicare and Medicaid patient to something more than $5 per patient day.

"The one doctor who has agreed to serve on our utilization review committee is from Coffeyville, Kan., which is 55 miles from us. That means either he comes to us or we go to him with the UR records, and this means traveltime expense, which I can't estimate, but it would be in addition to the $13,000."

FOREIGN POLICY—VIETNAM AND ISRAEL

Mr. STEVENSON. Mr. President, from the ashes of World War II emerged an America-inspired, America-led, and America-financed world order. It substituted a balance of power between East and West for the arrangements of the 19th century which had long since broken down. It was an alliance deeply rooted in a new Western prosperity and a fear of Communist expansion.

That post-World War II order—the Bretton Woods Agreement, GATT, the Marshall plan, NATO, emerging European unity, and the East-West balance—provided stability for a quarter of a century. It was highly successful.

Now it is broken down.

The Atlantic Alliance is in disarray, a casualty of vest-pocket diplomacy, bilateral maneuverings in Moscow and Peking, and neglect. The personal diplomacy of Secretary Kissinger left little time for U.S. interests in Europe and the remainder of the world. The "Year of Europe" never began. U.S. relations with Japan, the great power of Asia, are strained by neglect, as are relations with our neighbors on the North American continent, Canada and Mexico.

Détente with the Soviet Union, vaguely defined as both a noble end and a noble process, was pursued by ignoble means—by cash. The United States gave more than a billion dollars in concessionary loans to the Soviet Union in 2 years, with nothing as yet gained, and everything from capital to wheat to strategic superiority lost.

One looks in vain for the vaunted triumphs of Secretary Kissinger in Europe, Asia, Latin America, North America, and Africa and finds instead declining U.S. influence.

The administration preached the ideals of the American Revolution while it tilted toward Yahya Kahn in the Indo-Pakistani war, aided Salazar in Portugal, Papadopoulos in Greece, and the military in Chile. And all the while the United States lost credibility because it lacked principle and consistency. Now it has no foreign policy, only habits and impulses. It does not shape; it reacts to onrushing events.

This is a time for statesmanship and a serious debate over U.S. foreign policy, its objectives and its methods. From such a debate could emerge a bipartisan American policy which deserved and, therefore received, the support of the American people. And with American leadership the underpinnings of collective security and prosperity could be created once again in the world.

The misconduct of foreign affairs is nowhere more evident or more tragic than in South Vietnam and Cambodia—though in Europe, the eastern Mediterranean, the Middle East, and throughout the developing nations, the misconduct of foreign affairs is capable of causing even more serious consequences.

But instead of statesmanship we have been offered self-flagellation, recrimination, and more of the old mistakes.

The President has said that partisan politics are threatening to bring "our successful foreign policy to a standstill"—and so he makes a partisan issue of foreign policy. The Secretary of States has accused the Congress of "destroying" an ally in Indochina.

Such statements are not reminiscent of the American statesmanship which followed World War II. They recall Senator Joe McCarthy, the ugly debate over who lost China, and an era which gave birth to Richard Nixon.

It was in that era that the decline of U.S. influence in the world and the decline of the American peoples' confidence in their own government began.

So, let us talk sense about Vietnam and set the record straight. Let us not permit distortions of fact to poison public discourse.

Now is not the time for recrimination or for pointing the finger of blame.

Vietnam was not ours to lose. It belonged to the Vietnamese before the Americans arrived, and it belongs to them now. It is to the Vietnamese people that our hearts reach out—caught again as they are in the crossfire of a war they never wanted. And, yet, the administration still cannot aline itself with their aspirations and their welfare. It proposes continued military assistance for a regime that cannot govern, cannot make peace, and cannot win the war—a war that is self-perpetuating and self-defeating.

The regime of General Thieu could not win a military solution with the support of 500,000 American troops—and the $150 billion already spent for its support. Last year the level of U.S. support exceeded that of the Soviet Union and the People's Republic of China for the North Vietnamese and the Provisional Revolutionary Government—PRG—by almost 2 to 1. The South Vietnamese have not lacked the weapons to fight—they have lacked the will to fight. The regime has lacked, not weapons, but the support of the non-Communist people of South Vietnam.

It did not surrender Hue or Da Nang for lack of weapons. It did not fight. It surrendered its weapons to the North. And now in its perverse logic, the administration is saying, in effect, that because the South Vietnamese regime surrendered about a billion dollars worth of U.S.-supplied equipment to the Communists in 2 weeks—providing them with, among other things, the seventh largest air force in the world—the United States should supply still more.

The administration never lacked the authority to resupply the South Vietnamese. Of the $700 million Congress appropriated for military assistance this fiscal year, $170 million is still unexpended and of that $700 million, less than $175 million worth of equipment has been delivered to the South. The administration has not lacked the authority. It has lacked candor. And it has lacked a force in South Vietnam capable of being supplied and capable of fighting. Now the South Vietnamese Army is virtually destroyed—and in the continuing madness called "policy" in South Vietnam the administration speaks of supplying an army that does not exist. This madness must be ended before the United States can begin anew in the world.

Even at this late date there may be a way out of this infernal machine in South Vietnam.

The way lies through the Paris peace agreement, and in the application of its articles that propose a political compromise to end the war. They provide for the creation of a National Council of Reconciliation and Concord, the establishment of democratic liberties, including the liberty of speech, assembly and the press, and for a national election in which all South Vietnamese parties can participate.

General Thieu refused to carry out the terms of these articles with the PRG. He resisted all demands of the non-Communist South Vietnamese independents for a voice in the Saigon government and in the Council of Reconciliation. He refused to negotiate. He jailed his non-Communist opposition. He challenged the North's will to fight, and he met defeat.

A new broad-based government could challenge the Communists' will to negotiate.

The United States could show its good faith by ending its military aid for the Thieu regime, and by so doing, afford the South Vietnamese an opportunity to compose a broad-based popular government. Thieu's power to repress his non-Communist opposition derives from the United States. It should be cut off.

The objection to such a cutoff has always been that the North Vietnamese and the PRG will forget the peace agreement and seize the opportunity to overwhelm Saigon by military force. That is a greater possibility now than when I first proposed conditioning military assistance on a free electoral process 4 years ago. But it was the North Vietnamese and the PRG who wrote the political articles into the Paris accord over the objection of Thieu. And they still profess a willingness to negotiate with a popular government. Since 1960 their policy has been to gain for the PRG a right to participate in the political life of South Vietnam. That policy may be carried out in Da Nang now, where, according to Communist reports, the flag of the Buddhist National Force of Reconciliation and Concord is flying, flanked by the flags of the PRG and the Saigon government.

The PRG does not have the political infrastructure with which to govern. Besides, a military victory against the corrupt, demoralized government of General Thieu is inevitable if the war continues. But the overthrow of a government committed to peace and to the expression of the interests of the non-Communist Vietnamese that form the majority would be more difficult. The PRG would then have the South Vietnamese people against it. It would shift international opinion away from it and raise anew the possibility of foreign intervention.

The purpose of an aid cutoff is not to abandon the South Vietnamese but to aid them. The way to end the suffering of the South Vietnamese is to end its cause—the war. And if peace were achieved by a political settlement, the United States and other nations would have the means to provide economic and humanitarian assistance to the people of South Vietnam. The PRG appears more interested in a political solution than the Khmer Rouge in Cambodia. It may be too late to save the independence of South Vietnam, but a political process is the only remaining chance to prevent the repetition of a tragedy similar to that already taking place in Cambodia. Even if such a process were to lead to a coalition government or a Communist government, it might still be a neutral government.

It has always been implausible for this administration to subsidize détente with the Soviet Union in Moscow and subsidize war against the Soviet Union in Indochina. The nations of Indochina seek independence—independence from the French, independence from the United States and, yes, independence from the Communist Chinese and the Soviets, too. What matters most to us is not the ideological complexion of the South Vietnamese Government, but its independence and neutrality. The majority of the people of South Vietnam are not Communists, they are nationalists. And though U.S. policy has caused enmity among the people, it is still not too late to aid in the establishment of a neutral government.

Continued war only makes the PRG and North Vietnam more dependent on Moscow and Peking. If the administration persists in its apparent refusal to seek a political settlement, then we should welcome the efforts of other governments, including the French who now openly recognize that General Thieu prevents a political settlement. The Secretary of State says that for lack of sufficient assistance the United States is "destroying" an ally and that our word will no longer be honored in the world. But it was the pursuit of a bloody war for the Saigon regime which cost the United States honor and credibility. The way to restore our authority in the world is by ending that war. The French did not lose authority by ending their pursuit of the same futile war. And if the President and the Secretary of State maintain that our commitment was an undisclosed commitment to the Saigon regime instead of an American commitment to the people of South Vietnam, then let them say that their country fulfilled that commitment and defend the honor of their country.

The Secretary of State has also said that the United States cannot pursue a policy of "selective reliability." He said:

"We cannot abandon friends in one part of the world without jeopardizing the security of friends everywhere."

Those, too, are disturbing words. They ignore history. They ignore our own best principles. They ignore the lessons to be read from our mistakes. They ignore the critical distinctions between nations worthy of our friendship and support and those unworthy. They are disturbing for those of us who see a distinction between the regime of General Thieu in Indochina and the popular democratic Government of the State of Israel.

I believe that our commitment to Israel conforms to our highest ideals as a nation. And I believe the administration's commitment to the Thieu regime in South Vietnam belies those ideals.

The distinction between Israel and the regimes of Indochina is critical to responsible United States world involvement—and it is obvious. The State of Israel is a free and humane nation. Israel is ruled by her people. Israel has shown herself willing to risk much for political settlement. The citizens and armed forces of Israel are committed to the defense of their country. And, furthermore, Israel lies at the crossroads of the world, a region in which the United States has significant interests.

The circumstances in Israel offer hope and justify United States support. The nature of the Thieu regime condemned it to failure and condemned our support to failure. I regret that the Secretary of State not only fails to perceive that distinction but condemns Israel, even as he exhorts us to support Saigon.

Secretary Kissinger says the United States should honor its commitments. It should. But the crucial question, for the present and the future, is not how faithful we are but how wise we are; not whether we honor our commitments but whether we can make commitments in accordance with our law that conform to our best principles—commitments that justify the sacrifices we must make, commitments that offer hope of success rather than the prospect of failure, commitments that are clearly related to our strategic interests. The first lesson of our recent involvement in Indochina is that there are commitments and commitments—wise and unwise commitments, worthy and unworthy commitments. And the challenge to our diplomacy in the immediate future is to learn how to distinguish between the two.

I believe with Jefferson and his compatriots of 200 years ago that America should be committed to liberty and not to despotism, that we should aline ourselves not with the military dictators and juntas doomed by history, but with peoples and nations whose devotion is to human freedom and whose own energy and zeal and vitality make it clear that they are prepared and able to help themselves. The commitments of the future must recognize the interdependence of the world, bound together, as all its parts are, by trade and investment and the necessities of national security in a nuclear world—a world crying out for common efforts against mankind's age-old scourges of hunger and disease and ignorance and oppression and war. Our national ideals and sound national commitments can pull that world together and bind us with true friends in high and common purposes.

In the Middle East the step-by-step diplomacy of Secretary Kissinger ended with another predictable failure. His "salami tactics" were doomed to failure from the beginning because the parties and the issues are inextricably interwoven. Precious time was wasted. Radical elements gained time and influence. But now there is more hope because the alternative to continued conflict is now seen to be where it always was in a multinational effort involving all parties prepared to renounce terrorism and accept the right of all others to exist. Now the United States could lead an effort at Geneva involving the Soviet Union, the French, and the British to hammer out the conflicting interests and develop an overall settlement, difficult as that will be, that can be guaranteed by great powers. The foreign policy agenda is long.

The Western Alliance, including Japan and Canada, must be reconstructed.

The international institutions for the regulation of free trade and investment must be created. Such restrictive practices as the Arab boycott must be condemned by the United States and stopped by the collective actions of free nations.

The proliferation of nuclear technology must be safeguarded before every nation which wants it, and terrorist groups too, obtain the ultimate power of human destruction—the nuclear bomb.

Some nation must lead these and other great causes. If they are not led by the United States, they may not be led at all. And so, in the failures of administration policy in Indochina and the Middle East I suggest that there is reason to be hopeful. The old ways are so destructive, so expensive, so dangerous they must be changed. We have no other choice. The price has been high, but we have now a chance to begin where we left off, recognizing that morality and self-interest can coincide, that our best interests are served by our best principles, and that the peace and security of the world demand not personalized, vest-pocket diplomacy but the cooperative efforts of free nations joined as equals and led, once again, by America.

THE LIVESTOCK INDUSTRY

Mr. McGOVERN. Mr. President, the South Dakota State Legislature recently approved a concurrent resolution in support of a Federal Livestock Insurance Corporation and Livestock Producers Emergency Protection Fund.

The livestock industry in South Dakota is in deep crisis. Low market prices and an intense blizzard in January has crippled a once healthy industry to the point that recovery is uncertain. On top of this, cattlemen in South Dakota experienced another blizzard just last week, one that caused heavy cattle and calf losses.

I believe it is time for the Congress to take immediate action on behalf of the cattle industry and the idea presented by the South Dakota Legislature should be given serious consideration.

For these reasons, I ask unanimous consent that the resolution passed by the South Dakota Legislature be printed in full in the RECORD.

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

SENATE CONCURRENT RESOLUTION NO. 14

A concurrent resolution, memorializing the Congress of the United States To Enact Legislation Establishing a Federal Livestock Insurance Corporation and Livestock Producers Emergency Protection Fund

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the maintenance of a productive and economically viable livestock industry is essential to the American consumers and to the general economic well-being of South Dakota and the United States; and

Whereas, the livestock industry in South Dakota as well as elsewhere in these United States is currently in a depressed financial state, causing the confidence of the industry to be seriously undermined and the future of the industry to be in a state of uncertainty; and

Whereas, the current depressed financial condition and lack of confidence in South Dakota and the nation's livestock industry can largely be attributed to the absence of any protection for livestock producers from (a) declining market prices for their livestock products and (b) large financial losses incurred subsequent to the failures of buyers of livestock products, causing their checks not to be honored and the burden of such losses to be borne by livestock producers themselves, and;

Whereas, it is recognized that a national livestock insurance program and emergency protection fund are necessary to afford livestock producers the needed protection;

Now, therefore, be it resolved, by the Senate of the Fiftieth Legislature of the state of South Dakota, the House of Representatives concurring therein, that Congress enact legislation establishing a Federal Livestock Insurance Corporation and Livestock Producers Emergency Fund and;

Be it further resolved, the copies of this resolution be forwarded by the Secretary of the Senate of the state of South Dakota, to each member of South Dakota Congressional delegation, to the Secretary of the United States Department of Agriculture and to the President of the United States.

FERTILIZER: THE TRAUMA OF CATCHING UP

Mr. HARTKE. Mr. President, one-third of this Nation's crops depend on the use of fertilizer. However, a major concern for industry producers of fertilizer rests with the problems of natural gas supplies. Large supplies of natural gas are needed as a raw material in manufacturing ammonia, the major ingredient for nitrogen fertilizer, and there is a great danger that adequate supplies of gas will not be available for fertilizer production.

The Commerce Committee, of which I am a member, has held hearings on two bills that I am cosponsoring, which will give fertilizer producers priority for natural gas, next to households. It is my hope that Congress will act swiftly on this matter.

The South magazine has published an informative article on this current problem, and I ask unanimous consent that the text of this article be printed in the RECORD.

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

FERTILIZER: THE TRAUMA OF CATCHING UP

(by Deanne Dewey)

Despite current optimism on the part of many fertilizer producers who foresee the present gap between supply and demand closing within the next few years, outside forces suggest there are limitations to how fast and how far the industry can grow to meet future world food needs. Many producers welcome the opportunity to expand to meet ever increasing demands for more food, but world market conditions and scarce natural resources may interfere with their hopes.

Fertilizer supplies were hit hard last year by heavy demand which depleted inventories to an all-time low level. The Fertilizer Institute in Washington, D.C., representing about 90 per cent of businesses in the industry, says the U.S. farmer and the fertilizer industry experienced the most difficult period of supply in 30 years. Domestic production reached 43 to 44 million tons, a nine percent increase over '73. But the Institute estimates that supplies fell short of demand by six to 10 per cent. And the conditions which set up the demand-supply imbalance are still at work, resulting in continual difficulty in providing fertilizer to the world's farmers.

Food experts say the primary means of expanding food production are increasing the amount of land under cultivation, and raising crop yields on existing farmed land. Last year, the government terminated price subsidies for land bank acreage and spurred farmers to cultivate nearly nine million acres of unfarmed land. The new land brought under the plow raised the total U.S. area in crop production to 410 million acres.

But there is a limit to available land, especially considering competing uses such as industrial development, recreation, transportation, and residential development. The second means, increasing crop yields, requires intensified use of water, fertilizers and energy—all of which are in limited supply. But the experts speculate that if world population continues to expand at nearly two percent annually, merely maintaining current per capita consumption levels would require a doubling of food produced in little more than a generation. The U.S. Department of Agriculture attributes one-third of this country's crop yields to the use of fertilizers so industry producers realize that they have their work cut out for them.

A major concern of producers rests with the problems of another industry—natural gas suppliers. Nitrogen fertilizer constitutes more than one half of all commercial fertilizers (as opposed to organic fertilizers) used in developing countries. In this country production requires large supplies of natural gas as a raw material in manufacturing its major ingredient, ammonia. The major gas fields in continental U.S., many of which are located in the South, have already reached peak production and the supply began dropping in 1970. The gas industry blames the lack of exploration for new fields on government price ceilings which have crushed incentive for years. Even if price controls were lifted, assuming new gas sources were tapped, it would take three to five years for new ammonia operations to come on stream.

The near-term situation of ammonia production has improved over last year, however. The industry expects a nine per cent increase in nitrogen fertilizer capacity this year compared to '74 due to several additional ammonia plants scheduled to begin operation this year. Most of the potential will be realized in the last half of the year. This puts '75 potential nitrogen used solely for fertilizer in the U.S. at 9.6 million tons. Estimates for '74 are 9.1 million tons, compared to 2.7 million tons used in 1960. Prices are expected to rise this year, possibly 10 to 15 per cent over September '74 levels. That increase is attributed to increased costs of production and a continual high demand for nitrogen fertilizer.

Ammonia producers have illustrated their willingness to expand as the new facilities prove, but the question remains, how long can producers be guaranteed long-term supplies of natural gas? Faced with the U.S. gas shortage, fertilizer producers have begun exploring foreign supplies, but shudder at the thought of building a $75 to $100 million plant and perhaps having to turn the facility over to a foreign government a year or two after production begins.

Not quite so bleak, but certainly unencouraging is the picture of potash, another major nutrient in fertilizer. The outside force in this case is the Canadian government which in mid '74 imposed higher royalties and taxes on American companies mining rich potash deposits within its borders. In the past payments were comparable to those imposed on producers in the U.S., except for a slight jump a year ago. But as a result of the mid '74 increase, potash companies now must pay the Canadian government a typical fee of $12.10 a ton, comparable to $1.95 per ton in the U.S. Canada supplies about 75 per cent of all potash used in U.S. fertilizer; other deposits are available in this country, but require far greater mining costs. But the industry wonders how long it can continue to meet the demands of Canada. Consequently, no new production facilities

have been announced for '75 despite price levels substantially above a year ago.

One portion of the industry with great impact on the South's economy is phosphate production. Figures released by the U.S. Bureau of Mines in December of last year place the annual economic impact of the phosphate industry in Florida at $1.5 billion, and the industry, made up of about 20 companies, directly or indirectly employs 61,000 people in the Sunshine State. Florida produces 75 per cent of domestically-used phosphate and one-third of the world's supply. The Florida Phosphate Council (FPC) says more than 95 per cent of that phosphate is used in fertilizer production.

Five new phosphoric acid plants are scheduled to begin operation in Florida this year. They will increase phosphate capacity 1.9 million tons, raising total capacity 28 per cent to 8.7 million tons by the end of the year. But demand may still be stronger than supply, raising the possibility of a 10 per cent price increase during peak months.

The mammoth industry has a fly in the ointment however, the environmental impact. Sulfur oxides, acids and usless piles of gypsum leave their toll on the environment and pockmark the tourists' paradise. In the last few years state laws have forced the industry to clean up most of its mess and reclaim vast amounts of mined lands. On the average it costs about $650 an acre to reclaim land, and doubtless this expense has been one of the factors involved in soaring prices. World market phosphate rock prices have increased about 360 per cent since December of '73.

But beyond the price factor is the limitation environmental concerns have placed on expansion. For example, several companies have expressed the desire to mine rich phosphate deposits in Osceola National Forest in northern Florida. However, negotiations have bottlenecked, leaving the future of the forest in question, and phosphate companies frustrated. Meanwhile, FPC estimates that easily attainable supplies in the state will last 30 years.

A major expansion deterrent for the entire fertilizer industry (approximately a third of which is located in the South) is the rising cost of energy, the ever-present economic bugaboo these days. Fertilizer-producing processes are intensive energy consumers, ensnarling the industry in a web of energy shortages. According to William C. White, vice president of The Fertilizer Institute, fertilizer production draws on all available forms of energy today—natural gas, oil, electricity and coal. He says, "The fact that fertilizers are nutrient bearing materials makes them unique among the variety of energy uses because they are the only end-use of energy that enters directly in the food production chain." White cites the problem of curtailment of energy deliveries from suppliers and public utilities, which have reduced ammonia production, and in severe cases, temporarily closed plants. The South recently witnessed examples of this when USS Agri-Chemicals was forced in mid-December of '74 to cut capacity at its Cherokee, Ala., ammonia plant 70 percent because of natural gas curtailment. The plant continues operating at the reduced capacity. Then Farmers Chemical Association shut down its ammonia plant at Tunis, N.C., at the first of the year and will open sporadically when more supplies of gas become available. The problem is intensified, says White, since conversion to alternate energy sources is limited.

An electrical supply problem hit Florida's phosphate industry last year with a bolt. Tampa Electric Company (TECO), serving four phosphate-producing counties and providing 60 percent of the phosphate electrical needs in the state, was forced to interrupt power supply to mining operations 35 times and to processing plant furnaces 42 times for a six month period last year. The interruptions ranged from 30 minutes to 10 hours. In '73 there were 319 episodes of curtailment or interruptions and the Phosphate Council estimates the market value of phosphate not produced during those interruptions at $7 million. The production loss is estimated to be much smaller for '74 due to new contracts negotiated between TECO and phosphate companies in June of '74 which provide the industry with "peaking power" when supplies are threatened. Instead of interrupting a company's supply, TECO can buy power from other electric companies' peaking units. Phosphate customers pay the additional cost, which is two and a half times more expensive than normal rates.

TECO has added 69,000 to 80,000 kilowatts of generating capacity to meet phosphate needs of '75 and says it should be able to meet future demands of the phosphate industry by the 1980's. Until then, it's safe to assume that availability of electricity will be a big factor in expansion hopes.

FINANCING TIGHT

Another limitation the industry is experiencing is financing new production facilities at a time when interest rates are the highest in post-Depression years. Phosphate spokesman say they've had little trouble but other areas of the industry are hard-hit for expansion money. Don Collins, vice president of the Fertilizer Institute, says many companies plan to finance much of their expansion out of cash flow. Consequently he contends that it will take longer to build the facilities since the industry operated on tight margins in the late 60's and early 70's.

A final consideration is world market activity. Should other countries decide to substantially expand their fertilizer production and capitalize on current world shortages as is currently speculated, U.S. producers may find themselves in an over-supply market, or at best competing against lower-priced fertilizers. They say they will keep a steady eye on foreign production in the next few years.

The gap between fertilizer supply and demand will be less this year than last. But long-term projections are not totally rosy since the industry is steadily losing its autonomy, and may increasingly find itself a victim of forces outside its controls.

Clearly fertilizer producers have a substantial stake in how the world solves its food supply questions. Spokesmen say the industry is confident that it can suppy the future U.S. needs, but they have their doubts about meeting global needs. Population growth will be a big factor as well as developing nation's ability to gain a greater degree of self-sufficiency. In the meantime, the U.S. fertilizer industry will struggle in the web of ever-present outside forces threatening increased capacity levels.

PRICE AND PRODUCTION

If both prices and supplies rise as expected in 1975, farmers will spend an estimated $6.5 billion for fertilizer. This is nearly 18 per cent more than the $5.5 billion estimated for 1974.

Forty-seven million gross tons of fertilizer were used in the U.S. and Puerto Rico during the fertilizer year July 1, 1973, to June 30, 1974. This is a record high and is nine per cent—four million tons—more than the year before.

In the 1973–74 fiscal year, the declared value of U.S. fertilizer exports was $680 million—45 per cent more than a year earlier.

Source.—U.S. Department of Agriculture.

JOHN M. BAILEY

Mr. RIBICOFF. Mr. President, it is with great sorrow that I announce the death of John M. Bailey of Hartford, Conn., the chairman of the Connecticut Democratic State Central Committee.

My wife, Lois, and I extend our deepest sympathy to John's great and loving wife, Barbara, his children, and grandchildren.

There will never be the likes of him again. John Bailey was an original. He was a political genius. So many in our State and Nation owe their political careers to John's help, wisdom, and hard work.

President Kennedy, Governor Ella Grass, myself, and many others achieved our success as a result of his dedication and understanding of people and events.

A great Democrat, yet he always planned and worked for the nomination of high public officials who, when elected, would serve the people of our State and Nation, free from party politics and with the highest distinction.

John was one of my closest personal friends. As young men we started our political careers together. John's good works and memory will always have a unique place in the annals of Connecticut's history. He contributed so much to the success of our State.

All the people of the State of Connecticut join Barbara and his family in mourning his death.

Mr. WEICKER. Mr. President, I rise to pay a heartfelt tribute to John M. Bailey.

Here was a great and good politician. As much as he worked for the success of the Democratic Party he also worked for America and his beloved Connecticut.

He was a fighter. He was a winner. I will miss him.

NATURAL GAS CRITICAL TO AN ESSENTIAL INDUSTRY

Mr. MONTOYA. Mr. President, on March 3, 1975 I introduced S. 922 which would require that the Federal Power Commission—FPC—give a second priority to natural gas used for agricultural purposes. This legislation was prompted by opinion 697–A in which the FPC, sua sponte, changed natural gas used for irrigation pumping from priority group 2 to group 3.

The above opinion has resulted in widespread concern in the agricultural community. As I noted in my floor statement on March 3, 1975, this decision, if not modified either legislatively or administratively, could destroy agriculture in New Mexico and other areas which rely on irrigation powered by natural gas. The situation has not improved and my bill has not yet been acted upon.

Mr. President, I have received correspondence on this very critical issue from various groups representing distributors and users of natural gas. These people closest to the situation are able advocates for their cause, and I ask unanimous consent that several of these letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MONTOYA. Mr. President, if we are to have full agricultural production

we must not place obstacles in the path of any of our farmers. Farmers, if they are to meet the needs of the Nation and the world, must have adequate compensation for their work and proper materials. Over 40 percent of this country's production of grain sorghum, vegetables, and from orchards come from irrigated acres in the eight States of Arizona, California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas. Irrigated acres in these same eight States provide 25 percent of our cotton production, 13 percent of alfalfa, 10 percent of corn—silage—and 10 percent of barley as well as signigcant amounts of other agricultural products. It is clear that this area is of vital importance to our overall agricultural effort and I urge my colleagues to join in efforts to assure that an adequate supply of natural gas is made available to our irrigation farmers.

EXHIBIT 1

VALENCIA COUNTY FARM AND LIVESTOCK BUREAU,
Belen, N. Mex., March 24, 1975.

Re: Federal Power Commission Order No. 697A.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: The Valencia County Farm & Livestock Bureau is asking your help in the natural gas problem—a real problem to the farmers & ranchers of New Mexico.

This order is urging the changing of "priority use" of irrigation pumping natural gas use from Priority No. 2 to Priority No. 3.

We need not go into detail the serious nature of this act should pumps be closed down in the middle of growing season. This would not only endanger crops but beef grazing as well. Wouldn't this mean more expense as well as fewer groceries on the table for everyone?

The farmers & ranchers of New Mexico beg your assistance in this matter to have this ruling reviewed. Agriculture needs to be back on priority!

Allow our thoughts to sum up this appeal, "Eating is more necessary than heating up a swimming pool."

Respectfully yours.

ELDRIDGE MILLER,
President, Valencia County Farm and Livestock Bureau.

TORRANCE COUNTY,
Treasurer, Estancia, N. Mex.

Hon. JOE MONTOYA,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: It has been brought to my attention, the Federal Power Commission of Washington, D.C. has issued an edict curtailing the use of natural gas for agriculture use, which primarily is issued in Torrance County for irrigation pumping.

There are approximately 320 irrigation wells now using natural gas for fuel. All of the farmers, with the exception of four, are family type farmers. And even these four commercial operations produce a large portion of food and fiber to help feed the needs.

This order allows the farmers 50% of the amount of gas they used last year. Now, no farmer or rancher can afford to purchase seed and fertilizer and start a crop, knowing he can only have 50% of the gas he had last year.

This would not only bankrupt these farmers, but force them into the labor market, which we know is already over flowing. This is not only an unwise move on the administration of this natural product, but a serious one for the economy of the Estancia Valley.

We would appreciate any assistance you can give these farmers in correcting this problem.

Sincerely yours,

MARION A. GATES,
Former Torrance County Treasurer.

GRAIN SORGHUM PRODUCERS ASSOCIATION,
Lubbock, Tex., April 2, 1975.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR MONTOYA: The ruling by the Federal Power Commission, Opinion 697A, issued December 19, 1974, changing natural gas use for irrigation purposes from Priority No. 2 to No. 3, will have serious repercussion on agriculture's ability to meet: 1) domestic food requirements; 2) food commitments to underdeveloped nations; and 3) exports which are desperately needed to pay for our imported energy needs. The importance of irrigation is the stability it provides in the production of food.

The attached chart is designed to show the importance of this eight-state irrigation belt (Arizona, California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma and Texas). Production in this region accounts for much of our vegetables and fresh fruit. Also, this region is a primary producer of fresh meat and provides a surplus of grain which is used for exports. This FPC ruling will stop irrigation in this region and, except for canal water, change the majority of our farming to dryland and reduce the productivity of this region to twenty percent of present production.

FPC did state in this ruling that if alternate fuels were not technically feasible, irrigation would be placed back in Priority No. 2. It is technically feasible to convert our present power sources to gasoline or diesel; however, it is not economically feasible. Agriculture does not have the financing or equipment available to convert more than 200,000 engines from one fuel source to another in the short period that FPC is requiring. This change-over will require new engines in many cases, fuel storage tanks at each irrigation well, and new carburetion for each engine.

The Federal Energy Agency could alleviate this problem by indicating that gasoline and diesel are not available alternate fuels. This would then put irrigation back under Priority No. 2, according to FPC.

The FPC has made a ruling which was not supported by data. The people who were responsible for making the ruling evidently did not realize the serious impact it would have on the food, fiber and shelter production capabilities of American agriculture.

We will supply additional information regarding the number of irrigation wells and cost of conversion to other fuel types as soon as it is available. We hope you can use this data to support your efforts in changing the priority rating of natural gas for irrigation use from Priority No. 3 to No. 1.

We appreciate your efforts regarding this unfortunate situation.

Sincerely,

JACK G. KING,
Research Director.

PRELIMINARY ESTIMATES OF PERCENT OF PRODUCTION OF AGRICULTURAL COMMODITIES FROM IRRIGATED ACRES IN 8 STATES [1]

[In thousands]

Commodity and units	Total		8 States as a percent of United States
	8 States	United States	
Alfalfa (tons)	10,814	78,343	13.8
Barley (bushels)	44,370	430,181	10.3
Corn (grain) (bushels)	488,421	5,643,256	8.6
Corn (silage) (tons)	11,765	109,848	10.7
Cotton (bales)	3,268	12,958	25.2
Irish potatoes (hundredweight)	19,961	297,352	6.7
Orchards (dollars)	786,802	1,656,130	47.5
Sorghum (grain) (bushels)	377,670	936,587	40.5
Vegetables (dollars)	590,979	1,242,600	47.6
Wheat (bushels)	66,180	1,716,993	3.8

[1] Arizona, California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

Source: James E. Osborn, professor and chairman of the Department of Agricultural Economics, Texas Tech University

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HEROICS IN A TRAGIC WAR

Mr. JACKSON. Mr. President, in the midst of the tragedy that has been unfolding before our eyes in Vietnam, millions of Americans have found a hero in Edward Joseph Daly. In a series of remarkable exploits, the president of World Airways filled a 727 with panicking civilians and soldiers and barely flew out of Da Nang before the city fell to the Communists and then, a few days later, ripped through bureaucratic tape to fly 58 Vietnamese refugees out of Saigon to the United States. At this moment, he is in Saigon attempting to break any bureaucratic logjams that are preventing hundreds of orphaned children from being evacuated from the threatened capital.

In San Francisco, Ed Daly's daughter, Charlotte Behrendt and her husband, Mel, have been working with community leaders like Walter Shorenstein and other concerned, private citizens and military personnel at the Presidio to arrange proper facilities and care on arrival for the innocent victims of a tragic war from a ravaged Indochina and a safe journey to their new families in the United States. We owe them, and hundreds of other Americans like them in many other communities in our country, an expression of our thanks and deep admiration for their efforts. It is encouraging to know there are still among us, strong-willed individuals like Ed Daly who, by the strength of their convictions and confidence in their abilities, are able to persevere.

A competitor of World Airways has described its president as "religious, philanthropic, and boisterous." To that, I would add courageous.

Nineteen years ago, Ed Daly took aircraft from his struggling airlines to Hungary to bring to the United States refugees from another war-torn nation. I am sure that millions of Americans join me in wishing Ed Daly and his crew success in another humanitarian effort.

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, the Committee on Veterans' Affairs on Tuesday, January 28, 1975, met in executive session and unanimously adopted rules of procedure for the 94th Congress. Through a clerical oversight these rules, which are identical to those in effect during the 92d and 93d Congresses, have not as of this date been published in the RECORD as required by the Legislative Reorganiza-

tion Act of 1970. Therefore, I ask unanimous consent that this oversight be corrected, and that the rules of procedure of the Committee on Veterans' Affairs be printed in the RECORD.

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

RULES OF PROCEDURE OF THE COMMITTEE

I. GENERAL

All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the committee and its subcommittees.

II. MEETINGS

The committee shall hold its regular meeting on the first and third Monday of each month when Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

III. QUORUMS

Three members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving testimony.

IV. VOTING

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question which a "yea" or "nay" vote is requested.

V. SUBCOMMITTEES

(a) The committee chairman and the ranking minority member shall be ex-officio members of any subcommittee of the committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.

VI. HEARINGS AND HEARING PROCEDURE

(a) The committee or any subcommittee thereof shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the committee or subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the committee or any subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee or by authorization of the chairman of the committee.

S. 1336—AN ANSWER TO THE OZONE CONTROVERSY

Mr. McINTYRE. Mr. President, a number of warnings have been sounded in recent months about how synthetic gases emitted by millions of aerosol spray cans threaten the Earth's protective ozone layer. The warnings come from some of our Nation's most prestigious scientists and the problem has been recognized as serious by the National Academy of Sciences.

The culprit in the early findings is an inert, colorless, tasteless and odorless gas which is used as the propellant in most aerosol spray cans. Known as chlorofluoromethane molecules or fluorocarbons, these gases are believed to be rising very slowly to the lower stratosphere some 15 miles above the Earth. At that elevation, the scientists say the gases, under the influence of ultraviolet radiation, are broken down into free chlorine atoms that attack the ozone. The evidence available is by no means complete, but if the scientists are correct the result could be a serious depletion of the thin blanket of ozone which shields the Earth from an overdose of ultaviolet radiation. Such an overdose would have enormous implications for life on Earth.

Dr. F. Sherwood Rowland of the Department of Chemistry at the University of California in Irvine has testified before a congressional subcommittee about the impact of fluorocarbons on the ozone layer. He warns the gas emissions have increased very rapidly over the past 25 years to the point where nearly 1 million tons per year are released worldwide. Dr. Rowland believes that the molecules last an average of 50 to 100 years in the atmosphere. Further, he says calculations show that chlorine atoms now in the stratosphere from the breakdown of chlorofluoromethanes are already causing a 1-percent average depletion in the ozone shield. Dr. Rowland says the depletion would increase to 2 percent even if we halted all emissions today and that depletion could climb to 3 to 6 percent in the 1980's, depending on whether usage continues to increase as it has in the past.

What would be the result on Earth of such a decrease in the ozone shield and the resultant increase in ultraviolet radiation? According to Dr. Rowland:

Calculations indicate that a five percent average depletion in the ozone layer will cause about a ten percent increase in the incidence of skin cancer. As I stated earlier, the other possible biological and climatic effects are beyond calculation at the present time, although being too difficult to calculate is no guarantee that nothing will actually happen.

Writer Ron Chernow recently interviewed many of the scientists and industry spokesmen about the use and impact of fluorocarbons. In an article for Today magazine published by the Philadelphia Inquirer, Mr. Chernow noted:

Even normally cautious scientists are scripting science-fiction scenarios that could follow ozone depletion late in this century: a startling increase in the rate of skin cancer, vast and possibly devastating shifts in global weather, cataclysmic disruptions of the food chain. In short, they fear that depletion of the fragile ozone layer would so perilously tip the ecological balance that it would take the planet decades—or longer—to recover.

Congress has not been blind to the warnings. Government, scientific and industry representatives have testified at hearings which put a tremendous amount of information before the public and Government agencies. In addition, the White House Council on Environmental Quality is setting up a task force to coordinate Government study. A special panel of the National Academy of Sciences has been formed to report on the problem. And legislation has been drafted which would provide funding for thorough studies and a mechanism for controlling use of fluorocarbons should the evidence mandate immediate restrictions.

It is the "timebomb" quality of this problem that has convinced me we must be ready to move—and move fast—with restrictions on fluorocarbons if the early warnings are further substantiated. The evidence thus far indicates that there is a 10- to 15-year period before fluorocarbon emissions reach the stratosphere to interact with ozone. Most worrisome, the scientists say the process is irreversible. They further warn that there is enough of the gas en route to the ozone layer to cause serious depletion of the shield by 1985 or 1990—even if all discharges were stopped today.

Currently, there is considerable disagreement over the actual amount of potential ozone depletion. However, it is obvious that concrete evidence of an actual, significant reduction in the ozone layer could come at a time when the impact we want to avoid cannot be prevented. The answer is comprehensive, intensive study with thoughtful Federal leadership providing a coordinated investigation. Dr. Michael B. McElroy of Harvard University, one of the first scientists to predict serious ozone destruction, believes a crash study program should last no more than 3 years and no less than 12 months.

In testimony last December before a House subcommittee, Dr. McElroy warned that:

The impacts we are discussing today are potentially so serious that we cannot afford to take chances. We cannot afford to minimize the potential impact we are discussing here. This is not a matter of a few additional random people dying unfortunately by walking across the street at the wrong time. We are talking about the entire system, the entire environment. We are talking about people, animals, plants, the entire system impacted in a way which we cannot today predict with certainty.

Perhaps it is the uncertainty of the predictions or the seemingly preposterous specter of a world threatened by aerosol spray cans that accounts for the failure of this subject to capture public attention. It strains our imagination to believe—as has been predicted—that those innocent appearing spray cans will result in an increase of 30,000 cases of skin cancer by 1990. Yet, even this shocking statistic seems an understatement of the threat compared to the warnings of potential disruption of the food chain and vast changes in global weather conditions.

However, people are becoming more aware of the problem and more concerned. Industry is conducting its own research to assess the ozone depletion theory and to find replacement propellants for aerosol sprays. Some environmentalists are organizing into action groups to seek an immediate ban on the use of fluorocarbons. The scientists who have made the predictions are finding

themselves increasingly in the subject of news interviews in newspapers and on television and radio. Moreover, there is a growing consensus that the time is right for Congress to provide a mechanism that could set restrictions on use of fluorocarbon propellants. I believe that such legislation should also include a full scale examination of these chemicals in other uses, as a coolant in refrigeration units and air conditioners, for example.

Fluorocarbons are best known under the name Freon, whose trademark is owned by E. I. DuPont deNemours and Co. However, fluorocarbons are also manufactured by some five other American companies. It is estimated that some two dozen companies manufacture fluorocarbons worldwide for a total annual production of approaching 1 million tons. Although it is not known precisely what percentage of aerosols contain fluorocarbon gasses, an estimated 2.9 billion aerosol and pressurized products were manufactured in the United States in 1973. Up to three-quarters of the aerosols are believed to contain fluorocarbons and the gasses are also utilized as coolants and for such industrial uses as a "blowing agent" for making furniture stuffing and for styrofoam products including disposable coffee cups. Fluorocarbons are also used as fire extinguishing agents and as cleaning fluids and solvents to clean delicate electronic equipment.

In view of the widespread use of fluorocarbons, it is obvious that a halt to utilization of the chemicals would have a widespread impact on industry. The DuPont Management Bulletin says nationwide more than 200,000 workers are employed in industry dependent on Freon-type gasses, an effort which contributes $8 billion to the economy. In this regard, industry spokesmen have, correctly I believe, cautioned that all sources of chlorine atoms in the stratosphere must be assessed. Dr. Raymond L. McCarthy, technical director and laboratory manager, Freon Products Division of the DuPont Co., has testified that industry is now sponsoring considerable research into the kinds and quantities of chlorine-containing compounds which migrate into the stratosphere.

As might be expected, Dr. McCarthy has also testified that:

> The chlorine-ozone hypothesis is at this time purely speculative with no concrete evidence having been developed to support it.

But Dr. McCarthy also stated that:

> Industry will be happy to participate with Government agencies in a comprehensive experimental program to examine the chlorine-ozone theory and if creditable scientific data developed in this experimental program show that any chlorofluorocarbons cannot be used without a threat to health, DuPont will stop production of these compounds.

I welcome this forthright statement from this most important segment of the industry and I note that a comprehensive study will give industry an opportunity to initiate full-scale research into replacement products for fluorocarbons.

As a result, I am cosponsoring with my distinguished colleague from New Jersey, Mr. CASE, S. 1336 which provides for a full-scale study by the National Academy of Sciences. I should point out that Senator CASE and I have written to each Member of the Senate to ask for additional cosponsors. This is the same bill which was introduced in the House by Representatives PAUL G. ROGERS, Democrat of Florida, MARVIN L. ESCH, Republican of Michigan, and a number of cosponsors. It provides that the NAS report would be transmitted to Congress within 1 year of enactment of the bill with the report to include the effects of fluorocarbons discharged into the ambient air as well as information on the availability of safe substitutes. The report shall also provide information on methods to recover and recycle the chemicals from such products as refrigerators and air conditioners already in use.

The bill also provides for a report from the Administrator of the National Aeronautics and Space Administration to the Congress and the Administrator of the Environmental Protection Agency giving the best available estimates of the control level and target level which should be prescribed under the legislation. In addition, the EPA administrator would report to Congress on recommendations for control of chlorofluoromethane discharges other than from aerosol sprays and recommend standards to limit such emissions.

Most important, the bill provides—2 years after enactment—for a ban on sale and manufacture of aerosol spray containers which discharge ozone destroying chlorofluoromethane gasses unless research proves the chemicals harmless to health, safety, or the environment.

Mr. President, there are indeed many uncertainties in understanding the phenomena described thus far. Reasonable men can differ about the outcome. But the world deserves to know whether our efforts to make life more pleasant through widespread use of a convenience product may be the cause of great peril to life on earth. At this stage, we have a unique opportunity to ask ourselves what we want to see happen in our world. As Dr. McElroy testified,

> We do have some time. It is not a matter of doomsday against tomorrow.

But we must use the time wisely, to structure a systematic method of research and analysis so that future generations can say they like what is happening in their world.

Mr. President, I ask unanimous consent that the text of S. 1336 and an article entitled "Why Aerosols are Under Attack," from the February 17 issue of Business Week, be printed in the RECORD.

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

A bill to amend the Clean Air Act so as to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental ozone layer, to prevent any increased skin cancer risk, and otherwise to protect the public health and environment

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

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Ozone Protection Act of 1975".

TABLE OF CONTENTS

AMENDMENT OF CLEAN AIR ACT

SEC. 2. Title 1 of the Clean Air Act (42 U.S.C. 1857 and following) is amended by adding at the end thereof the following new subtitle:

"Subtitle B—Ozone Protection

"FINDINGS

"SEC. 150 (a) The Congress finds, on the basis of presently available information, that—

"(1) discharge of chlorofluoromethane into the indoor or outdoor ambient air threatens to reduce the concentration of ozone in the stratosphere,

"(2) ozone reduction is likely to lead to increased incidence of solar ultraviolet radiation at the surface of the Earth,

"(3) increased incidence of solar ultraviolet radiation may cause increased rates of disease in humans (including increased rates of skin cancer), threaten important food crops, and otherwise damage the natural environment,

"(4) the release of chlorofluoromethane may pose a danger to the public health, safety, and welfare, and

"(5) unless research proves the safety of chlorofluoromethane, continued use of chlorofluoromethane compounds in aerosol spray containers should not be permitted.

"(b) For purposes of this subtitle the term "chlorofluoromethane' means the chemical compounds $CFCl_3$ and CF_2Cl_2 and such other chlorinated fluorocarbon compounds as the Administrator determines by rule may threaten to contribute to reductions in the concentration of ozone in the stratosphere.

"STUDIES AND REPORTS

"SEC. 151. (a) NATIONAL ACADEMY OF SCIENCES STUDY.—The Administrator shall undertake to contract with the National Academy of Sciences to study, and prepare a report, concerning the nature and likelihood of potential effects (direct and indirect) on public health and the environment of the discharge of chlorofluoromethane into the ambient air. Such report shall also include information on the availability of (1) methods to recover and recycle chlorofluoromethane from products which have been sold to the ultimate consumer, (2) methods of preventing the escape of chlorofluoromethane into the ambient air in various uses, and (3) safe substitutes for chlorofluoromethane in various uses. Such report shall be transmitted to Congress not later than one year after the date of enactment of this subtitle.

"(b) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REPORT.—Within twelve months of the date of the enactment of this subtitle, the Administrator of the National Aeronautics and Space Administration shall report to the Congress and to the Administrator on the evidence then available concerning the nature and likelihood of potential effects (direct and indirect) on public health and the environment of the discharge of chlorofluoromethane into the ambient air.

"RECOMMENDED STANDARDS

"SEC. 152. Not later than fifteen months after enactment of this subtitle, the Administrator shall report to the Congress on recommendations for control of chlorofluoromethane discharges into the ambient air from sources other than aerosol spray containers. Such report shall include recommended standards to limit such emissions from major sources (other than aerosol spray containers) to the maximuh extent which the Administrator determines will be feasible (taking into account the cost of achieving such limitation), and recommended effective dates for such standards.

"WAIVER AUTHORITY

"SEC. 153. If the Administrator finds, after—

"(1) consideration of the reports under section 151,

"(2) consultation with appropriate Federal agencies and scientific entities, and

"(3) opportunity for public hearing,

that no significant risk to the public health, safety, or environment is, or may be posed, or contributed to, by the discharge of chlorofluoromethane compounds (or any class thereof) into the ambient air from aerosol spray containers, then he or she may, by rule, waive the prohibition of section 154 in whole or in part.

"ENFORCEMENT

"SEC. 154. (a) PROHIBITION.—Except as provided in section 153, it shall be unlawful for any person to manufacture, sell, deliver for introduction into commerce, or offer for sale any aerosol spray container which in normal operation discharges chlorofluoromethane into the ambient air, more than two years after the date of enactment of this subtitle.

"(b) SANCTIONS.—

"(1) The Administrator may apply to any United States district court in the judicial district in which the person alleged to be engaged in conduct prohibited by subsection (a) is located or conducts business to obtain a temporary restraining order, a preliminary or permanent injunction, and other appropriate equitable relief to restrain any act prohibited by subsection (a).

"(2) Any person engaged in conduct prohibited by subsection (a) may be subject to a civil penalty of not more than $10,000 per day of violation in the discretion of the district court.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 155. (a) NATIONAL ACADEMY OF SCIENCES STUDY.—For the purpose of section 151 (a) and 152, there are authorized to be appropriated to the Administrator, $500,000 for the fiscal year ending June 30, 1975, $1,500,000 for the fiscal year ending June 30, 1976, $250,000 for the fiscal period ending September 30, 1976, and 500,0000 for the fiscal year ending September 30, 1977.

"(b) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION STUDY.—For the purpose of section 151(b), there are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration, $1,000,000 for the fiscal year ending June 30, 1975, $1,000,000 for the fiscal year ending June 30, 1976, $250,000 for the fiscal period ending September 30, 1976, and $750,000 for the fiscal year ending September 30, 1977.

"(c) For the purpose of carrying out other provisions of this subtitle, there are authorized to be appropriated to the Administrator such sums as may be necessary for the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, and for the fiscal period ending September 30, 1976."

CONFORMING AMENDMENT

SEC. 3. Title 1 of the Clean Air Act (42 U.S.C. 1857 and following) is amended by inserting immediately before section 101 the following:

"Subtitle A—Air Quality and Emission Limitations".

[From Business Week magazine, Feb. 17, 1975]

WHY AEROSOLS ARE UNDER ATTACK

In the stratosphere, some 15 mi. above the earth, a thin blanket of ozone filters the sun's rays, protecting life below from an overdose of ultraviolet radiation. If the ozone is damaged or destroyed, the increase in radiation would almost certainly boost the incidence of skin cancer and could ruin crops and even alter the world's weather. Such fears had figured prominently in the debate over the supersonic transport four years ago. Now, some scientists claim, the ozone so vital to the earth's ecosystem is threatened by one of the most mundane artifacts of Western civilization: the aerosol spray can.

Nearly 3-billion cans of aerosol products are sold annually in the U.S., and 75% of them contain chemical propellants called chlorofluorocarbons. Inert and nonflammable, they have seemed well suited for dispensing hair spray, deodorant, insert repellant, and other products that require a fine spray. In all, the fluorocarbons are the heart of the $2-billion-a-year aerosol industry. But last June, two University of California chemists, F. Sherwood Rowland and Mario Molina, published a paper in *Nature* charging that the fluorocarbons are depleting the ozone layer.

Based on laboratory experiments and mathematical models, Rowland and Molina contend that the fluorocarbons slowly diffuse into the stratosphere, where they are bombarded by high-energy ultraviolet rays that strip off atoms of chlorine from the chlorofluorocarbon molecules. The chlorine, in turn, reacts with the ozone, converting it into ordinary oxygen, which does not filter ultraviolet rays. Worse, the scientists said, the process produces more chlorine, setting up a chain reaction that would destroy more ozone.

Soon afterward, scientists at Harvard, Michigan, and the National Center for Atmospheric Research came to similar theoretical conclusions. The Harvard work predicted that the fluorocarbons could deplete the ozone layer by 16% within 25 years. And that could mean more than 100,000 additional cases of skin cancer a year.

FIGHTING IT OUT

As a result of all this, a complex fight is under way between environmentalists, who want the fluorocarbons banned immediately, and the aerosol industry, which believes the ozone-depletion theory is mostly speculation that lacks experimental verification. Led by Du Pont, which produces the most popular fluorocarbon under the trade name Freon, the industry has contracted with several university researchers to seek more definite experimental evidence. "Until the first results of the industry research are ready, the available facts do not rank as proof that fluorocarbons will lead to ozone depletion," says Dr. Raymond McCarthy, a Yale-trained physicist who is technical director of Du Pont's Freon products division.

But environmentalists, arguing that it is better to be safe than sorry, want faster action. Ozone depletion has begun, they say, and the world cannot afford the tremendous risk in waiting for definitive proof. The Natural Resources Defense Council has already petitioned the Consumer Product Safety Commission to ban fluorocarbon propellants as soon as possible, and the commission must reply by March.

Washington officials are mobilizing, too. The House subcommittee on Public Health & Environment, headed by Representative Paul G. Rogers (D-Fla.), held hearings on fluorocarbons last December, and Rogers will reintroduce a bill giving the Environmental Protection Agency the power to regulate fluorocarbons. The National Academy of Sciences is launching a one-year study, after a panel concluded that the problem was serious. And the White House Council on Environmental Quality is setting up a task force to coordinate further government study.

Despite such high-level concern, any ban is at least two or three years away. "Everyone agrees that more research is needed," says Rogers. "We've got to have pretty substantial proof because taking action against aerosols would mean a major economic dislocation."

STANDARD OF PROOF

Getting that "substantial proof" raises anew the basic questions that occur in environmental and health regulation. What standard of proof is sufficient before the government bans a suspected product, whether DDT, cyclamates, vinyl chloride, or fluorocarbans? Who bears the burden of that proof? And if scientific certainty is impossible, how should the risk-benefit tradeoff be made?

Ideally, suspected carcinogens, like suspected criminals, should be presumed innocent until proven guilty. But applying that standard to environmental hazards entails great public risk. Scientific evidence is rarely conclusive and, since environmental illnesses often do not show up for 10 years or more, awaiting proof often means waiting for the damage to be done. In the tragic case of vinyl chloride, for example, the proof amounted to a body count years after the workers were first exposed.

So when the risks are high, regulators are increasingly resolving scientific uncertainties in favor of caution and increasingly placing the burden of proof on the manufacturer. That is the thrust of pending legislation to control toxic substances, and it was the rationale in government bans on DDT and cyclamates. In making such judgments, the regulators also weigh the suspected risks of a product against its benefits to society. Thus, the EPA might not have banned DDT if malaria had been a problem in the U.S. In short, the presumption of innocence is slowly being replaced with a more cautious better-safe-than-sorry approach, with the regulators balancing an array of scientific, economic, and social factors.

JUDICIAL ATTITUDE

Some courts, however, are having a hard time reconciling this approach with traditional rules of evidence. In a landmark decision last year, for example, a U.S. Court of Appeals overturned a lower court ruling that ordered Reserve Mining Co. to close down a taconite plant that was dumping asbestos-like tailings into Lake Superior. The lower court had decided that the tailings were likely to cause cancer among local residents who relied on Lake Superior for their drinking water. But the appeals court resolved the scinetific doubts in favor of the company—at least temporarily.

"Although we are sympathetic to the uncertainties facing residents of the North Shore," the judges said, "we are a court of law, governed by rulings of proof, and unknowns may not be substituted for proof of demonstrated hazard to public health."

In the case of fluorocarbons, similar issues will be aired before the matter is resolved. But the burden of proof is clearly shifting to the aerosol industry, largely because most scientists believe the risks to the ozone layer are very great compared with the convenience of aerosol containers. "If on the basis of the research, the integrity of the ozone layer cannot be assured, I would favor a limitation or a ban," says Lester Machta of the National Oceanic & Atmospheric Administration.

SIFTING THE EVIDENCE

So far, scientists know that the fluorocarbons have reached the lower stratosphere in measurable quantities. And from lab tests they know that ultraviolet radiation can strip chlorine atoms from the fluorocarbons and that the resulting chlorine can destroy ozone. But they do not know whether these reactions occur in the stratosphere or at what rate. So industry-sponsored researchers at several universities will measure the concentration of chlorine compounds in the stratosphere with high-altitude balloons. Then they will have to determine whether the chlorine came from aerosols or from other chemicals.

"Fluorocarbons represent only 4% of the chlorine-containing compounds manufactured in the U.S.," says McCarthy of Du Pont. "If the ozone depletion theory is right,

we have to look at all the sources." In about three years, says McCarthy, "We'll have a lot of evidence. If fluorocarbons are the source, Du Pont will stop production."

That, of course, would create serious problems for the aerosol industry. And because fluorocarbons are also used as coolants in refrigerators and air conditioners, McCarthy believes that other industries are threatened, too. But such refrigerants are not now at issue, primarily because environmentalists and regulators think they can be recovered, if necessary, when these appliances are scrapped. Meanwhile, Du Pont is searching for substitutes for fluorocarbons. "We don't have any candidates in hand," says a Du Pont man. "But we're in the chemistry business, and we have the capability of inventing something new—if we have to."

SUBCOMMITTEE PRINT OF NATURAL GAS PRODUCTION AND CONSERVATION ACT OF 1975

Mr. STEVENSON. Mr. President, because of the demand for copies of the "Natural Gas Production and Conservation Act of 1975," reported by the Subcommittee on Oil and Gas Production and Distribution to the Commerce Committee, I ask unanimous consent that the subcommittee print, including a description and text of the bill, be printed in the RECORD.

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

TEXT AND DESCRIPTION OF THE NATURAL GAS PRODUCTION AND CONSERVATION ACT OF 1975, AS REPORTED BY THE SPECIAL SUBCOMMITTEE ON OIL AND GAS PRODUCTION AND DISTRIBUTION

[Prepared at the Direction of Honorable Warren G. Magnuson, Chairman, Committee on Commerce and Honorable Adlai E. Stevenson, Chairman, Special Subcommittee on Oil and Natural Gas Production and Distribution for the use of the Committee on Commerce, United States Senate]

INTRODUCTION

The Committee Print is designed to reform and simplify procedures under the Natural Gas Act of 1938. The objectives of the Committee Print are:

To improve natural gas supplies while assuring consumers that inflation in natural gas prices will be kept under control. The Committee Print would establish new gas ceiling prices with automatic price adjustments for inflation and an opportunity for the FPC to adjust the basic rates at five-year intervals on the basis of prospective costs. Also, higher prices can be established by the FPC for high-cost production or for liquefied or synthetic gas. To improve competition in the natural gas industry, small producers could charge up to 50 percent more than the applicable price ceiling for large producers. The statutory ceilings would apply to natural gas sales in both inter and intrastate commerce, but producers would be otherwise freed from federal regulation.

The bill would also protect consumers against unjustified price increases for flowing natural gas and residential and other small users would be assured relatively stable gas prices.

To speed the unusually slow pace of gas development on federal lands and end the opportunity for withholding of natural gas supplies in anticipation of higher prices, the bill would require producers on federal lands to develop and produce natural gas as soon as practicable. Also, FPC procedures relating to certification of pipeline facilities would be streamlined.

The bill would assure that additional natural gas is available to high priority users by prohibiting natural gas from being squandered on large boiler fuel uses that could feasibly be satisfied by alternative fuels. It also provides for emergency allocations among pipelines to protect the public health and safety and avoid extreme economic hardship within the service areas of natural gas pipelines experiencing a supply emergency.

The bill seeks to improve the natural gas information available to the FPC and the public. It would require detailed monitoring of the development efforts of all producers on federal lands and require each producer and small producer to make available to the Commission on a current basis an up-to-date account of the natural gas reserves production, gathering, storage, transportation, distribution and sale of gas.

The bill would implement the Congressional Energy Program recommendations to "reform and simplify gas regulation but continue interstate price controls on old natural gas and establish a statutory formula ceiling that reflects the cost of production. This should assure that the price is high enough to encourage maximum domestic production, but still below the OPEC cartel level."

SECTION-BY-SECTION ANALYSIS

Section 1.—Short title

Section 1 states that the bill may be cited as the "Natural Gas Production and Conservation Act of 1975".

Section 2.—Technical conforming changes

Section 2 of the bill would move the title of the existing Natural Gas Act from the last section to the first section of the Act, and establish the existing Natural Gas Act as Title I.—General Provisions.

Section 3.—Production and conservation incentives

Section 3 would amend the Natural Gas Act of 1938 by adding a second title to reform and simplify the regulation of natural gas. The analysis of Title II, the "Natural Gas Production and Conservation Act" follows.

Section 202.—Definitions

Fourteen terms are defined in Section 202. The most important are "affiliate" as meaning a person directly or indirectly controlling, controlled by or under common control or ownership with any other person. This definition must be read in conjunction with the definition of "small producer" which means a person who together with all affiliates does not produce more than 10 million Mcf of natural gas per year. Thus, the intent of the definition is to preclude large producers from taking advantage of the special small producer pricing provisions by establishing a series of affiliates that are under common control. In addition, the small producer pricing provisions are not available to companies that are affiliated with natural gas pipelines because the additional pricing incentives are not necessary to induce pipeline production of natural gas. Many pipelines are already desperate to acquire natural gas supplies and consumers should not have to pay a price surcharge to such companies when it is unlikely to result in additional supplies.

"Federal Lands" is defined as any land or subsurface area (including the outer continental shelf) which is owned or controlled by the Federal Government. This definition, when read in conjunction with Section 207 (e) makes an important change in existing law: All production of new natural gas from federal lands must be sold or transferred in interstate commerce. This precludes a producer on federal lands from reserving substantial amounts of natural gas for his own use. The purpose of this provision is to increase the supplies of natural gas to the interstate market and preclude its use for generally lower priority uses by the producers themselves.

"New natural gas" means natural gas dedicated under a long-term contract which has not previously been dedicated prior to January 1, 1975. When read in conjunction with Section 203(i) of the bill, this definition requires sales of new natural gas to be for a term of at least twenty years and at a price not in excess of the applicable ceiling rate. Historically, all of the gas production on designated acreage is dedicated for the life of the reservoir, or for a fixed time period such as twenty years. Some contracts also dedicate a fixed level of production each year from identified acreage. Thus, under the definition, whatever gas was previously dedicated, whether it is a fixed quantity or the production from an entire reservoir, would not be new natural gas. Instead, it would be old natural gas as defined by the Act.

Section 203.—New natural gas

This section creates a method for establishing a base price for new natural gas to fully reimburse natural gas producers for their prospective costs and risks as well as providing a reasonable rate of return necessary to attract needed capital. The FPC would be required to establish the initial national base price within 180 days after the date of enactment within a statutory range of 40 to 75 cents per Mcf. Ceiling prices would apply to both intra- and interstate sales by producers. There would be no judicial review of a Commission decision within the statutory range, but the initial national base price would be reviewed and adjusted by the Commission at five-year intervals to account for changes in the real costs of production such as, a general increase in average drilling depths, lower average reserve additions per foot drilled, and higher real costs of equipment and labor. The base price would be adjusted each year under an automatic statutory formula to reflect changes in the general level of inflation. The adjusted price would apply to new natural gas deliveries commenced in that year.

In addition, once a producer has dedicated natural gas to inter- or intrastate commerce, he would be allowed to provide by contract for up to a 2 percent annual price increase to compensate for higher operating and maintenance costs. Although the vast bulk of all capital costs are incurred prior to the time that deliveries are commenced, natural gas contracts have historically provided for a small annual escalation in price because deliveries tend to decline over time and fixed costs are then spread over a declining output of gas. The bill permits the continuation of that practice.

A special price based on the cost of service may be charged for gas produced in designated high-cost production areas or depths or for liquefied or synthetic gas. In addition, the Commission's jurisdiction would be extended to synthetic natural gas plants in an effort to simplify financing and rationalize the construction and operation of such facilities. Most members of the natural gas pipeline industry favor extending FPC jurisdiction to SNG plants because such jurisdiction and inclusion of the plant in the rate base is necessary to secure outside financing for the facility. It would mean that SNG plants would be treated in a way similar to electric utility generating plants. All purchases must file contracts with the FPC and all dedications of new natural gas must be for a period of at least twenty years.

Comment.—Perhaps the most important feature of the bill is the application of the new gas price ceilings to intrastate commerce. A number of major pipelines do not have access to offshore areas and are dependent upon obtaining new natural gas supplies from oneshore production areas. Because of the ever widening differential between the unregulated price and the FPC controlled

price, such pipelines have had a great deal of difficulty obtaining new natural gas supplies from onshore sources. To prevent them from running out of gas, it is important that the price ceilings apply to the intrastate market. Application of the ceilings to the intrastate market would reduce the severe distortions in natural gas flows and would be analogous to the nation's system of oil price regulation. The Federal Energy Administration's price controls over old oil apply to both inter- and intrastate commerce, and it permits the treatment of oil as a national resource. Natural gas needs to be similarly treated.

Section 203 establishes a mechanism to eliminate expectations of vastly higher prices in the near future. With this kind of certainty, producers would not expect to increase their long-term profit levels by refraining from producing available natural gas supplies at the earliest possible time. The current natural gas situation would thus be greatly improved by providing such certainty under a simple but fair statutory pricing formula for new gas. Additional certainty is obtained because natural gas committed under the applicable statutory formula would not be subject to future Commission or Court reduction.

Section 204.—Small producer pricing

Section 204 would permit small companies that produced less than 10 million Mcf per year of natural gas to charge as much as 50 percent more than the applicable rate for new gas sold by a large producer. Small producers can continue to charge 50 percent more for their first 10 million Mcf of production even if their total production exceeds that amount. However, gas discovered by major producers could not be sold by producers at prices higher than the applicable statutory ceiling.

Comment.—There are approximately 4,000 natural gas producers, and of that number, approximately 70 would not be small producers under this definition. The bill proposes smaller producers to charge higher rates because they incur greater risks; they do not drill enough wells to statistically anticipate a certain proportion of successes and consequently their risks often vary substantially from that of the larger companies. Yet small producers drill approximately ¾ of the onshore exploratory wells, they explore the marginal areas, and generally invest a substantial part of their revenues in the search for new supplies. It has been suggested that increasing the market share of small producers, which is now approximately 10 percent of total production, can significantly improve competition. This provision is similar to a proposed rulemaking by the Federal Power Commission which would also allow small producers to charge 50 percent more than the national rate.

Section 205.—Old natural gas

Price increases for old natural gas—natural gas which is already flowing and where almost all of the capital expenses have already been sunk—may be permited by the Commission only if a producer demonstrates as increase is necessary to cover higher production costs of such natural gas or is necessary to eliminate undue discrimination where a similarly situated producer has been allowed to charge higher rates for flowing natural gas.

Comment.—This provision is designed to protect the consumer against unjustified price increases for natural gas that is already flowing in interstate commerce. Neither this provision or any other section of the bill would in any way affect existing old natural gas contracts in intrastate commerce. Because most costs are incurred when deliveries are commenced, an increase in the price of flowing natural gas often results in a windfall to the producer without any assurance that such additional revenues would be utilized in the search for new natural gas. Therefore the bill would stabilize flowing natural gas prices and place the incentive for new production in the price for new natural gas. It would also provide consumers with a far greater assurance that to the extent he pays additional prices for natural gas he can have a reasonable assurance that it will be related to costs and the effort to increasing natural gas supplies.

Section 206.—Residential and other small users

To protect small users to the maximum extent possible, the bill requires that the benefits of lower prices for flowing natural gas would be made available to residential and other small users on any given pipeline system.

Comment.—Following the date of enactment of this Act, the nation's interstate pipelines will have delivered to them old natural gas at lower prices than the new natural gas. This provision provides that such lower prices for the old flowing gas would be passed through to small users. Small users are defined as those who use less than 50 Mcf per day of natural gas. This would assure that residential and small business customers, those least able to absorb or pass on the cost of much higher new natural gas supplies would be protected. Over time, old natural gas supplies would be depleted and new natural gas at higher prices would become an increasing share of most pipelines' supplies. Therefore, the increase in new natural gas prices would be delayed to small customers, but ultimately they too would be paying the new gas rate. This provision does not give a supply preference, but only a price advantage to small users to the extent that old natural gas is available in the pipeline system.

The price preference for new natural gas would not be enforced by the Federal Power Commission at the state level, but instead it could be enforced by consumer petition either before the State Utility Commission, the State Courts, or the Federal Courts.

Section 207.—Increasing natural gas supplies

The Federal Power Commission is directed to decide within 120 days all applications by pipelines to construct new facilities for the delivery of natural gas supplies. Only those applications where two or more pipelines file competing mutually exclusive applications are not covered by this deadline because Constitutional due process requirements mandate a trial-type hearing. In addition, to reduce inefficient resource allocation and lower costs to consumers, new natural gas facilities are required to be common carriers available for use by other pipelines. In addition, producers may make sales without obtaining any certification from the FPC.

Comment.—This provision is designed to prevent unnecessary bottlenecks developing in the Commission which could slow delivery of new natural gas supplies.

Section 207 also provides that natural gas producers are required to undertake and complete exploratory and developmental programs to obtain maximum production at leasing of these lands. This proposal seeks to end the withholding of natural gas by producers on federal lands. Should a producer on federal lands fail to commence sales or deliveries of natural gas by pipelines within 2 years of the discovery of natural gas, he would forfeit his lease, unless the Commission found that volumes discovered or developed were not of commercially paying quantities or found other valid reasons for such a delay in production. This section also provides for continuing monitoring and annual reporting by the Department of Interior of oil and gas development progress. It requires all producers to make available to the Commission current estimates of their reserves on a reservoir by reservoir basis and requires the Commission to make an independent evaluation of such reserve data and compile comprehensive information on the natural gas industry. This information will enable the Congress and the public to have greater confidence in estimates of the nation's natural gas supply and demand.

Third, the bill would end the practice that has recently developed: Offshore producers have "reserved" substantial quantities of gas for their own use. The proposed bill would require all production of new natural gas from federal lands to be sold to interstate pipelines.

Comments.—Currently the Federal Power Commission, the Department of the Interior and the General Accounting Office are all conducting investigations in an effort to determine why substantial offshore acreage that has previously been leased is not producing natural gas during a period when the nation is facing acute shortages and interstate curtailments that may reach 16 percent this year. Some have charged that producers are deliberately slowing development efforts in anticipation of the possibility of higher regulated or deregulated prices for natural gas. This section is intended to end the producer reluctance, if there is such reluctance, to develop the nation's natural gas reserves at the most rapid possible rate. If a producer on federal lands does not sell natural gas at the earliest possible time and the FPC does not find any compelling reason that excuses such nonperformance, then he would forfeit his lease and another producer would be found who would do the job. Federal lands belong to the people of the United States and production from these lands should occur in a way that maximizes the national interest.

Section 208.—Natural gas conservation

The bill would prohibit boiler fuel use of natural gas and propane in interstate and in intrastate commerce for new industrial users where alternative fuel use is feasible. Current large boiler fuel users of natural gas would be phased out as soon as practicable. Nothing in the act would impair any federal or state safety or environmental protection law or regulation. In requiring new or existing plants to curtail their use of natural gas, the Commission must determine that alternative domestic fuels can be used and are available. The Commission's activities would be coordinated with other federal agencies to assure that the transition from natural gas usage by industrial users would occur to the maximum practicable extent within 10 years.

Natural gas is already in short supply, and it is very likely that future production will continue to decline in absolute amounts. It is a clean burning, convenient highly versatile fuel and an important raw material for many industries. It should be used efficiently and only where alternative fuels are not feasible. A relatively inefficient use of large supplies of natural gas is as a boiler fuel for steam or electric generation. Thus, the purpose of this provision is to require the conversion of such large industrial boiler fuel uses to alternative fuels at the earliest practicable date to assure that high-priority users such as residential, and other small users and feedstock users will have an improved natural gas supply. The boiler fuel use prohibition of the bill applies to users in both inter- and intrastate commerce.

Section 209.—Natural gas curtailment

Natural gas is an essential feedstock ingredient in the production of fertilizer. Section 209 would require the FPC to assure that adequate supplies of natural gas are available for fertilizer and essential agricultural chemical production for domestic food production in existing and new plants. Such users would have the highest priority except to the extent that natural gas service to

existing residential and small users is to be maintained.

Comment.—Current natural gas shortages have not only threatened existing fertilizer production, but have made necessary expansion of fertilizer production difficult. The need to maintain and expand food production is so basic that the proposed Act would require the FPC to assure that natural gas is available for fertilizer feedstock purposes.

This agricultural priority would be engrafted upon the Commission's existing curtailment program which establishes a general policy of end-use curtailment. The Commission's curtailment procedures have as their basic objective the protection of deliveries for residential and small volume consumers who cannot be safely curtailed on a daily basis and requires reduction in deliveries to large volume interruptible sales.

The Commission has established by regulation a priority system of curtailment for use by pipelines if insufficient amounts of gas are available to serve their customers.

These categories are as follows:

(1) Residential and small commercial, less than 50 Mcf per day;

(2) Large commercial requirements and firm industrial requirements for plant protection, feedstocks, and process needs;

(3) All industrial requirements not specified in priorities to 2, 4, 5, 6, 7, or 8;

(4) Firm industrial requirements for boiler fuel use between 1500 and 3,000 Mcf per day where alternative fuel capabilities can meet such requirements;

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternative fuel capabilities can meet such requirements;

(6) Interruptible requirements of less than 1500 Mcf per day;

(7) Interruptible requirements of intermediate volumes between 1,500 and 3,000 Mcf per day; and

(8) Interruptible requirements of more than 3,000 Mcf per day.

S. 692 would further authorize the Commission to require interconnection among pipelines and producers to alleviate natural gas supply emergencies. The Commission is authorized to order a producer or natural gas company to make deliveries of natural gas to pipelines experiencing a natural gas supply emergency, threatening public health or safety, or extreme economic hardship.

Comment.—The provisions relating to interconnection of natural gas facilities and ordering deliveries from one pipeline to another is analogous to the Commission's authority to require interconnections among electric utility systems under the Federal Power Act. It permits the FPC to allocate gas among pipelines when necessary to avoid severe inequities. The difficulty currently is that some pipelines are facing curtailments of up to 40 percent of the requirements of their firm customers whereas other pipelines are not curtailing at all. This Commission authority would be somewhat similar to the goals of equalizing shortages in crude oil and refined petroleum products under the Emergency Petroleum Allocation Act of 1973. A company delivering natural gas to another pipeline in a supply emergency pursuant to Commission Order is protected by being compensated for such gas at a rate equal to the highest-cost natural gas sold to any distributor by such pipeline.

Section 210.—Joint ventures

This section would prohibit the 20 largest natural gas and oil producers from establishing a joint venture for acquiring Federal leases. The Federal Trade Commission is to promulgate rules to govern joint ventures in acquiring Federal leases between the 20 largest producers and other companies to maximize competition in the petroleum industry.

Section 4.—Conforming amendment

Section 4 of the bill conforms the Natural Gas Act to include synthetic natural gas within the jurisdiction of the Federal Power Commission as previously discussed.

Section 5.—Civil action

Section 5 gives U.S. District Court jurisdiction to enforce FPC Rules and Regulations under the Federal Power Act and the Natural Gas Act.

This provision will assist the Commission in the enforcement of its Regulations or Orders. It is required to assure compliance with the ceiling rates since producers would not be required to obtain any Certificate of Public Convenience and Necessity and would be basically deregulated from other FPC regulation.

Section 6.—Conforming amendment

The Bureau of Economic Analysis is required to continue to compile in the Department of Commerce to publish the Implicit Price Deflator for Gross National Product in a way that is consistent with the procedures in effect on the date of enactment of this Act.

Comment.—The bill would index the price of initial new natural gas deliveries under Section 203 of the bill. The Implicit Price deflator was selected because it is widely recognized by economists that this is the best indicator of the general level of price inflation or deflation throughout the economy. It is based on price changes in personal consumption expenditures, private domestic investment, net exports of goods and services and government purchases of goods and services. It is superior to indexes such as the Wholesale Price Index which has fallen into considerable disrepute in recent years. It is broader than the Consumer Price Index because it includes capital investments and government purchases of goods and services. The attached table indicates the changes in the Implicit Price Deflator for Gross National Product since 1939.

Other indexes could be used to adjust natural gas wellhead prices. The difficulty is that as an index becomes more specific and focuses in on components used in natural gas exploration and development, then it becomes an easy target for industry manipulation in order to rapidly increase natural gas prices. Therefore what is needed is a general index that accurately reflects the level of inflation throughout the economy.

IMPLICIT PRICE DEFLATORS AND ALTERNATIVE PRICE MEASURES OF GROSS NATIONAL PRODUCT AND GROSS PRIVATE PRODUCT, 1939-73

	Gross national product price measures, 1958—100				Percent change from preceding period [1]					
	Total		Private		Total			Private		
	Implicit price deflator	Price index 1967 weight	Implicit price deflator	Price index, 1967 weights	Implicit price deflator	Price index, 1967 weights	Chain price index	Implicit price deflator	Price index, 1967 weights	Chain price index
1939	43.23		43.93		—1.5			—1.6		
1940	43.87		44.69		1.5			1.7		
1941	47.22		48.66		7.7			8.9		
1942	53.03		55.51		12.3			14.1		
1943	56.83		60.85		7.2			9.6		
1944	58.16		62.02		2.3			1.9		
1945	59.66		62.59		2.6			.9		
1946	66.70		68.25		11.8			9.0		
1947	74.64		76.27		11.9			11.8		
1948	79.57		81.40		6.6			6.7		
1949	79.12		80.80		—.6			—1.0		
1950	80.16		81.41		1.3			1.0		
1951	85.64		87.35		6.8			7.3		
1952	87.45		88.99		2.1			1.9		
1953	88.33		89.65		1.0			.7		
1954	89.63		90.77		1.5			1.2		
1955	90.86		91.57		1.4			.9		
1956	93.99		94.53		3.4			3.2		
1957	97.49		97.92		3.7			3.6		
1958	100.00		100.00		2.5			2.1		
1959	101.66		101.41		1.7			1.4		
1960	103.29		102.76		1.6			1.3		
1961	104.62		103.73		1.3			.9		
1962	105.78		104.73		1.1			1.0		
1963	107.17		105.80		1.3			1.0		
1964	108.85		107.05		1.6			1.2		
1965	110.86	110.75	108.83	108.65	1.8			1.7		
1966	113.94	114.06	111.56	111.62	2.8	3.0		2.5	2.7	
1967	117.59	117.58	114.79	114.78	3.2	3.1	3.1	2.9	2.8	2.9
1968	122.30	122.51	118.90	119.10	4.0	4.2	4.2	3.6	3.8	3.8
1969	128.20	128.61	124.30	124.67	4.8	5.0	4.9	4.5	4.7	4.6
1970	135.24	135.60	130.32	130.67	5.5	5.4	5.3	4.8	4.8	4.7
1971	141.60	142.55	135.88	136.64	4.7	5.1	5.1	4.3	4.6	4.5
1972	146.10	148.02	139.78	141.05	3.2	3.8	3.6	2.9	3.2	3.1
1973 [1]	153.86	157.67	147.23	149.50	5.3	6.1	5.8	5.3	6.0	5.6

Footnotes at end of table.

IMPLICIT PRICE DEFLATORS AND ALTERNATIVE PRICE MEASURES OF GROSS NATIONAL PRODUCT AND GROSS PRIVATE PRODUCT, 1939-73—Continued

	Gross national product price measures, 1958—100				Percent change from preceding period[1]					
	Total		Private		Total			Private		
	Implicit price deflator	Price index 1967 weight	Implicit price deflator	Price index, 1967 weights	Implicit price deflator	Price index, 1967 weights	Chain price index	Implicit price deflator	Price index, 1967 weights	Chain price index
	Seasonally adjusted annual rates									
1971: I	139.73	140.36	134.15	134.65	5.5	6.9	6.8	4.3	5.4	5.4
II	141.40	142.17	135.73	136.34	4.9	5.3	5.2	4.8	5.1	5.0
III	142.39	143.48	136.66	137.58	2.8	3.7	3.6	2.8	3.7	3.6
IV	142.85	144.31	136.93	138.11	1.3	2.3	1.9	.8	1.5	1.3
1972: I	144.85	146.30	138.59	139.49	5.7	5.6	5.2	4.9	4.1	4.0
II	145.42	147.33	139.12	140.35	1.6	2.8	2.6	1.6	2.5	2.2
III	146.42	148.48	140.07	141.44	2.8	3.2	3.2	2.7	3.1	3.2
IV	147.63	149.95	141.27	142.87	3.3	4.0	3.9	3.5	4.1	3.9
1973: I	149.81	152.79	143.25	145.32	6.1	7.8	7.1	5.7	7.0	6.5
II	152.46	155.59	145.88	148.11	7.3	7.6	7.0	7.6	7.9	7.2
III	155.06	158.37	148.47	150.87	7.0	7.3	7.0	7.3	7.6	7.1
IV[1]	158.04	161.48	151.24	153.66	7.9	8.0	7.7	7.7	7.6	7.4

[1] Changes are based on unrounded data and therefore may differ slightly from those obtained from published indexes.

Source: Department of Commerce, Bureau of Economic Analysis.

S. —

A bill to regulate commerce to assure increased supplies of natural gas at reasonable price for the consumer, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Production and Conservation Act of 1975".

SEC. 2. The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by striking out section 24 thereof (15 U.S.C. 717w) in its entirety and by inserting immediately after the enacting clause thereof and before section 1 thereof (15 U.S.C. 717) the following: "That this Act may be cited as the 'Natural Gas Act'.

"TITLE I—GENERAL PROVISIONS"

SEC. 3. The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by adding at the end thereof the following new title:

"TITLE II—PRODUCTION AND CONSERVATION INCENTIVES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'National Gas Production and Conservation Act'.

"DEFINITIONS

"SEC. 202. As used in this title, the term—

"(1) 'affiliate' means any person directly or indirectly controlling, controlled by, or under common control or ownership with any other person as determined by the Commission under its rulemaking authority. In promulgating such rules to impliment this paragraph, the Commission shall consider direct or indirect legal or beneficial interest or legal power or influence over another person, directly or indirectly, arising through direct, indirect, or interlocking ownership of capital stock, interlocking directorates or officers, contractual relations, agency agreements or leasing arrangements;

"(2) 'boiler fuel use of natural gas' means the use of natural gas, synthetic natural gas, or propane, as the source of fuel for the purpose of generating steam or electricity in amounts in excess of 50 Mcf on a peak day or the use of propane in excess of 565 gallons on a peak day;

"(3) 'Federal lands' means any land or subsurface area within the United States which is owned or controlled by the Federal Government or with respect to which the Federal Government has authority, directly or indirectly, to explore for, develop, and produce natural gas but nothing in this Act shall amend or change in any way any grant of land or right in land created by the Alaska Native Claims Settlement Act (18 U.S.C. 437) or any Act granting statehood to a State. The term includes the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a));

"(4) 'intrastate commerce' means commerce between points within the same State, unless such commerce passes through any place outside such State, *Provided,* That all sales of new natural gas produced from Federal lands within a State and consumed within the same State shall be sales of natural gas in interstate commerce."

"(5) 'Mcf' means one thousand cubic feet of natural gas at 60 degrees Fahrenheit and 14.73 pounds per square inch pressure;

"(6) 'new natural gas' means natural gas which is dedicated to interstate or intrastate commerce for at least 20 years or until earlier depleted which the Commission in its discretion determines was not dedicated to interstate or intrastate commerce prior to January 1, 1975;

"(7) 'old natural gas' is natural gas which, prior to January 1, 1975 was dedicated to interstate commerce on the date of the first delivery of such natural gas as determined by the Commission in its discretion;

"(8) 'pipeline' means a person engaged in the transportation by pipeline of natural gas in interstate commerce except for those persons who are exempt from the Federal Power Commission's jurisdiction under sections 1 (b) or 1(c) of the Natural Gas Act (15 U.S.C. 717(b) and (c));

"(9) 'producer' means a person who produces and sells more than 10 million Mcf of natural gas per year or who produces and sells natural gas and does not qualify as a small producer;

"(10) 'purchaser' means a person who purchases or acquires natural gas from a producer or small producer;

"(11) 'residential user' means a person who uses natural gas for personal, family, or household purposes;

"(12) 'small user' means a person or governmental entity using not more than 50 Mcf of natural gas on its peak day of natural gas usage in the preceding calendar year;

"(13) 'small producer' means a person as determined by the Commission (A) who is not an affiliate of a person who produces and sells more than 10 million Mcf of natural gas or an affiliate of a person engaged in, or who is not himself engaged in, the transportation by pipeline of natural gas in interstate or intrastate commerce; and (B) who, together with all affiliates, if any, has not produced and sold more than 10 million Mcf of natural gas in any calendar year (subsequent to 1973) preceding the year in which he wants to qualify for small producer pricing under section 204 of this title as determined by the Commission: *Provided,* That the provisions of section 204 of this Act shall be applicable only to the first 10 million Mcf of natural gas production in any subsequent year; and

"(14) 'user' means a person or governmental entity using any natural gas after it is delivered in interstate or intrastate commerce including a producer consuming natural gas (except for transporting or processing natural gas) in facilities the producer owns or controls.

"NEW NATURAL GAS

"SEC. 203. (a) GENERAL.—Notwithstanding the provisions of sections 4 and 5 of this Act and except as provided in subsection (c) of this section new natural gas may be sold or transferred in interstate or intrastate commerce by a producer, only if its price does not exceed the sum of—

"(1) a base price at the wellhead as determined in accordance with subsection (g) of this section;

"(2) any applicable adjustment in accordance with subsection (b) or (c) of this section; and

"(3) an additional or lesser amount, if any, authorized or required to be charged under subsection (d) or (f) of this section.

"(b) BASE PRICE ADJUSTMENT.—Commencing July 1, 1976, and at annual intervals thereafter, the national base price enumerated in subsection (a)(1) of this section shall be adjusted for any inflation or deflation by multipling it by a number whose numerator is the annual implicit price deflator for gross national product as of the date of computation and whose denominator is the implicit price deflator for gross national product for the base year 1974 as compiled by the Bureau of Economic Analysis as initially purchased by the Department of Commerce. The adjusted base price shall only be applicable to new natural gas first delivered during the year for which such adjusted base price is applicable.

"(c) ANNUAL PRICE INCREASE.—A producer may, at the time of dedication of new natural gas, provide by contract for an annual cumulative increase in the price of such natural gas which is delivered in a particular year. Such increase may not exceed 2 per centum per year of the adjusted base price at the time of such commitment.

"(d) SPECIAL PRICE.—(1) The Commission may authorize a person to charge for new natural gas an amount in excess of the price authorized in subsection (a) of this section, in any high-cost production area or vertical drilling depth designated by the Commission. The cost data for any such high-cost production shall not be considered in subsequent review of the national base price. The Commission may designate one or more high-cost production areas, and pursuant to subsection (g) of this section may establish one or more high-cost production rates if the Commission finds that—

"(A) the current and prospective costs of production in any such high-cost production area of areas or depths designated by the

Commission are substantially above the cost of production upon which the national base price authorized under subsection (a) of this section is based; and

"(B) the production of new natural gas in such designated high-cost production areas promotes the public convenience and necessity.

"(2) The Commission shall authorize a person to charge a special price for new liquefied, regasified, or synthetic natural gas. Such special price may exceed the price authorized in subsection (a) of this section, if such person establishes to the satisfaction of the Commission that (A) such liquefied or synthetic natural gas production or regasification promotes the public convenience and necessity and (B) such special price is just and reasonable: *Provided*, That any natural gas company receiving Commission authorization to produce, or to acquire from a subsidiary, such synthetic naural gas may include in its cost of service reasonable interest expenses on funds expanded in connection therewith during the construction period of such plant. Any plant constructed and operated for the purpose of manufacturing synthetic natural gas for sale in interstate commerce, any sales of such synthetic natural gas, and any person owning and/or operating such plant shall be subject (i) to the jurisdiction and authority of the Commission under title I of this Act to the same extent as if it were a natural gas company; and (ii) to the provisions of this section: *Provided*, That such jurisdiction shall not include the feedstock of such plant.

"(e) EXCEPTION.—(1) The Commission is authorized and directed to prohibit a producer of new natural gas from selling such natural gas at a price authorized in this section if—

"(A) such producer had discovered such natural gas on Federal lands 2 years or more prior to the date of enactment of this title; and

"(B) such producer does not establish to the satisfaction of the Commission that it was reasonable for such producer not to have dedicated such natural gas to interstate commerce prior to the date of enactment of this title.

"(2) A producer of new natural gas who is prohibited by paragraph (1) of this subsection from selling such natural gas at a price authorized under this section shall only be permitted to sell such natural gas in interstate commerce as if it were old natural gas and as if it had been dedicated to interstate commerce as of the date of enactment of this title. Such a producer shall also be subject to the production requirements of subsection (c) of section 207 of this title.

"(f) ADDITIONAL ADJUSTMENTS.—A producer shall increase or reduce the price at which he sells natural gas to a purchaser by the following factors: (1) a gathering allowance as specified by the Commission for any gathering actually performed by the producer; (2) the actual costs of removing carbon dioxide, water, sulfur, or other impurities incurred by the producer to deliver pipeline quality natural gas; (3) any amount actually paid by a producer for State or Federal production, severance, or similar taxes; (4) a proportional adjustment for British thermal unit (Btu) content from a base of 1 thousand British thermal units per cubic foot of natural gas at 60 degrees Fahrenheit and 14.73 pounds per square inch pressure; and (5) an amount equal to the uncompensated value of any advance payments or other form of compensation paid to the producer.

"(g) COMMISSION BASE PRICE DETERMINATION.—(1) Within 180 days after the date of enactment of this title, the Commission shall establish an initial national base price to be retroactive to January 1, 1975, of new natural gas. The Commission shall review and reestablish the national base price and any high-cost production area base price at 5-year intervals after initial establishment pursuant to paragraphs (2), (3), and (4) of this subsection. Any subsequent price so established shall apply only to new gas first delivered during that 5-year period. The initial national base price shall be not less than 40 cents per Mcf and not more than 75 cents per Mcf at a heating value of 1 million British thermal units of energy per Mcf.

"(2) In establishing the initial base price of new natural gas within the range prescribed in paragraph (1) of this subsection, and in establishing subsequent national and high-cost production base prices, the Commission shall consider current and prospective real costs of production over the next 5-year period, of such natural gas in the relevant area plus a reasonable rate of return on investment which is conducive to attracting the capital necessary to discover and produce such natural gas.

"(3) In establishing any base price for new natural gas, the Commission shall proceed in accordance with the provisions of section 553 of title 5, United States Code, and in addition shall afford interested persons an opportunity to present testimony in oral hearings and shall permit limited cross-examination by representative parties on any issue of fact which the Commission, in its discretion, determines is material and if such cross-examination is necessary and appropriate in light of the time constraint set forth in paragraph (1) of this subsection.

"(4) There shall be no review by any court of a decision of the Commission establishing the initial national base price which is within the range prescribed in paragraph (1) of this subsection.

"(h) CONTRACT SANCTITY.—The Commission shall not order a decrease in the price of new natural gas with respect to any sale thereof which is made pursuant to price ceilings or special prices, if any, established under this section or section 204 of this Act and which were in effect at the time such new natural gas first begins to flow to the purchaser.

"(i) COST PASSTHROUGH.—The Commission shall permit the passthrough, on a dollar-for-dollar basis, of the cost of all new natural gas purchased by any person (not exempt by sections 1 (b) and (c) of the Natural Gas Act (15 U.S.C. 717 (b) and (c)) engaged in the transportation by pipeline of natural gas in interstate commerce unless such costs exceed the applicable price ceiling or special prices, if any, established pursuant to this Act in which case the Commission shall not permit such passthrough.

"(j) TREATMENT OF OTHER GAS.—(1) After the date of enactment of this title, all sales of natural gas in interstate commerce which are not of old natural gas must comply with the provisions of this Act concerning new natural gas. (2) After the date of enactment of this title, all dedications of natural gas in intrastate commerce must comply with the provisions of this Act concerning new natural gas.

"(k) FILING REQUIREMENT.—All purchasers shall file with the Commission all new natural gas sales contracts, transfer agreements, or any other transfer arrangements.

"SMALL PRODUCER PRICING

"SEC. 204. Notwithstanding the provisions of sections 4 and 5 of this Act (15 U.S.C. 717c, 717d), a small producer may sell new natural gas in interstate or intrastate commerce at a price which exceeds the price authorized to be charged by a producer pursuant to section 203 of this title, so long as such price does not exceed the applicable authorized price by more than 50 per centum: *Provided*, That a small producer may not sell new natural gas in interstate or intrastate commerce at a price which exceeds the price authorized to be charged by a producer pursuant to such section 203 if such new natural gas was discovered by a producer, as determined by the Commission.

"OLD NATURAL GAS

"SEC. 205. The Commission, notwithstanding any other provision of law, shall not authorize an increase in the price charged by a producer or small producer of old natural gas unless such an increase is necessary—

"(1) to afford such producer a price which is equal to a cost-based price which the Commission has authorized a similarly situated producer of old natural gas or to afford a small producer a piece which is equal to a cost-based price which the Commission has authorized a similarly situated small producer to charge for old natural gas; or

"(2) to cover the cost of production of such old natural gas and to provide a just and reasonable rate to such producer or small producer.

"RESIDENTIAL AND OTHER SMALL USERS

"SEC. 206. (a) GENERAL.—The Commission shall—

"(1) require all pipelines to file separate tariffs with respect to (A) old natural gas and (B) new natural gas in such form and manner as to reflect the price and average annual volumes of each which enter each such pipeline;

"(2) require all pipelines to give first priority for sales or transfers under the applicable tariff for old natural gas to local distribution companies, to the extent such old natural gas is available, to meet the requirements of each such company's residential users and small users; and

"(3) promulgate rules to govern sales, exchanges, or transfers among pipelines and sales, exchanges, or transfers to local distributors served by multiple pipelines, to the extent necessary to achieve the purpose of this section.

"(b) ENFORCEMENT.—It shall be unlawful for local distribution companies to charge residential users and small users rates which do not reflect the lesser cost of old natural gas for such users. It shall be the duty of the State utility commissions to assure that the benefits of the old natural gas tariffs are reflected in the rates to such residential and small users.

"INCREASING NATURAL GAS SUPPLIES

"SEC. 207. (a) PROMPT CERTIFICATION.—All applications, except where two or more natural gas companies file competing, mutually exclusive applications made by natural gas companies under section 7(c) of this Act (15 U.S.C. 717f(c)) for the construction of facilities subject to the jurisdiction of the Commission shall be decided by the Commission in accordance with this subsection. The Commission shall grant (with or without conditions) or deny such applications within 120 days of the filing of an application, or within 120 days after the date of enactment of this title in the case of applications pending before the Commission on such date. The 120-day period shall commence on the date on which such applications contain all of the information required by the Commission. If the Commission fails to grant or deny any such application within the applicable 120-day period, the Commission shall be deemed to have approved such application as last submitted.

"(b) EXEMPTION.—Notwithstanding any other provision of law, sales of new natural gas by producers or by small producers may be made without any application for a certificate of public convenience and necessity under section 7(c) of this Act (15 U.S.C. 717f(c)) and such sale shall be—

"(1) made at a price pursuant to the provisions of section 203 of this title if the sale is by a producer or section 204 of this title if the sale is by a small producer; and

"(2) such producer or small producer dedicates the new natural gas for at least 20 years or until earlier depleted.

"(c) COMMON CARRIER.—In certifying facilities for transporting or gathering new natural gas on Federal lands, the Commission shall require such transportation and gathering facilities to be common carriers available for use by any pipeline to transport natural gas upon payment of a reasonable transportation fee. The Commission shall require existing gathering and transportation systems to operate on such a common carrier basis for use by any pipeline to the extent that surplus capacity is available.

"(d) PRODUCTION REQUIREMENT.—(1) Notwithstanding any other provision of law, any agreement (including a renegotiation) pertaining to oil or gas development on Federal lands which is consummated on or after the date of enactment of this title shall require, as a condition to such agreement, that the person granted the right of development shall design and immediately implement an exploratory and development program to obtain maximum efficient rates of production from such lands as soon as practicable, subject to submission of such program to, and its approval by, the Secretary of the Interior. The person granted any right of development shall immediately inform the Commission in writing upon the discovery of natural gas on any such lands, including within 90 days after such a discovery an estimate of volumes discovered and a timetable for commercial development. Such person shall prepare and submit to the Commission a detailed timetable of the actions necessary for the speedy development and production of such natural gas. Such person shall produce and begin selling such natural gas in interstate commerce within 2 years after the date of discovery unless the Commission finds, upon the petition of the person granted such rights, that the volumes of natural gas discovered or developed are not sufficient to be commercially viable or that other valid reasons exist (such as the possibility in certain frontier areas, such as Alaska, where transportation costs are so high that additional discoveries of natural gas in the area are likely and could materially reduce transportation costs) but not including market demand prorationing which justify delaying the production until a subsequent date certain. If such a petition is granted, the Commission shall require the person granted such rights to submit monthly reports of actions taken to begin production at the earliest possible time. The Commission shall also advise other interested Federal agencies and assure that all possible steps are taken to commence gas production at the earliest possible time.

"(2) Unless such natural gas is produced and sold within 2 years after the date of discovery of natural gas on such Federal lands, or unless such a petition is granted and in effect and its terms complied with, the rights that had been granted the person to develop natural gas or oil on the Federal lands covered by such agreement shall terminate and any sum paid for such rights shall be forfeited.

"(3) With respect to agreements pertaining to natural gas or oil development on Federal lands (other than agreements entered into for the purpose of establishing strategic reserves) consummated prior to the date of enactment of this title, the requirements of paragraphs (1) and (2) of this subsection shall be applicable to the fullest extent legally permissible. To the extent that such requirements cannot legally be made applicable to any such agreements, such agreements shall be terminated at the earliest possible date in order to make such requirements applicable.

"(4) In order to facilitate the enforcement of this subsection, the Secretary of the Interior shall report to the Congress and the Commission, within 90 days after the date of enactment of this title and annually thereafter, on the status of all Federal lands leased or planned to be leased in the subsequent year for oil and gas development. Each such report shall list all parcels planned to be leased in the subsequent year and parcels leased; the name, address, and affiliates of the holder of such lease; the Interior Department's prelease evaluation of probable quantities and values of oil and gas underlying such lease; the number of exploratory and developmental wells drilled to date; whether natural gas and oil have been discovered at the time of the report; the date on which any natural gas or oil not being produced was discovered; estimated reserves of natural gas and oil; and annual production of natural gas and oil therefrom.

"(e) RESOURCE EVALUATION.—In estimating the value of natural gas on Federal lands for the purpose of determining the sufficiency of any bid, the Secretary of the Interior shall utilize the appropriate applicable price ceiling established by the Commission as adjusted pursuant to section 203 of this title.

"(f) DEDICATION REQUIREMENT.—After January 1, 1975, all production of new natural gas from Federal lands shall be sold or transferred to a pipeline.

"(g) RESERVE INFORMATION.—(1) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its possessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. It shall, insofar as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution and sale; the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial and industrial consumers, and other purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(2) In making studies, investigations, and reports under this section, the Commission shall utilize, insofar as practicable, the services, studies, reports, information, and programs of existing departments, bureaus, offices, agencies, and other entities of the United States, of the several States, and of the natural gas industry. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigative and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government.

"NATURAL GAS CONSERVATION

"SEC. 208. (a) GENERAL.—The Commission shall by rule prohibit boiler fuel use of natural gas in interstate and intrastate commerce not contracted for prior to January 1, 1975, by users other than residential or small users unless, upon petition by a user, the Commission determines that—

"(1) alternative fuels, other than crude oil or products refined therefrom, produced in any State are not available to such user; or

"(2) it is not feasible to utilize such alternative fuels at the time of such Commission determination.

"(b) EXISTING CONTRACTS.—The Commission shall promulgate by rule a national plan to prohibit as soon as practicable boiler fuel use of natural gas contracted for prior to January 1, 1975, by users other than residential or small users. In determining practicability, the Commission shall consider all relevant factors, including but not limited to, the availability of alternative energy supplies produced in any State, the ability to satisfy applicable pollution prevention standards when using such alternative fuels, and the need to avoid imposing unreasonable economic hardships. The Commission shall coordinate its activities with other Federal agencies to assure that boiler fuel use of natural gas by users other than residential or small users is ended to the maximum practicable extent 10 years after the date of enactment of this title. The Commission shall also encourage conservation and more efficient use of natural gas by all other users.

"(c) PROCEDURE.—In implementing the provisions of this section with respect to intrastate commerce, the Commission shall apply the provisions of section 17 of this Act (15 U.S.C. 717p).

"(d) EFFECT ON OTHER LAWS.—Nothing in this title shall impair any requirement in any State or Federal law pertaining to safety or environmental protection. The Commission, in determining feasibility or practicability where required by this section shall not assume that there will be any lessening in any safety or environmental requirement established pursuant to State or Federal law.

"NATURAL GAS CURTAILMENT

"SEC. 209. (a) ESSENTIAL AGRICULTURAL PURPOSES.—(1) Notwithstanding any other provision of law or of any natural gas allocation or curtailment plan in effect under existing law, the Commission shall, by regulation, prohibit any interruption or curtailment of natural gas and take such other steps as are necessary to assure as soon as practicable the availability in interstate commerce of sufficient quantities of natural gas for use as a raw material feedstock or process fuel, for which there is no substitute except propane, in the production of fertilizer and essential agricultural chemicals in existing plants (for present or expanded capacity) and in new plants. Except to the extent that natural gas supplies are required to maintain natural gas service to residential and small commercial users, as used in this subsection the term 'sufficient quantities' means the amounts of natural gas which the Secretary of Agriculture certifies to the Commission are necessary to provide sufficient fertilizer and essential agricultural chemicals to meet requirements for full domestic food production.

"(2) Notwithstanding any other provision of law, any regulation promulgated by the Commission to implement subsection (a) of this section shall also apply with respect to the availability of natural gas sold in intrastate commerce in any State which the Commission determines has not, within 180 days after the date of enactment of this title, taken action substantially consistent with the purposes of such subsection.

"(b) FACILITY INTERCONNECTIONS—Notwithstanding the provisions of section 7 of this Act (15 U.S.C. 717f), the Commission may, by order in accordance with this subsection, direct any pipeline to establish a physical interconnection between any specified facility of such pipeline and any specified facility of any other such pipeline. The Commission may issue such an order upon petition of any natural-gas company, producer, small producer, or user, or on its own motion, after (1) publishing a notice thereof in the Federal Register; (2) allowing interested persons an opportunity to submit written data, views, and arguments and providing an opportunity for a hearing; and (3) finding (and publishing such finding together with the reasons therefor) that the establishment

of such interconnection is in the public interest for the purpose of facilitating the transportation or sale of natural gas in the event that a natural-gas supply emergency develops within the service area of any pipeline affected by such order.

"(c) NATURAL-GAS SUPPLY EMERGENCY.—The Commission may declare that a natural-gas supply emergency, as ascertained by the Commission, exists along the transmission routes or within the service area of a pipeline which is unable or may be unable to supply its users with the amounts of natural gas determined by the Commission to be necessary to preserve public health or safety or to avoid extreme economic hardship. Any such declaration shall state the nature and extent of such supply emergency, its likely duration, and the remedial steps proposed or ordered by the Commission to deal with such emergency. Whenever such an emergency is declared, the Commission may, by order, direct any pipeline or pipelines which is not itself experiencing such an emergency to make specified deliveries of natural gas, directly or indirectly, to the pipeline which is experiencing such emergency. The amount of natural gas specified to be delivered pursuant to such order may not exceed the amount which such pipeline can deliver without creating a comparable emergency along its own transmission routes or within its own service area. A pipeline delivering natural gas pursuant to such an order shall be compensated for such gas at a rate equal to the highest rate for resale of natural gas sold by such pipeline.

"JOINT VENTURES

"SEC. 210. (a)(1) Effective immediately upon the date of enactment of this title, it shall be unlawful for any major oil company to engage, directly or indirectly, in any joint venture, established on or subsequent to the date of enactment of this title, for the acquisition of any natural gas or oil development rights on Federal lands with any other major oil company.

"(2) Effective one year after the date of enactment of this title, it shall be unlawful for any major oil company to continue to engage, directly or indirectly, in any joint venture, established prior to the date of enactment of this title, for the acquisition of any natural gas or oil development rights on Federal lands with any other major oil company.

"(b)(1) Except as provided in paragraph (3) of this subsection, effective immediately upon the date of enactment of this title, it shall be unlawful for any major oil company to engage, directly or indirectly in any joint venture established on or subsequent to the date of enactment of this title, for the exploration, development, or production of oil or natural gas with any other person.

"(2) Except as provided in paragraph (3) of this subsection, effective one year after the date of enactment of this title, it shall be unlawful for any major oil company to continue to engage, directly or indirectly, in any joint venture, established prior to the date of enactment of this title, for the exploration, production, or development of oil or natural gas with any other person.

"(3) The Federal Trade Commission is authorized and directed to promulgate rules permitting joint ventures between major oil companies and other persons as it determines to be consistent with the policy of maximizing competition in the petroleum sector of the economy. Such rules may be of general or specific applicability, and shall be promulgated pursuant to the Commission's unfair methods of competition rulemaking authority.

"(c)(1) The Federal Trade Commission is authorized and directed to immediately take such action as may be necessary or appropriate to assure compliance with the provisions of this section, including, but not limited to, obtaining the appointment of a temporary receiver over the assets of any corporation in violation of this section.

"(2) For purposes of carrying out the provisions of this section, the Federal Trade Commission is authorized and directed to utilize any and all authority and power conferred upon it by the Federal Trade Commission Act, as amended, including the right to seek penalties and equitable relief.

"(d) For purposes of this section—

"(1) The term 'major oil company' shall mean any company which produces within the United States 36,500,000 barrels of 42 U.S. gallons of crude petroleum and natural gas liquids, or more, per annum, or which sells 200 billion cubic feet of natural gas, or more, per annum.

"(2) The term 'person' means an individual or a corporation, partnership, joint-stock company, business trust, trustee in bankruptcy, receiver in reorganization, association, or any organized group whether or not incorporated.

"(3) The term 'joint venture' means any undertaking by two or more persons who have a community of interest in the purposes of the undertaking, and who share the right to control or direct the conduct of the undertaking."

SEC. 4. Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended (1) by inserting in paragraph (7) thereof after "thereof," and before "but only insofar" the following: "or between a point upon Federal lands within a State and any other point,"; (2) by inserting in paragraph (5) thereof (A) after "gas" and before "unmixed" the following: "produced from a gas well or an oil well" and (B) by inserting after "natural" and before "and" the following: "synthetic"; and (3) by inserting the following new paragraph:

"(10) 'synthetic natural gas' means gas entering a pipeline produced from any source other than a gas well or an oil well.".

SEC. 5. Section 20 of the Natural Gas Act (15 U.S.C. 717s) is amended by adding at the end thereof the following new subsection:

"(d) Any district court of the United States in which venue is appropriate under section 1391 of title 28, United States Code, shall have jurisidiction, without regard to the citizenship of the parties or the amount in controversy, with respect to any civil action involving any alleged violation of (1) this title, the Natural Gas Act (15 U.S.C. 717(a) et seq.), the Federal Power Act (16 U.S.C. 791a et seq.), or any other Federal law under which Congress directs the Commission to exercise any independent regulatory function; (2) any duly authorized rule, regulation or license issued under any such law; or (3) any condition of any certificate of public convenience and necessity issued by the Commission under any such law. The court shall have the power to grant such equitable relief as is necessary to prevent, restrain, or remedy the effect of such violation, including declaratory judgment, mandatory or prohibitive injunctive relief, and interim equitable relief, and the court shall further have the power to award (A) compensatory damages to any injured person or class of persons, (B) cost of litigation including reasonable attorney and expert witness fees, and (C) whenever and to the extent deemed necessary or appropriate to deter future violations, punitive damages. Any court of appeals of the United States in which venue is appropriate under section 1391 of title 28, United States Code, shall have jurisdiction, upon petition by the Commission, to grant appropriate mandatory or prohibitive injunctive relief, and, at any time, interim equitable relief.".

SEC. 6. The Bureau of Economic Analysis shall continue to compile, the Department of Commerce shall continue to publish, the implicit price deflator for gross national product, in accordance with procedures consistent with those in effect on January 1, 1975, in order to carry out the purposes of this Act.

SEC. 7. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

S. 1293—ESTABLISHING NATIONAL WILDLIFE REFUGES

Mr. PACKWOOD. Mr. President, I am sure my colleagues are aware of the recently introduced legislation, S. 1293, which establishes the Charles M. Russell National Wildlife Range, the Kofa National Wildlife Range, and the Charles Sheldon National Wildlife Range as part of the national refuge system and has been referred to the Committee on Commerce. In analyzing the Department of the Interior decision to turn these game ranges over to the Bureau of Land Management, and remove the U.S. Fish and Wildlife Service from any role in the management of these precious lands, I had the opportunity of using a study that was done by the National Resources Law Institute, and prepared by Alan S. Larsen, research associate. I have had the opportunity to review other studies published by the Natural Resources Law Institute and believe the extensive research demonstrated in this study would be quite valuable in compiling a complete and detailed public record on S. 1293. Since the following study also comments on the Bureau of Land Management and U.S. Fish and Wildlife Service organic acts now being considered in the Congress, I suggest it be given close examination in consideration of either S. 1293 or S. 507, as well as H.R. 5512 dealing with the management of our country's invaluable national refuge system.

Mr. President, I ask unanimous consent that a copy of the Natural Resources Law Institute research paper, "National Game Ranges: The Orphans of the National Refuge System," be printed in the RECORD.

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

NATIONAL GAME RANGES: THE ORPHANS OF THE NATIONAL WILDLIFE REFUGE SYSTEM

(By Alan S. Larsen)

DIGEST

The problem:

1. Secretary Morton has recently directed that management authority for three of our four National Game Ranges be given solely to the Bureau of Land Management.

2. This decision comes following years of dual management between BLM and Fish and Wildlife Service which proved totally unsatisfactory.

Findings:

1. The Executive Orders which established the Game Ranges provided for both conservation of wildlife and public grazing, but gave priority to maintaining balanced wildlife populations on the lands.

2. BLM operates primarily under the authority of the Taylor Grazing Act and Classification and Multiple Use Act of 1964. As such, it must consider wildlife values in its management decisions, but it is primarily involved in helping the cattle industry.

3. BLM has not met its mandate to provide protection and improvement of public grazing lands and natural forage resources. It

has, in fact, allowed serious deterioration of Game Ranges due to overgrazing.

4. Wildlife management is not a high priority program in BLM, and BLM lacks expertise which F&WS has in that area.

5. F&WS also must consider a number of values in managing public lands, but wildlife values have top priority.

6. Heretofore, F&WS has administered all units of the National Refuge System.

7. F&WS has experience and expertise in managing wildlife habitat.

Conclusions:

1. BLM would give higher priority to domestic grazing than wildlife protection, both because of its mandate and because of its management philosophy (i.e. interpretation of that mandate).

2. F&WS has interpreted its primary function regarding Game Ranges to be wildlife protection. Other uses are acceptable only when compatible with this primary purpose.

3. These differences in priorities will result in significantly different land use decisions for Game Ranges by the two agencies.

4. Since grazing is a use granted by government permission, it can be discontinued by the government whenever it is not consistent with the purpose of Game Ranges. But since wildlife is held in public trust, fewer management options are available.

5. As a management tool, Game Ranges are really too small to do much toward stabilizing the cattle industry. But the effect of the destruction of the wildlife habitats on the Game Ranges could literally eliminate wild animals.

6. It would be inefficient to have another agency (BLM) administering part of the National Wildlife Refuge System.

7. Wildlife programs would suffer because the already severely limited funds would be spread even thinner to cover duplicative costs.

8. BLM is not likely to push for Wilderness designation for areas within Game Ranges.

9. BLM may not have statutory authority to administer wilderness areas under the Wilderness Act.

Recommendations:

1. National Game Ranges should be managed by the agency with the authority, expertise, and inclination to carry out the mandate which establishes these areas. The Fish and Wildlife Service is that agency.

2. Secretary Morton's decision is not irrevocable, and should be modified to give F&WS sole jurisdiction over Game Ranges.

3. Congress should pass the "Organic Acts" for BLM and F&WS which have been introduced, in order to more accurately specify the mandates of each agency.

INTRODUCTION

The National Wildlife Refuge System includes several different types of management areas, categorized as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl protection areas.[1] A game range is any area of public land administered jointly by the Fish and Wildlife Service [2] (F&WS) and the Bureau of Land Management (BLM) for the protection and management of wildlife resources and for the grazing of domestic livestock under the terms of the Executive Order or Public Land Order establishing the specific area.[3] A wildlife refuge area means any area of the National Wildlife Refuge System except wildlife management areas.[4]

The Code of Federal Regulations says that all wildlife refuge areas are maintained for the fundamental purpose of developing a national program of wildlife conservation and rehabilitation. These areas are dedicated to the wildlife found on them and for the restoration, preservation, development and management of wildlife habitat.[5]

In theory, then, National Game Ranges are as much a part of the National Wildlife Refuge System (NWRS) as any other unit, and are supposed to be maintained primarily for the purpose of wildlife conservation and rehabilitation. But, in reality, Game Ranges have never been quite like the other units of the NWRS because, instead of being administered solely by the F&WS as the rest of the system is, they are administered jointly by F&WS and BLM.

Recently, a more drastic difference came into being. The Secretary of the Interior directed that management of three of the four National Game Ranges be turned over solely to the BLM, with F&WS obtaining sole administrative authority for the remaining range.[6] According to the directive, BLM will manage these units "under the Game Range concept," and they will continue to be considered components of the National Wildlife Refuge System.[7]

On its face, this seems to be a curious move. Why should jurisdiction over part of the NWRS which is "maintained for the fundamental purpose of developing a national program of wildlife conservation and rehabilitation" [8] be taken from the Federal agency which is responsible for wildlife and given to BLM?

This article will look into possible reasons for this action, problems created, and the probable resource implications of its implementation. It will, in effect, look into whether the "orphan" of the National Wildlife Refuge System has finally found its home or whether it now has an even longer road to travel.

THE PROBLEM

There are four units of the NWRS designated as National Game Ranges. These are Cabeza Prieta and Kofa Ranges in Arizona, Charles Sheldon Antelope Range in Nevada and Oregon, Charles M. Russel (CMR) National Wildlife Range in Montana.

Originally named Fort Peck Game Range,[9] the CMR Range is a 950,000 acre tract of steep forested ridges and gentle grasslands, harboring elk, pronghorn antelope, beaver, burrowing owls, black-footed ferret, peregrine, and prairie falcons, bald eagles, and osprey.[10]

The Sheldon Antelope Refuge consists of 550,000 acres of expansive desert mesas and open rolling hills, cut through by narrow valleys and steep-walled canyons. It provides habitat for pronghorn antelope, California bighorn sheep, and bald eagles.[11]

The Kofa (660,000 acres) and Cabeza Prieta (860,000 acres) Ranges are wide-open, remote highlands, foothills and deserts supporting bighorn sheep, peregrine falcons, prairie falcons, mule deer, bobcat, ringtail cat, and mountain lion.[12]

By their very nature, these areas are adapted to providing wildlife habitat as well as forage for domestic grazing. Apparently this was well recognized at the time the Game Ranges were created. They were withdrawn by Executive Order "for the conservation and development of natural wildlife resources *and* for the protection and improvement of public grazing lands and natural forage resources" (emphasis added).[13] The joint administration was also provided for in the establishing Executive Orders,[14] although the agencies had different names at that time.[15]

From its inception this dual management has never been satisfactory because of the differing philosophies of land management espoused by the two agencies. Cattlemen [16], conservationists [17], and agency personnel [18] have all recognized the severe problems it has caused.

For example, a four year study of the relationships between mule deer, elk, and cattle was conducted on 75,000 acres of range in the Missouri River Breaks area of North Central Montana (including parts of the CMR Refuge) [19]. The study showed that there was direct competition between cattle and elk primarily during spring and fall when similar forage plants and types of range were used by both. They found that winter conflicts of a less direct nature result from intense feeding by cattle during the grazing season in elk wintering areas. Mule deer forage is eaten by cattle, and by elk, when the elk's natural forage is eaten by cattle.[20]

It is obvious that wise management is needed to avoid deterioration of wildlife habitat due to these sorts of conflicts. But the agencies charged with managing these areas admit that proper management is apparently impossible under the dual management scheme, despite memoranda of understanding which were developed to define areas of responsibility and provide for cooperation.[21]

Referring to the C. M. Russel Range, the F&WS noted that "these efforts have failed to completely clarify basic issues inherent in the designated responsibilities of the two agencies. Particularly the matter of priority use of forage by livestock and wildlife has been a continuing source of conflict." [22] They noted that efforts to terminate livestock grazing on the Game Range during the winter season had been unsuccessful and that livestock compete more strongly with big game animals for the available forage during that period. BLM had allowed excessive grazing on the uplands which had depleted native perennial grass cover. The grass was being replaced by low value weeds, prickly pear, and fringed sage. There were also serious erosion problems. A 1965 Evaluation Team Report prepared jointly by BLM and F&WS, resulted in two separate reports for recommendations for future management of the area.[23] The F&WS recommended that it be given sole responsibility for Game Range management, terminating the joint management practice.

The BLM had a similar assessment of the problems, although their recommended solution was different. In 1965, BLM noted that "for about the last fifteen years the relationship between [F&WS] and the BLM as involved in administration of the Range has been characterized by nearly constant disagreement, friction, and conflict." [24] BLM saw the situation as a conflict of philosophies: "preservation type management as opposed to one striving for maximum utilization of renewable resources." The BLM personnel concluded that there was "no hope for establishment of the cooperative attitude and approach necessary for a productive relationship."

It is from this background that the Secretary of the Interior decided to end dual management on our National Game Ranges. But there is more to the issue than simply ending dual management. We must also look at the purposes for which Game Ranges were established and the mandates of both administering agencies. Then we can decide whether this is the proper management decision to achieve the most beneficial use of the resources involved and whether it is in keeping with Congressional intent.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management was officially established in 1946 when the functions of the General Land Office and the Grazing Service were consolidated to form the new agency.[25] The purposes of this reorganization, as stated in the accompanying Message of the President, was to permit uniform policies for land management and "greater utilization and thus more economic use of expert skills." [26] The President noted that previously, decisions had to clear two sets of bureaucracies.[27]

Unlike the Forest Service,[28] the BLM has never operated under an Organic Act. Such an Act would provide an overall charter for agency operation. The primary operating authority for BLM and its predecessor agencies is the Taylor Grazing Act of 1934 as amended.[29] The Classification and Multiple Use Act of 1964 [30] superimposes the objec-

Footnotes at end of article.

tive of multiple use upon the Taylor Act authority of BLM.

The Taylor Grazing Act authorizes the Secretary of the Interior to establish grazing districts on vacant, unappropriated, and unreserved public domain.[31] The stated purpose for this authority is to promote the highest use of public lands *pending its final disposition*.[32] This would indicate that designation of land as a grazing district is not an end in itself, but merely an interim measure until some other use is decided upon.

It appears that Congress, in giving the Secretary discretionary authority,[33] intended that he designate land as grazing land only when that would be the "highest use" of that land. Thus, if the land were more valuable as a wildlife habitat, the Taylor Act would not authorize its use as domestic grazing land. This interpretation is supported by the restriction that lands set aside for grazing under this Act be those which are "chiefly valuable for grazing and raising forage crops" [34] (as opposed to other uses). Indeed, the court in *Red Canyon Sheep Co. v. Ickes* noted that, "Conceivably under the Act the Secretary might, in his discretion, conclude that such lands were more valuable for homesteading or other public purposes than for grazing." [35]

But there is no doubt that this law was made for the benefit of the cattle industry. The Federal Courts have held that the purpose of the act is to "stabilize the livestock industry and to permit use of the public range according to needs and qualifications of livestock operators with base holdings." [36] More recent cases have been even more straightforward, stating that the purpose of the Act was "to develop and stabilize the Western cattle business." [37]

That grazing permits granted by BLM are valuable is undisputed. The Taylor Act states that issuance of such a permit does not create any right, title, interest, or estate in the lands.[38] The courts have upheld the literal meaning of the statute saying that "a grazing permittee *as against the United States* may acquire no right, title, interest, or estate in or to the lands, and the government *for its own use* may, without payment of compensation, withdraw the permit privilege" (emphasis added).[39] But they have also recognized that while grazing rights under the Taylor Act do not fall within the conventional category of vested rights in property, "whether they be called rights, privileges or bare licenses or by whatever name, while they exist they are something of real value to their possessors." [40]

The Act itself also provides for substantial participation by cattle growers in the management of the Federal range lands.[41] Input concerning local conditions, including physical and economic conditions, is to come from local advisory boards. These boards are composed of not less than five and not more then twelve stockmen and one wildlife representative.[42]

While the Taylor Act was intended to help the cattle industry, it was not intended to be a circuitous new homesteading scheme or a way to help people get started in the business. Rather it strongly favored those who were already in the business, particularly those in the vicinity of the grazing districts. The Act provides that "preference shall be given in the issuance of grazing permits to those within or near a district who are land owners engaged in the livestock business, bona fide occupants or settlers or owners of water rights." [43] Thus, "stabilizing the cattle industry" has meant helping to strengthen those who were already established.

Given the statutory authority that it operates under, the judicial interpretation of that authority, and the segment of the public with which it must work, it would seem that BLM management decisions would naturally favor the interests of the cattle industry. Historically, this has been the case. This is not necessarily a criticism of the agency, for there is certainly evidence that this was the intent of Congress in writing the Taylor Grazing Act. Whether that intent, and the needs of that earlier day, should govern today's land use decisions is beyond the scope of this article.

Certainly an argument could be made that the public derives benefits from the assistance provided to the cattle industry. But the question here is not whether BLM meets a valid need or whether we need the cattle industry, but rather, whether BLM is capable of or authorized to manage National Game Ranges "under the Game Range concept" and "as components of the National Wildlife Refuge System." [44]

As mentioned above, superimposed on BLM's Taylor Act authority is a multiple-use requirement.[45] In theory at least, this alters the agency's mandate to include consideration of other values and uses on the lands it administers. Among these uses is fish and wildlife development and utilization.[46] In addition, BLM regulations provide for a reasonable amount of forage for wildlife in each grazing district, although there is no statutory provision requiring such allocation. This forage for wildlife is to be used in common with livestock grazing.[47]

Thus, while there is some general authority for BLM's involvement in wildlife management, it certainly is not a high priority function of the agency. At best, wildlife considerations are among many values to be weighed under a multiple-use policy.

FISH AND WILDLIFE SERVICE

There are ten Federal agencies or groups of agencies having jurisdiction or programs affecting fish and wildlife on the Federal lands.[48] But the Fish and Wildlife Service is the only Federal land manging agency which has *as its principal function* the administration of fish and wildlife programs.[49]

Broad power to regulate and manage resident species of wildlife on Federally owned land is derived from the Federal Constitution and the inherent powers of the Federal Government as a landowner.[50] This power has been vested in the Secretary of the Interior with respect to the land and water areas which comprise the National Wildlife Refuge System [51] (of which National Game Ranges are a part).[52]

In 1966, the Secretary delegated authority regarding fish and wildlife to the Director of the Bureau of Sports Fisheries and Wildlife, now Fish and Wildlife Service.[53]

Like BLM, the F&WS is without an Organic Act, although such legislation has been introduced in recent sessions of Congress.[54] The Bureau of Sports Fisheries and Wildlife, predecessor to F&WS, was established by the Fish and Wildlife Act of 1956.[55] A large portion of that Act was devoted to stablizing domestic fisheries. It also authorized the Secretary of the Interior to—

"Take such steps as may be required for the development, management, advancement, conservation, and protection of wildlife resources through research, acquisition of refuge lands, development of existing facilities and other means."[56]

The F&WS has a broad range of responsibilities, including enforcement of hunting and trapping laws on Federal lands,[57] monitoring importation of wild mammals and birds,[58] protection of rare and endangered species,[59] protection of marine mammals,[60] wildlife restoration projects,[61] as well as administering the National Wildlife Refuge System.[62] In carrying out the latter mandate, the Secretary of the Interior, through F&WS may "permit the use of any area within the system for any purpose, including but not limited to hunting, fishing, public recreation, and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established."[62]

Thus, like BLM, the Fish and Wildlife Service must consider a number of values in managing the lands for which it is responsible. But unlike BLM, F&WS must give first priority to wildlife considerations.

GAME RANGES

With respect to game and wildlife generally, the Supreme Court has said that the power to control these animals is to be exercised as a trust for the benefit of the people and not as a prerogative for the advantage of the Government.[64] More specifically, as we have seen, the National Wildlife System Administration Act requires Game Ranges to be put to uses that are compatible with the major purposes for which the areas were established.[65] These "purposes" are found in the Executive Orders which established the ranges: [These lands shall be set aside] "for the conservation and development of *natural wildlife resources* and for the protection and improvement of *public grazing lands* and natural forage resources." [66]

This is not especially helpful, and in fact, only further confuses the issue of which agency should administer the Game Ranges. Certainly wildlife conservation was a major purpose for creating these ranges. But "public grazing lands" seems to provide for domestic livestock also.

Fortunately, the Executive Orders offer further evidence of the purposes for which the areas were established. The Order establishing the C. M. Russel National Wildlife Refuge (then Fort Peck Game Range) provides that—

"Natural forage resources therein *shall be first utilized* for the purpose of sustaining in a healthy condition a maximum of four hundred thousand (400,000) sharptail grouse, and one thousand five hundred (1500) antelope, the *primary species, and* such nonpredatory secondary species in such numbers as may be necessary to maintain a *balanced wildlife population*." [67] (emphasis added).

The Executive Order that established the Charles Sheldon Antelope Range provides that—

"Natural forage resources therein *shall be first utilized* for the purpose of sustaining in a healthy condition a maximum of three thousand five hundred (3500) antelope, the primary species, *and* such non-predatory secondary species in such numbers as may be necessary to *maintain a balanced wildlife population*." [68] (emphasis added).

These Executive Orders clearly stipulate that providing wildlife habitat is the first priority or primary purpose for these Game Ranges. And this includes not only maintaining the primary species, but also sustaining a balanced wildlife population. After these needs are satisfied, any excess forage may be made available for domestic livestock grazing. The Executive Orders specifically state that forage made available for domestic livestock is subject to the above provisions for wildlife.[69]

Given these priorities for the use of Game Ranges, it becomes clear which agency is best suited to exercise the power over them "as a trust for the benefit of the people" [70] and make sure the uses are "compatible with the major purposes for which the areas were established." [71]

We have already discussed the strong ties between BLM and the cattle industry, both historically and presently. We noted that this relationship was not a devious plot or covert arrangement, but rather had implied statutory approval. We have also noted the deterioration of Federal range land caused by overgrazing and the deleterious effects on wildlife which cannot compete as strongly for available forage.

The pressure from the cattle industry to make more Federal land available for grazing can only increase in the near future. Grain prices have made grass-feeding much more desirable. Also, as formerly productive

Footnotes at end of article.

grazing lands are worn out by over-grazing, the industry will push to have new lands opened up.

The widespread evidence of overgrazing allowed by BLM on Federal lands shows that they have been incapable of meeting the mandate set for Game Ranges of providing "protection and improvement of public grazing lands and natural forage resources." [73] It is unrealistic to believe the agency will do better in the face of even greater industry pressure. Even assuming that BLM *did* begin an effective range protection program, it seems likely that domestic livestock rather than wildlife would reap the benefits. As discussed above, BLM apparently has no mandate to give wildlife protection any priority in managing our lands, but rather has broad discretion under the multiple-use concept.[73]

If the fact that F&WS is best suited to manage the National Game Ranges is not clear from the National Wildlife Refuge System Administration Act,[74] the *National Wildlife Refuge Handbook* offers even more convincing evidence.[75] These are the Department of Interior regulations which are used in administering the Refuge System. They note that—

"The Special Mission of the National Wildlife Refuge System is to provide, manage, and safeguard a national network of lands and waters sufficient in size, diversity, and location as to meet people's needs for areas where the entire spectrum of human benefits associated with migratory birds, other wild creatures, and wildlands are enhanced and made available." [76]

The Handbook discusses over twenty objectives for the System in priority ranking. First is "to assure survival in a natural state of each of this Nation's plant and animal species." [77] This seems to be in line with the statutory and regulatory authority delegated F&WS.

It is not until Objective Number 18 that anything recognizing domestic livestock grazing is mentioned. This item allows for an increase in "other non-mission oriented economic and social benefits to individuals, communities, regions, and the nation." But even this objective stipulates that such activities must "either enhance or not detract significantly from wildlife nad related environmental benefits." Thus, while the Refuge System does not exist solely for wildlife purposes, the "non-mission oriented" activities have relatively low priority in the Department of Interior's objectives for these areas.

RESOURCE IMPLICATIONS

It seems a fair assessment to say that, given the different mandates and management philosophies of the two agencies, the decision as to which agency shall manage the Game Ranges will have substantial impact on resource use and allocation.

Administrative interpretation

A major reason for this impact is that "Congressional intent" is often stated in broad terms referring to end results. The actual management policy which will be used to carry out this intent is usually developed in agency guidelines or regulations. Depending on which agency develops the regulations, the results of carrying out the Congressional intent can be very different.

For example, in calling for multiple-use management on public lands, Congress declared its intent to be that the lands be "a) retained and managed or b) disposed of, all in a manner to provide the maximum benefit for the general public." [78] On its face, this seems to be an admirable goal. But it does not really give much guidance in developing a management policy. Who is "the general public"? How do we determine "maximum benefit"? Does this mean economic benefit? Aesthetic benefit? Short term or long term benefit? Do we decide based on popular demand for land use allocation or on what scientific evidence indicates is "really" in the best interest of the general public? These and many other questions are at least implicitly answered by the agency which administers the statute.

In theory, the agency's rule-making authority is limited. The Supreme Court has said that "the power of an administrative officer or board to administer a Federal statute and to prescribe rules and regulations to that end is not the power to make law—for no such power could be delegated by Congress—but the power to adopt regulations to carry in to effect the will of Congress as expressed by statute." [79] This is a rather circular mandate, given the vagueness of most statutes. The effect is to permit a broad range of agency interpretations which the courts will find to be within acceptable limits.

Thus, BLM regulations state that, "No overall priority is assigned by the Classification and Multiple Use Act or by the Secretary (of the Interior) to any specific use . . ." The agency will authorize ". . . that use or combination of uses which will best achieve the objective of multiple use." [80] This allows them to authorize grazing nearly any place where there is not a more "valuable" alternative use. Valuable, in effect, means economically or commercially valuable because there is really no basis for citizens to challenge the agency's decision (i.e. show that it will not result in the "maximum benefit") unless the group can show that a different use would yield more revenue for the government. Since it is very difficult to assign economic values to wildlife considerations, *that* potential use does not compete very well with grazing in an agency which favors grazing to begin with.

On the other hand, F&WS regulations say that "uses of Wildlife Refuges that make no contribution to the *primary objective* of the program for an individual area or are in no way related to the objectives of the National Wildlife Refuge System are classified as non-program uses" (emphasis added).[81] Permission for such uses will be granted "only when compatible with the major purposes for which such areas were established." [82] The effect of this is to shift the burden of proof to those who want to establish "nonprogram" uses on Game Ranges to show that such uses are compatible with "maintain[ing] a balanced wildlife population," [83] rather than forcing those who want the land to be used for wildlife preservation to show that there is no use which would yield greater "benefit for the general public.[84]

This shift in the burden of proof will often affect the use to which the land is put. Apparently, Congress recognized that wildlife could not compete with livestock for forage in the "free market." Otherwise, there would have been no need to set aside public game ranges. But since the marketplace does not assign a value to wildlife (except possibly for hunting), we have made a policy decision that this is a value which we should preserve *outside* the marketplace (just as we have made a policy decision that we should subsidize livestock growers). The F&WS regulations mean that wildlife uses do not have to be economically justified on Game Ranges. They are taken as the norm. Any deviation must be compatible with this *assigned* priority use.

This result makes sense from a managerial point of view. Since grazing is a use granted by governmental permission, it can be discontinued by the Government whenever it is inconsistent with the purpose of the Game Ranges. But since wildlife is held in the public trust,[85] there are fewer management options available.

As a management tool, Game Ranges are really too small to do much toward stabilizing the cattle industry.[86] Whether or not grazing occurs on them will not have much overall effect on cattle production. But the effect of destruction of the wildlife habitat on the Game Ranges could literally eliminate the wild animals. To sacrifice a large percentage of the wildlife habitat in the lower 48 states for a small increment in domestic livestock production does not seem to be a wise allocation of resources. The relative as well as the absolute affects militate against such a decision.

Budgetary implications

Another resource implication of any decision to shift jurisdiction for management of Game Ranges is the effect on the Federal budget. Research done in 1969 for the Public Land Law Review Commission (PLLRC) showed that one of the greatest problems in obtaining adequate appropriations for wildlife lies within the Federal agencies.[87] As discussed above, at least ten Federal agencies have jurisdiction or programs affecting fish and wildlife, but except for F&WS, wildlife management is not the primary management purpose of the agencies.[88]

This has two results on the quality of wildlife programs. First, since many programs are handled by agencies which are not primarily concerned with wildlife, funding emphasis is placed on other programs in the agencies. There is no "champion" for the wildlife programs in any of these agencies and the programs go underfunded. Of course, none of these agencies would want to give up their jurisdiction over the programs.

If BLM takes over responsibility for Game Ranges, it seems likely that wildlife management would not be a priority program. The wildlife programs will receive less attention and funding than the agency's main programs such as grazing and mining. Thus, even if the managers had good intentions for wildlife preservation, they would not have the money to do much about it.

The second result of the diverse jurisdiction over wildlife programs is inefficiency and duplication of effort involved. Several agencies all have to carry on similar programs resulting in the "wheel being rediscovered" many times. At best, it requires substantial inter-agency cooperation which takes time and money. The PLLRC found that Federal agencies with broadly similar programs "maintain their separate postures to compete for financing, program responsibilities, and land administration responsibilities." [89]

In effect, instead of having the same amount of money accomplishing more things, this results in more money accomplishing the same things several times. For instance, every agency will have to employ wildlife experts to look after their own wildlife programs. They will all have to develop regulations (which may well result in different policies for the same kinds of lands). For people dealing with government, it may mean having to work through several agencies instead of one. There will be duplication of administrative functions and facilities. And assuming the agencies know what each other is doing, there will be coordination costs.

Thus, under Secretary Morton's directive, BLM will operate the Game Ranges and "components of the National Wildlife Refuge System" and "under the Game Range concept." [90] This means another agency will have to promulgate regulations interpreting the NWRS Act. There will be two sets of government employees overseeing parts of the same system. Supposedly, BLM would be hiring more wildlife experts to do what F&WS is doing already.

This will not only be duplicative but ineffective as well. At the field level, the BLM wildlife experts could be expected to operate as efficiently and effectively as F&WS (as-

suming they are given the authority, the money, the priority, etc.). But it is doubtful that middle and upper management levels at BLM will have anywhere near the grasp of what wildlife management is all about that F&WS people have. Besides, they will not have time to figure it out, because other programs will have higher priority. Thus, we would be paying to have another agency attempt to do the same thing F&WS is doing with the knowledge that they could not do it as well even if they want to.

With the limited amount of Federal money available for wildlife programs to begin with, the government should be spending that money in the most efficient and effective way possible. This means combining like programs in one agency, not creating similar programs in a number of agencies.

Wilderness

Another resource implication of the change in Game Range management jurisdiction is the affect on the Natural Wilderness Preservation System. Secretary Morton's directive states that in the event Congress should pass legislation creating wilderness areas in the C. M. Russel, Sheldon, or Kofa Ranges, the units will be managed by BLM under the guidelines of the Wilderness Act.[91] The wilderness studies for these ranges which were started by F&WS will go forward, although it is unclear how much input F&WS and BLM will have in the progress.

This in itself could affect the recommendation that the Secretary of Interior will make to the President regarding these areas. In the past, F&WS has enthusiastically reviewed lands within the National Wildlife Refuge System for possible inclusion in the Wilderness System as required by the Act.[92] Presently, the Act does not provide for inclusion of BLM lands within the system, and BLM has fought efforts to give it such authority.[93] It seems likely that BLM will not push as hard for wilderness designation for areas within the Game Ranges as F&WS would have.

The Wilderness Act provides that the Department and the agency that had been administering an area before it was designated as Wilderness will be responsible for administering the area as part of the Wilderness System.[94] Since there is no provision for review or inclusion of BLM lands in the National Wilderness Preservation System, it is doubtful that BLM currently would have statutory authority to manage Wilderness lands. Apparently Secretary Morton has commanded BLM to administer segments of the National Wilderness Preservation System even though the agency has no authority to do so.

CONCLUSION

This article does not attempt to analyze the relative merits of domestic grazing and wildlife protection. Each has a value to our Nation. But the National Game Ranges should be managed by the agency with the authority, expertise, and inclination to carry out the mandates which established these areas. Our conclusion after examining the authority given to both BLM and F&WS, and comparing that with the purpose for which Game Ranges were established, is that the Fish and Wildlife Service is that agency.

Since Secretary Morton's decision is not irrevocable, it seems that the public interest and the law would be best served by modifying the order, to give F&WS sole authority to manage the Game Ranges. This would finally bring the "orphan" home, and put *all* units of the National Wildlife Refuge System under one agency.

In 1970, the Public Land Law Review Commission reported that statutory guidelines were required for minimizing conflicts between fish and wildlife and other public land uses and values.[95] The time has come for Congress to act on this recommendation and provide the long overdue clarifications to the responsibilities of our land-managing agencies.

One promising piece of legislation is the "National Wildlife Refuge System Organic Act of 1975," H.R. 1522, introduced by Rep. Dingell.[96] This bill would clearly state the purpose of the Refuge System, and provide management guidelines specific enough to provide unambiguous direction for the agency administering the system. (Game Ranges are specifically recognized as units of the System.)[97]

The bill states that the mission of the System is "to acquire, restore, preserve, manage, administer, and develop wildlife environments" and to assure survival of wild species.[98] The purpose of the individual units of the system is to "provide habitat requirements for native fish and wildlife."[99]

The bill would leave no doubt as to the priority assigned to different values for management purposes. Management means "the rehabilitation, restoration, protection, and preservation of lands within the system, based on applied research and sound ecological principles, for primary utilization and protection purposes."[100] Multiple values are recognized, but are defined as "the operation and coordinated management of the varied resources and values of any System unit *without impairment to, and in harmony with, the primary wildlife values of that unit*" (emphasis added).[101]

This bill would go far toward eliminating the effects of any differing management philosophies between agencies by limiting the possibility for differing interpretations of the "Congressional intent." It also reaffirms the notion that the National Wildlife Refuge System *is* a single system and should be managed by one agency. It adopts the F&WS policy that the Refuges are primarily for preservation of wildlife habitat and any other uses must be compatible with that use.

Another bill which could provide some relief from the problems identified in this article is the BLM Organic Act or the "National Resources Land Management Act," S. 507, introduced by Senator Haskell.[102] *At the least*, it could end the incongruous, and possibly illegal, situation whereby BLM could be administering Wilderness lands without the authority to do so. This bill would give BLM the mandate to identify[103] and review[104] lands suitable for inclusion in the Wilderness Preservation System, as described in Section 2(c) of the Wilderness Act of 1964.

It would also require that BLM manage public lands "without permanent impairment of the productivity of the land and the quality of the environment."[105] This would seem to require termination of BLM's past practice of allowing severe overgrazing from which ranges never recover.

The solutions to the complex problem of managing our National Game Ranges must come from both the Executive and Legislative Branches of government. We have tried to show in this article that these solutions are readily available and seem eminently logical, given the purposes for which Game Ranges were established.

FOOTNOTES

[1] 16 U.S.C. 668 dd(a).

[2] Note: The Fish and Wildlife Service was formerly named the Bureau of Sports Fisheries and Wildlife. See Note 15, infra.

[3] 50 C.F.R. sec. 25.1 (1974).

[4] Id.

[5] Id, sec. 25.2

[6] Memorandum, 2-5-75 To Directors of BLM and F&WS from Under Secretary of Interior; Transfer of Jurisdiction over Game Ranges.

[7] Id.

[8] 50 C.F.R. sec. 25.2 (1974).

[9] The name was changed to Charles M. Russel National Wildlife Range in Feb., 1963 by Public Land Order No. 2951.

[10] *Charles M. Russel National Wildlife Refuge*, Evaluation Report, Sept., 1965, F&WS/BLM, and Wilderness Hearing Alert, The Wilderness Society, 1973.

[11] *Charles Sheldon Antelope Range*, Evaluation Report, June 1965, F&WS/BLM, and Wilderness Society, *Wilderness Report*, Vol. 11, No. 3.

[12] The Wilderness Society, Wilderness Hearing Alert, 1973.

[13] e.g. Exec. Order No. 7509, Dec. 11, 1936 (Russel), and Exec. Order No. 7522, Dec. 21, 1936 (Sheldon).

[14] Id.

[15] The Bureau of Land Management was created by Reorg. Plan No. 3 of 1946. Sec. 403 consolidated the General Land Office and the Grazing Service in the Department of the Interior to form the new agency known as BLM.

The Fish and Wildlife Service was created in a series of steps. Reorg. Plan No. II of 1939, Part I, Sec. 4(e) transferred the Bureau of Fisheries from the Dept. of Commerce to Interior. Sec. 4(f) transferred the Bureau of Biological Survey from the Dept. of Agriculture to Interior. These two bureaus were later consolidated into one agency named Fish and Wildlife Service by Reorg. Plan No. III of 1940. The Bureau of Sports Fisheries and Wildlife was created as a separate agency of the Dept. of the Interior by the Fish and Wildlife Act of 1956, 16 U.S.C. 742(b) and later renamed the Fish and Wildlife Service.

[16] Quimby, D. "Mule Deer, Elk, and Cattle," *Montana Stockgrower* Aug. 1970, p. 28.

[17] e.g. The Wilderness Society, Wilderness Report, Vol. 11, No. 1.

[18] e.g. Fish and Wildlife Service, *Proposal for Charles M. Russel National Wildlife Range*, 1963.

[19] Quimby, supra, note 16.

[20] For further discussion of detrimental effects of livestock grazing on wildlife habitat see:

Colorado State University, *Fish and Wildlife Resources on the Public Lands*, January 1969, pp. 241–257.

Denny, R. "Fences and Big Game," *Colorado Outdoors*, Mar.–Apr., 1964, pp. 3–6.

Julander, O. and Jeffrey, D. "Deer, Elk, and Cattle Range Relations on Summer Range in Utah," *Transactions of the Twenty-Ninth North American Wildlife and Natural Resources Conference*, pp. 404–413.

Gunderson, D. "Floodplain Use Related to Stream Morphology and Fish Populations," *Journal of Wildlife Management*, Vol. 32, No. 3, 8/68.

Zobell, R. S., "Background of the Wyoming Antelope Fencing Study," *International Antelope Conference Trans.* pp. 61–66.

[21] a. Memorandum of Understanding between the Grazing Service and F&WS, July 20, 1945. b. Memorandum of Understanding between BLM and BSFW Governing the Management of Fort Peck G. R., 4/14/69.

[22] F&WS, supra, note 18.

[23] Evaluation Report, supra, note 10.

[24] Id.

[25] App. Title 5 U.S.C., Reorg. Plan No. 3 of 1946.

[26] Id.

[27] As we shall see, these problems which were noted and supposedly corrected by this reorganization have arisen again with regard to the management of game ranges.

[28] Organic Act of 1897, 16 U.S.C. 473–482, 551.

[29] 43 U.S.C. 315.

[30] 43 U.S.C. 1413.

[31] 43 U.S.C. 315.

[32] Id.

[33] Id.

[34] Id.

[35] *Red Canyon Sheep Co.* v. *Ickes*, 98 F2d 308 (D.C. Cir. 1951).

[36] Chournos v. U.S., 193 F2d 321 (10th Cir. 1951), cert. denied 343 U.S. 977.

[37] U.S. v. Fuller, 442 F2d 504 (9th Cir. 1971), reversed on other grounds 409 U.S. 488.
[38] 43 U.S.C. 315(b).
[39] McNeil v. Seaton, 281 F2d 931 (D.C. Cir. 1960).
[40] Red Canyon Sheep Co. v. Ickes, 93 F2d 308 (D.C. Circ. 1951).
[41] 43 U.S.C. 315 o-1.
[42] Id.
[43] U.S.C. 315(b).
[44] Memorandum, supra, note 6.
[45] 43 U.S.C. 1413.
[46] 43 U.S.C. 1411(a).
[47] 43 C.F.R. 4111.3-1 (1973).
[48] Colorado State Univ., *Fish and Wildlife Resources on the Public Lands*, Jan. 1969, p. s-7.
[49] Id., p. 82.
[50] Id. p. s-7 ff. This report contains a relatively detailed discussion of the question whether the Federal government has authority to regulate wildlife and to what extent it can overrule state decisions.
[51] e.g. 16 U.S.C. 460k. 16 U.S.C. 664 (Fish and Wildlife Coordination Act) 16 U.S.C. 715 (1) (Migratory Bird Conservation Act). 16 U.S.C. 718d.
[52] 16 US.C. 668dd(d).
[53] 31 Fed. Reg. 11685 (1966).
[54] H.R. 1522, 94th Congress., 1st Sess. (1975).
[55] 16 U.S.C. 742b. Note: The reader may find the changes in the names of the Federal bureaucracies hard to keep track of. There have been three organizations named the "Fish and Wildlife Service."
1. The first was established by Reorg. Plan No. III of 1940, as discussed in note 15, supra. That body became the Bureau of Sports Fisheries and Wildlife under 16 U.S.C. 742b.
2. The same Act created a new Fish and Wildlife Service however. That was the name given to the branch of the Department of Interior which included both the BSEW and the Bureau of Commercial Fisheries.
3. The Bureau of Commercial Fisheries has since been transferred to the Department of Commerce. Recently, BSEW was upgraded," and, no longer being a mere "bureau," was renamed the Fish and Wildlife Service.
[56] 16 U.S.C. 742f(a) (5).
[57] 18 U.S.C. 41, 43, 47.
[58] 19 U.S.C. 1527.
[59] 16 U.S.C. 668, 668aa.
[60] 16 U.S.C. 1361.
[61] 16 U.S.C. 669.
[62] 16 U.S.C. 668dd.
[63] 16 U.S.C. 668dd(d).
[64] Geer v. Connecticut, 16 U.S. 519 (1896).
[65] 16 U.S.C. 668dd(d).
[66] e.g. Exec. Order No. 7509 and No. 7522.
[67] Exec. Order No. 7509.
[68] Exec. Order No. 7522.
[69] Exec. Order No. 7509.
[70] Geer v. Connecticut, 16 U.S. 519 (1896).
[71] 16 U.S.C. 668dd(d).
[72] Exec. Order No. 7509.
[73] 43 U.S.C. 1413.
[74] 16 U.S.C. 668dd.
[75] Dept. of Interior, *National Wildlife Refuge Handbook*, Feb. 1970.
[76] Id., Part I, Vol. 4: Objectives.
[77] Id.
[78] 43 U.S.C. 1391.
[79] Manhatten General Equipment Co. v. Commissioner of IRS, 297 U.S. 129 (1936).
[80] 43 C.F.R. 1725.3-1 (1973).
[81] 50 C.F.R. 29.3 (1974).
[82] Id.
[83] Exec. Order No. 7509 and No. 7522.
[84] 43 U.S.C. 1391.
[85] Geer v Connecticut, 16 U.S. 519 (1896).
[86] University of Idaho, *The Forage Resource*, June 1969, p. s-58.
[87] Colorado State University, *Fish and Wildlife Resources on the Public Lands*, Jan. 1969, p. s-34.
[88] Id. s-7, p. 82.
[89] Public Land Law Review Commission, *Organization, Administration, and Budgeting Policy*, Dec. 1969.
[90] Memorandum, supra, note 6.
[91] Id.
[92] 16 U.S.C. 1132(c).
[93] See e.g. The Wilderness Society, *Wilderness Report*, Vol. 12, No. 1.
[94] 16 U.S.C. 1131(b).
[95] *One Third of the National's Land*, Report of the Public Land Law Review Commission, June 1970, Recommendation 63.
[96] H.R. 1522, 94th Congress, 1st Session (1975).
[97] Id. Sec. 102(2).
[98] Id. Sec. 104(1).
[99] Id. Sec. 104(2).
[100] Id. Sec. 102(5).
[101] Id. Sec. 102(6).
[102] S. 507, 94th Congress, 1st Session (1975).
[103] Id. Sec. 102(a).
[104] Id. Sec. 103(e).
[105] Id. Sec. 2(c).

BYELORUSSIA INDEPENDENCE DAY

Mr. HUGH SCOTT. Mr. President, 57 years ago this week, the people of Byelorussia celebrated their independence. Today, their descendants have little to celebrate, for their homeland has lost its freedom.

I share with my many constituents of Byelorussian descent their reflections on this day. I share their hope and determination that one day Byelorussia will regain her independence, and once again experience the freedom which her people fought so hard to obtain and preserve.

TRIBUTE TO HOWARD L. WORTHINGTON

Mr. DOLE. Mr. President, the death Monday of Howard Worthington came as a shock to me and I am sure to many of my colleagues who had come to share the affection and the respect which I had developed for him over the years.

As a Deputy Assistant Secretary of the Treasury since 1972 he had put the mark of his extensive experience and broad understanding in international trade on many important aspects of this country's trade policies. And before, as a foreign service officer, as director of the trade negotiations staff at the Commerce Department and the State Department's International Trade Staff he built a record of service to his country and indeed of service to the international community in which he functioned so effectively and professionally.

It was in his post as Deputy Assistant and later Associate Administrator of the Foreign Agricultural Service that I became most closely associated with Mr. Worthington. In this capacity his ability to balance an appreciation for the needs of other countries with the agricultural capacities of the United States was unmatched.

For 20 years, Howard Worthington labored in the cause he believed in most strongly—the betterment of his country's position in the community of nations.

His work involved him in all aspects of our international trade activities. His attitude insured that his involvement was always positive and productive. His experience and intelligence insured that his involvement was always valuable. And his dedication insured that his involvement was always total.

My sympathies go to his wife, Lillian, and to his children. Their country and their country's Government shares in their sense of loss.

U.S. AMBASSADOR TO PORTUGAL

Mr. BROOKE. Mr. President, today's Washington Post contained an article alleging that Secretary of State Kissinger was extremely disenchanted with Frank Carlucci, our Ambassador to Portugal. The degree of accuracy of the article is as yet unknown. Nevertheless, it is likely to be interpreted by some as a signal that Ambassador Carlucci may be replaced in the near future. Such an action would be extremely ill-advised at a time when the course of United States-Portuguese relations for the foreseeable future may be determined by the wisdom and understanding our officials exhibit regarding the revolutionary changes taking place in Portugal. Ambassador Carlucci has both a unique grasp of the complex issues involved in the situation and an intense awareness of the nature of the opportunities open to the United States to influence events. Therefore, I believe the U.S. Government would be unwise to consider his removal. I have communicated my views to the President and the Secretary of State and ask unanimous consent that a copy of my telegram to the President be printed in the RECORD.

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

THE PRESIDENT,
The White House,
Washington, D.C.:

I am distressed to read newspaper accounts of alleged statements by Secretary Kissinger questioning the competence of Frank Carlucci, our Ambassador to Portugal. Having recently returned from Lisbon I am aware of the difficult situation Ambassador Carlucci faces there and am impressed with the manner in which he has represented our country. His intensive effort to understand the reality of the situation and the nature of U.S. opportunities to influence events there merit your commendation.

He has established a working relationship with the Portuguese leadership, one that neither sacrifices our interests, nor fails to recognize the legitimate concerns of the Portuguese Government. He has been tough but understanding, a combination that I believe is needed at this time. His removal would likely be interpreted by the Portuguese Government as a "hardening" of U.S. attitudes. If this happens, U.S. efforts to stabilize our relations with Portugal could be seriously impaired.

Therefore I hope it is your intention to continue to place a high degree of confidence in the Ambassador.

EDWARD W. BROOKE,
U.S. Senate.

THE TIME HAS COME

Mr. HARTKE. Mr. President, the time has come for America to accept the verdict of history. U.S. policy toward Indochina has failed. No useful purpose can be served by prolonging the misery of the Vietnamese and Cambodian peoples through continued U.S. military and economic assistance. The United States must make a clean break with the past for our own natural interest,

for our sake, and for the sake of the many lives that still hang in the balance. Any future American assistance to the area should be limited narrowly to humanitarian projects administered through international agencies.

Too much of the debate in recent weeks has avoided the central issue and turned, instead, on irrelevant details. The President and Congress have not faced their responsibility squarely. The sight on the evening news of orphans and refugees has made too many fearful that a vote against further assistance would be misinterpreted. I assure my colleagues that the American people understand quite clearly that more aid to the governments of President Thieu of South Vietnam and Premier Long Boret of Cambodia will have only negative effects on those refugees and orphans. Some say the inevitable will be delayed a few weeks or a few months; the price for that will be more death and destruction. The United States has a moral obligation to end all U.S. assistance immediately.

I take no comfort in the vindication of my own opposition for the past decade the tragic waste of human life in Southeast Asia. The national efforts of the United States in Indochina were from the outset misguided, and, in many ways, pernicious. Our leaders deceived our Nation and the corrupt military cliques that we supported into believing that American military power could be utilized in a conflict that was part revolutionary war and part civil war. Because of our massive commitment of men and materiel, we did change the course of that war; but, unfortunately, only to lengthen it.

We blundered into Vietnam without a clear understanding of the reasons for our presence. Never in the history of our Nation has so momentous a decision been undertaken with so little forethought. In truth, there was never a single decision, but a series of small decisions, each committing us more deeply and more irrevocably. I do not believe that there was ever malice of intention, but the result was clearly evil. This incremental decisionmaking in our foreign policy points clearly toward the need to redress the balance between the executive and legislative branches of Government. The former is too involved in the mechanics and details of policy execution to be critical of its goals and assumptions. Congress can and should provide a forum for this essential debate. Instead, there is a regrettable tendency among administration officials to conduct foreign policy in secret, relying upon Congress to "go along" when the time comes. If I sense the mood of my colleagues and the American people correctly, this will no longer be tolerated.

In the "great debate" over Vietnam, successive administrations justified the war by alternately advancing two equally implausible arguments. On the one hand, the conflict in Vietnam was portrayed as a struggle between the ideologies of communism and democracy; and, on the other, it was a matter of American security.

The claim that the narrowly based, corrupt military dictatorship that constitutes the Government of Vietnam is in any sense democracy's first line of defense is outrageous to the point of ludicrousness. The Diem, Ky, and Thieu regimes enjoyed minimal popular support except among the privileged classes. The new reforms and occasional nods in the direction of popular participation have been to appease American public opinion.

The two central tenets of any democracy—rule of law and the dignity of the individual—have been singularly absent in Vietnam. Democracy does not grow in a vacuum; it requires certain economic, social, and cultural prerequisites. It is no condemnation of these societies to point out that they do not have these preconditions; it is, however, a condemnation of those who would use the rhetoric of democracy to justify our position there.

The more serious defense of our Southeast Asian policy has centered on the geopolitical implications of a Communist victory. Purveyors of this argument assume, like good cold warriors, that communism is a monolith. Thus, a victory of local Communists is tantamount to a Russian or Chinese victory and therefore intolerable.

While this line was being touted by past administrations, both prior and subsequent to our military involvement, it had been thoroughly debunked by serious observers of world politics. As early as Stalin, the transnational characteristic of Communist philosophy had been downplayed except for propaganda purposes. Every shred of available evidence indicated indigenous Communist regimes retained a keen sense of their own national interest and strongly resisted dancing to either Moscow or Peking's tune.

A key element in the geopolitical argument was the evocation of our earlier European containment policy which is widely regarded as a major American achievement. Psychologically, this was meant to clothe Vietnam policy with the prestige of President Truman's postwar efforts. But Southeast Asia is not Europe, and our policy there bore not even the slightest resemblance to the Truman Doctrine.

Containment was directed toward the Soviet Union and its assumed desire to invade Europe. Its author, George Kennan, believed that the Soviets would follow the course of least resistance, and would back off when confronted with American power. The result was NATO and the Marshall plan. Kennan also believed that after a period of frustration the Soviets would undergo a series of internal changes, creating a regime more consonant with American attitudes and interests.

To apply the concept of containment to Vietnam is to change it beyond all recognition. George Orwell taught us that we can use any word we want in "Newspeak," and to say containment was our policy in Vietnam is very much in that tradition. Containment requires existing nations; it requires an expanding military power whose ambition is tempered by caution; it also requires the selective use of military force at specific points to dam up any forward progress. It says nothing whatsoever about dealing with indigenous communism, revolutionary or civil wars.

The "domino theory" was an adjunct to the geopolitical argument designed to frighten and convince the skeptical. Unacceptable policies might become acceptable if the people—and Congress—could be convinced that the repercussions of not fighting in Vietnam would be an inevitable and progressive Communist victory. The domino theory implies an eventual triumph of communism in all of Asia including Japan and the Philippines.

First, the domino theory is an analogy between a physical process—falling dominoes—and a complex socio-political-economic process. It is, on its very face, unacceptably simplistic. Second, it elevates pitiful little Vietnam to a pivotal position in world history, a role that it cannot play by any realistic account of the world.

Successive administrations have led the American people and the Congress to believe that somehow American security was related to the outcome of Vietnam's revolutionary-civil war. But beyond the expression of a series of essentially inapplicable or irrelevant generalizations, there has been no serious or successful attempt to demonstrate how, in reality, American interests and security are tied to the outcomes in Indochina. I am sure that we would all be in agreement that we do not want to see Communist regimes in those countries; however, what price should be paid to try to forestall that eventuality?

I believe that the American people have paid a price in Indochina that bears no relationship whatsoever to the nature of our real interests. We have lost more than 50,000 young American lives. The sacrifice of a single life must be weighed very heavily; the death of a young man is permanent.

In monetary terms, we have expended in excess of $200 billion. The figure itself is too great to have meaning for most of us. It was, and is, an expenditure that has directly contributed to the economic stagnation and the consequent misery being experienced by much of the population. I believe that the American people have been asked to pay a price far out of line with the nature of our interests in Indochina.

In recent weeks, advocates of continued American expenditures in Cambodia and Vietnam have tossed another red herring into the debate. American credibility with its allies, we are now told, will be negatively affected unless we continue to pour money into Vietnam and Cambodia. I reject that view as absurd. In the first place, the United States has never—and let me underscore that—had a formal treaty commitment vis-a-vis South Vietnam or Cambodia. Our interference in Vietnam was not pursuant to SEATO or any formal instrumentality.

Second, however, the United States proffered practically limitless aid in both men and equipment to the Government of South Vietnam for more than a dozen years. I would think that the experience of Vietnam would demonstrate the extent to which the American people will

help those it designates as friends even in the absence of any formal commitment to do so. Were I an American ally, I would be impressed, not depressed.

The United States has acted honorably, albeit stupidly in its Indochina policy. Through a long series of nondecisions we progressively embroiled ourselves in a conflict of vast and tragic proportions. We did so without any tangible American interest being at stake. It is now time to end that policy—swiftly and cleanly. We must terminate our support of the regimes that we have artificially sustained. We must stop allowing our present policy to be dictated by mistakes we made in the past. What responsibilities, if any, we had toward Vietnam and Cambodia have been discharged; to continue that course is only to compound error with error. Congress must say to the administration and to the world that the United States has the courage to reevaluate and change its policies. It must make clear to all that we will no longer contribute to the death and the destruction in Indochina.

Let me end by quoting from the last chapter of my 1968 book on Vietnam:

The gracious bounty of America deserves to be employed in building a better way of life for our people at home and for all the peoples of the world. We will not be able to fulfill the promise of American life while America's precious human and material resources are being wasted in a land war in Vietnam. Other well-meaning American leaders have told us before that winning just this *one* war will make the world safe for freedom and democracy. We know that war and killing cannot help us to realize our constructive goals. We must work toward these ends slowly and painfully. We know that we will be able to achieve the lofty promise of America only in peace.

A TIME FOR UNITY

Mr. HUGH SCOTT. Mr. President, the grave situation in Southeast Asia challenges Americans to respond with their greatest determination, compassion, and strength. The challenge also faces Congress. A recent editorial in the Christian Science Monitor emphasizes the need of the Congress and the President to present a united front and provide leadership to the American people. I ask unanimous consent that this editorial be printed in the RECORD.

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

A TIME FOR UNITY

President Ford's call to Americans not to succumb to self-doubt and paralysis of will in the face of events in Indo-China is greatly welcome. This is a far better means of buoying the nation than his earlier strategy of blaming Congress for the deepening tragedy there.

This is no time for recriminations. A self-analysis of American policy in Southeast Asia is warranted and needful to the future conduct of that policy. But it is foolish and self-destructive to try to assess blame for a policy in which so many presidents participated and which long went unchallenged even by those in Congress and the administration now opposed to further U.S. involvement in the war.

The days and weeks ahead will be heartrending for many. South Vietnam faces further battles that will add to the political uncertainty. The anticipated Communist attack on Saigon could lead to negotiations for a coalition government, or even to a Communist take-over of the capital. In this situation the options and alternatives for American policy must be given the most careful thought. The government and the public must participate.

The great need of the hour is therefore a sense of national unity and purpose. In this spirit we hope Mr. Ford will quickly respond to Senator Mansfield's plea that Congress and the President "work together in the area of foreign as well as domestic policy."

To mitigate the diplomatic disaster that Indo-China represents, the U.S. must now conduct itself with dignity and wisdom. It will do much to allay the growing concern abroad about America's will and determination to face up to dangers if it can be seen that America confronts this greatest challenge in a unified, bipartisan spirit—rather than in a divisive, polemic mood.

President Ford has warned foes of the United States not to take advantage of what many commentators are describing as America's present weakness. While such routine warning is understandable, it is not words that will demonstrate America's power and will—but the actions it takes both to strengthen the economy at home and pursue effective policies abroad.

In this connection another, more extreme, school of thought among American officialdom suggests the need for a show of strength abroad to demonstrate U.S. resolve. Such a move would be irresponsible.

What will impress both America's friends and "potential enemies" now will be the intelligence and maturity with which the U.S. disentangles itself in Indo-China and attacks such crucial problems as energy, the economy, the Middle East. If the U.S. can emerge from this agonizing period with a strengthened sense of bipartisan unity, cooperation, and discipline, it will be the better for it.

UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST

Mr. BROCK. Mr. President, yesterday I submitted Senate Resolution 126. The original cosponsors of this resolution, as printed on the resolution, were inadvertently omitted from the RECORD. I ask unanimous consent that Senate Resolution 126 be printed in the RECORD at this point with the following cosponsors: Senators BAKER, MCGEE, SPARKMAN, MOSS, THURMOND, ROTH, FANNIN. Since yesterday, Senator BUMPERS has also cosponsored Senate Resolution 126, and I ask unanimous consent that his name also be added to Senate Resolution 126.

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

The resolution is as follows:

S. RES. 126

Resolution endorsing the continued presence of the United Nations peacekeeping forces in the Middle East

Whereas peace in the Middle East is essential to world peace and to the peace and well-being of the people of the United States; and

Whereas past history has shown that peace has been most effectively maintained in the Middle East when United Nations peacekeeping forces were in place: Now, therefore, be it

Resolved, That the Senate of the United States endorses the maintenance of the United Nations peacekeeping forces in the Middle East, and specifically urges the continuation and extension of the United Nations Emergency Force, UNEF, on the Israeli-Egyptian border and the United Nations Disengagement Observer Forces, UNDOF, on the Israeli-Syrian borders.

S. 984—LAND RESOURCE PLANNING ASSISTANCE ACT

Mr. PACKWOOD. Mr. President, interest is increasing throughout the Congress over the consideration being given the Land Resource Planning Assistance Act, S. 984, which I have cosponsored with several of my colleagues in the Senate. My statement in support of this bill on March 4, discussed Oregon's statewide planning goals for its individual county land use plans. Since the time at which I made that statement, the Oregon Land Conservation and Development Commission has completed work on a comprehensive set of draft coastal zone regional land use "goals." Oregon has worked since 1971 developing these policies for managing the limited resources of the Oregon coast. I think the "goals" should be considered as the type of program that all of U.S. coastal States could work toward if they were given the financial encouragement which is so necessary to sound land use planning. In light of the pressing need for coastal zone planning, which is now being carried out in many States under the Coastal Zone Management Act of 1972, I would like to again offer my support for the Land Resource Planning Assistance Act of 1975. I hope that in the interest of considering the valuable land and water resource planning which can be accomplished with thorough public input and professional study, Oregon's coastal zone regional land use "goals" will be closely evaluated.

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

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

REGIONAL LAND USE PLANNING GOALS AND GUIDELINES FOR THE COASTAL ZONE

BACKGROUND

The Land Conservation and Development Commission (LCDC) adopted state-wide planning goals and guidelines on December 27, 1974, to guide comprehensive planning. The goals and related guidelines address 14 subjects:

Citizen Involvement;
Land Use Planning;
Agricultural Lands;
Forest Lands;
Open Spaces, Scenic and Historic Areas and Natural Resources;
Air, Water and Land Resources Quality;
Areas Subject to Natural Disasters and Hazards;
Recreational Needs;
Economy of the State;
Housing;
Public Facilities and Services;
Transportation;
Energy Conservation; and
Urbanization.

During the preparation of these state-wide land use goals and guidelines the LCDC recognized that the unique characteristics and circumstances of various geographic areas of the State need to be addressed. Consequently, the Commission determined that it will develop and adopt regionalized goals for these areas.

The draft goals are based upon the extensive work of the Oregon Coastal Conserva-

tion and Development Commission (OCCDC). They are being considered for adoption by the LCDC as regional goals for Oregon's coastal zone.

The coastal zone is considered to be that area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's territorial jurisdiction, and on the east by the crest of the coastal mountain range, with exception of:

(a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg.

(b) The Rogue River basin, where the coastal zone shall extend to Agness,

(c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island.

Regional goals adopted by the LCDC will have the same status as the 14 state-wide goals.

The original 14 state-wide goals adopted in December 1974 continue to apply to the coastal area. The coastal goals are intended to speak to special conditions found in the Oregon coastal region. Some amplify an existing state-wide goal as it is to be applied in the coastal area. Others, like estuaries and dunes, address entirely new areas not previously covered in the adopted LCDC goals and guidelines.

The regional goals are being prepared under the provisions of Oregon Revised Statutes (ORS) Chapter 197 (Senate Bill 100), otherwise known as the 1973 Land

* * * * *

A. Estuary and Wetland Resources of the Coastal Zone

Goal: To maintain, and where appropriate, enhance the values of Oregon's estuarine areas.

1. Public and private uses of estuarine areas shall be guided to assure:

(a) a balancing and an equitable allocation of present and future uses of estuarine areas;

(b) a reasonable high level of environmental quality protection for all estuarine areas, based on the impact of human uses on the physical and biological system; and,

(c) consideration of the interests of the diverse groups of people who depend on or use estuarine areas.

2. Management of Estuarine Areas

Estuarine areas for different levels of management shall be designated in the comprehensive plan ranging from intensive development to preservation consistent with sound principles of conservation, particularly:

(a) those estauarine areas which are to be managed in a high state of development;

(b) those estuarine areas which are to be managed in a high level of development;

(c) those estuarine areas which are to be managed for preservation in as close to natural conditions (undeveloped) as possible, while providing for certain appropriate, beneficial uses; and

(d) those estuarine areas which are to be managed for restoration, to provide greater benefits from resources which have been destroyed, and damaged or degraded by some natural or manmade process.

3. Development Within Estuarine Areas

Development proposed for estuarine areas shall conform to the following criteria:

(a) uses shall be water-related, essential to the support of water-related uses, or interim uses which will not substantially interfere with the future development of water-related uses, unless it is demonstrated that the net social benefits generated by applying this criterion exceed the net social benefits of not applying it;

(b) development on piling shall be required unless it is demonstrated that the net social benefits of locating the development on fill exceed the net social benefits of locating the development on piling; and

(c) appropriate agencies shall consider the net social benefits of land storage vs. water storage prior to the approval of water storage of any material; and, that alternative with the highest net social benefits shall be authorized.

4. Disposal of Dredge Materials

Federal, state and local governments shall develop disposal plans which include a designation of necessary and environmentally acceptable sites for the disposal of dredge materials and such plans shall be an integral part of estuarine plans.

5. Specific Regulation of Alterations

State and local government shall prohibit alternations of estuarine areas unless all the following conditions are found to exist:

(a) the proposed alteration satisfied existing statutes, administrative rules and permit criteria of the Oregon Division of State Lands;

(b) the alteration will be the minimum amount required for the proposed use;

(c) the proposed use of the alteration is in conformance with adopted estuary plans, unless such a plan does not exist at the time of application in which case this condition does not apply; and

(d) the net social benefits of the alteration are demonstrated to exceed the net social benefits of not making the alteration.

6. Estuarine Management Centers.

(a) A permanent management center shall be established on or near each major estuarine area or group of estuaries to coordinate information about planning and regulation and to provide for storage, interpretation, research, and education activities and meeting and hearing procedures. (The management center may be established as part of an existing office such as the county planning department.)

B. Beaches and Dune Resources of the Coastal Zone

Goal: To maintain or enhance the values of Oregon's sand areas by assuring that public and private uses do not exceed the carrying capacity of these areas.

1. MAINTAINING VALUES AND USES OF SAND AREAS

(a) Each comprehensive plan shall include an identification of the various types of sand areas, designated in the OCC&DC Beaches and Dunes Inventory, and shall designate for each type of sand area, uses that do not exceed the physical and biological limitations peculiar to each type of sand area.

(b) Planning criteria for sand areas shall be used for all local, state and federal plans and implementation programs. This section will become operative when the criteria are adopted.[2]

2. REGULATION OF USES IN SAND AREAS

(a) In sand areas other than older stabilized dunes and older foredunes as defined in the OCC&DC inventory, approval or disapproval of uses, shall be based in part, on a site investigation report which has been prepared by a qualified sand specialist and provided to the applicable unit of government by the developer. The report shall evaluate the capability of the site to support the proposed development without endangering life, property or environment and shall describe:

(1) the type of development (use) proposed;

(2) the temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; and

(3) the methods for protecting the surrounding area from adverse effects of the development and stabilization.

(b) Any proposed use of a sand area that is likely to cause any of the following conditions shall not be approved unless it is demonstrated that the net social benefits of approving the use in the sand area exceed the net social benefits of disapproving the use:

(1) excessive damage to existing desirable vegetation including moisture loss and plant root damage;

(2) exposure of stable and conditionally stable areas to erosion;

(3) slope instability;

(4) pollution or excessive drawdown of ground water which would lead to loss of vegetation or intrusion of salt water into water supplies; and

(5) interference with significant wildlife habitats.

3. MAINTENANCE OF FOREDUNES

(a) Development on active foredunes and on conditionally stable foredunes which are subject to serious ocean undercutting shall be permitted only when it is demonstrated that the net social benefits of development on these sand areas exceed the net social benefits of prohibiting such development.

(b) Breaching of foredunes shall be allowed only on a temporary basis consistent with established criteria for emergency purposes (e.g., fire control, cleaning up oil spills) and shall require that these foredunes be restored once the emergency passes, unless it is demonstrated that the net social benefits of permanent breaching of the foredunes exceed the net social benefits of prohibiting such breaching, except that the U.S. Forest Service may allow permanent breaching of foredunes located in the Dunes Recreational Area when necessary to maintain a continuing supply of sand to inland recreational areas.

C. Shoreland Resources of the Coastal Zone

Goal: To conserve and protect the shorelands adjacent to the ocean and all lakes, streams and estuaries in the coastal zone.

1. DESIGNATION OF GEOGRAPHIC BOUNDARIES OF SHORELANDS IN COASTAL ZONE

(a) The geographic boundaries of the shorelands of the coastal zone shall be described and designated on maps. Such designation shall be based predominantly upon identification of landforms that limit or control the hydraulic action in the water course or in the periodically wetted fringes of the water course, such as wetlands and floodplains.

(b) State and local agencies shall coordinate their shoreland planning and management activities in cooperation with appropriate federal agencies in order to implement uniform shoreland management policies and to provide more specific and united guidance to local governments.

(c) All uses in shoreland areas permitted in comprehensive plans and implementation measures shall be consistent with adopted shoreland criteria. The criteria shall provide for:

(1) identification and designation of shorelands of regional or statewide concern;

(2) conservation of the natural character and amenities of waterways;

(3) increased public access where needed;

(4) increased public recreational opportunities where needed;

(5) continuance of forestry and agricultural uses without restriction except as otherwise provided by law.

2. MANAGEMENT OF SHORELAND AREAS

(a) Shorelands shall be set forth within the comprehensive plan and the uses shall be designated for these areas based on:

(1) recognition of the critical inter-relationships between shorelands and the freshwater, estuarine and marine resources of the coastal zone;

(2) promotion of the concept of shorelands as "environmental corridors" where there is a coincidence of natural resources and land use concerns in which there is a major public interest;

(3) consideration of the needs and desires of landowners who maintain or propose uses reasonable and appropriate for shoreland locations;

(4) consideration of shoreland uses related to the public interest in navigation and other water dependent activities;

(5) adherence to the objective of maximizing net social benefits according to this and succeeding generations of Oregonians;

(6) retention of shoreland vegetation (including tree species) in as natural a state as possible and restoration of desirable vegetation without delay after disturbance in order to protect water quality, aquatic life and wildlife habitat; and

(7) regulation of building sites, placement of buildings, and location of septic tanks disposal fields to control pollution.

D. Freshwater Resources of the Coastal Zone

Goal: To maintain and enhance the uses and values of the water resources of the coastal zone.

1. WATER RESOURCES OF THE COASTAL ZONE

(a) Water resources shall be promoted, secured, and controlled for multiple purposes and maximum beneficial uses.

(b) Adequate and safe supplies of water shall be conserved and protected for human consumption while conserving supplies for other beneficial uses.

(c) Water quality shall be improved for the propagation of fish and wildlife; for domestic, industrial, municipal, and recreational purposes; and for other legitimate beneficial uses.

(d) Wastes discharged into any state waters shall receive adequate treatment or other corrective action to protect the other legitimate uses of the water resource according to the standards and policies of the Department of Environmental Quality and the Environmental Protection Agency.

2. DEVELOPMENT OF POTENTIAL WATER SUPPLIES

(a) Regional water supplies, as identified and described in the OCCDC inventory, shall be developed to meet present and future demands for water.

(b) Adequate and reliable water storage and groundwater sources of supply shall be established where additional direct diversions of natural stream flows would result in unreliable sources of water supply.

(The unification of water supply districts, while possibly desirable from an economic viewpoint, is not the thrust of this policy. Rather, the development of regional water supply potentials is intended, in part, to organize the wholesale distribution of water to individual districts which may continue the retail distribution of water in their local areas, and thus retain control of their districts.)

(c) The appropriate state agency, in cooperation with local units of government, shall identify, evaluate, and designate suitable water sources for regionl supply development (either groundwater or surface storage).

(d) Those areas in need of service from regional supply systems and the suitable regional water supply sources shall be designated in comprehensive plans.

(e) State and local governments shall coordinate and estimate present and future demands for water taking into account the limitations or needs for water established by application of the carrying capacity concept.

E. Geologic Hazards in the Coastal Zone

Goal: To assure that development in geologic hazard areas is avoided, or that special limitations to protect life and property are established for any development allowed in these areas.

1. IDENTIFICATION OF GEOLOGIC HAZARDS

(a) Comprehensive plans and implementation measures shall contain a geologic hazards elements which includes an identification of the geologic hazards that exist within the unit's jurisdiction, and the limitations on the use of these hazard areas.

(b) Planning criteria for geologic hazards shall be used in preparing the geologic hazard element of local comprehensive plans.

2. USES AND ACTIVITIES IN GEOLOGIC HAZARD AREAS

(a) Approval or disapproval of development in identified geologic hazard areas shall be based on a geologic and soils report, provided by the applicant and prepared by a qualified geologist, engineering geologist, soil scientist or civil engineer. The report shall include an evaluation of the potential geologic problems and the capability of the site to support the proposed development without endangering life, property and the environment.

(b) Development proposals which will exceed the geologic hazard limitations of the site shall be disapproved unless the applicant agrees to safeguards recommended and certified by a qualified engineering geologist or civil engineer, that adequately protects life, property and the environment.

(c) When development involving activities of state-wide significant or other uses characterized by high densities or a major investment of public funds are proposed for areas in which there exist geologic hazards, then in addition to the regulations imposed by local governments, the State Government shall assure public safety by reviewing, approving or disapproving the geologic evaluation of the project.

3. REGULATING FLOOD HAZARD AREAS

(a) Development housing restrained or incapacitated persons (hospitals, rest homes and jails) and emergency service structures (police and fire stations) shall be prohibited in floodplains.

(b) Residential structures shall be prohibited in floodways and other structures and fills shall be permitted in floodways only if measures are taken to insure that there will be no increase in flood level, downstream erosion or flood damage potential due to the development.

(c) Structural developments shall be permitted in flood fringe areas only if designed to provide floor elevations or flood proofing to a height above that of the 100-year flood.

(d) The coastal high hazard area shall be identified and no land below the level of the 100-year flood in this area may be developed unless the new construction or substantial improvement:

(1) is located landward of the beach zone line as defined in ORS Chapter 390;

(2) is elevated on adequately anchored piles or columns to a lowest floor level at or above the 100-year flood level and securely anchored to such piles or columns; and,

(3) has no basement and has the space below the lowest floor free of obstructions so that the impact of abnormally high tides or wind-driven water is minimized.

(e) Transportation facility developments that encroach on floodplains shall be designed to permit conveyance of the basic flood without causing significant change to the highway, the stream, body of water, or other property, in accordance with Federal Highway Administration (FHWA) guidelines in Instructional Memorandum 20-1 67.

F. Visual Values of the Coastal Zone

Goal: To protect, maintain and enhance the visual attractiveness and character of the Oregon coast.

1. The visual attractiveness and character of the Oregon coast shall be protected, maintained and enhanced in such a way as to maximize the net social benefits.

2. Open space, scenic vistas and scenic corridors within areas having an exceptional or strong visual association with coastal processes shall be identified, prioritized and designated in comprehensive plans.

3. Planning criteria for protection of visual values shall be used for local, state and federal plans and implementation programs.

GUIDELINES

1. Consideration should be given to establishment of a design review process for considering development proposals in areas of exceptional or high visual significance. This design review process should be consistent with and incorporated into the system of preferences established for the coastal zone management program.

2. Undeveloped open space areas and scenic vistas should be reviewed and certain ones designated for reservation.

3. Those historical and archaeological resources which contribute to the visual attractiveness and character of the coast should be identified and provided special protection.

4. Programs should be developed to encourage private maintenance and enhancement of the * * *.

G. Scientific and Natural Areas in the Coastal Zone

Goal: To conserve and protect scientific natural areas in the coastal zone.

1. The process of inventorying the coastal zone to identify and describe potential scientific and natural areas commenced by OCCDC shall be continued.

2. Scientific and natural areas shall be acquired, designated or otherwise established not to exceed more than one per cent of the total coastal area for any one major ecosystem type.

3. Scientific and natural areas shall be designated for certain levels of management within comprehensive plans with just compensation for any loss incurred by the private sector.

4. The established scientific and natural areas shall be maintained in a condition suitable for developing the baseline data needed to evaluate the effects of use and management of similar areas.

5. The methods, guidelines and criteria for the preservation and management of scientific and natural areas shall be used in preparing comprehensive plans.

6. A net social benefit cost analysis shall be developed for each proposed scientific and natural area to demonstrate that such a designation is in the public's best interest.

H. Historical and Archaeological Resources of the Coastal Zone

Goal: To protect the historical and archaeological resources of the coastal zone.

1. National Register and other appropriate sites and areas, identified in the OCC&DC historical and archaeological resource inventory, shall be incorporated into comprehensive plans.

2. Development within or near those historical and archaeological sites and areas that are incorporated into comprehensive plans shall be avoided, or where development is allowed, special restrictions (appropriate to the extent, characteristics, and relative importance of the site) shall be established to maintain or enhance the historical and archaeological values of the sites and areas.

I. Significant Habitats of Fish and Wildlife Resources of the Coastal Zone

Goal: To protect the significant aquatic life and wildlife habitats of Oregon's coastal zone.

1. Significant habitats identified and described in the OCC&DC inventory through protected be shall inventory OCC&DC inventory shall be protected through the man-

agement, planning, and regulation of uses that would adversely affect these areas. Furthermore, the state shall develop programs and incentives for improvement and restoration of potentially significant habitat areas.

2. Habitats of threatened and endangered species, and other species of special interest, as identified in the OCC&DC inventory, shall be managed in such a manner to preserve these species in the Oregon coastal zone.

3. Consideration for significant habitat areas, habitats of threatened and endangered species and species of special interest, shall be incorporated into comprehensive water use plans and shall specify use limitations for these habitat areas.

4. State government shall develop planning and management criteria for both the preservation of species and the regulation of adverse impacts in significant habitat areas and shall require that these criteria be included in local comprehensive plans.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will convene at the hour of 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, Mr. BENTSEN will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with Senators permitted to speak for not to exceed 5 minutes during that period for morning business.

Upon the conclusion of routine morning business on Monday, the Senate will take up Calendar Order No. 57, S. 229, the Marine Mammals Protective Act, under a time agreement. Rollcall votes may occur on amendments thereto and on final passage.

I ask unanimous consent that there be no rollcall votes on Monday prior to the hour of 4 p.m.

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

Mr. ROBERT C. BYRD. Mr. President, also on Monday or Tuesday, whenever the circumstances will permit, the Senate will take up S. 621, a bill to prohibit, for a period of 90 days, the lifting of all price controls on domestic oil and for other purposes. Also, probably on Monday, the Senate will take up the nomination of Mr. Lehman. On Wednesday, the Senate will take up S. 510, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act.

I might also list for action on any day next week the following measures: S. 917, a bill to amend the Interstate Commerce Act to authorize the Interstate Commerce Commission to grant temporary operating authority to a carrier by railroad pending final detemination by the Commission; S. 852, a bill to amend the Rail Passenger Service Act; S. 200, a bill to establish an independent consumer agency to protect and serve the interest of consumers, and for other purposes; and any other measures that are reported and placed on the calendar and are cleared for action.

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

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Virginia.

RECESS TO 8:20 P.M.

Mr. HARRY F. BYRD, JR. Mr. President, I now move, in accordance with the previous order, that the Senate stand in recess until the hour of 8:20 p.m. this evening.

The motion was agreed to; and at 6:29 p.m. the Senate took a recess until 8:20 p.m.

The Senate reassembled at 8:20 p.m., when called to order by the Presiding Officer (Mr. STONE).

Mr. FANNIN. 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.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–101)

Mr. ROBERT C. BYRD. Mr. President, I move in accordance with the previous order that the Senate stand in recess so that the Senators may proceed to the Hall of the House of Representatives for the joint session, and that upon the conclusion of the joint session, that the Senate stand in adjournment, under the order previously entered, until 12 o'clock noon on Monday next.

The motion was agreed to; and at 8:39 p.m. the Senate, preceded by the Sergeant at Arms, William H. Wannall; the Secretary of the Senate, Francis R. Valeo; and the President pro tempore (JAMES O. EASTLAND), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Gerald R. Ford.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress, is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT TO MONDAY, APRIL 14, 1975

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered into, at 10:09 p.m., the Senate adjourned until Monday, April 14, 1975 at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 10, 1975:

DEPARTMENT OF JUSTICE

Len H. Blaylock, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years vice Lynn A. Davis, resigned.

ENERGY RESEARCH AND DEVELOPMENT

Philip C. White, of Illinois, to be an Assistant Administrator of Energy Research and Development (new position).

U.S. POSTAL SERVICE

D. C. Burnham, of Pennsylvania, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1983, vice Frederick Russell Kappel, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1975:

DEPARTMENT OF COMMERCE

Bernard A. Meany, of Connecticut, to be an Assistant Commissioner of Patents and Trademarks.

COMMODITY FUTURES TRADING COMMISSION

William T. Bagley, of California, to be Chairman and Commissioner of the Commodity Futures Trading Commission for a term of 5 years.

The following named persons to be Commissioners of the Commodity Futures Trading Commission for the terms indicated:

John Vernon Rainbolt II, of Oklahoma, for a term of 2 years.

Read Patten Dunn, Jr., of Maryland, for a term of 3 years.

Gary Leonard Seevers, of Virginia, for a term of 4 years.

(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.)

IN THE AIR FORCE

Maj. Gen. William Lyon, [redacted] FV, U.S. Air Force Reserve, for appointment as Chief of Air Force Reserve under the provisions of section 8019, title 10 of the United States Code.

IN THE ARMY

The following-named officers 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, [redacted] Army of the United States (major general, U.S. Army).

In the Navy

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefore as provided by law:

MEDICAL CORPS

Walter M. Lonergan
Joseph T. Horgan

SUPPLY CORPS

Leroy E. Hopkins
Ralph F. Murphy, Jr.
Edward M. Kocher

CHAPLAIN CORPS

Withers M. Moore

CIVIL ENGINEER CORPS

Charles C. Heid, Jr.

DENTAL CORPS

William L. Darnall, Jr.

Vice Adm. William J. Moran, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Adm. Worth H. Bagley, U.S. Navy, for appointment to the grade of admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Adm. Harold E. Shear, U.S. Navy, for appointment as Vice Chief of Naval Operations, pursuant to title 10, United States Code, section 5085, in the grade of admiral.

Vice Adm. David H. Bagley, U.S. Navy, having been designated for commands and other duties of great importance and responsi-

bility determined by the President to be commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Adm. Ralph W. Cousins, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John R. DeBarr	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

The following-named officers of the U.S. Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Jack M. Frisbie
Dorsey J. Bartlett

IN THE AIR FORCE

Air Force nominations beginning Thomas M. Daye, to be colonel, and ending Jack Edwards, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 1975.

Air Force nominations beginning Donald L. Abbott, to be lieutenant colonel, and ending David J. O'Mara, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 1975.

IN THE ARMY

Army nominations beginning Craig D. Butler, to be captain, and ending Rudy L. York, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 1975.

IN THE NAVY

Navy nominations beginning Donald K. Ackerman, Jr., to be ensign, and ending "R" "J" Jones, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 1975.

Navy nominations beginning James G. Abert, to be captain, and ending Henrietta R. Lanier, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 1975.

FEDERAL ELECTION COMMISSION

In accordance with the provisions of Public Law 93-443, the following persons to be members of the Federal Election Commission:

Thomas E. Harris, of Arkansas, for a term of 3 years.

Joan D. Aikens, of Pennsylvania, for a term of 1 year.

Robert O. Tiernan, of Rhode Island, for the term ending Apr. 30, 1977.

Vernon W. Thomson, of Wisconsin, for the term ending Apr. 30, 1980.

Neil Staebler, of Michigan, for a term of 2 years.

Thomas B. Curtis, of Missouri, for a term of 5 years.

HOUSE OF REPRESENTATIVES—*Thursday, April 10, 1975*

The House met at 12 o'clock noon.

The Most Reverend Felixberto C. Flores, bishop of Agana, Guam, offered the following prayer:

Eternal God, as Lord of Time You have chosen to dwell with humanity and establish Yourself among its nations

You have fashioned for Yourself peoples and nations of every race.

Abundantly You have blessed this Nation, the United States of America, as a people of hope and a people of responsibility.

From our small beginnings You have already led us to conquer a vast wilderness of ignorance, injustice, slavery, and servitude.

Much labor still rests before us.

Where unconquered frontiers remain, may we dispel from them the darkness which would diminish dignity and inhibit free growth.

Through our institutions under law You have nurtured the principles of hope for all people through liberty and justice.

Through introspection and reflection You have kept alive the spirit of self-sacrifice and self-discipline necessary to sustain these freedoms and privileges in order that the Nation might grow solid in wisdom, courageous in spirit.

Inspire, we beseech You, this Congress so that as a nation under Your guidance and benediction we shall continue to shine with a glorious light.

We shall rejoice in our children because You have gathered this mighty American Nation into one people destined to share with the world its wisdom in freedom, its spirit in compassion, its liberty, and its justice for generations to come.

This we ask in the name of Your Son. 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 203. Concurrent resolution providing for a joint session of the two Houses of Congress on Thursday, April 10, 1975.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 25) entitled "An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. METCALF, Mr. JOHNSTON, Mr. HASKELL, Mr. FANNIN, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4296) entitled "An act to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. EASTLAND, Mr. MCGOVERN, Mr. ALLEN, Mr. HUMPHREY, Mr. DOLE, Mr. YOUNG, and Mr. BELLMON to be the conferees on the part of the Senate.

BISHOP FELIXBERTO C. FLORES

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker and distinguished colleagues, it has been our pleasure to have the opening prayer delivered today by the Most Reverend Felixberto C. Flores, bishop of Agana. To have a native-born spiritual leader as our bishop is a distinct tribute to our people.

Bishop Flores was born in Agana, Guam, in 1921. After completing his early education at the Guam Institute, he entered San Jose Seminary in the Philippines in 1940 to begin his studies for the priesthood. He was ordained a priest in 1949 at St. John's Seminary in Brighton, Mass.

Since that time he has served with distinction the church of Guam in varied and responsible capacities, among them as chancellor of the diocese, diocesan consultant, rector of the cathedral, and the superintendent of schools. For many years Bishop Flores served as chaplain of the Guam Legislature and is presently the U.S. military delegate for Guam, Wake, and the Mariannas. He was raised to the rank of papal chamberlain in 1959 by Pope John XXIII and to the rank of domestic prelate in 1963 by Pope Paul VI. In 1970 he was raised to the episcopacy.

An alumnus of the Fordham Graduate School, Bishop Flores is a member of the Canon Law Society of America, the National Catholic Education Association, the American Association of School Administrators, and Phi Delta Kappa. His leadership is truly a composite of professional acumen and deep love and con-

cern for the people of Guam and the trust territory. In recent years his direction and zeal have been the impetus in the establishment of the Catholic Medical Center on Guam.

I am delighted that Bishop Flores can be with us today.

Mr. BIAGGI. Mr. Speaker, we are fortunate to have with us, today, to deliver the opening prayer His Excellency, Most Reverend Felixberto C. Flores, titular bishop of Stonj and apostolic administrator for the Diocese of Agana, the religious leader of Guam.

Bishop Flores is the first native Chamorro to become bishop of Guam. Born on that island, Bishop Flores pursued his higher education in the Philippines and the mainland United States. He received a master's degree in education from New York's own Fordham University which is in the district I am privileged to serve. Bishop Flores serves his apostolic flock in myriad capacities. Among the bishop's other duties, for instance, he is directing the completion of the Medical Center of the Mariannas.

It is with open arms and in the spirit of Christian fellowship that I take this opportunity to welcome Bishop Flores to Washington and to the House of Representatives.

PERMISSION FOR FILING OF COMMITTEE REPORTS BY FRIDAY, APRIL 11, 1975, ON H.R. 3787 AND H.R. 3130

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may file committee reports on H.R. 3787 and H.R. 3130 by Friday, April 11, 1975.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the education division and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. MICHEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a joint resolution making an additional appropriation for the fiscal year ending June 30, 1975, for the Veterans' Administration, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE TO SIT DURING 5-MINUTE RULE TODAY

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Manpower and Civil Service of the Committee on Post Office and Civil Service be permitted to meet today while the House is proceeding under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR SUCOMMITTEES ON MANPOWER AND CIVIL SERVICE AND POSTAL SERVICE TO SIT DURING 5-MINUTE RULE TODAY

Mr. CHARLES H. WILSON of California. Mr. Speaker, I ask unanimous consent that the Subcommittees on Manpower and Civil Service and Postal Service of the Post Office and Civil Service Committee be authorized to meet this afternoon during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BASKETBALL GAME BETWEEN DEMOCRATS AND REPUBLICANS WILL NOT BE PLAYED

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, I take this time to announce today with great regret that a basketball game scheduled next week between the Democrats of this House and the Republicans of this House will not be played. Coach CONTE has forfeited.

After 12 years of handling the Democrats on the baseball field, Coach CONTE, unable to handle cotton uniforms, has decided that he will not be able to come to the court next week. I wish Coach CONTE good luck in trying to establish a north-south game or east-west game, but we on our side were planning to win this game just as we did the big game last November.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Speaker, is the problem that the other side could find only five players and no substitutes? Or that they were fearful we might apply the 2 to 1 rule here, also?

Mr. DAVIS. They had five players, and we told them we were not going to play them 2 to 1, and that it would be even, I understand the regular substitutes, ERLENBORN and MICHEL, were ready as usual.

Mr. FLOWERS. I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I must have misunderstood, because I know the other side can always find a substitute.

Mr. DAVIS. I thank the gentleman. I know they can find a substitute. My only regret is that undoubtedly Coach CONTE also forfeited the right to come and rebut me here today, but they can always find outstanding pitchers such as the gentleman from Illinois (Mr. MICHEL) and the gentleman from Maine (Mr. COHEN). We will see those gentlemen in June on the diamond.

RESTORE ARMISTICE DAY WITHOUT REPEALING THE MONDAY HOLIDAY ACT

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I know that there are going to be hearings next week on the subject of the repeal of Veterans Day and reassignment of this Monday holiday to November 11 in lieu of it being observed on the fourth Monday of October, as it is at present. I am hopeful that the House Committee on Post Office and Civil Service will not take this action. The great benefits which have come from Veterans Day being a Monday holiday will be amply demonstrated before the committee. I hope we can give thoughtful consideration to this.

Mr. Speaker, I might say that I am introducing today a measure to reinstate Armistice Day as November 11, and to have appropriate observances on Armistice Day as we did traditionally have before we changed Armistice Day to Veterans Day. I hope we can get support for that legislation in lieu of repealing Veterans Day. I am attaching a copy of the bill:

H.R. 5880

A bill to designate November 11 of each year as Armistice Day

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eleventh day of November of each year is designated as "Armistice Day" in memory of the contributions and sacrifices of the men who fought and died in the First World War.

SEC. 2. The President of the United States is authorized and directed to issue annually a proclamation calling upon the people of the United States to commemorate and recognize Admistic Day with appropriate celebrations and observances.

CALL OF THE HOUSE

Mr. MATHIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 114]

Ambro	Fraser	Patman
Barrett	Giaimo	Pressler
Beard, Tenn.	Goldwater	Rees
Burke, Calif.	Harsha	Rose
Chisholm	Jacobs	Rosenthal
Conyers	Jones, Okla.	Rostenkowski
Corman	Kemp	Scheuer
Danielson	Landrum	Sisk
Dodd	Leggett	Steiger, Ariz.
Esch	Lent	Stokes
Eshleman	McEwen	Teague
Fascell	McKinney	Thompson
Findley	Meeds	Tsongas
Flowers	Mills	Udall
Flynt	Mink	Ullman
Ford, Mich.	Mosher	Wilson,
Ford, Tenn.	Murphy, N.Y.	Charles, Tex.

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NINETEENTH ANNUAL REPORT OF HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–100)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith the 19th annual report of the health research facilities construction program for activities during fiscal year 1974.

GERALD R. FORD.

THE WHITE HOUSE, *April 9, 1975.*

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

This announcement is meant for all of the Members.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that this evening, when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule—and it is a rule of the House—regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all the Members is earnestly requested.

PROVIDING FOR CONSIDERATION OF H.R. 3786, INCREASING FEDERAL SHARE OF HIGHWAY PROJECTS

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) to authorize the increase of the Federal share of certain projects under title 23, United States Code. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. at the conclusion of such consideration, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 366 provides for an open rule with 1 hour of general debate on H.R. 3786, a bill to authorize the increase of the Federal share of certain projects under title 23, United States Code.

House Resolution 366 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

H.R. 3786 is a temporary measure which permits an increase in the Federal matching share for Federal-aid highways and certain public mass transportation projects approved under title 23, United States Code, during the period from February 12, 1975, to the end of the current fiscal year. During this period, the Federal share of the cost of the qualifying projects can be increased up to a total of 100 percent. In return the State must agree to repay such advanced amount prior to January 1, 1977. The repayment must be made with non-Federal funds. The failure on the part of any State to honor this commitment would result in the withholding of approval of future Federal-aid highway projects in the State. H.R. 3786 does not provide for a funding authorization.

Mr. Speaker, I urge the adoption of House Resolution 366 in order that we may discuss, debate and pass H.R. 3786.

Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the able gentleman from Illinois (Mr. MURPHY) has explained the provisions of the resolution. I see no objection at all to this House debating the bill increasing temporarily the Federal matching share for Federal-aid roads and off-system roads.

Mr. Speaker, concerning the $2 billion of impounded highway funds which have been released, the Department of Transportation has just issued their guidelines stating that some of this money, under the option of the various States, can be used on our off-system roads. Of the $200 million under the 1974 Federal Highway Act, some of these funds under the option of the States can be used up to 100 percent also on the off-system roads.

Mr. Speaker, the Department of Transportation under date of April 3 has issued their guidelines, and I would like to insert in the RECORD at this point the news release from the Department in regard to their guidelines.

The Department of Transportation's Federal Highway Administration today announced the issuance of guidelines for administering the Off-System Roads program authorized by Federal-aid highway legislation enacted in late 1974.

The new guidelines apply to grants to States for the construction, reconstruction and improvements to roads not on any Federal-aid highway system. The 1974 act authorized the appropriation of $200 million for the off-system roads for fiscal year 1976. This sum was apportioned to the States from the Highway Trust Fund on January 10, 1975.

The regulations were made effective April 3, 1974, the day of publication, so that the program could begin promptly, thereby assisting in the reduction of unemployment, stimulation of the economy, and providing needed rural road improvements.

Because the new guidelines are for a Federal grant program, the normal notice of proposed rulemaking and the holding of public hearings were not required. However, because of public interest in this program, individuals and organizations are invited to submit comments on these regulations within 30 days of the effective date to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75–5, Washington, D.C. 20590. Communications submitted by this date will be evaluated and considered in determining any changes to these regulations.

I should like to say to the membership that this measure temporarily increasing the Federal participation is an excellent thing. It gives the States the chance to go forward to provide jobs and to in-

crease the value of the road systems while we need help in creating employment. This is a great thing that we are doing here today. It does not authorize any additional funds, but it does give the States an opportunity to spend 100 percent of Federal dollars on the systems which the Department of Transportation has approved.

Mr. Speaker, I have no requests for time.

I urge the adoption of the rule and the passage of the bill when it comes up for debate.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4005, DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1975

Mr. YOUNG of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 342

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG of Georgia. Mr. Speaker, I yield the usual 30 minutes to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 342 provides for an open rule with 1 hour of general debate on H.R. 4005, a bill to amend the Developmental Disabilities Services and Facilities Construction Act.

H.R. 4005 provides for a 1-year extension, through fiscal year 1975, of authority for programs for the developmentally disabled which expired June 30, 1974, and are presently being carried on the continuing resolution for 1975. The bill also provides a 2-year substantive revision of the existing authority for fiscal years 1976 and 1977 with a total authorization of $147 million—$67 million for fiscal year 1976 and $80 million for fiscal year 1977.

Developmental disabilities are handicaps, such as mental retardation, cerebral palsy, epilepsy, autism, dyslexia, and other neurological conditions, which originate in childhood—prior to the age of 18—and which may continue indefinitely, and which constitute a substantial disability to the affected individual. Over 6 million people in the United States suffer from mental retardation, and several million suffer from other developmental disabilities. Citizens with developmental disabilities need support and assistance with learning and living so that they may function in our society as the citizens they are with maximum effectiveness. Of particular significance in this bill is the emphasis on deinstitutionalization which would discontinue institutional maintenance and develop adequate community programs to serve this population. The right to meaningful health care should be a standard which applies to all of our citizens and I feel that this legislation supports this approach.

Mr. Speaker, I urge the adoption of House Resolution 342 in order that we may discuss, debate, and pass H.R. 4005.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as previously explained, the rule presently before us provides for 1 hour of general debate for consideration of H.R. 4005, Development Disabilities Amendments of 1975. Under the terms of the rule the bill will be open to all germane amendments.

H.R. 4005 would allow for a 1-year simple extension through fiscal 1975 of authority for programs for the developmentally disabled. This authority expired June 30, 1974, and is presently on the continuing resolution for 1975. The bill additionally provides for a 2-year substantive revision of the existing authority for 1976 and 1977.

Specifically, H.R. 4005: First, continues existing authority for grants for operating university-affiliated facilities for the developmentally disabled; second, creates a new special project authority and substitutes for existing 10-percent earmark of State allotments for projects of special national significance a new 30-percent earmark of the new special project authority for such projects; third, requires that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions; fourth, eliminates requirements for Federal approval of individual construction projects funded with State grant funds; fifth, adds autism and dyslexia specifically to the list of diseases for which the special project and State allotment programs are to provide services; and sixth, requires studies by the Secretary of HEW to determine the neurological diseases which should and should not be considered as developmental disabilities, and the adequacy of services for persons with diseases not included.

This legislation is estimated to cost $147 million for fiscal years 1976 and 1977. I know of some opposition to the price tag of this bill, as it inflates the amount the administration has put into this program over the past 2 years by some $18 million per fiscal year. That is a 36-percent increase.

When we continue to increase the cost of each program, however worthy, and at the same time refuse to accept judgments of the executive branch as to expenditures which can be either deferred or rescinded, we are endangering the very efforts we are seeking to promote.

Therefore, Mr. Speaker, I urge the adoption of this rule which opens the bill to germane amendments so that we may further proceed to consider H.R. 4005.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. YOUNG of Georgia. Mr. Speaker, I urge adoption of House Resolution 366 in order that we may proceed with debate and consideration of the bill H.R. 3786.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4224, AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE NUCLEAR REGULATORY COMMISSION FOR FISCAL YEAR 1975

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 367

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4224) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4224, it shall be in order to take from the Speaker's table the bill S. 994 and to consider the said Senate bill in the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 367 provides for an open rule with 1 hour of general debate on H.R. 4224, a bill to authorize supplemental appropriations to the Nuclear Regulatory Commission for the fiscal year 1975.

House Resolution 367 provides that after the passage of H.R. 4224, it shall be in order to take from the Speaker's

table the bill S. 994 and to consider S. 994 in the House.

H.R. 4224 authorizes supplemental appropriations of $50,200,000 to the Nuclear Regulatory Commission for the fiscal year 1975. Of this total, $32,800,000 is needed because receipts used by the old Atomic Energy Commission have been assigned to the Nuclear Regulatory Commission. This total involves only a change in accounting and thus the cost of the bill is $17,400,000.

Mr. Speaker, I urge the adoption of House Resolution 367 in order that we may discuss, debate, and pass H.R. 4224.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like the gentleman from Texas, I am a member of the authorizing committee and would, therefore, certainly join in urging the House to support House Resolution 367.

This supplemental authorization, as I believe the gentleman indicated, was necessitated by the fact that with the emergence of ERDA, the Energy Research Development Administration, the old Atomic Energy Commission was dissolved and in its place arose the new Nuclear Regulatory Commission. Most of the supplemental authorization is, therefore, due to the fact that the old AEC used to apply certain funds that it received and certain fees that it received as an offset to their budget authority; but under the new Nuclear Regulatory Commission those funds will be directly deposited in the Treasury under the miscellaneous proceeds of the Treasury. Therefore, most of the authorization is to accommodate that change in procedure, plus a modest amount, $7,900,000, to support the new agency, and $9,500,000 is a refund of fees that were collected.

The Supreme Court has ruled that the procedures did not meet certain constitutional criteria. I think that explains the authorization, the reason for this supplemental request.

I would hope that the House would adopt the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING THE FEDERAL SHARE OF HIGHWAY PROJECTS

Mr. JONES of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) to authorize the increase of the Federal share of certain projects under title 23, United States Code.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. JONES).

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Washington (Mr. ADAMS) as chairman of the Committee of the Whole and requests the gentleman from Hawaii (Mr. MATSUNAGA) to assume the Chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) with Mr. MATSUNAGA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore (Mr. MATSUNAGA). Under the rule, the gentleman from Alabama (Mr. JONES) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, we bring this proposal under very extraordinary circumstances. It was caused by the fact that some of the States were not able to match the Federal funds that would consequentially be available to them.

Since the President has released the $2 billion, we found ourselves in the situation where some of the States could not benefit from the benefits that would be derived, so consequently we have brought this proposal to the House to permit those States to participate and complete their ongoing programs.

The amounts of money that are made available under the bill will be repaid from their own subsequent appropriations and authorizations. So, Mr. Chairman, I think that this measure has met with the approbation of the Committee on Public Works. The subcommittee headed by the gentleman from New Jersey (Mr. HOWARD) and the gentleman from Pennsylvania (Mr. SHUSTER) has been most diligent in its efforts. The Members have examined the proposition most thoroughly, and I cannot imagine that they could have measured up so consequentially to respond to the great needs and great requirements of our ongoing program on highway construction and reconstruction.

Mr. Chairman, the Members of this body should know that the highway legislation they have approved today is largely the product of two of the most able and conscientious young legislators that I have encountered in all my years in the Congress. They have richly earned the gratitude of the House and of the many construction workers throughout America who will soon be returning to their jobs because of this legislation.

I am referring to Mr. JAMES J. HOWARD, of New Jersey, chairman of the Subcommittee on Surface Transportation of the Public Works and Transportation Committee, and Mr. BUD SHUSTER, of Pennsylvania, who is the ranking minority member of that subcommittee.

JIM HOWARD assumed his chairmanship at the beginning of this session and in these first few months of his tenure he has demonstrated qualities of leadership and legislative understanding that, to me, are nothing short of remarkable. In his conduct of the hearings that developed this critically important legislation, and in his presentation of the completed bill, he impressed every member of our committee, Republican and Democrat alike, with his grasp of the issues and the absolute fairness and incisiveness of his decisions.

The spirit of nonpartisan cooperation that Mr. HOWARD engendered in the development of this bill was supported and enhanced by the tireless efforts of Congressman SHUSTER who worked in the closest concert with the subcommittee chairman in resolving the differences and difficulties that are inevitable to the legislative process.

To me, after more than a quarter of a century of congressional service, it is a refreshing and rewarding experience to find leadership of this caliber in two young men who have proved themselves capable of laying aside partisan interest in the interest of their country.

Together, JIM HOWARD and BUD SHUSTER are building a broad bridgehead of legislative cooperation that holds rich promise for their future and ours. I commend them, as I know the men and women whose livelihoods they have restored will commend them.

Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. HOWARD), chairman of the subcommittee.

Mr. HOWARD. Mr. Chairman, the Subcommittee on Surface Transportation of the House Committee on Public Works and Transportation is today, for the first time in over 10 years, presenting to the House legislation involving the surface mobility of this Nation without the leadership which we enjoyed for so many, many years by our former subcommittee chairman, the gentleman from Illinois, the Honorable John C. Kluczynski. Under the leadership of John Kluczynski, the mobility of this Nation has been improved, lives have been saved on our highways, and the more deeply our subcommittee gets involved in legislation during this 94th Congress, the more we realize, along with the Nation, the great contributions that were made by our former colleague, Johnny "Klu."

Very briefly, Mr. Chairman, on February 12 the President announced the release of $2 billion of the impounded Federal highway funds. The President stated—and we commend him for this—that he was releasing this money for the remainder of this fiscal year in order that the States may be able to utilize it not only to provide for additional safety and transportation of people in their States, but also to help meet the tremendous unemployment that we find throughout this Nation. We applaud the President for this action.

However, in checking, we did find that unfortunately many of the States in the Nation are unable to make use of this money in the time allocated.

Of course, the provision the President made is that any project approved under this release of $2 billion must be under contract by June 30 and work begun within 45 days, thereby putting people to work within 45 days at most after contract. Of course, many of the States depend upon their matching funds—10 percent on the Interstate System and 30 percent on all other roads. Some of

them raise matching funds by a tax on gasoline.

As we know, during the first 6 months of 1974 there was a slowdown in the selling of gasoline and, therefore, the States did not acquire the money that they would need to match this Federal outlay.

Additionally, States, in preparing their budgets for this fiscal year had no idea there would be another $2 billion available, and so they did not budget matching money. To assist the States, the Subcommittee on Surface Transportation held several days of hearings in order to find ways we could help the States use the money and put people to work.

One of the many provisions of this legislation, Mr. Chairman, is that for the remainder of this fiscal year the Secretary of Transportation may allocate to the States up to 100 percent of the cost of the construction for these approved projects. This is with the stipulation, of course, that the States before January 1, 1977, return with non-Federal funds these moneys to the Highway Trust Fund so that we may have our balanced system as soon as possible.

Another problem we found the States had had to do with the categories in the 30-percent range, where the Federal Government provided 70 percent and the States produced 30 percent. This had to so that we may have our balanced sys-urban and rural highway programs they have. We found that some States are all ready to go on a certain section of a highway but they do not have funds in this particular category, but they do have funds available to them in a different category. Under the terms of this legislation, for the life of this legislation, which is emergency legislation applicable only for the remainder of this fiscal year, the States may transfer funds within these categories, so that they may get more contracts, so that they may be able to put more people to work.

This money transferred from one category to another must be returned to the categories from which they were transferred. In this way when the Committee on Public Works takes up the major highway bill for this year we will have the assurance that the money in the trust fund will be moved back into the proper category, so that we may move forward with balanced programs.

In the committee report, on page 4, there is comment on major and nonmajor Federal action; there are many projects that the States may move forward without an enviromental impact statement; these are in what is known as nonmajor Federal projects. These generally, have to do with projects on existing right-of-way, where the States may refurbish roads where they may widen roads, add additional lanes, perhaps dualize, or add safety features. These may be considered as nonmajor Federal actions by the Department of Transportation and work could begin immediately.

In conclusion, we feel that the adoption of this legislation will make a substantial move toward reduction of unemployment by spurring the hiring of people in the construction industry. As an example of the distress in the construction industry I cite my own State of New Jersey where the unemployment is a full 60 percent.

Mr. Chairman, I wish to thank the members of the subcommittee for their deliberations and cooperation in conducting these hearings, for the time they have spent and the efforts they have spent. We wish also to thank our chairman, the gentleman from Alabama (Mr. JONES) for giving a full rein to go ahead with these hearings so that we may have before this House a bill and, hopefully, we will take action, so that the President may sign this bill and people may be put to work throughout the Nation.

Mr. Chairman, over the past few months, the Nation has been experiencing unemployment to a degree reminiscent of the 1930's. There are now 8 million Americans out of work, and there is every indication that situation will get worse before it gets better; 781,000 construction workers were unable to find work during the month of March.

The Federal-aid highway program contributes greatly to the economic well-being of this country and is an excellent means of putting people to work. In recognition of this fact, the President on February 12, ordered the release of $2 billion in impounded Federal-aid highway funds, thereby raising the overall program level to $6.6 billion for fiscal year 1975. States are now being permitted to obligate Federal-aid highway funds on a first come, first served basis, within existing apportionment limitations, for projects on which work can begin within 45 days after project approval. The President's strategy is intended to have maximum possible impact on the unemployment situation.

As of last Friday, April 4, the States had obligated a total of $3.971 billion for Federal-aid highway projects since the beginning of the fiscal year. Of this total, $1.143 billion was obligated during the 7-week period after the President's release of the additional $2 billion. Although this latest activity represents a significant increase over the previous obligation rate, still the $6.6 billion goal will not be reached unless the States step up the current rate of obligations by at least 30 percent. Without appropriate legislation, there is no assurance that the States will be able to sustain the current pace, much less increase it.

Obviously, there is a limit to what the President can do under present law. Wholesale release of impounded funds is not an exclusive remedy for unemployment in the highway construction industry. The release of the impounded funds came about unexpectedly, and many States are unable at this time to meet the requirements for additional State matching. Passage of the bill before this body will facilitate the obligation of the additional funds and put thousands of unemployed back to work. All of the these facts were borne out in testimony before the committee in recent hearings on the bill.

Our bill, H.R. 3786, relaxes the requirement for State matching for any project approved between February 12 and the end of this fiscal year. States would have the option to increase the Federal share on these projects up to 100 percent, provided that they pay back any such increases to the Federal Government before January 1, 1977, with non-Federal funds. Repayments would be deposited in the Highway Trust Fund, thereby restoring the funds to the Highway program from which originally drawn. No new highway projects would be approved after January 1, 1977, in a State which fails to make the repayments as required.

The hearings also showed that greater flexibility in the use of funds could enhance a State's capability to deal with its own unique unemployment problems. Consequently, the bill was amended in committee to permit a transfer of funds among and within categories within a State—except for the interstate system—including a transfer of funds between urban and rural areas within a State, until the end of this fiscal year. A mandatory annual adjustment in future apportioned funds would be required to replenish the categories from which the funds were originally drawn.

Mr. Chairman, H.R. 3786 is emergency legislation to expedite the highway construction program and to put people back to work. We cannot afford to gamble with the jobs of thousands of unemployed construction workers across the country. An additional $2 billion has been made available by the President and now it is up to this body to make it possible for the various States to make optimum use of these additional funds.

I urge my colleagues to vote for this important piece of legislation.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3786, a practical and workable measure to stimulate the economy and get Americans back to work by accelerating construction of highway projects.

The need is there beyond question, in terms of the high unemployment rate among workers in the construction trades and the backlog of useful work to be done. And the funds are available. It only remains for the Congress to ease the restrictions on the use of those funds so that they can be put to work on quick-start projects.

This bill would do so by lifting, temporarily, the requirements for 30 percent non-Federal match in the case of non-Interstate projects and the 10-percent match in the case of Interstate projects. It also would allow, again temporarily, for the transfer of funds with the exception of Interstate among and within categories of Federal assistance and between urban and rural areas.

It would allow the States to concentrate on those projects for which funds can be obligated on an accelerated basis through the remainder of this fiscal year.

In supporting this legislation, I should like to remind Members that no one has been a stronger supporter of the integrity of the highway trust fund than I have. Nor has anyone taken a more active role in fighting to assure that both urban and rural needs be given adequate attention under Federal-aid highway legislation.

Therefore, I believe I speak with some authority in assuring you that the re-

moval of restrictions is to be temporary, that we are creating no precedent in permitting a Federal match of up to 100 percent. States exercising the option to use 100 percent Federal funds for a given project would be obliged to repay what would amount to an interest-free advance to the highway trust fund. And any amounts advanced from one category to another would have to be restored over a reasonable time in order to preserve balance.

I believe that this balance, reflecting needs, vehicle miles traveled and relative contribution to the trust fund, remains valid as a concept over the years. But I also happen to believe that in the higher interests of getting people to work a temporary infusion of greater flexibility is in order.

And they can be put to work on a number of projects that need not be delayed for environmental impact statements and extended administrative procedures. Either such requirements have already been met or the projects are not individually of sufficient magnitude to become subject to the requirements. Many projects in this category would involve upgrading, widening, resurfacing, elimination of hazards or other measures to improve efficiency and safety.

There is no question but that the bulk of projects will represent improvements to existing highways, rather than new, major undertakings which involve increasingly long leadtime to get under construction.

Introduction of this bill was triggered by the President's release of $2 billion in previously impounded highway funds. This brought to $6.6 billion the funding level for fiscal year 1975. Of this sum, $3.1 billion has been obligated through the end of February, $3.5 billion remains to be obligated by June 30. States which have exausted their apportionment for fiscal year 1975 in any one category can begin obligating their 1976 apportionments.

Thus it cannot be said precisely what amount of funding will be directly affected by the provision of new flexibility in this bill. This will depend upon decisions properly to be made by the States in their role in the Federal-State partnership. One element of decision will be the requirment to pay back the amount of the increase in the Federal share before January 1, 1977.

But one measure of the impact is the estimate by the Department of Transportation that the $2 billion release alone would create approximately 107,000 jobs onsite and in related industry. This could conceivably generate another 150,000 jobs outside the industry.

Under this bill, the benefits of such stimulation would be available to States without requiring them to disrupt their regular programs of 100 percent State-funded projects. They also would be relieved of pressure to defer maintenance in efforts to come up with their non-Federal matching share during the period through June 30 of this year.

In conclusion, I should like to remind Members that the committee has taken note of testimony that further layoffs in the construction industry are reasonably in prospect. So our task is not merely one of moving ahead. We may be in for a worsening situation, and this bill is one way—one vital sector of the economy—to head it off. I urge enactment of the bill.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. HARSHA. Yes, I will be happy to yield to the gentleman from Maryland.

Mr. BAUMAN. The committee report indicates that there was a precedent for this waiver of the matching State funding, at least during the 1957 recession period. At that time was there full repayment by the States, or was there any repayment requirement provision existing in the law?

Mr. Chairman, I wonder if anyone can respond to that.

Mr. HARSHA. Mr. Chairman, I wonder whether I could yield to the gentleman from Pennsylvania (Mr. SHUSTER), who is the ranking minority member of the subcommittee, to respond to that question.

Mr. SHUSTER. Mr. Chairman, to answer the gentleman, it was repaid from future apportionments, not from existing funds. There was a waiver at that time, and we object very strongly to any such waiver. It is for that reason that we have teeth in this bill that require repayment by the end of this Congress; and if there is no repayment, all funds are cut off for the State until repayment is made, so there are teeth in this to provide exactly for that particular point.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from Ohio (Mr. HARSHA) yield?

Mr. HARSHA. Yes; I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from Maryland (Mr. BAUMAN), I think, is referring to the Gore amendment which was passed in 1958. Those repayments were made under the Gore amendment, and would be almost comparable.

Mr. BAUMAN. If the gentleman will yield further, I am somewhat confused, not being a member of the committee. The gentleman from Pennsylvania (Mr. SHUSTER) said there was a waiver of 1957–58 payments. The distinguished chairman says the funds were repaid. Which is it?

Mr. HARSHA. I yield to the chairman, the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. There was a waiver of time, but the ultimate payments were extracted from the apportionment made to the various States, so there were not any inequities that came about as a result of the Gore amendment.

Mr. HARSHA. If I may respond to the gentleman from Maryland (Mr. BAUMAN), there is a difference between the so-called Gore amendment and this amendment. Under the Gore amendment there was not a specified time limit for repayment out of non-Federal funds. In this bill we have a specified time for repayment by the States out of State funds and non-Federal funds. We have further implemented that provision by saying that no future highway project will be approved by the Secretary of Transportation unless and until that advance money is repaid by the State to the highway trust fund.

Mr. BAUMAN. If the gentleman will yield further, I notice that there is a requirement of repayments by the States before January 1, 1977.

Mr. HARSHA. That is correct.

Mr. BAUMAN. The gentleman's report indicates that there is no additional cost to the Federal Government based on the theoretical eventual repayment of these sums by the States?

Mr. HARSHA. That is correct.

Mr. BAUMAN. But what will it cost the Federal Government in money it would not otherwise have had to spend between now and January of 1977? There must be some additional amount that will be spent.

Mr. HARSHA. No, it will not cost the Federal Government over the $2 billions released.

It is a rather tricky situation, but I will try to explain it to my good friend, the gentleman from Maryland.

The $2 billion is all that is going to be released, that, together with the unobligated already released apportionment, which total about $3.5 billion, which is available to be spent between now and June 30.

What happens is that State, instead of putting up its 10 percent on the Interstate System, or on the primary system, the Federal Government advances that, but it advances that out of the total apportionment, and it is going to spend the $2 billion anyway, or the $3.5 billion. You do not add on 30 percent on top of that. You ultimately will have a little smaller highway construction program because the State did not put up its money because it is Federal money. So you do not have any more money coming out of the Federal Treasury; however, there will be a diminution during this short period of time, but you will have a highway program that otherwise would falter because some of the States lack the matching money.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield further?

Mr. HARSHA. I yield further to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I notice the lack of any departmental comment in the report as to the position of the administration. It is my understanding that the administration is opposed to this legislation because of this formula change we have been discussing.

I see no minority views. Could anyone explain the opposition of the administration to this?

Mr. HARSHA. If the gentleman from Maryland will permit me, I will endeavor to explain the position of the administration, but frankly it is very difficult to explain it.

I was called as of 10 o'clock this morning, and informed that the administration was opposed to this legislation. The Highway Administrator has advised me that the administration was certainly opposed to 100 percent Federal contribution, particularly if there was no payback.

While he appeared before the committee and testified officially, his testimony

did not reveal, in my judgment, and I believe in the judgment of my good friend, the gentleman from Pennsylvania (Mr. SHUSTER) the ranking minority member on the subcommittee—an absolute position at that time against the bill. And nowhere can we recall, in reflecting upon his testimony, that he came out and said forthwith or forthrightly that the administration opposed the bill.

He did indicate the administration had some reservations.

Frankly, I did not receive any communication until I saw the report or the digest where the administration was pointing out that they were opposed to it. I know of no other communication other than the one I received this morning from the White House itself, and the usual communication that the OMB sends up to the minority leader. Unfortunately, they did not provide us with a copy of the communication from OMB.

So it is difficult to explain the position of the administration in view of the lack of activity or inactivity that transpired.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would also point out to the distinguished gentleman from Maryland that we solicited from the Department of Transportation their views on this bill. On March 18 we received a letter from acting Secretary Barnum in which he expressed no objection whatsoever to the 100 percent provision. He did state that the administration would be opposed to the use of interstate funding in being able to cross categorize. And, of course, that is eliminated in this bill. But in that communication no objection to the 100 percent provision was expressed.

So as of this morning, or late last night, we have suddenly been faced with a communication from the administration. I intend to give it just about as much weight as I think a midnight communication of this type deserves.

Mr. BAUMAN. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, in further response to that issue, I think it is fair to say at this time that the administration has expressed opposition to the bill, but they have told me they were opposed to the 100-percent Federal contribution; that they were also opposed to the payback. If the gentleman is rationalizing that for me, I will be happy to undertake to understand it.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

I followed the discussion with great interest. What has made it possible for the States at this point not to have sufficient funds to match, No. 1?

Mr. HARSHA. There are a number of problems. Of course, the recession was one of them. The diminution of the gasoline tax was another. Some States have already obligated all of their money for either the Interstate or for the ABCD Systems. Therefore, they have no money available to further obligate or to match this $2 billion that was released.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, what assurance do we have that before January 1977 the States will suddenly find themselves in a position where they will have all of the extra money needed to pay this back. Or are we going to be back again playing the Ken Gray role of having the assurance that we are going to get our money back, only to find that the Federal Government has been shortchanged again?

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. I thank the gentleman for yielding.

I would say to the gentleman that many States did not anticipate the release of the $2 billion and are not in a position at this time to meet the requirements for additional State matching. That is why we are considering this bill to lay. However, they will not be relieved of the responsibility to pay back these funds by January 1, 1977.

Mr. HARSHA. Let me respond to the gentleman by saying this. In the first place, this is discretionary with the States. If they want to take advantage of it, they can. Second, they have been forewarned, not only with the report but with the legislative history that we are making here now, that this is not precedent setting, that we do not intend, under any circumstances, to waive the requirement to pay back. It is specifically within the legislation that they shall get no further Federal-aid highway project approved by the Department of Transportation unless and until they do pay it back.

We use the date of January 1, 1977, to assure that control is still held by the Congress, not subsequent Congresses. So we at least think we have endeavored to make this legislation tight so that the States understand fully that if they take advantage of this provision, they must repay, and unless and until they repay, they can expect no future approval of Federal-aid highway projects.

Mr. STEIGER of Wisconsin. I thank the gentleman for his explanation.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I join with him in support of this legislation, but I do have a question that I would like to ask.

Mr. HARSHA. I will try to answer the gentleman.

Mr. YOUNG of Florida. In the precedent discussed by the gentleman from Maryland, the payback was a suspension of additional Federal allocations that would be coming to that State. It is my understanding that this bill provides that the payback will be paid from non-Federal funding; is that correct?

Mr. HARSHA. The gentleman is absolutely correct.

Mr. YOUNG of Florida. So that the precedent that was established where the payback could be made from next year's Federal payment would not be the case under this bill?

Mr. HARSHA. That is correct.

Mr. YOUNG of Florida. I thank the gentleman.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Michigan.

Mr. RUPPE. I thank the gentleman for yielding.

I should like to ask the gentleman if there is any danger that the States who are presently qualified to receive money because they have the matching funds set aside will in any way find their monies reduced or cut back because of this legislation. In other words, will they lose money because of the possibility that other States who would not otherwise be qualified to receive assistance will now, because of this legislation be able to stand in line equally with those States that have the money in reserve and ready to go as a matching share of any highway action.

Mr. HARSHA. In my judgment, no State would benefit by this legislation at the expense of another State. Those States that have the matching money are permitted to go ahead on the basis of the release of obligational authority. The purpose of this legislation is to provide those States who do not have the matching money to raise the money by this method, to put people to work.

It was extremely difficult to find out the number of States that were unable to provide the matching money. We have statements from the Governors that anywhere up to 33 States were unable to provide the matching money and therefore could not take advantage not only of the released $2 billion but also of the 1976 apportionments which have already been made.

What we are trying to do is to make aid available to those States who are suffering high unemployment particularly in the construction industry so they will be able to proceed on an immediate basis to try to relieve that unemployment and construct needed improvements in the highway system which are quick-start projects, which are not major improvements but which are quick-start projects, and the contracts have to be let in 45 days and people have to be on the job working.

But in my judgment there is nothing in this legislation that would permit one State to reap an advantage over the other State by virtue of the fact that a State did or did not have its matching share.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would point out that in a document from the Federal Highway Administration, which is partial in nature, it lists at least some of those States which will be able to benefit as a result of this temporary measure and Michigan is one of those States, so Michigan stands to benefit.

Mr. RUPPE. Mr. Chairman, if the gentleman will yield further, I understand that Michigan has funds set aside,

so that funds would be available and Michigan would be ready to move on their share of the $2 billion funding with or without the legislation.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield further, this document shows while Michigan has some funds and would be able to move ahead with their own matching funds on a major part of it, Michigan would be able to take advantage of the temporary matching funds and build an additional $5 million worth of highways within the State of Michigan. The total figure for Michigan is $245 million in highway construction, which certainly would be quite a shot in the arm to the economy of this State.

Mr. RUPPE. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I yield my remaining 8 minutes to the distinguished gentleman from Pennsylvania the ranking minority member of the subcommittee who has made a great contribution to this legislation.

Mr. SHUSTER. Mr. Chairman. I rise in support of H.R. 3786, the first bill with which I have been involved in my new capacity as ranking minority member of the Surface Transportation Subcommittee.

This legislation is the product of extensive hearings under the chairmanship of my friend and colleague on the subcommittee, JIM HOWARD, in which ample opportunity was offered all interested parties to comment. It was amended in subcommittee and in full committee and comes before this body as a measure fully meriting passage as reported.

The bill has been developed to avoid controversy or complexity in the interests of getting it enacted swifty and at work out in the States.

Therefore, I should like to devote my time to emphasis of a few key points:

First. This bill offers us an opportunity to pursue not one but two worthwhile objectives: putting people back to work and providing this Nation the benefit of construction projects undertaken. There are vitally needed projects involving improvement in the safety and efficiency of our transportation system, rather than make-work in any conceivable sense.

Second. There are additional multiple economic benefits as well. We can target the flow of funds into a sector of the economy in which the rate of unemployment is almost double that of the nation as a whole. Thus, the stimulus will be in a depressed sector rather than one in which demand aggravates inflationary pressure. And we can obtain more benefit from the dollars expended rather than await future increases in construction costs.

Consider the magnitude of the problems which prompted consideration of this bill. As our report points out, the overall rate of unemployment rose from 5.4 percent in August of last year to 8.2 percent this past January and February—it has risen still further since. In the construction trades, however, the rate rose from 11.3 percent to 15.9 percent. And those are national figures which fail to reflect the fact that in individual States or areas of individual States, the rate among construction workers can well be double that of the construction trades nationally.

According to testimony before our committee, the Nation faces the prospect of even further increases in unemployment in the construction field, with all the attendant spillover effects on related segments of the industry and the economy at large.

Consider also the fiscal plight of the States: the general economic downturn, erosion of highway revenues due to decreased fuel consumption, and overall reduction of general revenues.

In my own State of Pennsylvania, our 9 cent motor fuel tax must maintain 44,400 miles of State roads plus an indeterminable amount of local roads, pay the interest and principal on some $2 billion in outstanding highway bonds, and support the State police. The motor license fund, as our State highway trust fund is called, is now so overtaxed that a proposed 12-year highway plan for Pennsylvania has been slashed from $3.6 billion to $1.4 billion due to a sharp reduction in revenues. The situation is so acute that serious consideration is being given to taking up some of the slack with all-too-scarce general revenues, which would place a severe burden on other vital States programs.

Consider, finally the needs. According to the 1974 needs report, there now exists in this country an accumulated backlog of $226 billlion dollars—measured in 1971 dollars. Costs have increased by more than 60 percent since 1971. These are urban needs and rural needs; needs for more safe and efficient transportation both of goods and people.

So the work is there to be done, the people are there to do it and the money is available. It is up to the Congress to loosen the strings and tell the States to seize the opportunity, to take the projects that are ready to move and go with them.

In conclusion, this is a modest bill, tightly drawn to accomplish the objectives of accelerating completion of needed projects, putting people back to work and stimulating the economy. I do not argue for a moment that it comes near to meeting all our most urgent highway needs. The Committee on Public Works and Transportation will be bringing out major, comprehensive highway legislation this year. Nor would I argue that this bill alone is a cure for all our economic ills. My own committee and doubtless others will be bringing to the floor other measures in that respect.

But this legislation, H.R. 3786, does have one unique virtue. We know it will work—and get people back to work. It will provide the stimulus to reverse precisely those trends which got us where we are today. I urge its enactment.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, following on the heels of the discussion in which the gentleman just participated, is it not reasonable to anticipate all States will ask 100-percent Federal funding whether they have State funds available or not?

Mr. SHUSTER. It would be to their slight economic benefit to do so, yes. However, this brings up a very significant point. This bill is a mechanism which permits those States which under State law must have money in the bank before they can obligate highway construction or a commitment from the Federal Government—which is what this is—it permits those States to move today to obligate. However the money itself does not come out of the Federal Treasury and flow to the State until at least part of the construction is accomplished, which means this becomes a mechanism to permit States to move immediately, but no money flows out of the Federal Treasury until in most cases next year, in 1976.

So this is a paltry sum we are talking about in terms of Federal moneys and indeed it is money which comes out of the trust fund, which has the money and therefore imposes no deficit spending on the general funds.

Mr. BAUMAN. If the gentleman will yield further, that brings me to the question to which I have been trying to get an answer. With this waiver of State matching requirements, at some point in the next 18 months before repayment is due, is the Federal Government going to have to lay out dollars it would not otherwise spend? If so, that is going to add to the Federal deficit. My question is: How much money are we adding to the Federal deficit by this measure?

Mr. SHUSTER. Almost all of the money, comes out of the highway trust fund and the dollars are there.

Secondly, the amount which would come out of the trust fund, and again I point out it would not come out today, while it would permit work to begin today, the money would not come out of the trust fund until some time next year. That money must be repaid by the end of next year. So we are talking about a matter of months.

As to the specific number, the best estimate we have from the Federal Highway Administration, and I believe it is an incomplete estimate, is that it will bring about $317 million in additional highway construction.

The 30-percent temporary loan is about $100 million out of the Federal Treasury. My estimate is that the number will be something higher than that number, because some States are putting together their projects to send in; but the specific answer to the gentleman's question is $317 million and roughly one-third of that would be in Federal matching funds; so that is $100 million which gets paid back by the end of this coming year.

So if we want to say it is a 12-month average loan at 8 percent interest rates, we are talking about a cost to the Federal Treasury of $8 million or $10 million which is peanuts when we think about it, to provide the mechanism to bring about accelerated public works to create real jobs, not make-work, but real jobs which are, indeed, going to be accomplished in the private sector by private enterprises and for which we will have real assets in this Nation, to show for our expenditure.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I want to clear up a misunderstanding that I had. The gentleman states that all the States we are talking about will have money coming from the highway trust fund. Is the gentleman telling us there will be no funds advanced from the general revenue funds?

Mr. SHUSTER. That is essentially correct.

Mr. YOUNG of Florida. From the trust funds only?

Mr. SHUSTER. That is generally true.

Mr. YOUNG of Florida. Can the gentleman say that the funds in the trust fund are available, so that we are not talking about adding to the deficit?

Mr. SHUSTER. That is correct.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I am sure our government in the State of Wisconsin is delighted with what we are doing on this one.

Can I ask a question on a related subject? As I recall the Highway Act, there is a requirement that as of the 1st of July each State has to have a vehicle inspection program. I wonder whether the subcommittee and the Committee on Public Works are going to take a look at that issue, because I know in the case of Wisconsin we are not going to have it by the 1st of July; so what is given is 10 percent if this bill would pass, by waiving the requirement, but it is taken away by cutting everything off as a result of the State legislature not making an inspection program.

Mr. SHUSTER. Mr. Chairman, I would think the State legislature would be motivated for such a program. On our side I know of no such plans to reconsider this.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, in response to the question raised by the gentleman from Wisconsin, the committee contemplates a careful and thorough review of the highway program this year and enacting legislation will come to the House for the highway program, including highway safety features of that program later this year. That will be appropriately the time the gentleman might want to address himself to that subject.

This present bill could not have a bearing on it one way or another to the actions permitted to be taken under this bill.

As the gentleman from Pennsylvania explained, it must be taken by the 30th day of June this year; so it would have no bearing on this bill and the bill would not affect the gentleman's situation one way or another.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate that and I hope the gentleman will review this matter.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I recognize the problem the gentleman has in trying to make his statement when questions like this arise.

It does seem a little bit like robbing Peter to pay Paul. If it is based on the fact that States are short of money right now, and yet they have to repay, what is going to happen if they do not have the money to repay? Second, like in the State of Ohio, I would assume they just take money out of the secondary highways.

Mr. SHUSTER. It is a very good point, and indeed Ohio happens to be one of the States which has already come forward and will benefit by this provision. The point I would make, however, is that in many instances, in almost all instances, the States did not know and could not anticipate the $2 billion being released by the President last February. Consequently, in many instances the States had not even gone to the legislature for funding, so they were not able to go forward and provide the match.

They can do this if they so choose to, since we are giving them the time to do it now. We are giving them the time. They can go to their State legislatures between now and the end of 1976, so they have the time in which to do it. If they choose not to use this, then of course that is their decision, but they understand very clearly not only from the language of the legislation, but from our comments to the Governors' conference for example, which was testified to before our subcommittee, as well as the legislative history that is being made here today, that money has got to be repaid.

Indeed, I am sure it will be repaid because the States are so highly motivated. No State is going to permit itself to lose millions, if not hundreds of millions of dollars, in Federal highway money in 1977 and beyond. Therefore, they are highly motivated to repay.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, when I first reviewed H.R. 3786 to increase the Federal share of highway projects, I seriously considered offering an amendment to strike section 3 which provides that funds may be transferred among and within categories of Federal-aid highway systems within a State including between urban and rural areas. Having been assured that such transferred funds must be repaid to the categories from which they are taken, I have decided against taking this course of action, but I would like to stress my very real concern about the direction in which we have moved in the past and in which it appears we are continuing to move.

If this legislation is passed, as I expect it will, and enacted into law, and the funds can be transferred between urban and rural systems, I do not think I have to tell anyone which way it will go—straight out of the rural areas and straight to the cities. This is not expressly mandated in the bill, but if my over 8 years of membership in this House teaches me anything, I can assure you that will happen.

This will be just another example of the Congress saying that the cooperation problems of the urban areas are paramount, or perhaps more severe, than those of rural areas. We hear that the expressways around and through our Nation's cities need work, that mass transportation systems must be improved, that subways must be built. We hear these remarks all the time. But, I would remind my colleagues that good, reliable highways are needed in rural locales as well. They perhaps do not serve as many people, but they are needed, and needed badly.

But more and more, this Congress has looked at the problems of the cities and ignored, or overlooked, the problems of rural America. We have opened up the highway trust fund for mass transportation, thereby providing yet another avenue for taking money away from needed road construction and improvement for non-urban areas. The Federal Highway Act of 1973 provided for a boost of from $200 million to $800 million for urban systems. The rural funds did not even begin to approximate such a sum.

Now, again today, the House will pass a measure, albeit a temporary one, which could lead to further transfer of funds from rural to urban areas. This cannot continue. The people residing in low density regions should not stand for it. They demand equal treatment, and they have every right to it. I challenge the collective membership of this body to travel to my congressional district in northern Michigan and ride over those roads, and then come back to tell me that they do not need upgrading and repair, that those existing roads are adequate to serve the people's needs. I assure you that no such response will be forthcoming.

I do not begrudge the cities one cent for their expressways and for their mass transportation systems, but the rural areas deserve and demand their fair share.

I would like to comment further. As I understand the situation as it now stands, in order for a State to qualify for a portion of the $2 billion in Federal-aid highway funds which the President has released, it must first raise 10 percent in matching funds for interstate projects and 30 percent in matching funds for other Federal-aid highway projects. Once these funds were raised, the States would then apply for the Federal money on a first come, first serve basis.

Now, Michigan and a number of other States, I am told, have raised their portion by dipping into their general revenues or by floating bonds. As a result, they should be on fairly solid ground for having their applications approved. Other States, however, have not taken such affirmative action, for one reason or another. I would not be surprised if some of them, knowing of the prospects of this bill being passed, have just sat back and waited for us to bail them out by handing them the money they rightly should have raised. These States then will be put in a position to compete with Michigan and others who have raised

their portions, and this creates a great disservice.

Also, I foresee the States which will benefit from this legislation coming back to the Congress in a year or so and tell us that they cannot raise the money to repay the advance, or loan. There will then, no doubt, be a big push to pass a forgiveness provision. This would penalize Michigan and the others who took the initiative with their 10 percent or 30 percent, and allow the others to get off scot free. If you will, this is highway robbery.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The time of the gentleman from Ohio has expired.

Mr JONES of Alabama. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman advise me how this would affect the State of California?

Mr. SHUSTER. Yes. The State of California has not come forward, to the best of my knowledge, to the Federal Highway Administration yet to specify how many additional millions of dollars can be invested in its State highway program as a result of this bill. However, I can report that California has said that it can use $201 million more than its initial 1975 obligation. The initial obligation was $314 million.

California has stated that it can use another $201 million, and that is money which would come, presumably, from the additional $2 billion released by the President. California has not said whether it needs to take advantage of this temporary match in order to do so.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Chairman, prior to my election to this body, it was my privilege to serve South Carolina as a member of its State Highway Commission. From that experience, perhaps I can give some information to the Members today who, for budgetary concerns, question the necessity or wisdom of this particular bill.

In the course of the administration's impoundment as it has affected States—and I speak about South Carolina, not that it is unique, but because I think it is representative of what is occurring in the other 49 States of this union as victims of impoundment since the previous administration imposed this practice upon the highway trust funds. The cost of road building has increased by between 22 and 25 percent, depending on what part of the Nation one happens to be in.

Today, the highway trust fund is reduced in value, reduced in what it can accomplish in the way of highway construction, by a figure of between 22 and 25 percent of the money it contains.

Each State in this Nation has suffered a loss of effectiveness of its money to that extent. This bill seeks simply to alleviate the condition that is very real, a condition where most States, faced with $2 billion, cannot participate because of the reluctance of the State legislatures to increase tax on gasoline at this time, because most legislatures do not believe the public can bear or will tolerate that increased cost, and because of the reluctance of State legislatures to raise the amount by which a State can increase its bonded indebtedness.

And so the $2 billion released by President Ford to a group of States, which cannot match under Federal statute those funds, is meaningless.

There are those who say we cannot afford to pass this legislation. There are those who fear it will cost the Treasury of this country some money.

To the first, I would say we cannot afford not to do this. And again, speaking about my district, which is not unique, the unemployment in one of my counties is 49.8 percent. In 4 counties, it exceeds 30 percent. The two best economic counties I have are above 10 percent in unemployment. The completion of State highways and primary and secondary roads is something without which we cannot develop in economic diversity. It is something that is necessary today, because the Office of Management and Budget points up that we are going to have more inflation in the future. That means the money each State owns by right and other State highway funds will be losing value and will fall victim to inflation.

If we do not use this money this year, it will buy less next year. It is that simple.

I was, as a member of the highway commission, instrumental in starting litigation against the United States of America to cause the release of these impounded funds. I think for too long we have delayed. I think the President should release all $11.8 billion so that the people of this country, who seek nothing better than an opportunity for employment, both in the construction industry and those industries that will follow the sensible development of highway systems, will have the opportunity to work. The people have waited too long. The cost of delay is too high.

I am privileged to support this legislation. As I say, we cannot afford not to do it. Many times I have heard it asked in this Congress, "What does it cost to create a job?" I would say a more meaningful question is, "What does it cost not to create a job, in the indignity of citizens to have to go to the food stamp office or the unemployment office, the indignity of not being able to educate their children, the indignity of not having a job without having to move to another region?"

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentioned that he has been personally involved in the management of highway trust funds in his own State. He has stated that in his judgment, if we fail to act on this legislation today there will be additional, unwarranted increases in the cost of completing this interstate system if we do not accelerate it. Obviously, this legislation will free the effort to do that. How does the gentleman come to that conclusion? On what does the gentleman base that?

Mr. HOLLAND. As I pointed out the amount that is being impounded, $11.8 billion, by reason of inflation we have experienced a 22-percent to 25-percent increase in the cost of asphalt, concrete, labor, and everything else that goes into it.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I yield to the gentleman.

Mr. JONES of Alabama. Mr. Chairman, the question that the gentleman from California raises is one of great importance to us. Now we have completed over 85 percent of the interstate system. We have under construction an additional 6 percent of the Interstate System mileage.

If the remaining contracts for the Interstate System are to be delayed, as the gentleman from South Carolina (Mr. HOLLAND) has explained, we might face, as we have in the last 5 years, a doubling of prices over the next 5 years. The whole fiscal situation will deteriorate and this will cost the Federal Government more, as the gentleman from South Carolina just explained.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding to me.

Mr. JONES of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentleman. I rise for a point of clarification. I made the statement in my remarks that the monies came out of the highway trust fund. That is true in almost every case.

We note in reviewing the categories of funds released by the administration in the $2 billion impoundment release that there are a few categories that would come out of the general fund, off-system roads being one and probably assistance for the State of Alaska being another. These are exceptions to the general statement.

Mr. Chairman, I did want to clarify that point, and I thank the gentleman for yielding this time to me for that purpose.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 3786 as a modest measure—too modest in my judgment—to stimulate our economy and combat unemployment by accelerating highway construction.

I support the bill with no great enthusiasm, which is a commentary less on the bill itself than on the Congress.

This bill is fine as far as it goes. By providing greater flexibility in the use of Federal funds, it should enable States

to make best use of the funds released from impoundment.

But in impact, it falls far short of what can and should be done to meet the needs of this country for a tremendous volume of public works to address a host of problems.

The same Committee on Public Works and Transportation which produced this bill has also held hearings on other measures to accelerate construction, both of highways and other vitally needed facilities such as municipal wastewater treatment plants.

We have found an incredible array of obstacles stemming from bureaucratic mismanagement and environmental assessment carried to ridiculous extremes far beyond what the Congress ever intended.

In hearings on H.R. 3067, I was disturbed by the disposition of some who claim to speak for the environment to discern a malign purpose in any streamlining of bureaucratic procedures even in the interest of clean water.

The record reflects an uptight hypersensitivity to even the appearance, much less the fact, of any procedural, as distinguished from substantive, changes with respect to environmental safeguards.

Even more disturbing is the reaction of some Members of this body. "Let's not raise the hackles of the environmentalists," we are told. That was the line at a hearing on H.R. 3787, designed to deal with problems created by an absurd court decision involving environmental impact statements.

We have held hearings on both and reported out the latter, only to have it referred to the Merchant Marine Committee because of its implications involving the National Environmental Policy Act.

Now I say sure, let us go ahead and pass this bill. Sometimes I feel there must be a particular virtue in a project in this day and age that is indeed ready to go and not hung up in the bureaucracy. Somebody must be doing something right. They deserve some sort of bonus, at least in terms of Government getting out of the way and letting them get on with the job.

But let us not indulge in any self-congratulation over it. The real test will come when indeed we take up measures to get public works for a whole host of programs going. I am talking about really cutting out redtape and prodding the agencies downtown into motion.

What we do then will be the measure of whether we have the courage and commitment across the board, Government-wide, to insist that the environmental and other programs enacted by the Congress get carried out.

If we do not, this limited measure will make a mockery of congressional ability to respond effectively to economic problems.

Mr. JOHNSON of California. Mr. Chairman, the purpose of this bill is to put people back to work in this country. The latest figures show that 781,000 construction workers—18.1 percent of the construction force—were unable to find work during the month of March; and the situatiton is likely to get worse before it gets better.

This bill deals with this problem by waiving the requirements for State matching for all highway projects approved up until the end of this fiscal year. Any additional sums advanced to the States under this authority would have to be paid back to the Federal Government prior to January 1, 1977.

I should point out, however, that there is no intention in this bill to forgive the additional sums advanced to the States. Basically we feel that it is in the public interest and necessary for the protection of Federal funds to require that the States continue to participate financially in the construction of Federal-aid highway projects. Over the years the Federal Government and the various State governments have shared in this responsibility; and the committee does not intend to permanently alter this partnership arrangement which has produced the best highway system in the world.

Another important feature of this bill permits greater flexibility in the use of funds to enhance a State's capability to deal effectively with its own unique funding situation. The bill permits a transfer of funds between categories—except the Interstate system—and between urban and rural areas within a State. However, any funds transferred under this provision ultimately must be paid back to the category from which originally transferred.

Mr. Chairman, I hope that Members of this body will recognize the urgency of the situation and cast a favorable vote for this important bill.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of H.R. 3786, increasing the Federal share of highway projects.

As I think most of my colleagues are aware, this legislation temporarily increases the Federal matching share for Federal-aid highway projects between February 12, 1975, through the end of the fiscal year. The Federal share may be increased to as high as 100 percent if requested by a State, with the funding advances coming from the State's existing apportionments of Federal-aid highway funds. However, the bill requires States to repay these advances with non-Federal funds to the Highway Trust Fund by January 1, 1977, with failure to repay resulting in withholding of approval for future Federal-aid highway projects in that State.

In developing this approach, we on the Public Works and Transportation Committee felt this would be a logical follow-on to the administration's earlier release of $2 billion in Federal-aid highway funds. While these funds have the potential for creating literally thousands of new jobs and accelerating high-priority highway projects throughout the Nation, we learned through our hearings and other contacts with State transportation officials that due to the current economic "crunch," many States simply will not be in a position to utilize this funding without further positive action.

As a result of current economic conditions, rising maintenance costs and declining gasoline tax and other revenues, many States are experiencing serious difficulty in meeting the Federal-aid matching-formula requirements.

With this in mind, I strongly believe that this bill, which has received broad, bipartisan support, will provide the necessary financial flexibility to the States through this temporary change in the matching requirements. In so doing, we will be making a meaningful contribution to the overall economic recovery effort through new job-creating opportunities, while minimizing "red tape" and delay to accelerate the construction timetable on urgently-needed highway improvement projects.

As I see it, this approach is a good example of the role that the Federal Government can and should play—serving as the catalyst to bring about economic revitalization and recovery while allowing the States to determine funding priorities and allowing the private sector to "get the job done."

For these reasons, I have strongly supported H.R. 3786 and urge its passage.

Mr. JONES of Alabama. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no furthere requests for time of the gentleman from Alabama (Mr. JONES), and the time of the gentleman from Ohio (Mr. HARSHA) having expired, pursuant to the rule, the Clerk will now report the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Federal share of any project approved by the Secretary of Transportation under section 106(a), and of any project for which the United States becomes obligated to pay under section 117, of title 23, United States Code, during the period beginning February 12, 1975, and ending June 30, 1975 (both dates inclusive), shall be such percentage of the construction cost as the State highway department requests, up to and including 100 per centum.

SEC. 2. The total amount of such increases in the Federal share as are made pursuant to the first section of this Act for any State shall be repaid to the United States by such State before January 1, 1977. Such repayments shall be deposited in the Highway Trust Fund. No project shall be approved under section 106 or section 117 of title 23, United States Code, for any project in any State which has failed to make its repayment in accordance with this section until such repayment has been made.

SEC. 3. Notwithstanding any other provision of law, any money apportioned under section 104(b) of title 23, United States Code, for any one Federal-aid highway system in a State (other than the Interstate System) may be used during the period beginning February 12, 1975, and ending June 30, 1975 (both dates inclusive), for any project in that State on any Federal-aid highway system (other than the Interstate System). The Secretary shall deduct from moneys apportioned to a State under section 104(b) of title 23, United States Code, after the date of enactment of this section for a Federal-aid highway system on which money has been used under authority of the preceding sentence, an amount equal to the money so

used, and the deducted amount shall be repaid and credited to the last apportionment made for the system for which the money so used was originally apportioned. Each deduction made under the preceding sentence shall be at least 50 per centum of the annual apportionment to which the deduction applies until full repayment has been made.

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: On page 3, line 8, after the word "State", strike out "(other than the Interstate System)".

On page 3, line 11 and line 12, after the word "system", strike out "(other than the Interstate System)".

On page 3, line 21, after the word "least", strike out "50 per centum" and insert in lieu thereof the following: "20 per centum".

Mr. WEAVER. Mr. Chairman, I wish to commend the chairman of the committee and the members of the committee for bringing us a very fine bill, a bill that I heartily endorse and support. This speedy work in bringing this bill to the floor is much to be appreciated. This is a desperately needed bill, and the chairman of the committee has my full support in an effort such as this.

However, speaking for my congressional district, the Fourth Congressional District of Oregon, I have discussed one aspect of the bill with my Governor and with the head of our Department of Transportation. This aspect of the bill is found in section 3, which allows transfer of funds between various highway systems within a State but does not include transfer of funds from interstate to primary or secondary roadbuilding. It also requires payback from one road system or road budget to another at no less than 50 per centum per annum.

My highway department, which has $115 million worth of jobs ready to go out to bid if this bill passes, tells me that they will not be able to fund future highway projects which are badly needed in my State if they have to pay back funds within 2 years. They tell me that they have already suffered loss of revenues of $7 million from decreased travel, and if the gas tax proposed now in the newspapers passes, they will lose further revenues, with less ability to pay back.

I show the Members a picture of Route 42 published in the Coos Bay World newspaper in my congressional district. Route 42 is one of the most heavily used highways and one of our most important commercial highways. The picture shows two trucks that cannot even pass each other on this primary road.

Mr. Chairman, my amendment is a simple amendment. It makes no fundamental change whatsoever in this bill. It stretches it only. Not one penny of extra authorization is granted here. It simply allows transfer of funds from interstate to primary and secondary funding. It allows the States to pay back from their primary and secondary funding into the interstate funding moneys in 5 years, not in a year and a half.

My director of transportation says that if he cannot have a 5-year payback, he cannot use this section of the law, because they will not have the money in the next year and a half.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. Yes, I gladly yield to the chairman, the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, may I say to the gentleman that I sat with his highway director for an hour and a half yesterday morning. He never raised that proposition; he never raised that question, so if it was a matter of great importance, I would have thought that he would have brought it to our attention.

We have several Members here who were in attendance there, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Ohio (Mr. HARSHA), and nobody from the State of Oregon raised that proposition.

The question the gentleman poses might be a legitimate proposition for us to consider when we get to the Highway Act and its continuance, but in considering a stopgap proposition, to bring in such a proposition of this extreme seems untimely.

I am not saying that we are not going to entertain the consideration of what the gentleman offers in his amendment when we get to a general bill, but why bring it up here during a time when we are trying to get distress relief to these States and create a situation out of it, because the gentleman senses something is wrong with this highway program? I could bring in all different kinds of requirements for my local community.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. WEAVER) has expired.

(On request of Mr. JONES of Alabama and by unanimous consent, Mr. WEAVER was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. Mr. Chairman, I thank the distinguished chairman of the committee. The statement he has made about my Department of Transportation head is absolutely correct. The Director did not know that there might be a chance to transfer interstate funds and, therefore, did not make the point to the Committee on Public Works.

Mr. Chairman, let me just in 1 minute say why this is needed. My State has $50 million now going to primary and secondary roads, under the bill, Mr. Chairman, which is of great help. However, if they use that $50 million now, they are not going to have the moneys in the next 2 years to go on and do much-needed work on the other primary and secondary roads which will be badly needed for the next few years, including the one I have referred to here, Route 42, in my congressional district.

I thank the chairman.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the situation that the gentleman from Oregon described concerning the highway in his State and the difficulties that they are having in having this highway made wide enough, as we all know, is really a decision of the State of Oregon through their use, in the proper categories, of Federal moneys that have been and are and will be made available to them.

I believe the solution to that would lie not necessarily in a change of this legislation, but with the State of Oregon itself.

In the latest figures we have, as to the situation in the State of Oregon, as to how much money they may have for interstate and noninterstate, as of February 28 of this year, Mr. Chairman, the State of Oregon has obligated only 2 percent—this is interstate money—only 2 percent of its 1975 funds, and none of its 1976 fiscal year funds which are available to them at this time.

In the other categories, the categories of apparent need for funds from the Interstate System, the State of Oregon in the ABCD program has used only 78 percent of its 1974 funds, has used none of the fiscal year 1975 funds, and none of the 1976 funds.

So I believe the situation is not desperate in the State of Oregon.

Mr. Chairman, there is one thing we cannot overlook and we should not overlook when we attempt to use Interstate Funds for noninterstate programs, and it has to do with the payback provision. In the amendment before us at this time the States would have to pay back into the Interstate Fund from the categories of either urban or rural on the noninterstate roads, only 20 percent of what would be normally obligated for that category. It would be very, very possible that so much money would be used from the interstate programs in perhaps categories D and C roads, where to pay back on the basis of 20 percent of the annual allocation in that category might take 25 to 35 to 50 years to get the money back where it belongs, so that we can continue with a financially stable program of funding for all the categories under the Highway Act.

So, Mr. Chairman, for that reason alone I would urge the defeat of this amendment. It could cause untold disaster to the attempts of the committee later this year in trying to formulate a large, major, far-reaching highway program.

Mr. Chaiman, I hope the amendment will be defeated.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I would like to respond to the statement made by the gentleman from New Jersey (Mr. HOWARD) about my proposal for the State of Oregon.

We have suffered by impoundment, along with the rest of the Nation, and we are now ready to spend $114 million under the terms of the very fine bill that the chairman of the committee has helped bring forth.

As to the payback, I believe it should be paid back, but how can we pay it back? What good does it do to repay almost the entire amount in a year and a half, because the State will need those funds for the next year. So it may take 10 years to repay it at 20 percent, but we need the time.

Mr. HOWARD. Would the gentleman agree that it might take 50 years?

Mr. WEAVER. It could, if we were to repay the entire sum.

Mr. HOWARD. I thank the gentleman from Oregon.

Mr. Chairman, that is the point I wish to make.

The CHAIRMAN. The time of the gentleman has expired.

Ms. ABZUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill comes to us at a very important period of time, as has been pointed out in the debate today, and is for the purpose of releasing impounded funds, which is long overdue. The rest of the impounded funds should also be released.

The object here in this bill is to make sure we can use these funds to provide not only needed work on these roads, but also to make sure we can provide jobs that are so desperately needed.

This bill recognizes the seriousness of our economic condition as it affects localities. It provides for a 100-percent contribution by the Federal Government. It allows localities to repay their share later on.

In the subcommittee, we recognized that the way we could get the most use of these funds was to make their use as flexible as possible. We sought to provide an opportunity to the locality to utilize funds from any highway category, and then to pay back the funds taken from any category within a time certain.

The States need that flexibility to be able to use this $2 billion in the short emergency period that we have. In the subcommittee, this concept was fully accepted by passage of my amendment which allowed this flexibility. In the full committee, the provision was amended to permit transfer between categories except the Interstate System. As of January 31, impounded funds totaled $92 billion. Of this, $5 billion was in Interstate apportionments. Therefore, it would have made sense to be able to tap these funds as well.

The part of the gentleman's amendment which makes sense is the part which says we need the flexibility to be able to use funds in all categories—in primary categories, in the urban categories, and in the interstate category as well.

We want to make sure that the stated objectives of releasing these funds and making them available immediately is achieved. We want to make sure that we can create the maximum number of projects. We want to make sure that we can create the maximum number of jobs. There is no technical reason whatsoever, in my opinion, why the transferability that we extended to other programs should be denied to the use of the interstate funds with an appropriate payback provision.

The borrowing of Interstate funds to accelerate other construction programs is technically no different from borrowing future Federal funds to pay the State's share of a project.

I think it is regrettable that we exclude the use of the Interstate funds to advance and accelerate our construction program. I think we should accelerate our capacity to do that. I appreciate the fact that the bill has a certain amount of flexibility. I look forward to maximizing this flexibility as this bill advances in the legislature process in the other body, and in conference, as well as in the new highway program that we will be undertaking in the next months.

So, insofar as this gentleman has addressed himself to the need for greater flexibility and greater transferability so that we can use these funds immediately for a maximum number of construction projects to create a maximum number of jobs, I think his amendment is very well taken. I think that it is regrettable that he put the amendment together in the way that he has, but I want to be on record as supporting that part of his amendment.

Also I want to be on record, Mr. Chairman, in urging the committee, as this goes through the process of legislation in the House and in the other body, and in the conference, to consider this portion of the amendment as increasing the viability of the bill itself.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not take the full 5 minutes. I rise to oppose this amendment. At first blush, many of us thought this might be a good idea to permit the cross-utilization of Interstate money. However, upon investigation, we realized, and this is extremely important, that the ABCD funds are not authorized beyond 1976.

That means that we could be taking money out of the interstate category, spending it, and never being assured that we would have the ABCD funds authorized in future years to pay it back.

So this becomes totally unacceptable, and it is for that reason that I vigorously oppose it.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I will be glad to yield to the gentleman from Alabama.

Mr. JONES of Alabama. I support the gentleman's observations and his expressions in opposition to the amendment. There are now 38 categories in the highway program. The administration, I am told, will make a proposal that we reduce those categories to some reasonable and sensible scheme. There will be opportunity for total expression on our issue before further consideration is given to study overall question of categories and transfer of funds between categories.

So I do not see that this is the proper season to consider this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

The CHAIRMAN. The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 3786 to authorize the increase of the Federal share of certain projects under title 23, United States Code, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3786) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 115]

Ambro	Harsha	Patman
Ashley	Hébert	Presser
Barrett	Heiner	Rees
Biaggi	Holland	Rosenthal
Biester	Ichord	Rostenkowski
Boiling	Jarman	Rousselot
Breaux	Karth	St Germain
Broomfield	Kemp	Satterfield
Brown, Calif.	Koch	Scheuer
Conyers	Landrum	Skubitz
Corman	McCollister	Stanton, James V.
Dellums	McEwen	Steed
Derwinski	McKinney	Teague
Diggs	Madden	Thornton
Drinan	Mathis	Udall
Esch	Meeds	Ullman
Flynt	Mills	Van Deerlin
Fountain	Mitchell, Md.	
Giaimo	Moorhead, Pa.	
Goldwater	Murphy, N.Y.	

The SPEAKER. On this rollcall 375 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1975

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4005, with Mr. HUNGATE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in calling up the Developmental Disabilities Amendments Act of 1975, I would like to remind the House that this is basically the bill that we passed last year for the extension of this program. It did not go to conference, and for that reason, it is brought up again this year.

Before I make further remarks, I would like to yield to the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS), who has taken special interest, as always, in the legislation that comes out particularly in the health field.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Florida (Mr. ROGERS) for yielding.

I want to compliment the subcommittee on bringing this bill to the floor. It is a bill which I think is of great importance to all Americans. Some 6,000,000 persons in our land are affected by these disabilities. It certainly is needed.

It was passed last year without really any opposition because the whole House recognized the importance of the legislation. The Senate did, too. However, it was passed so late that we did not have a chance for a conference.

Mr. Chairman, I would certainly urge the House to vote for it. I do not believe that any person can vote against a bill of this kind, which is to help those born with disabilities. Certainly it is needed now. Therefore, I would urge its acceptance by the House.

Mr. Chairman, I thank the gentleman for yielding.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from West Virginia (Mr. STAGGERS).

Mr. Chairman, I call up today H.R. 4005, the Developmental Disabilities Amendments of 1975.

This legislation provides a simple 1-year extension through 1975 of the authority for programs for the developmentally disabled which expired June 30, 1974, and are presently being carried on the continuing resolution for 1975. It also provides a 2-year substantive revision of the existing authority for 1976 and 1977 with a total authorization of appropriations of $147 million. The bill is identical to one which passed the House late in the last Congress, H.R. 14215, but on which a conference was never completed. Because a year had been lost, the effective date of the substantive revisions has been changed to 1976–77.

Generally the legislation continues existing programs, since our hearings and oversight suggest that they have been in fact quite successful. However, it does make the following changes in the existing law:

First. Continues with minor modifications existing authority for grants for operating university-affiliated facilities for the developmentally disabled;

Second. Creates a new special project authority and substitutes for the existing 10-percent earmark of State allotments for projects of special national significance a new 30-percent earmark of the new special project authority for such projects;

Third. Requires that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions;

Fourth. Eliminates requirements for Federal approval of individual construction projects funded with State grant funds;

Fifth. Adds autism and dyslexia specifically to the list of diseases for which the special project and State allotment programs are to provide services; and

Sixth. Requires studies by the Secretary of Health, Education, and Welfare to determine the neurological diseases which should and should not be considered as developmental disabilities, and the adequacy of services for persons with diseases not included.

Developmental disabilities include such dread diseases as mental retardation, cerebral palsy, epilepsy, and similar permanent neurological problems. This legislation has provided a variety of forms of valuable assistance to the over 6 million people in this country with developmental disabilities since 1963. Hearings were held on the program in the last Congress and in February, and it received support from every witness, including those of the administration. The legislation was subsequently reported from both our subcommittee and full committee by voice votes.

This is good legislation which is unanimously supported by all who know of it, and I urge your support for it.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4005, the Developmental Disabilities Amendments of 1975.

As my colleague from Florida, the distinguished chairman of the subcommittee, has pointed out, this proposal is similar to that which was approved by the House last season. It extends present authority through fiscal year 1975, and proposes a new revised program for the developmentally disabled through fiscal years 1976 and 1977.

I would remind my colleagues assembled here today of the tremendous success and cost-effectiveness of the developmental disabilities legislation now in effect. This program of service has aided countless Americans who suffer developmental disabilities. It has encouraged States to plan constructive programs for these people. It should be noted here that the overwhelming majority of funds spent on this program—nearly three-fourths of the *total*—went for services as opposed to adding to what could be a burdensome bureaucracy.

Even with as effective a program as this, there are revisions which should be made in order to make it more so. This bill encourages the States to adopt programs of deinstitutionalization. We, as a committee, are well aware that treatment of the developmentally disabled should be conducted in that person's community without unnecessarily institutionalizing him. Funds have been earmarked for this purpose.

This legislation also directs that States should devote attention to improving the facilities and surroundings of institutions where people have been appropriately institutionalized.

Another important revision in the bill pertains to approval of construction grants. In the past, the Federal Government has had the responsibility for approving each and every individual application for State projects. This has been eliminated. The Federal Government does retain the right to review the general outlines of construction programs.

There are, as in last year's bill, special studies authorized to more accurately determine the neurological conditions which should or should not be included as developmental disabilities, to determine the appropriateness of the present definition in the law and to what extent a more appropriate definition can be developed. These studies have a definite deadline. The Office of the Secretary has failed to give guidance to the States in the development and implementation of programs for the developmentally disabled, and the definite deadline is meant to encourage that Office to fulfill its responsibility.

An effort was made in the subcommittee to reduce the authorization levels in the bill. A total of $45 million was cut from the authorization, and the final figure for the 2-year program is $147 million. The figures for fiscal year 1975 reflect continuation of spending at the present level by the continuing resolution. If you would read the inflationary impact statement on pages 23 and 24 of

the committee report, you will note that the expenditures in question in both 1975 and 1976 and 1977 represent less than 0.015 percent of all Federal expenditures.

This measure is responsible, both fiscally and socially. It is a wise investment of the Federal dollar. I urge the passage of H.R. 4005.

The program we know today as developmental disabilities is over 10 years old and began in 1963 when Congress first considered the concept of treating mental diseases on a community basis. Mental retardation was handled in the same legislation and in very much the same manner. As time went on, it was recognized that the two programs had more dissimilarities than similarities, and they were separated. The things that need to be done to recognize mental disease and take early steps to keep it within control and treatable within the community does have very little to do with the kinds of programs necessary to assist victims of disabilities which occur and show up early in life. Those with developmental disabilities will need more care in many instances and care that may even extend to a lifetime. It is basically a matter of fitting the treatment and the care to the kind and extent of the handicap which would result but for that treatment.

As time went on and more experience with the program gave more and better insight, it was expanded and made more flexible. States were given a great amount of leeway in handling the details of the program to fit the peculiar needs of their individual areas. A wide range of services are necessary. Among these are diagnosis, evaluation, treatment, day care, domiciliary care, special living arrangements, sheltered employment, education, counseling, and transportation. Some individuals need several of these services at one time or another. State councils on developmental disabilities have been instrumental in sorting out the needs and the relative priorities.

In addition to day-to-day ongoing programs created and implemented by the States, the Federal Government has tried to provide experimental and demonstration projects to discover new and better ways to assist those afflicted with developmental disabilities.

Federal funds were used also to create university facilities which have trained many people for service in this area of need.

The bill before the House today envisions the continuation of the programs which have proved effective in the past. In addition, it recognizes two developmental disabilities which henceforth have not been included in its authorities—autism and dyslexia.

The main thrust of the community mental health centers bill was to minimize the necessity for institutionalization. It has come to the attention of the committee that there needs to be particular attention paid to the same basic problem as it applies to the developmentally disabled. There seems to be a tendency in some areas to resort to inpatient treatment when other means of accomplishing the treatment might be possible. Having recognized that this misuse of facilities has taken place, it is now necessary that we take steps to review and correct the mistakes already made. The bill requires that States spend a specified percentage of allotments to tackle the problem and see that those who have been inappropriately institutionalized be handled in some other manner.

The authorizations included in this bill are modest in comparison with the effort needed. We must recognize, however, that the competition for the health dollar is tremendous. The funds authorized for fiscal year 1976 are slightly less than $18 million more than the administration proposes to spend for this purpose. This is a modest amount and enough to give the Appropriations Committee some leeway in evaluating this program in comparison with others as it determines to what purpose each tax dollar will be put.

H.R. 4005 is a good bill extending a necessary and rewarding program for assistance of the members of our society afflicted by developmental disabilities. By helping those, it helps society in general. I recommend the bill to the Members of the House and urge its acceptance and passage.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the gentleman for yielding.

Mr. Chairman, I am grateful for this chance to say a word on behalf of this bill, which I think is one of the finer pieces of legislation that has come out of the subcommittee chaired by the gentleman from Florida (Mr. ROGERS). I think he is to be congratulated for the work he has done on this bill which is going to affect the lives of some 6 million people.

In my district we have a center to assist children effected by autism. It is called the Judevine Center for Autistic Children. It is quite close to my home.

For many years autism was considered to be a condition for which nothing could be done. A child was not considered to be retarded in the normal sense, but to be intelligent and yet unable to communicate. For years such children have merely grown old in that isolated condition.

I have seen in this center how, in a period of months, devoted volunteers working day in and day out can bring out the children. They can get them to say one or two words, and then the first thing we know, whole sentences. Within a period of another couple of months many of these children have returned to their own age groups in school. It is a real miracle. It is made possible by a lot of good volunteer work, but I think people engaged in that kind of work should be strengthened with the knowledge that the country cares, the Federal Government cares, and Congress cares—and I know it does.

I think that care is reflected in this bill.

Mr. Chairman, I wholeheartedly urge that the House support this legislation.

Mr. CARTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. HASTINGS), a member of the committee.

Mr. HASTINGS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 4005. The gentleman from Florida has well articulated the circumstances under which this legislation was brought up, and the gentleman from Kentucky has also explained it as well.

The only opposition, Mr. Chairman, I have heard to this measure relating to Federal Government assistance to help retarded children is that it perhaps spends too much money. The amount of money in difference between the budget request and the authorized figure here is only $18 million. This House just 3 weeks ago approved a tax reduction measure of over $24 billion, and the President of the United States saw fit to sign it. I cannot understand why there can be any opposition to such a minor increase in such a sensitive area as important as this to the 6 million retarded children in the United States of America—to oppose this measure because it only includes an increase of $18 million in the authorized figure.

Mr. Chairman, I think this measure should receive unanimous support from the House, and I strongly recommend an affirmative vote.

Mr. CARTER. I yield 3 minutes to the distinguished gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I thank the gentleman for yielding.

I too commend the committee for its work, but I would like to issue a word of warning on this program, which I strongly support and which I certainly intend to vote for. This program started out about 12 years ago with its principal focus on mental retardation, which is the largest single developmental disability in the country. When we hear there are 6 million, this is correct, and we are referring to the mentally retarded in our country with an IQ of 70 or under.

Then we added, quite properly, to the bill cerebral palsied and epileptic children and these are certainly developmental disabilities and they need our attention. Then we added autism and dyslexia and the amount of Federal funds to serve all these categories is $147 million, if I read it correctly.

As I go out into the communities and listen to the parents of the handicapped children and to the medical profession and to the teachers and the various disciplines who contribute so much, I find their fear is this, that if we continue to add so many specific categories without also greatly increasing the money, we are going to water down the program so that really we will not be helping any category to the extent they so desperately need.

In this case I would strongly support adding autism. If lay persons such as we are were to see an autistic child, we would relate it to serious mental illness. The child is totally withdrawn, noncommunicative, and with serious neurological disabilities.

When we move to dyslexia, however, which is very important, in its broadest interpretation we could be helping al-

most every child in this country with a reading problem—almost, if it were interpreted in its broadest form.

So I would certainly again say that I intend to support the bill I would warn my colleagues and myself against future broadening and listing of categories without also greatly broadening the money involved. But in its present form I support the bill and I would hope those who interpret and diagnose dyslexia will do it in a rather narrow form so that the many millions of mentally retarded and those afflicted with epilepsy and cerebral palsy and autism will continue to receive help. This is in no way to be interpreted as a failure to recognize the child with dyslexia.

With those comments, Mr. Chairman, I ask the Members to support this measure.

Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 4005 the Developmental Disabilities Act Amendments of 1975. I feel passage of this legislation is imperative if we are to continue to provide the finest quality of service to the millions of Americans who suffer from developmental disabilities and mental retardation.

The bill provides for a simple 1-year extension through fiscal year 1975 of those programs which have been funded under continuing resolutions. In addition it will provide for a 2-year substantive revision of the existing authority through fiscal year 1977 with an authorization of $147 million.

The bill continues a number of widely successful and innovative programs to serve the developmentally disabled. Included among these are funds to set up projects of national significance, vehicles which experiment with new and improved methods of serving the developmentally disabled and improve the quality of service and care. The types of projects funded under this section in the past have developed several noteworthy programs acclaimed by professionals in the field.

The bill also recognizes the trend toward deinstitutionalization and proposed increased appropriations to carry out demonstration programs which will affect this goal. The House earlier this week passed the Older Americans Act which contained a similar provision and at that time I noted that the cost of home health care can be as much as three times less expensive than hospital care and up to five times less expensive than care in a specialized facility. Recent exposes about conditions in mental hospitals and nursing homes in many ways precipitated the need for increased funds to encourage deinstitutionalization and I warmly endorse this provision.

I am also pleased to note that the committee has recommended that autism be included among the definition of developmental disabilities. This will allow these individuals suffering from this disease to receive the same benefits as other developmental disabilities covered by the act.

Finally, I am pleased to note that funding will be continued to allow university-affiliated facilities to serve the developmentally disabled. There are currently some 41 of these schools in existence and have provided 50,000 students with specialized training working with some 20,000 developmentally disabled people. Last year during the consideration of this legislation I proposed an amendment which would allow those students in college majoring in sociology, psychology, or social work to work with the developmentally disabled as part of their study. I was advised by the chairman that section 122 as well as section 130 (a) (3) of existing law already provided for this. I hope that schools will be encouraged to participate in this type of demonstration which will provide these students with an invaluable learning experience and will help to alleviate the continuing critical shortage of personnel to serve the mentally retarded and developmentally disabled. I will be looking for full implementation of this provision by the Department of Health, Education, and Welfare.

Mr. Chairman, this legislation is vitally important to millions in this Nation. It was unfortunate that despite the fact that the House overwhelmingly passed similar legislation last year final action was never completed by the Senate. The needs of the mentally retarded and developmentally disabled are more critical today than ever. I am pleased to see that the funds requested represent a prudent figure, one which considers both the needs of the developmentally disabled and the need for fiscal restraint. I salute the distinguished chairman, Mr. ROGERS, and I urge prompt approval of this legislation today.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 4005. The Interstate and Foreign Commerce Committee has acted wisely in extending the authority for programs for the developmentally disabled. I believe that it is the responsibility of all Members to demonstrate their concern for people who are eligible to receive services under the Developmental Disabilities Services and Facilities Construction Act, people who have suffered severe handicaps as a result of diseases or conditions such as cerebral palsy and epilepsy that originate in childhood and continue for an indefinite length of time. The provision of training, education and particularly this legislation's new emphasis on deinstitutionalization of care, along with all the other services provided under the act, can do much to aid the disabled while helping them fulfill their full potential as effective citizens and preserve their sense of self-worth.

Some members of the committee maintain that fiscal restraint is necessary and that spending should be maintained at 1975 levels in this legislation. I believe that the committee has demonstrated a great deal of restraint in authorizing only such increases in funding as would offset the effects of inflation. Maintenance of the program at 1975 funding levels would represent an actual reduction in the amount of services available under the program, given the current high rate of inflation. I believe it would be shortsighted to maintain funding at this year's level, thus effectively cutting back on certain very effective and worthwhile services desperately needed by many disabled persons.

I am particularly pleased to note the committee's inclusion of autism in the definition of developmental disabilities which can be treated under the Developmental Disabilities Services and Facilities Construction Act. It is truly a shame that the administration chose to interpret the term "developmental disabilities" so narrowly in the past. The failure of the Secretary of Health, Education, and Welfare to use the authority vested in him in 1970 to identify and treat neurological conditions closely related to mental retardation has resulted in the exclusion of individuals from treatment who had severe disabilities but who did not fit the categories of mental retardation, cerebral palsy, or epilepsy which were specifically set forth in the Developmental Disabilities Services and Facilities Construction Act. H.R. 4005 remedies this situation by its addition of autism to the definition of developmental disabilities. The new authority provided in this bill for the Secretary to contract for an independent survey to determine those disorders which should be classified as developmental disabilities will, I hope, be used by HEW to prevent the exclusion of severely disabled and deserving persons from the very worthwhile services provided under this legislation. During the 93d Congress, I cosponsored H.R. 9363, introduced by Congresswoman YVONNE BRAITHWAITE BURKE, the purpose of which was to include autism among the developmental disabilities eligible for services under the act. I am, accordingly, very pleased that the merit of my position in this matter is recognized by the legislation before us, and I urge my colleagues to support H.R. 4005.

Mrs. SCHROEDER. Mr. Chairman, I cannot exaggerate the value of developing the resources that our Nation holds in its children and youth. Neither can I ignore this Nation's failure to give children with learning disabilities the tools they need to become members of their own society of nonhandicapped peers.

The support and additional funding proposed in the Developmental Disabilities Amendments of 1975 is essential to the strength of our efforts to deal with the problems of the developmentally disabled. Our support of these amendments is another step toward breaking down the persisting myths and stereotypes—the barriers that have isolated too many individuals with learning disabilities for too long.

H.R. 4005 should be noted for its attention to autism and dyslexia. Autistic children have fallen through every crack. The overwhelming mystery and complexity of their problem has left these children and their parents without help or professional attention. There are no organized programs for autistic children; moreover, none will develop unless research and development of systems of treatment are promoted.

The problem of dyslexia, although it has received a great deal more attention, is a disease that must be carefully diagnosed at the start in order to provide an effective plan of treatment. As such, there is a critical demand for skilled profes-

sionals to face and treat the problems of dyslexic children. Facing the problems of mental retardation and perceptual disabilities, H.R. 4005 advocates the extension of research and training resources in the field of special education, particularly early childhood education. It is of utmost importance that we continue to encourage the development of this kind of technology. For if, under the illusion that we are saving money, we fail to thoroughly support the system that is responsible for the care of the handicapped, we take the tragic risk of creating a new "dumping ground" for this problem.

Mr. ROGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Amendments of 1975".

EXTENSION OF EXISTING AUTHORITIES THROUGH FISCAL YEAR 1975

SEC. 2. (a) Sections 122(b) and 131 of the Developmental Disabilities Services and Facilities Construction Act (hereinafter in this Act referred to as the "Act") are each amended by striking out "for fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(b) Section 137(b)(1) of the Act is amended by striking out "and June 30, 1974" and inserting in lieu thereof ", June 30, 1974, and June 30, 1975".

EXTENSION OF DEMONSTRATION AND TRAINING GRANTS

SEC. 3. (a) Section 122(b) of the Act (as amended by section 2) is amended by striking out "and" after "1973;" and by inserting after "1975" the following: "; $12,000,000 for fiscal year 1976; and $15,000,000 for fiscal year 1977".

(b) Section 124 of the Act is amended to read as follows:

"PAYMENTS

"SEC. 124. Payments of grants under section 122 shall be made in advance or by way of reimbursement, and on such conditions, as the Secretary may determine.".

SPECIAL PROJECT GRANTS

SEC. 4. Section 130 of the Act is amended to read as follows:

"SPECIAL PROJECT GRANTS

"SEC. 130. (a) The Secretary may make grants to public or nonprofit entities for—

"(1) demonstration projects for the provision of services to persons with developmental disabilities who are also disadvantaged because of their economic status or the location of their residences,

"(2) technical assistance relating to services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration respecting such services and facilities,

"(3) training of specialized personnel needed for the provision of services for persons with developmental disabilities or for research directly related to such training,

"(4) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities,

"(5) gathering and disseminating information relating to developmental disabilities,

"(6) coordinating, integrating, and using all available community resources for services to persons with developmental disabilities, and

"(7) improving the administration of, and the quality of services provided in, programs for such persons.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless the State in which the applicant's project will be conducted has a State plan approved under section 134.

"(c) The amount of any grant under subsection (a) shall be determined by the Secretary; and payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. In determining the amount of any grant under subsection (a) for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated $15,000,000 for fiscal year 1976 and $15,000,000 for fiscal year 1977. Of the funds appropriated under this subsection for any such fiscal year, not less than 30 per centum of such funds shall be used for projects of national significance, as determined by the Secretary.

"(e) No funds appropriated under the Public Health Service Act or under this Act (other than under subsection (d) of this section) may be used to make grants under subsection (a)."

STATE ALLOTMENTS

SEC. 5. (a) Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS

"SEC. 131. For allotments under section 132, there are authorized to be appropriated $40,000,000 for fiscal year 1976 and $50,000,000 for fiscal year 1977."

(b) Subsection (a) of section 132 of the Act is amended to read as follows:

"(a)(1)(A) In each fiscal year, the Secretary shall, in accordance with regulations and subparagraph (B) of this paragraph, allot the sums appropriated for such year under section 131 among the States on the basis of—

"(i) the population,

"(ii) the extent of need for services and facilities for persons with developmental disabilities, and

"(iii) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 134 for the provision under such plans of services and facilities for persons with developmental disabilities.

"(B) The allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands under subparagraph (A) of this paragraph in any fiscal year shall not be less than $50,000. The allotment of each other State in any fiscal year shall not be less than $100,000.

"(2) In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under section 134.

"(3) Sums allotted to a State in a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted to such State in such next fiscal year; except that if the maximum amount which may be specified for construction (pursuant to section 134(b(15)) for a year plus any part of the amount so specified pursuant to such section for the preceding fiscal year and remaining unobligated at the end of such fiscal year is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the constrution program of the State developed pursuant to section 134(b)(13), the amount specified pursuant to section 134(b)(15) for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

"(4) Of the amount allotted to any State under paragraph (1) for fiscal year 1976, not less than 10 per centum of that allotment shall be used by such State, in accordance with the plan submitted pursuant to section 134(b)(20), for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities; and of the amount allotted to any State under paragraph (1) for each succeeding fiscal year, not less than 30 per centum of that allotment shall be used by such State for such purpose."

(c) Section 132(e) of the Act is repealed.

(d)(1) Subsection (b) of section 132 of the Act is amended by striking out "this part" each place it occurs and inserting in lieu thereof "the State plan".

(2) Section 134(b)(4) of the Act is amended by striking out "under this part" and inserting in lieu thereof "under section 132".

(3) Section 138 of the Act is amended by striking out "under this part" each place it occurs and inserting in lieu thereof "under section 132".

CONSTRUCTION PROJECTS

SEC. 6. (a) Sections 135 and 136 of the Act are repealed.

(b) Section 134(b) of the Act is amended by striking out "and" after the semicolon at the end of paragraph (17), by redesignating paragraph (18) as paragraph (21), and by inserting the following new paragraphs after paragraph (17):

"(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted with sums allotted under section 132;

"(19) provide reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project assisted with sums allotted under section 132 will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) ad section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(20) contain a plan designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate; and".

(c) The headings of sections 137 and 138 of the Act are each amended by inserting "CONSTRUCTION," after "PLANNING,".

(d) (1) Section 137 of the Act is amended (A) by striking out in subsection (a)(1) ", other than expenditures for construction,"; and (B) by amending subsection (b) to read as follows:

"(b) For purposes of subsection (a), the Federal share with respect to any State for fiscal year 1976 and for the next fiscal year shall be 75 per centum of the expenditures incurred by the State during such year under its State plan approved under section 134."

(2) Section 401(h) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended—

(A) by striking out "part C of title I or" in paragraph (1);

(B) by striking out "(A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B)" in paragraph (2); and

(C) by striking out "part C of title I or under" in paragraph (3).

(e) Section 140 of the Act is amended to read as follows:

"NONDUPLICATION

"SEC. 140. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 134, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 132, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

GENERAL PROVISIONS AND CONFORMING AMENDMENTS

SEC. 7. (a) Section 134 of the Act is amended by adding at the end the following new subsection:

"(d) For purposes of any determination by the Secretary for purposes of subsection (b)(11) as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas."

(b) Part C of the Act is amended by adding after section 140 the following new section:

"RECOVERY

"SEC. 141. If any facility with respect to which funds have been paid under section 132 shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization (A) which is not a public or nonprofit private entity, or (B) which is not approved as a transferee by the State agency designated pursuant to section 134 or its successor; or

"(2) cease to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment."

(c) (1) Part A of the Act is amended to read as follows:

"PART A—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 101. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title,' when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(7) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, dyslexia, or a neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(8) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability; and such term includes diagnosis, evaluation, treatment, personal care, day care domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

"SEC. 102. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 103. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"SHORT TITLE

"SEC. 104. This title may be cited as the Developmental Disabilities Services and Facilities Construction Act."

(2) Section 100 and part D of the Act and paragraphs (b), (l), and (m) of section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 are repealed.

(d) Sections 137, 138, 139, 140, and 141 of part C of the Act are redesignated as sections 135, 136, 137, 138, and 139, respectively.

EFFECTIVE DATE

SEC. 8. The amendments made by sections 3, 4, 5, 6, and 7 shall take effect with respect to appropriations under the Act for fiscal years beginning after June 30, 1975.

REPORT AND STUDY

SEC. 9. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with section 101(7) of the Act (defining the term "developmental disability") (as amended by section 7 of this Act), determine the neurological conditions of individuals which should be included as developmental disabilities for purposes of the programs authorized by parts B and C of the Act. Within six months of the date of enactment of this Act the Secretary shall make such determination and shall make a report thereon to the Congress specifying the neurological conditions which he determined should be so included, the neurological conditions which he determined should not be so included, and the reasons for each such determination. After making such report, the Secretary shall periodically, but not less often than annually, review the neurological conditions not so included as developmental disabilities to determine if they should be so included. The Secretary shall report to the Congress the results of each such review.

(b) (1) The Secretary shall contract for the conduct of an independent objective study to determine (A) if the basis of the definition of the developmental disabilities (as

amended by section 7 of this Act) with respect to which assistance is authorized under such parts B and C of the Act is appropriate and, to the extent that it is not, to determine an appropriate basis for determining which disabilities should be included and which disabilities should be excluded from the definition, and (B) the nature and adequacy of services provided under other Federal programs for persons with disabilities not included in such definition.

(2) A final report giving the results of the study required by paragraph (1) and providing specifications for the definition of developmental disabilities for purposes of parts B and C of the Act shall be submitted by the organization conducting the study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than eighteen months after the date of enactment of the first Act making an appropriation for such study.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MRS. FENWICK

Mrs. FENWICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK: On page 2, strike out lines 12 through 14 and insert in lieu thereof the following: "and by inserting after '1975' the following: 'and $5,000,000 each for the fiscal years ending June 30, 1976, and September 30, 1977'."

On page 5, strike out lines 8 through 10 and insert in lieu thereof the following:

"SEC. 131. For allotments under section 132, there are authorized to be appropriated $38,000,000 each for the fiscal years ending June 30, 1976, and September 30, 1977."

Mrs. FENWICK. Mr. Chairman, I rise in support of this measure. Some may wonder why I have introduced an amendment such as this. I am deeply concerned about our handicapped children. My work in the legislature at home emphasized the sheltered workshops for the handicapped. My own son has had dyslexia. I know what it means in the life of a child.

The only reason I bring this up, Mr. Chairman—and I address myself to the chairman—is something that is a matter of principle. In this House, time after time, we offer legislation with automatic escalator clauses. I wish so much that we could structure these bills for 3 years, certainly, to show a continuing support for important measures as this. What could be more important? But we should not build in an escalator clause that simply tells everybody to go ahead and spend, "you will not have to justify your programs, the money is going to be there; spend it."

Of all programs, this is one of the best and I am going to vote for it no matter what happens; but somewhere somebody has to speak out.

I do wish that we would remember that the people of this country are carrying a terrible debt. We must somehow keep hold of our future spending. We should be considering next year, perhaps, that the dyslexia program may have insufficient funds. Then we can pass a supplemental authorization, as we have on so many other things. Why not have a continuing practice of doing this?

My amendment would raise from $4,250,000 to $5 million the university grants, and would raise from $32,500,000 to $38 million the grants to States. It would continue special projects at $12 million. If we need other special projects, we ought to vote them next year. That is the point of this amendment. It is not to frustrate a wonderful program.

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the amendment.

I do so, Mr. Chairman, with a great amount of concern for what the gentlewoman from New Jersey (Mrs. FENWICK) is trying to accomplish.

I might say to the gentlewoman that if on other legislation relating to highways, to military and many other matters, I will join with the gentlewoman to try to establish a principle of holding the line on spending; but I find to try to inject that principle into this most sensitive area; that is, aid to handicapped children. The House should not impose that principle upon a measure as important as this one. This principle should be in relation to our entire budgetary problems in this country.

With that, Mr. Chairman, I rise in opposition to this amendment and ask it be defeated.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentlewoman.

Mrs. FENWICK. Mr. Chairman, with that I ask unanimous consent to withdraw my amendment. I have made the point.

Mr. Chairman, I do not want to delay the business of this House. I ask unanimous consent to withdraw this amendment. I just would hope so much that the point could be made.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. O'NEILL) having assumed the chair, Mr. HUNGATE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act, pursuant to House Resolution 342, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 5, answered "present" 1, not voting 28, as follows:

[Roll No. 116]

YEAS—398

Abdnor	Daniels, Dominick V.	Hinshaw
Adams	Danielson	Holland
Addabbo	Davis	Holt
Alexander	de la Garza	Holtzman
Anderson, Calif.	Delaney	Horton
Anderson, Ill.	Dellums	Howard
Andrews, N.C.	Dent	Howe
Andrews, N. Dak.	Derrick	Hubbard
Annunzio	Derwinski	Hughes
Archer	Devine	Hungate
Armstrong	Dickinson	Hutchinson
Ashbrook	Dingell	Ichord
Ashley	Dodd	Jacobs
Aspin	Downey	Jarman
AuCoin	Downing	Jeffords
Badillo	Drinan	Jenrette
Bafalis	Duncan, Oreg.	Johnson, Calif.
Baldus	Duncan, Tenn.	Johnson, Colo.
Baucus	du Pont	Johnson, Pa.
Bauman	Early	Jones, Ala.
Beard, R.I.	Eckhardt	Jones, N.C.
Beard, Tenn.	Edgar	Jones, Okla.
Bedell	Edwards, Ala.	Jones, Tenn.
Bell	Edwards, Calif.	Jordan
Bennett	Eilberg	Karth
Bergland	Emery	Kasten
Bevill	English	Kastenmeier
Biaggi	Erlenborn	Kazen
Biester	Eshleman	Kelly
Bingham	Evans, Colo.	Kemp
Blanchard	Evans, Ind.	Ketchum
Blouin	Fascell	Keys
Boggs	Fenwick	Kindness
Boland	Findley	Koch
Bolling	Fish	Krebs
Bonker	Fisher	Krueger
Bowen	Fithian	LaFalce
Brademas	Flood	Lagomarsino
Breckinridge	Florio	Latta
Brinkley	Flowers	Leggett
Brodhead	Foley	Lehman
Brooks	Ford, Mich.	Lent
Broomfield	Forsythe	Levitas
Brown, Calif.	Fountain	Litton
Brown, Mich.	Fraser	Lloyd, Calif.
Brown, Ohio	Frenzel	Lloyd, Tenn.
Broyhill	Frey	Long, La.
Buchanan	Fulton	Long, Md.
Burgener	Fuqua	Lott
Burke, Calif.	Gaydos	Lujan
Burke, Fla.	Gibbons	McClory
Burke, Mass.	Gilman	McCloskey
Burleson, Tex.	Ginn	McCollister
Burton, John	Gonzalez	McCormack
Burton, Phillip	Goodling	McDade
Butler	Gradison	McFall
Byron	Grassley	McHugh
Carney	Green	McKay
Carr	Gude	Macdonald
Carter	Guyer	Madden
Casey	Hagedorn	Madigan
Cederberg	Haley	Maguire
Chappell	Hall	Mahon
Chisholm	Hamilton	Mann
Clancy	Hammer-schmidt	Martin
Clausen, Don H.	Hanley	Matsunaga
Clawson, Del	Hannaford	Mazzoli
Clay	Hansen	Meeds
Cleveland	Harkin	Melcher
Cochran	Harrington	Metcalfe
Cohen	Harris	Meyner
Collins, Ill.	Harsha	Mezvinsky
Collins, Tex.	Hastings	Michel
Conable	Hayes, Ind.	Mikva
Conlan	Hays, Ohio	Milford
Conte	Hébert	Miller, Calif.
Cornell	Hechler, W. Va.	Miller, Ohio
Cotter	Heckler, Mass.	Mineta
Coughlin	Hefner	Minish
D'Amours	Heinz	Mink
Daniel, Dan	Helstoski	Mitchell, Md.
Daniel, Robert W., Jr.	Hicks	Mitchell, N.Y.
	Hightower	Moakley
	Hillis	Moffett
		Mollohan
		Montgomery

Moore	Robinson	Stratton
Moorhead, Calif.	Rodino	Stuckey
	Roe	Studds
Moorhead, Pa.	Rogers	Sullivan
Morgan	Roncalio	Symington
Mosher	Rooney	Talcott
Moss	Rose	Taylor, Mo.
Mottl	Rosenthal	Taylor, N.C.
Murphy, Ill.	Roush	Teague
Murtha	Rousselot	Thompson
Myers, Ind.	Roybal	Thone
Myers, Pa.	Runnels	Thornton
Natcher	Ruppe	Traxler
Neal	Russo	Treen
Nedzi	Ryan	Tsongas
Nichols	St Germain	Udall
Nix	Santini	Ullman
Nolan	Sarasin	Van Deerlin
Nowak	Sarbanes	Vander Veen
Oberstar	Satterfield	Vanik
Obey	Scheuer	Vigorito
O'Brien	Schneebeli	Waggonner
O'Hara	Schroeder	Walsh
O'Neill	Schulze	Wampler
Ottinger	Sebelius	Waxman
Passman	Sharp	Whalen
Patten	Shipley	White
Patterson, Calif	Shriver	Whitehurst
Pattison, N.Y.	Shuster	Whitten
Pepper	Sikes	Wiggins
Perkins	Simon	Wilson, Bob
Peyser	Skubitz	Wilson, Charles H., Calif.
Pickle	Slack	
Pike	Smith, Iowa	
Poage	Smith, Nebr.	Wilson, Charles, Tex.
Preyer	Snyder	
Price	Solarz	Winn
Pritchard	Spellman	Wirth
Quie	Spence	Wolff
Quillen	Staggers	Wright
Railsback	Stanton, J. William	Wydler
Randall		Wylie
Rangel	Stanton, James V.	Yates
Rees		Yatron
Regula	Stark	Young, Alaska
Reuss	Steed	Young, Fla.
Rhodes	Steelman	Young, Ga.
Richmond	Steiger, Ariz.	Young, Tex.
Riegle	Steiger, Wis.	Zablocki
Rinaldo	Stephens	Zeferetti
Roberts	Stokes	

NAYS—5

Burlison, Mo.	McDonald	Symms
Crane	Seiberling	

ANSWERED "PRESENT"—1

Vander Jagt

NOT VOTING—28

Abzug	Ford, Tenn.	Mills
Ambro	Giaimo	Murphy, N.Y.
Barrett	Goldwater	Patman
Breaux	Hawkins	Pressler
Conyers	Henderson	Risenhoover
Corman	Hyde	Rostenkowski
Diggs	Landrum	Sisk
Esch	McEwen	Weaver
Evins, Tenn.	McKinney	
Flynt	Mathis	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Breaux.
Mr. Rostenkowski with Mr. Corman.
Mr. Henderson with Mr. Landrum.
Ms. Abzug with Mr. Weaver.
Mr. Ambro with Mr. Conyers.
Mr. Ford of Tennessee with Mr. McKinney.
Mr. Evins of Tennessee with Mr. Goldwater.
Mr. Giaimo with Mr. Diggs.
Mr. Sisk with Mr. McEwen.
Mr. Barrett with Mr. Mathis.
Mr. Flynt with Mr. Hyde.
Mr. Hawkins with Mr. Risenhoover.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 4115, THE NURSE TRAINING ACT EXTENSION

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight tonight to file a report on H.R. 4115, the Nurse Training Act Extension.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE NUCLEAR REGULATORY COMMISSION FOR FISCAL YEAR 1975

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4224) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975 be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, $50,200,000 for fiscal year 1975.

Mr. PRICE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill provides for authorization of supplemental appropriations of $50,200,000 for the Nuclear Regulatory Commission for fiscal year 1975. The Nuclear Regulatory Commission came into being on January 19 of this year as a result of the division of the Atomic Energy Commission pursuant to the Energy Reorganization Act of 1974. These additional funds are required for three reasons: First, for carrying out the provisions of that act; second, for license fee refunds required because of two recent U.S. Supreme Court decisions; and third, to replace funds which would otherwise have been available in the NRC budget from revenues.

Specifically, $9.5 million will be used for partial refunds of license fees collected over the past 7 years which were in excess of amounts which would be acceptable under the new Supreme Court standards. An additional $32.8 million is to replace anticipated revenues which under the budget system followed by the Atomic Energy Commission were available for budgetary purposes. The Nuclear Regulatory Commission's budget will consist entirely of appropriated funds, and thus will not be dependent on revenues. NRC revenues will be deposited to the U.S. Treasury as miscellaneous receipts, in the same manner as the revenues received by other Federal regulatory agencies.

The remaining $7.9 million is for establishing certain new functions required for NRC to function as a separate agency, such as a budget group and nonregulatory legal services, and for conducting several special studies required by the Energy Reorganization Act. These studies are primarily in the areas of safety and safeguards.

In summary, this request does not represent an expansion of the operations of the Nuclear Regulatory Commission. It merely allows this new agency to comply with the law which created it. I urge this body to approve the additional authorization so that the Commission can continue unabated the careful and effective regulation of civil atomic energy applications.

Mr. ANDERSON of Illinois. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I join with the gentleman from Illinois in support of this authorization. The committee has carefully reviewed this request. We conducted open hearings at which NRC testified and were questioned on the need for these funds. We are satisfied that NRC must have these funds if they are to proceed as directed by the Energy Reorganization Act. The committee voted without dissent to report favorably on this bill.

The requested funds will permit NRC to carry out studies related to nuclear safety and safeguards which were mandated by the Reorganization Act, and also to maintain its careful regulation of the nuclear industry, while establishing the new functions that are required because of its separation from the much larger research and development organization of the Atomic Energy Commission. Furthermore, the objectivity of that regulation will be enhanced by the decision not to retain revenues received for use by the agency.

I believe this authorization is clearly required in the public interest. I hope that it can be handled expeditiously by the Congress so that these needed supplemental funds will be available at an early date to the Nuclear Regulatory Commission.

Mr. PRICE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. PRICE. Mr. Speaker, pursuant to House Resolution 367 I call up from the Speaker's table the bill (S. 994) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

S. 994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Nu-

clear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, $50,200,000 for fiscal year 1975.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4224) was laid on the table.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to request of the distinguished acting majority leader, the gentleman from California (Mr. McFALL) if the gentleman is in position to do so, to inform the Members of the House as to the program for the balance of the week, if any, and the program for next week.

Mr. McFALL. Mr. Speaker, if the distinguished minority leader will yield to me for that purpose, I will be happy to respond to the request of the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, there is no further legislation for today, and upon the announcement of the program for next week I will ask that the House go over until Monday.

The program for next week is as follows:

Monday is District day, and there are no bills scheduled on the District Day Calendar. The other bill scheduled on Monday is H.R. 5398, Emergency Home Owners Relief Act, with an open rule and 1 hour of debate.

On Tuesday we will consider the Private Calendar, following which we will take up the second supplemental appropriations bill for fiscal year 1975, which is as yet unnumbered. We will then take up House Joint Resolution 375, additional appropriations for Veterans' Administration, fiscal year 1975.

Then for Wednesday and the balance of the week we will take up the education appropriations bill for fiscal year 1976, which is as yet unnumbered;

H.R. 46, Youth Camp Safety Act, with an open rule and 1 hour of debate;

House Joint Resolution 46, amendments to the Code of Official Conduct;

H.R. 4975, Amtrak Improvement Act, subject to a rule being granted; and

H.R. 4111, Securities Exchange Act amendments, subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program, as the gentleman from Arizona knows, will be announced later.

Mr. RHODES. I thank the distinguished acting majority leader.

Mr. Speaker, I would further ask the distinguished acting majority leader, the gentleman from California (Mr. McFALL), if he will permit me to ask another question: I presume there will be a joint session this evening of the Congress, to meet at 9 p.m., for the purpose of receiving a message from the President of the United States?

Mr. McFALL. If the gentleman will yield, as I understand it, the President will speak at 9 o'clock, and we would be in recess as soon as the routine business is finished on the floor, until probably 8:30.

The SPEAKER pro tempore. The Chair will state that when the recess is declared the House will be in recess until the hour of 8:40 p.m. this evening.

Mr. McFALL. Mr. Speaker, I thank the gentleman from Arizona for raising his inquiry.

ADJOURNMENT TO MONDAY, APRIL 14, 1975

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPRING MEETING OF THE INTERPARLIAMENTARY UNION

(Mr. JARMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JARMAN. Mr. Speaker, Colombo, Sri Lanka, was the scene last week of the annual spring meeting of the Interparliamentary Union. It presented parliamentarians from some 60 countries an opportunity once again to reflect upon several pressing problems before the international community. International economic relations, nuclear nonproliferation, decolonization, women's rights, and education illustrated the diversity and breadth of the parliamentarians' concerns.

Eleven Members of the Congress—two from the Senate and nine from the House of Representatives—participated on the U.S. delegation to these meetings. It was my honor and privilege to lead our delegation and to help coordinate its activities.

Sri Lanka, with its aspirations for economic and social development, but possessing real obstacles to progress, was an appropriate location for the parliamentarians to consider development and international economic cooperation. The Economic and Social Committee sought to develop, in a cooperative atmosphere, balanced and realistic guidelines for improved international economic relations, reflecting the interdependence of our times. Representatives LEE HAMILTON and GOODLOE BYRON represented the United States on this committee.

In its conclusions, the committee:

Reiterated the importance of increased aid from the industrial countries but also stressed the need for the developing countries to provide realistic opportunities for investment;

Called for steps to increase the production of food and fertilizers in the developing countries;

Emphasized that the developing countries also have an obligation to utilize their own resources and bring about necessary internal structural reforms;

Urged greater stability in the prices of raw materials, and establishment of a more equitable relationship between the prices of raw materials and manufactured goods.

The Political Committee, on which Senator ROBERT STAFFORD and Congressman EDWARD DERWINSKI represented the United States, called on all States to endorse the nonproliferation treaty, a prime goal of the United States. To this end, the committee urged nuclear powers to negotiate further reductions in nuclear arms in order to stimulate the confidence of both nuclear and near-nuclear countries in the concept of nonproliferation. The committee endorsed the wider sharing of nuclear technology for peaceful purposes but warned that strict international safeguards must be maintained against diversion to nuclear weapons production.

The committee also urged further steps to bring about a ban on the use of chemical weapons and to explore ways to overcome the use of environmental modification techniques which could have harmful effects on human welfare.

Representatives J. HERBERT BURKE and BOB CASEY represented the United States on the Committee on Non-Self Governing Territories and Ethnic Questions. The committee reaffirmed its dedication to ending colonialism in Africa and to bringing about improvements in the situation in Southern Rhodesia and South Africa.

Under the chairmanship of Congressman ROBERT MCCLORY, the Union's Educational, Scientific, and Cultural Committee considered the use of audiovisual aids in strengthening educational systems throughout the world. Films, exhibits, and discussions arranged by Chairman MCCLORY illustrated the potentialities of the media for enhancing the reach of teaching programs. Congressman DAVID SATTERFIELD also represented the United States on this Committee.

In the Parliamentary, Juridical and Human Rights Committee, Senator THOMAS MCINTYRE and Congressman CLAUDE PEPPER represented the United States in discussions on the prohibition of torture, forms and methods of voters' participation in the legislative process, and women's rights. The Committee's recommendations reflected CLAUDE PEPPER'S request for a strong declaration calling for the fullest measure of equality and justice for women. The Committee made several suggestions for additional legislation designed to achieve this goal.

The Interparliamentary Council met April 5 to consider these recommendations and other proposals for the agenda

of the 62d Interparliamentary Conference to be held in London September 4 to 12, 1975. Congressman DERWINSKI and Senator STAFFORD serve as U.S. representatives. The Council accepted the recommendations of the study committees, described above, and agreed to add the Middle East question at London. It rejected a North Korean request to use the conference agenda as a sounding board for anti-American propaganda.

En route to the United States, our delegation spent 2 days in Israel under the auspices of the Israel Knesset and its Interparliamentary Union Group. We met with Prime Minister Yitzhak Rabin, Foreign Minister Yigal Allon, and Defense Minister Shimon Peres. Members of our delegation were guests at a dinner hosted by the Prime Minister and at a luncheon at the Knesset hosted by the speaker of the Knesset, Israel Yeshayahu. These meetings in Jerusalem, coupled with a tour of the Golan Heights and a kibbutz in northern Israel, provided the U.S. delegation an excellent insight into the situation in Israel and its outlook on current peace efforts.

The Israeli leaders emphasized that territory was of great strategic significance to Israel's security and could not be given up for verbal assurances from neighboring Arab countries which did not constitute a firm commitment to peace. They expressed regret that the Egyptian Government had refused to consider constructive Israeli suggestions conveyed through Secretary Kissinger just before the termination of his latest peace mission. Israel, they said, fully supports early resumption of peace efforts. It is confident about its participation in a resumed Geneva Conference, but believes no concrete results will emerge without careful preparation. It is important, they stressed, that the Arab leaders do not succeed in driving a wedge between Israel and the United States. A settlement of the Palestinian problem can take place only in the context of a settlement with Jordan over the eastern borders of Israel.

Israeli leaders welcome American military and financial support and hope the United States will continue its unique role in the Arab-Israel negotiating process. However, they underlined that Israel is fully prepared to rely on its own wits and resources to defend its interests, particularly in view of recent events in Southeast Asia.

Members of the U.S. delegation expressed understanding of Israel's views and noted that the American Government and people fully support Israel's security. Speaking candidly, we reminded the Israeli leaders that Israel's position in the aftermath of the latest peace efforts appeared unduly inflexible to many American observers. Some wondered whether America's or Israel's longer term interests were adequately served by present trends and attitudes in the Middle East. However, both sides agreed on the imperative of continuing efforts for an early and lasting peace settlement.

INTRODUCES BILL TO MAKE CIA ACCOUNTABLE TO CONGRESS

The SPEAKER pro tempore. (Mr. MCFALL). Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, in past weeks, investigations have indicated extensive activity by the Central Intelligence Agency inside the United States, much of it in express violation of its charter under the law. Indeed, the current Director of the CIA, in a report to the President, has confirmed that over the years the Agency has infiltrated a number of domestic protest and antiwar groups, read the mail of private citizens, and amassed intelligence files on at least 10,000 Americans. These investigations have led to a number of surprise resignations from within the CIA hierarchy.

While all of this was going on, apparently no one in the legislative branch of Government was kept informed. In fact, one of the great weaknesses in our intelligence network is the generally held conviction that the CIA works only for the President, that the Agency has no responsibility whatsoever to the Congress. In fact, prominent CIA officials have recently stated that they would lie to Members of Congress and other Government officials if they felt it necessary.

Several congressional committees are now making their own examinations and further revelations may yet lead to criminal prosecution.

The CIA was formed to serve the foreign policy and national security interests of the United States and not to engage in covert domestic surveillance operations. The restrictions of the 1947 National Security Act barred the CIA from domestic "police, subpena, and law enforcement powers or internal security functions." And yet, we are informed by former Director Richard Helms that the CIA is "involved in irreconcilable conflicts of priority and interest."

Although most domestic surveillance has been triggered by CIA operations overseas, all too often these operations have been in clear violation of domestic laws.

Such abuses are by no means a recent development, but merely a recent discovery. There is evidence to suggest that the CIA has been operating on the domestic front in apparent violation of its charter for at least the last 15 years.

The problem facing our country is twofold: First, to define the proper role of a secret agency in our free society; and second, to make that agency properly responsible to the Government and the people it serves.

While the CIA was originally created to provide the Government as a whole with precise intelligence information, it has functioned as the private agency of the executive branch, virtually ignoring, and ignored by, the Congress. It has been free to function since its inception with few directives and virtually no oversight from Congress. Cloaked in unprecedented secrecy, the CIA has easily withstood scrutiny, insulated from harsh criticism and controvery for the better part of three decades.

Even after the recent disclosures and massive publicity, I feel I am still safe in saying that only a dozen or so Members of Congress have any idea how much the CIA spends each year. Public guesswork indicates that the sum is somewhere in the neighborhood of $2 billion per year. I would hope that no Member of Congress was aware that these funds were financing plainly illegal domestic spy activities. Even those members of the congressional committees under whose jurisdiction oversight of the CIA falls admit they had no idea such activities were taking place.

In the 3 years since former Senator John Sherman Cooper and I introduced a bill to provide Congress with more intelligence information supplied by the CIA, a number of unfortunate incidents have transpired and the resultant controversy has pointed out the need for some changes in the basic law. In addition to making the CIA responsive to the needs of both the Congress and the Executive, it is clear that sanctions must be provided when the Agency oversteps the bounds of legality.

The bill I am introducing today would help to meet the two problems I have set forth. First, the bill would require the CIA to report regularly to the House International Relations and Senate Foreign Relations Committees and the Armed Services Committees of both Houses. The reports would deal with all "intelligence information collected by the Agency concerning relations of the United States to foreign countries and matters of national security."

The bill also requires the CIA to respond fully and completely to any of these four committees and to provide them with any and all information requested, as well as an analysis of such information.

Second, the bill provides stiff criminal penalties for violation by members of the CIA or any other person of the statutory prohibition against engaging in domestic police, law enforcement, or internal security functions. Any person willfully committing such an act can be fined and imprisoned up to 3 years. The bill also reiterates Congress' prerogative to hold in contempt any CIA employee who misleads or fails to respond fully to any one of the four congressional committees charged with oversight responsibilities.

I believe this bill will strengthen and protect those functions essential to our national security and foreign interests and, at the same time, fortify the freedoms and liberties guaranteed to the American people by the Constitution of the United States.

The bill follows:

H.R. 5873

A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate

regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security, including full and current analysis by the Agency of such information.

"(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any Member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access."

"(i) Any person who willfully violates or disregards the first proviso of subsection (d)(3) of this section shall be deemed guilty of a misdemeanor, and shall be fined not more than $5000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

"(j) Any employee of the Agency who willfully misleads the Congress or a Committee or subcommittee thereof, or who willfully fails to respond fully and completely to a request of the Congress or a duly authorized committee acting under subsection (g) shall be punishable under 2 U.S.C. 192–194 and 18 U.S.C. 1621.

LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1954

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I wish to introduce an identical bill introduced by my Alaskan colleague, Senator STEVENS. This bill is to amend the Internal Revenue Code of 1954 to permit a deduction for expenses incurred by a taxpayer in making repairs and improvements on his personal residence.

This bill, if it became public law, could help to alleviate many existing problems by facilitating home improvements and repairs, by stimulating new economic activity and the creation of additional jobs, and by the conserving of badly needed energy.

Specifically, my bill would permit the deduction of ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Qualified repairs and improvements would include painting, papering, carpentry work, plumbing, electrical insulation work, roofing and glazing, and similar activities. The deduction allowed a taxpayer under this legislation would be limited to $1,000 in any taxable year. As a further limitation, a deduction would not be permitted for capital expenditures incurred in connection with the taxpayer's personal residence. Also, the deduction would apply only to taxable years ending after the date of enactment of this act.

Mr. Speaker, my bill is designed to accomplish several important purposes. First, it would help to alleviate the tremendous financial burden imposed on residential homeowners, who are subject to ever increasing property taxes, special assessments, and other levies. This tax relief would be somewhat analogous to that already provided to the owners of rental and business property under existing law. As you know, such owners are permitted to deduct specified amounts for the depreciation of their property. In addition, section 167(k) of the Internal Revenue Code permits a 5-year depreciation of rehabilitation expenditures incurred in connection with rental property occuped by low- and moderate-income homeowners.

Second, this bill would make homeownership more attractive by helping to alleviate prohibitive repair costs. As a result, more people would have the opportunity to experience the pride of homeownership and the sense of community associated with owning and being responsible for one's own dwelling.

Moreover, the quality of life in many areas would be significantly improved since more homeowners would have the economic wherewithal to make improvements and repairs which they postponed for lack of sufficient funds.

This legislation should also have a beneficial impact on carpenters, plumbers, roofers, painters, electricians, and similar workers, all of who have been adversely affected by the slump in home construction. The beneficial economic consequences to be derived from increased activity in these trades will extend far beyond the workers involved, to many manufacturing and service-related industries which are heavily dependent upon the consumer dollar. Thus, the "ripple" effect should stimulate new activity in many sectors of the economy.

In my State of Alaska, where residential repair costs are from 25- to 50-percent higher than in the lower 48 States, this bill would have a very salutary effect. All of the factors which I have referred to are present but are magnified by our very high cost, often deplorable housing conditions, rigorous natural environment, and high unemployment. As an example, the unemployment rate in my State is usually more than twice the national average, and is even greater in rural Alaska, where it is not uncommon to find villages with from 30- to 100-percent unemployment during certain seasons of the year. In addition, we have more substandard housing than virtually anywhere else under the American flag. In rural Alaska, almost all of the residential dwellings fall far below acceptable standards. It is my hope that this bill will help alleviate these conditions in my own State.

Objection may be raised in some quarters that there will be a significant cost to the Government because of this bill. That is not true. Any cost in tax revenue loss will be more than compensated by the additional income in the construction industry this bill will generate. Of course, such additional income will be taxable. It will directly benefit segments of the American economy who are among the hardest working and most deserving. These are the small laborer, the small contractor, the carpenter, the plumber, the electrician, and the roofer. They are the very people affected by the current economic conditions. This bill will put needed money back into circulation.

Such a program has already been attempted in Alaska. After the 1960 Fairbanks flood, Alaska faced the problem of how to get our people to commence rebuilding their homes. The State government devised a similar incentive. This provided that the State would make a constribution to those people who would agree to commence rebuilding in the winter.

President Ford, himself, has advocated tax relief for those people wishing to make certain energy conserving home improvements. Needless to say, once these home improvements are begun, many people will desire to make other improvements. This bill, if enacted, provides a means whereby individuals can insulate their homes, thus saving badly needed energy as well as providing financial relief for the homeowners who make these important improvements.

These expenses are no more personal than many other expenses now deductible under Federal tax law. These include interest payments and real property taxes. Homeowners have traditionally been able to transfer their basis when they immediately purchase a new principal residence. Such a bill will specifically assist low-income families to own their own homes. This will put the dream of homeownership closer to many families who could otherwise not afford it. This, itself, is a worthy objective. It will also encourage the repair of rental dwellings used by the owners as their principal place of residence, thereby benefiting both owner and tenant.

In a time when millions of Americans live in substandard housing, this bill will permit thousands of homes to be repaired. Although the only repairs authorized under this bill are those that are truly necessary, many poor Americans are unable to afford even the most necessary repairs to their homes. This legislation will upgrade the health, safety, and comfort of all these people.

This bill will equalize the treatment accorded different taxpayers. Landlords renting property may now deduct the cost of repairs to the rental portion of the property as business expenses. This will permit them to do the same for the entire dwelling if they live in it themselves.

Mr. Speaker, for all of the reasons that I have outlined today, I urge favorable consideration of this legislation in the 94th Congress.

I include my bill at this point in the RECORD:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter I of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as section 220 and by inserting after section 218 the following new section:

"SEC. 219. REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the ordinary

and necessary expenses paid during the taxable year for the repair or improvement (including painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and any similar items) of property used by the taxpayer as his principal residence.

"(b) LIMITATIONS.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable year. No deduction may be allowed under this section with respect to any capital expenditure.".

(b) The table of sections for such part VII is amended by striking out

"Sec. 219. Cross references."

and inserting in lieu thereof

"Sec. 219. Repair or improvement of taxpayer's residence.

"Sec. 220. Cross references.".

(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.—The deduction allowed by section 219.".

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

H.R. 5062, MAGNETOHYDRODYNAMICS RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. BAUCUS) is recognized for 5 minutes.

Mr. BAUCUS. Mr. Speaker, today I reintroduced H.R. 5062, the Magnetohydrodynamics Research, Development, and Demonstration Act. I want to thank those many colleagues who have expressed their concern over the electrical energy crisis facing this Nation by joining in sponsorship of this bill. I am confident their number will continue to grow.

Our endeavors of several weeks ago in connection with the surface mining bill were more than adequate to focus attention on the importance of coal. There can be no question that coal will play an important role in meeting America's future energy needs. One of the most critical of these needs is in the field of electrical power generation. If we are to burn coal to generate electricity, we should do it with maximum efficiency and minimum damage to the environment. We should get every possible watt of electricity from that coal while employing every practical means of preventing the ruination of our air, our water, and our land.

The word "magnetohydrodynamics" may be hard to spit out for many of us, but it offers the potential of increasing electrical output from burning coal by 50 percent. The process promises a drastic reduction of sulphur and nitrogen dioxides emissions, and allows recovery of these substances for beneficial uses. It promises to reduce dramatically the need for water in cooling electrical generators. If ever there has been a time when such a process was needed, that time is now.

Many of us, I know, are aware that magnetohydrodynamics, or MHD, is being tried in other countries. The most substantial advances are those of the Soviet Union. The Russians are preparing a large MHD plant for integration into the Moscow power system. Today we Americans discuss the need for accelerating development of MHD engineering test facilities and commercial demonstration plants. About 3 weeks ago, the Russians ran an actual test of their MHD pilot plant and generated enough electricity to serve the needs of 100,000 Moscow residents for half an hour. Unless Congress rises to the challenge, Mr. Speaker, it will be a long time before such an advanced test can be conducted in America.

I want to emphasize that this bill actively promotes development of all phases of MHD, wherever they occur. The bill does not preempt or diminish development of other energy resources or technologies. The bill's supporters recognize the urgent need for rapid development of every alternative source of energy, and the need for maximum participation by the private sector.

Congress has supported MHD in the past, but time has intensified the demand for the benefits MHD can provide. The demand is nationwide. Hence the need for a national program, the kind this bill provides. This is not a mere effort to grease the technological machinery with Federal money. In addition to reasonable authorizations, the bill contains carefully constructed provisions for how the money is to be spent, how information and data gained through the program are to be disseminated, and how the Energy Research and Development Administration is to carry out its mission with respect to MHD. For fiscal year 1976, the bill would authorize an amount not to exceed $50 million. For each fiscal year thereafter through 1980, the bill authorizes an amount not to exceed $100 million. These authorizations, together with provisions for the direction of MHD research and development, are aimed at achieving an operational commercial demonstration project by the mid-1980's.

Next year this Nation will celebrate its 200th birthday. I think it would be very fitting, Mr. Speaker, to enter our third century of national life with a sane and viable plan for meeting the energy needs of our people. While our national achievements have been staggering, too often our tendency has been to put off pressing problems until they become actual crises. There are many who argue persuasively that already the energy crisis has become an uncontrollable monster, that massive realinements of policy and practice are needed if it is to be solved. I believe that one of the most sane, sensible things this Congress could do would be to provide a workable means of utilizing an abundant resource with wisdom and effectiveness. Coal is that resource. It is available now. It can provide more time for effecting needed changes for eventual conversion to new energy sources. Let us begin our third century with responsible action, the kind embodied in this bill.

IMMIGRATION ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

Mr. WHITE. Mr. Speaker, since the 16th District of Texas, which I have the honor of representing, enjoys a lengthy international boundary with the Republic of Mexico, it is natural that I entertain an exceptional interest in, and concern for, the burgeoning illegal alien problem this country is suffering. My concern extends beyond the problem itself to focus on the people involved—not only the illegal aliens, but the legal resident aliens and the hundreds of thousands of citizens of Latin American descent who are concentrated in the southwestern and western border States. The illegal alien problem must be solved, and I am as determined to bring solutions about as any Member of the Congress. However, since I believe strongly that proposed solutions must take into account that special conditions exist in border areas that do not necessarily affect the rest of the country, my position on this question has tended to become misunderstood at times.

Therefore, I want to enter in the CONGRESSIONAL RECORD testimony which I presented at recent hearings on H.R. 982 before the House Judiciary Committee on Immigration, Citizenship and International Law:

TESTIMONY OFFERED BY CONGRESSMAN RICHARD C. WHITE

Mr. Chairman and Distinguished Members of the Committee:

First, may I commend this Committee for recognizing through your actions that the illegal alien problem is very significantly contributing to the economic troubles this country is presently attempting to overcome. It is needless to take the Committee's time by describing the gravity and the national dimensions of the problem. This has already been clearly spelled out and validated in a continuing series of reports from the Immigration and Naturalization Service and through research and hearings by this Committee. I would only briefly reiterate the increasingly recognizable consequences of the very telling financial strain this problem is causing to this country—unemployment due to illegal aliens holding jobs, education costs, welfare and public health costs, and even an effect on our international balance of payments posture. My purpose, rather, is to offer sincere and what I feel are well-predicated suggestions for meaningful and workable solutions.

First, I should like to mention to the Committee that I represent the 16th District of Texas, a district which enjoys a 352.2-mile common boundary with the Republic of Mexico. Further, I am a native-born resident of the City of El Paso, the principal city in my District, and a city which joins with Juarez, Mexico, to form the largest metropolitan complex on the U.S.-Mexico border. Prior to coming to Congress I practiced law in El Paso, including some immigration law. I, therefore, have a long-standing familiarity with the problem of illegal aliens, a problem which only in recent years has achieved nationwide recognition.

I want to stress to the Committee that I am not here to oppose any attempt for solution to this growing problem, nor to condemn any particular bill; rather, I want to suggest refinements to HR-982 and possible inclusion of additional features which I feel would strengthen the bill and make it more effective toward rectifying and ultimately solving the illegal alien problem. I address myself to HR-982, since this is the vehicle the Committee has chosen to help solve the present dilemma. I am not going to dwell on the obvious discrimination that will result against any prospective employee who might be suspected to be an alien because

of appearance or spoken accent. This is a very real objection voiced by several who know the border.

As a alternative, the Commissioner of the Immigration and Naturalization Service and the Under Secretary of Labor suggested in previous testimony before your Committee that an improved social security card system could be considered. Designation of citizenship or alien status on a social security card was part of a plan I had devised—which I now only briefly mention—to provide that employers check all social security cards, report alien designees to the INS, who could in turn utilize computers to sift through such designees for illegal aliens. Failure to notify the Immigration Service of employees whose social security card designates them as aliens would be a penalty.

As I read HR–982, and as I have discussed it with Federal prosecutors, the penalty provisions as now constructed are unenforceable against a calculating employer. Further, these provisions directly violate some of the basic principles of civil and criminal law and the American jurisprudence system. First, why is the bill as now proposed unenforceable against a willful violator? Because, as the Commissioner of the Immigration and Naturalization Service and the Acting Attorney General inferred in previous testimony before this Committee, a clear loophole is provided by the following language:

"An employer . . . shall not be deemed to have violated this subsection if he has made a *bona fide inquiry . . . a signed statement in writing* in conformity with regulations which shall be prescribed by the Attorney General . . . shall be *deemed prima facie proof* that such employer . . . *has made a bona fide inquiry.*" (Emphasis provided)

You can be sure that under this language anyone who desires to hire illegal aliens knowingly and with impunity will secure the proper forms and have the alien sign one. This in effect shifts the burden of proof to the United States, and under the realities of evidence, it would be an impossible and highly expensive burden to meet.

Regarding the violation of the basic American principles of fair hearing, confrontation of witnesses, and the opportunity to present new evidence, I point to the provisions commencing on Page 4 of the bill. Subsection (b)(2) states:

"If, on evidence *or information* he deems persuasive, the Attorney General concludes that an employer, agent or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent or referrer informing him of such *apparent* violation." (Emphasis provided)

The idea of establishing guilt on information for an apparent violation smacks of star chamber proceedings and, if challenged in court, the act could be vulnerable to a Constitutional question. Equally important is the fact that there is no provision here for input on the part of the accused individual. You can say that no fine flows immediately from the citation, but I call your attention to the structure of the sanctions which make the citation a predicate for the civil fine on a second charge and a criminal fine and/or imprisonment on a third charge.

Pyramid structuring of the sanctions demands that the accused be afforded a clear opportunity to present his evidence from the onset, or first step. If you wish to have an administrative step that will allow the accused an opportunity to present his evidence, I suggest that the bill be rewritten to allow the alleged violator the chance of refuting the allegations of the citation by presenting a sworn statement, which would negate the citation. If he submits a false sworn statement, then he is subject to the legal proceedings applicable to such an offense—false swearing is a criminal offense. It is this sworn statement which should be regarded in terms of prima facie evidence.

Subparagraphs (b) (3) and (4) in reference to the second phase of the sanctions provide:

"If, in a proceeding initiated within two years after the service of such citation, the Attorney General finds that any employer . . . thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not more than $500 for each alien . . . A civil penalty shall be assessed . . . only after the person charged . . . has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur . . . The hearing shall be of record and conducted before an immigration officer . . . in accordance with the requirements of title 5, section 554 of the United States Code."

The bill does not specifically state that a full hearing based on evidence take place for the $500 fine by the Attorney General. In subjecting the employer to a civil penalty, an opportunity for hearing is provided, but it is before an immigration officer and not a court of law. If an accused person is assessed a penalty by the Attorney General and for some reason fails to respond, the finding stands.

Furthermore, the conspicuous absence of an opportunity for the accused to present his evidence before a court of law, under the rules of evidence is extremely material, particularly because these first and second phases are the predicate for a prison sentence in the event there is a third charge. I also point out that "opportunity" for hearing could mean a fine could be levied without an actual hearing. What other fines are levied without the actual presence of the accused?

Subparagraph (b)(5) states:

"In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive."

This means the findings by an immigration officer who may or may not be trained in law. In addition, there is no opportunity to present *new* evidence. Suppose the person was given the opportunity for hearing and for some reason failed to appear. The immigration officer could levy the assessment and develop the administrative record from the information—which could be hearsay—on hand. According to the bill, this administrative record is conclusive and again would be a basis for the fine and criminal sanctions provided for a third violation charge. Assume that a person in fact was not guilty of the first violation nor the second charge, but failed to respond. On the third charge of a violation, though it may have actually been his first, he could be sent to the penitentiary and fined up to $1,000.

The right of appeal to a Federal Court should definitely be given to one upon whom an assessment has been made, with an opportunity to present his evidence de novo.

Subparagraph (c) states:

Any employer or person who has been assessed a civil penalty under subsection (b)(3) which has become final and thereafter violates subsection (b)(1) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each alien . . .

But there is no time limitation. Suppose a man has been cited and fined on two violations, and after twenty years is accused of another violation. Can the previous two findings be used as a basis for a third charge twenty years later and therefore make him subject to a criminal proceeding? Or should there be a time limit written into the bill between the first two violations and the third charge of a violation?

Can we say we have done justice to the American public when in our haste and need to find a solution to a serious problem, we violate some basic precepts of jurisprudence which have taken centuries and the refinements of several civilizations to develop?

Having been raised on the border, I have lived with the realities of border culture and coexistence and I know that Federal laws do not always fit the local situation. That is why we have a federated system of government and we theoretically leave to the States those matters which should not be legislated by a federal government.

My district relies heavily upon farming and ranching. Farming is one of the mainstays of our balance of payments and has helped to sustain a high standard of living for the people of this country. In my area farming is done by irrigation, which requires an additional number of man hours to develop a productive crop. Cotton, alfalfa, livestock and other produce are grown in my district. In order to produce a crop of minimal profit and to help furnish this country with the food and fiber it needs, it is necessary to have a labor source available for what is often referred to as stoop labor.

The realities of the present indicate there is very little unskilled labor available in this country. A higher minimum wage for agricultural workers has been enacted, but other programs such as welfare and food stamps—as important and useful as they are—have helped to create a group of indolent persons who are able, but not willing, to accept certain types of employment. I am not saying there are not people in our communities who could not do this needed unskilled labor, but in developing programs which we in Congress found necessary to help sustain those who are unable to earn a decent living, we are seeing that many of those who were previously employed on ranches and farms can receive as much compensation to sustain themselves by doing no work and drawing food stamps and welfare payments. In certain parts of the country—where the costs of living is lower—we can find even fewer people who will accept agricultural labor. Such is the situation all along the U.S.-Mexico border.

The farmers and ranchers must consequently look elsewhere for the unskilled work force necessary for such a livelihood. The available labor source has been from Mexico from workers who are eager to accept such employment. HR–982 has been stalled in the Senate for several sessions and the reasons, as you well know, were partly because no provision was contained to furnish a source of agricultural and unskilled labor—alien or otherwise—which is absolutely imperative to the southern and southwest regions. I do not propose a reinstitution of the bracero program, although it succeeded in slowing down the number of illegal aliens. I understand and realize that there were abuses of that program. But what I have proposed in the past, and propose to you now—with revisions to meet the objections raised at the times I have tried to amend the Rodino bills—will help solve this very real dilemma.

I suggest an amendment to HR–982 which will merely expand and define an existing program of admission of aliens under the temporary category. I propose to spell out the procedures by which an individual employer can contract with an individual alien for specific terms of employment. I propose that an employer can hire an alien for up to one year at a time, renewable for up to three aggregate years, for a particular job under terms stipulated by the Secretary of Labor, and carefully controlled by the Secretary, particularly to ascertain that there is no domestic labor source of able and willing workers. The terms would also insure no exploitation of the alien. Unlike my previous bill, I propose to allow lateral transfer of employment.

To obviate any charge of involuntary ser-

vitude, by amendment would allow the alien to obtain other jobs with other employers in the U.S. without having to return to his native country, as long as the alien goes through the same process of certification by the Labor Department, and still be subject to the ceiling of three aggregate years of contracted employment in the U.S. Unskilled labor is not domestically available and if no such provision of law is made to provide timely access to such labor, there is no way that you are going to succeed, I don't believe, in preventing or dissuading employers from hiring illegal aliens who want to work in jobs that must be done.

U.S. employers do not want to hire illegal aliens. If they could find legal labor in the U.S. labor market—citizens or legal aliens—they would hire them. Employers are under the fiat of the minimum wage law and they are not desirous of violating it. It becomes, then, incumbent upon us to provide that labor because I cannot see how in the near future that we can force unemployed U.S. workers to take jobs they don't want. I ask you as Americans to give the farmers and ranchers the relief they need, to live and let live, because what you do in this bill will also affect your area of the country—in the food and fiber that your constituents enjoy and in our continued high standard of living.

In closing, Mr. Chairman and Honorable Members of the Committee, I would like to stress that I, as much as any legislator in the Congress, would like to see the accomplishment of operative and effective amendments to the Immigration and Nationality laws—probably more than many of the Members of Congress considering the geographical location of my District. In this context, I want to inform you that I have had a series of very productive meetings with the Commissioner of the Immigration and Naturalization Service. General Chapman has stressed to me that he needs the realization of three considerations in order to cope effectively with this monumental problem—namely, a penalty title to discourage the open hiring of illegal aliens, a sizable increase in his manning tables, and the institution of a new, secure alien identification card system.

You are in the process of providing a penalty title, and I strongly urge your attention to and consideration of the suggestions I have made in this area. In addition, I would suggest the advisability of this Committee to statutorily provide for the increase in the INS manning tables and for funding of the proposed new alien identification card system, rather than leaving these integral parts of the overall program to the discretion of the budget and appropriation procedures.

Thank you very much for this opportunity to present this testimony which, I assure you, has been offered constructively and hopefully will receive favorable consideration from this Committee.

NEWSMAN HONORED AS OUTSTANDING "YOUNG LEADER"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 15 minutes.

Mr. MOAKLEY. Mr. Speaker, it is with great pleasure that I speak in recognition of the personal and professional accomplishments of Mr. Maurice Lewis. Mr. Lewis was recently named by the Boston Jaycees as one of the city's 10 outstanding young leaders of 1975.

Mr. Lewis is a newsman for WNAC–TV, located in Boston, Mass. He currently serves as anchorman for the station's Saturday news broadcasts as well as for WNAC's weekly "Black News" program. Maurice Lewis is a fine journalist. His reporting background includes investigative stories, urban affairs, and political coverage.

I have known Maurice Lewis for many years and have been greatly impressed by the accuracy and high standards consistently displayed in his work.

I have been equally impressed with the concern which Mr. Lewis has shown for the Boston community. In the years that he has lived in Boston, he has made outstanding contributions on behalf of the people of the city. Mr. Lewis has devoted numerous hours of his time in appearing before youth groups, lecturing on image projection and positive roles for young people.

Mr. Lewis has also been named to the board of directors of both the Boston Urban League and the Boston 200 Bicentennial Committee. His record of community involvement has been an inspiration to Bostonians in every walk of life.

Maurice Lewis' commitment to the city of Boston is reflected by the awards that he has received for community action. He has been honored by the Roxbury action program and has received the Jan Matzlinger Award for outstanding community service. He was selected as one of the Boston Jaycee's outstanding young leaders from among thousands of young men and women, all highly respected for their service contributions to our city.

In these often disheartening times, Mr. Speaker, it gives me immense satisfaction that the achievements of so fine an individual as Maurice Lewis have been duly noted and honored.

PENNSYLVANIA ASSOCIATION OF BROADCASTERS HONORS GOV. MILTON SHAPP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes

Mr. FLOOD. Mr. Speaker, at the recent annual congressional dinner of the Pennsylvania Association of Broadcasters, The Honorable Milton Shapp, Governor of the Commonwealth of Pennsylvania was presented the organization's highest award, in recognition of his service to the State and the citizens of Pennsylvania. Mr. Shapp, I might add, was one of the pioneer organizers of cable television systems in the State, and because of his enterprising efforts, hundreds of thousands of persons were able to receive a television signal in the days when the medium was but an infant.

The award was most deserved, and I commend the Pennsylvania broadcasters for their choice.

At the same dinner, an inspiring, original prayer was offered by Roy Morgan, chief of WILK Radio, Wilkes-Barre, a long time member of both the National and Pennsylvania Association of Broadcasters, and one of the original organizers of radio in Northeastern Pennsylvania. Mr. Morgan, who is a member of the national board of directors of the Associated Press Broadcasters, is regarded as one of the leading citizens of Northeastern Pennsylvania. He is a well know patron of the arts and manages to find time to serve as a critic of theatrical and cultural affairs for the Wilkes-Barre Times Leader. He has given generously of his time and capabilities to serve on the board of directors of several key regional hospitals and medical programs. Roy Morgan's inspirational concern for his medium and his fellow broadcasters is evident in the following invocation which he offered at the Broadcasters' dinner at the Washington Hilton Hotel:

SPEECH BY ROY MORGAN

Good evening, Lord . . . here we are once again on Your threshold—Your selected leaders in the Halls of Congress and the State offices of Pennsylvania and Your willing servants in the modern world of electronic communications. . . .

Gathered here tonight not in the so-often referred to "adversary" situation, but rather as dedicated workers in Your vineyards of Government and information to do our own thing in the way that You have called upon us to do it. As we bow our heads in prayer, we recognize our dependence on You—in all ways, at all times—in literally everything we do.

We realize that too often as we have tried to help solve the problems of this world, we have in essence only further contributed to them.

Our communication has been something less than perfect both with You and with our fellow man and woman.

We acknowledge that it is You who are both legislator and communicator—all things in one for all times and for all eternity. We are but an extension of Your law and spirit in this so temporal world.

Help us as legislators and Government administrators as we seek to translate Your wishes into law and services for our people. . . .

As broadcasters as we attempt to phrase Your manifest hopes for Your people into desirable ends and goals. May this friendship and fellowship be translated into joint acts of accomplishment that shall reflect honor on us all.

Inspire and support us in the days and weeks that lie ahead. . . .

Grant us the strength to do what is right in Thy name. Amen.

HEW'S WITCHHUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AUCOIN) is recognized for 5 minutes.

Mr. AUCOIN. Mr. Speaker, Oregon State Senator Walter F. Brown, a distinguished attorney from my home State and a member of the faculty of Northwestern School of Law, has sent me a very distressing article alleging that McCarthyism still lives in the Public Health Service.

At the request of State Senator Brown, I am submitting the article "HEW's Witchhunt," for entry into the CONGRESSIONAL RECORD. The article, written by Marjorie Heins, was first published in the December 1974 issue of the Progressive. The article follows:

HEW'S WITCHHUNT

(By Marjorie Heins)

Dr. James Kahn has a large world map over the desk in his study with pins stuck in all the places he has traveled. Many of the pins are in the tropics, a region for which Kahn has a special fondness, perhaps because of the five years he lived in Cuernavaca, Mexico, as a child. While still at Harvard Medical School in 1967, he applied

to the U.S. Public Health Service for admission to the Center for Disease Control, which sends doctors overseas to battle with tropical illness. Impressed with Kahn's travel and language experience (he is fluent in Spanish and Portuguese), the Public Health Service accepted him with a commission as major, to begin in July 1969, after completion of his residency. He was promised overseas assignments and advanced training in tropical medicine.

The Public Health Service is part of the Department of Health, Education, and Welfare, a government agency not ostensibly concerned with high-security matters. Yet HEW has its own security system, a relic of the 1950s, which has persisted relatively unchanged to this day. In 1969, *Science* magazine published an article about blacklisting within HEW; it was quickly picked up by other publications, including *Newsweek*, which reported that many scientists thought HEW "more zealous about security clearances than the Department of Defense." HEW Security Director Frederick Schmidt responded by denying the existence of a blacklist, but an attorney who had studied the situation wrote, "Officially, blacklists are condemned but the operation of the system itself encourages bureaucrats in the bowels of the appointing agencies to make them up and use them anyway."

James Kahn was taken by surprise in February 1969, when he received an urgent call from an HEW personnel office asking him to fly to Washington immediately. On arrival, he was interviewed by two HEW security officers, John Gulka and William Sterbinsky. "What impressed me most at the time was the voluminous security file in front of them on one James B. Kahn," he recalls. He had not been active politically.

The interrogators asked Kahn if he had ever been arrested. He strained his memory and came up with a few passport and visa hassles during his travels, and participation in a Harvard band prank which led to a few minutes frivolously spent in a New Haven jail. Having exhausted this route, the security officers turned to the major business of the interview. "It began with a question from Mr. Gulka," Kahn remembers.

"'Your father is dead now, isn't he?'

"I answered, 'Yes, he has been dead for six years.'

"'We have information that your father was a member of the Communist Party.'"

Kahn's father Gordon was, in fact, a prominent blacklisted Hollywood screenwriter and a vocal opponent of the House Un-American Activities Committee during its vintage years. In 1947 he had been subpoenaed by HUAC along with the men who eventually became known as the Hollywood Ten, and he had been scheduled to testify next when the uproarious hearings were called off. He participated in the campaign to defend the Ten, and wrote a book, *Hollywood on Trial*, which chronicled this opening battle between heretics and inquisitors—a battle which was decisively won by the inquisitors and which resulted in blacklisting throughout the entertainment industry.

When Gordon Kahn was threatened with another HUAC subpoena in 1950, he joined the expatriate community in Cuernavaca rather than face the likelihood of a jail sentence for contempt of the Committee. His family—James was eight at the time—joined him after nine months. In 1955, the Kahns returned home and settled in New Hampshire, where Gordon successfully defied the state attorney general's loyalty investigations and wrote under a pseudonym until his death in 1962. James Kahn responded to the family dislocations and to the harassment they suffered in the late McCarthy era in New Hampshire by becoming cautious about politics. "I assiduously avoided political engagements," he says of his high school years. "Probably because of some unconscious fear that I would be victimized like my father, I didn't participate in any political groups and certainly didn't sign any petitions."

Such caution did not impress the HEW security officers, Gulka and Sterbinsky, whose purpose in interviewing Dr. Kahn was apparently to augment their records of left-wing activities years ago. Kahn proved no help. He said he didn't know if his father had been a Communist and asked what relevance this had to himself. Gulka replied that Kahn might have been influenced by his father; children often are. At this point Kahn said he did not want to continue the interview without the aid of legal counsel. He saw Gulka write, "Interview terminated at approximately 10:30 a.m. when Dr. Kahn refused to answer questions about the Communist Party."

Kahn was frightened and upset by the interview. "The things that hurt most," he says, "were the digging into my father's grave and the aura of intimidation about the entire proceeding." He wrote at the time, "If I should retain my commission but be denied the privileges that normally accrue to officers in the Center for Disease Control, I will regard this as I would regard my having been refused a commission in the first place. My reason is that we are living in a country where failure to pass this security clearance is tantamount to some kind of leprosy. It is a stigma which stays with a human being like my father all his life. Being a physician, it means loss of potential advancement in academic medicine and virtually no funding from the Government for research."

A few days after his interview, Kahn called HEW to inquire about his status. Gulka would not tell him. Kahn said Gulka did ask "if I had any more information for his office and further suggested that if I did he might be able to get me an answer on when he would be in communication with the Public Health Service. I regarded this as not-too-cleverly disguised blackmail. He wanted some information about my father in return for which he seemed to suggest I might get security clearance."

Dr. Howard Hiatt, Chief of Medicine at Beth Israel Hospital in Boston, where Kahn was then a resident, called Gulka, offering himself and others in the Harvard medical community as character references for Kahn. Gulka told Hiatt no further information was being solicited, but effectively repeated his offer of security clearance in exchange for information about Gordon Kahn. Dr. Hiatt then called the Surgeon General, Dr. William Stewart, who arranged for Kahn's admission to the PHS, but warned him that he had better get used to the idea of security interviews and be prepared to answer questions in the future.

In July 1969, Kahn set off for the Center for Disease Control in Atlanta. He was given charge of the parasitic disease drug service and awaited the overseas assignments which had been promised. As the months went by, he saw other doctors, often less qualified, given these assignments while he was passed over. When he asked questions, he was told not to make waves. When he was overheard discussing the problem with friends, his superiors took him to task for indiscretion.

Eventually, a sympathetic officer told Kahn that his security clearance had been held up. Kahn found himself in a limbo in which there were not formal charges against him, yet he knew he was being discriminated against. His superiors resented it when he sought the help of Atlanta civil liberties lawyer Charles Morgan. Inquiries from the CDC to HEW Security Chief Schmidt were handled by a bureaucrat; Kahn could not communicate with HEW personally.

In February 1970, HEW finally confirmed that Dr. Kahn's security status was clouded because he had refused to answer questions at his interrogation. He was invited to Washington for another interview. He insisted on bringing his lawyer, although HEW forbade it.

By this time, Kahn was as much concerned with his future in public medicine as with his shoddy treatment at the CDC. He was both intrigued and shaken by the existence of a large security file in his name; he wanted to know what was in it so that he could clear himself. Attorney Morgan explained that this would almost certainly be forbidden; according to President Eisenhower's original security order (an expansion of the Truman loyalty program for Federal employes), as well as a later executive order and the 1966 Freedom of Information Act, material in individual security files need not be revealed, presumably because such revelation would destroy the "confidentiality" of sources.

Security Chief Frederick Schmidt conducted the second interview. Kahn recalls, "Schmidt explained that the matter was simple enough—I had allegedly walked out on the interview. Morgan reminded him that there were merely some specific questions I had chosen not to answer, to wit, those re Gordon. Schmidt said he would be glad to resume the interview, as they had wanted to see the last time if I would take advantage of any opportunity to testify, in effect, that Gordon was a Communist. He put it this way: 'Give Dr. Kahn a chance to comment on some information we have concerning certain subjects.' What was more, Mr. Morgan could wait outside while the questioning went on. Mr. Morgan said he was going to remain present. Schmidt said that it was not a tribunal and therefore no lawyer could be present." Kahn interjected that he thought a CDC officer had gotten the opinion of HEW General Counsel Manny Hiller that a lawyer could be there. Finally Schmidt consulted Hiller and relented; both Hiller and Morgan observed the second interview.

"In the first part of the interview," Kahn recalls, "the questions were formal statements of alleged facts by Schmidt, to wit, 'Dr. Kahn, are you aware that in a public hearing before the House Committee on Un-American Activities in the year 1949 such and such a person testified that Gordon Kahn was a member of the Communist Party of the United States from 1930-something to 1940-something?' I answered in virtually every instance that (a) I had never heard the allegation before; (b) I was but seven or so years old when it was made; and (c) I had never heard of the person making the accusation.

"The second part of the questioning centered on Albert Maltz [one of the Hollywood Ten] and his family, none of whom I have seen for umpteen years. Schmidt wanted to know if I had ever carried messages to Albert Maltz or gone to meetings with him. I was able to get across, I trust, that at the time my society was with his kids, he being thirty or more years older than I."

The interview ended ambiguously. Schmidt implied that Kahn was in the clear but added that no security clearance could be granted until the CDC requested that Kahn be given an overseas assignment. Back in Atlanta, the CDC wouldn't request an overseas assignment until Kahn had clearance. Further correspondence created more confusion: Kahn now learned that few of his colleagues had security clearance, nor was it required for trips less than ninety days long. All that was needed was "approval," which Kahn was told he now had. Yet no offers were forthcoming.

When one officer suggested Kahn's name for a Biafra relief assignment, the CDC security chief rejected it because, he said, Kahn had not yet received "clearance." Trips to Peru and Brazil—for which Kahn was ideally qualified—went to other doctors while phone calls went back and forth between Atlanta and Washington in an attempt to get Schmidt to clear up the confusion. When

someone was needed to teach epidemiology in El Salvador, Kahn's name was submitted, but withdrawn before the list was sent to Washington. (The doctor who got the assignment had to go to Berlitz first to learn Spanish.)

The career officers at the CDC apparently sensed that assigning Kahn overseas would antagonize their superiors in Washington, even after he had technically obtained "approval." Since there was no rule that everyone went overseas, Kahn could not conclusively prove he was being punished, although he later did conduct a survey which showed that almost every other doctor had been asked to go abroad at least once, including many who had definitely said at the outset they were not interested in overseas assignments. Not sending Kahn, in deference to HEW security, was a form of not-so-subtle pressure on him to volunteer information about his father and, perhaps more important, about his father's friends still alive.

So James Kahn completed his two years of service without an overseas assignment and returned to Cambridge in July 1971. From there he has continued to try to get access to his security file. But with a new Washington lawyer, Hal Witt, who volunteers only some of his time to the American Civil Liberties Union, and with the inevitable bureaucratic delays, Kahn has been frustrated. First Witt had to apply for access to the file; when this was routinely denied, he appealed. The appeal was lost in the HEW labyrinth for several months before it was denied. Witt plans a class action suit in which Kahn would be one of several plaintiffs asking to examine and expunge their security records. Dr. Kahn is now medical director of a unit for the treatment of alcoholism in Cambridge and a fellow in infectious diseases at Massachusetts General Hospital.

But James Kahn's Federal employment is over. He is seeking access to his file as a matter of individual right, because he claims that the existence of such a file retards his professional advancement and that he has a right to know its contents. This contention strikes at the violation of civil liberties which is central to the whole security system: If information in the files were made available to their subjects, the testimony of informers could be refuted, as it usually is in the courts. The files would in many cases to be threats to the careers of their subjects, or enticements to extract testimony, to name names.

The fact that a massive security system still exists is not surprising, and Dr. Kahn is hardly unique for having been hurt by it. During the period of intense U.S. involvement in the Vietnam war, radical or liberal doctors applying to the Public Health Service were sometimes harassed because the security chiefs wanted to punish them for their anti-war views by forcing them into the military. (The PHS was an alternative to the draft.) Kahn's cousin Henry was blacklisted from the PHS because he had committed the dual sins of appearing at an antiwar rally and signing a petition for a memorial to W.E.B. DuBois.

James Kahn is unusual among recent blacklist victims because the entire source of his trouble was his father's activity, a fact which indicates that instead of rejecting the witchhunt's old guilt-by-association doctrine, HEW has extended it to Biblical proportions. The security agents, in their zeal, probably violated the constitutional provision that "no attainder of treason shall work corruption of the blood or forfeiture except during the life of the person attained." This might be relevant if Kahn ever gets to the point of trying to expunge his security file of information about his father.

The tenacity with which the security apparatus continues to refine its ancient files is both remarkable and perverse. Perhaps, in this post-Watergate era, the time is ripe for litigation, backed by vocal protest, to open the whole security program to public scrutiny, or even to dismantle it.

CITIZENS WILDERNESS BILL FOR NATIONAL FORESTS AND WILDLIFE REFUGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I am introducing today an omnibus bill containing the wilderness proposals formulated by citizen conservationists throughout the Nation for 52 units of the national wildlife refuge system and 15 areas in the national forest system.

The administration's wilderness proposals for these areas were previously introduced in H.R. 3507 and H.R. 3508 by my colleague from Arizona (Mr. STEIGER).

I am introducing today's omnibus bill by request as a means of placing these 67 proposals before the House. The Public Lands Subcommittee, on which I serve, will undoubtedly be considering many of these proposals during the 94th Congress. It has been my experience that the subcommittee's deliberations are materially assisted by early introduction of the contrasting proposals that will be at issue. Therefore, while I support most of the proposals I reserve judgment on some specific items of this bill. I believe it is important to bring these proposals before the subcommittee.

These wilderness proposals are the result of field studies by citizen groups in the affected States, and they are supported by such national groups as the Wilderness Society, Sierra Club, Friends of the Earth, and Federation of Western Outdoor Clubs. Some of my constituents have carried out such studies on areas in my district, and I can tell my colleagues that the individuals and groups involved have done an excellent job of identifying the wilderness potential and making a well-conceived, factual case for their wilderness proposals. This is an outstanding example of public participation in Federal decisionmaking.

Without this work by citizen conservationists, the only information available to the Congress on wilderness proposals would be that provided by the administration. In my experience, we have a much better basis for enacting sound wilderness legislation as a result of the field studies and wilderness proposals by these citizens.

INTRODUCTION OF LEGISLATION TO AUTHORIZE USRA LOANS TO A RAILROAD IN REORGANIZATION

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, today I have introduced a bill on behalf of myself and Mr. MCFALL, Mr. MURPHY of Illinois, Mr. STEED, Mr. RAILSBACK, Mr. PRICE, Mr. METCALFE, Mr. SHRIVER, Mr. ROSTENKOWSKI, Mr. ANNUNZIO, Mr. ALEXANDER, Mr. BEDELL, Mr. BLOUIN, Mrs. COLLINS of Illinois, Mr. ENGLISH, Mr. GRASSLEY, Mr. HARKIN, Mr. HIGHTOWER, Mr. JONES of Oklahoma, Mrs. KEYS, Mr. HALL, Mr. MEZVINSKY, Mr. O'BRIEN, Mr. RISENHOOVER, Mr. RUSSO, Mr. SIMON, Mr. THORNTON, Mr. PICKLE, and Mr. YATES, to amend the Regional Rail Reorganization Act of 1973 in order to authorize the U.S. Railway Association to make loans to a railroad undergoing reorganization under section 77 of the Bankruptcy Act.

A copy of this bill appears at the end of my remarks.

When Congress was considering the Regional Rail Reorganization Act to assist the bankrupt railroads in the Northeast, it was recognized that the bankruptcy or failure of a railroad which connected with one of these northeast lines would also have severe impact upon the northeast railroads. In order to prevent the insolvency or bankruptcy of such a connecting railroad, Congress amended the legislation to authorize loans to a carrier which connected with a carrier in reorganization and this was done in order to provide a source of financial aid to troubled carriers in the Midwest, such as the Rock Island.

Since the passage of that act, the Rock Island, although it has assets in excess of indebtedness, developed a severe cash flow problem and did not receive sufficient income to continue operations and was forced to file bankruptcy under section 77 which allows a railroad to seek the protection of the Federal court while a plan is being developed so that it can again become a viable carrier. Since it has now filed for court protection under existing law, the Rock Island cannot be granted any loans by the U.S. Railway Association.

My bill will eliminate this statutory bar to assistance being provided. Under sections 1 and 2 a carrier would not be prevented from qualifying merely because it had filed bankruptcy provided it can meet the other requirements set out in the act including that there be an assurance that it can repay the loan. In fact, the Government will have more protection and assurance of repayment if the railroad loan applicant is in reorganization because the Government could be given a first priority or lien upon the railroad's assets as any such loan could be considered an expense of administration in the bankruptcy proceedings.

The present law also requires that the loan applicant show sufficient income to demonstrate an ability to repay the loan. Under section 3 of my bill the USRA would be authorized to consider the total assets of the loan applicant as compared to the indebtedness in order to determine whether there is ample security for the Government to make the loan. For example, in the case of the Rock Island there is ample security as the total assets of this railroad amount to more than $400 million with indebtedness of less than $100 million.

Finally, section 4 of my bill will assure that the granting of any loan will not delay formulation of a final system plan for the Northeast as the bill expressly provides that such a loan applicant cannot participate in the development of such a plan.

BACKGROUND

The importance of this railroad to the Midwest and to the entire Nation cannot be overstated. The Rock Island's system consists of some 7,500 miles of track in some 13 States and is particularly unique

in that it is the only railroad which provides shipping for four major cash grains and also serves an export point of Chicago on the Great Lakes and Houston and Galveston on the gulf.

Also, I should point out that this granger railroad earns 25 percent of its income from the shipment of grain and grain products and not only would its demise severely affect the flow of agricultural products but it would also disrupt the entire economy by eliminating employment for 11,000 workers; leave almost 800 communities and 1,600 grain elevators without rail service and also would leave thousands of shippers without competitive service; and would result in some $2.5 billion in payrolls being threatened or stopped. The current situation confronting the Rock Island is not new. It merely is another chapter on its problems which might have been avoided if Government agencies had properly performed their functions in timely fashion.

For example, over a decade ago the Union Pacific Railroad and the Rock Island Railroad believed that a solution to the Rock Island's financial woes would be a merger of these two carriers. It was in 1964 that authority to merge was first sought from the Interstate Commerce Commission which must give its blessing to any such proposal. Unfortunately, the ICC did not handle the merger application in an expeditious manner and it was not until late last year, over a decade since relief was requested, that the ICC even entered a provisional order approving it. Had merger authority been granted in timely fashion it might well have be that the book on the Rock Island's problems could have been closed.

We are now confronted, with the stark reality of the situation that unless some type of Federal loan assistance is made available to the Rock Island, there will be no more Rock Island and we will then have to find assistance for all those workers and businesses who will suffer.

It would be misleading to say that this bill can be passed in a few days or even passed at all. However, after discussion with key Members of Congress and with the parties involved, it appears that this bill, which would authorize the USRA to make a loan to the Rock Island if it can meet the other requirements of the law, appears to be the best and perhaps the only opportunity to keep this railroad together as an operating entity.

I met yesterday with the bankruptcy trustee and officials of the Rock Island and I have been assured that with a $100 million Federal loan, which would be used for repairs to facilities and rolling stock, and with certain changes in administration of the railroad, the Rock Island can be made a viable operation and can repay this loan. No one can be 100 percent sure that the granting of this loan will work but the railroad's assets are considerable and assure more security than the Federal Government receives for most loans.

The company serves an area which is rich in business opportunities and which is terribly dependent upon the Rock Island for transportation. I am convinced that it is in the national interest that this railroad be given the opportunity to reorganize and attempt to become a viable business performing a very important function which is in our national interest.

H.R. 5891

A bill to amend the Regional Rail Reorganization Act of 1973 to authorize financial assistance under section 211 to a railroad which is in reorganization under section 77 of the Bankrupty Act, and for other purposes

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

SECTION. 1. Section 211(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(a)), as amended, is further amended by inserting into such subsection after the words "financial assistance" the following: "(1) as part of a reorganization plan being formulated for a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205), or (2)".

SEC. 2. Section 211(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(e)), as amended, is further amended by striking paragraph (1) and inserting in lieu thereof the following: "(1) the loan is necessary to achieve the goals of this Act, to prevent insolvency, or to facilitate a plan of reorganization adopted pursuant to section 77 of the Bankruptcy Act (11 U.S.C. 205);".

SEC. 3. Section 211(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(f)), as amended, is further amended by inserting after the word "achieved" the following: ", or in the case of a railroad undergoing reorganization under section 77 of the Bankruptcy Act, that there is reasonable assurance that the assets of the railroad are sufficient to repay such loan in the event of insolvency and liquidation".

SEC. 4. Section 211 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721) as amended, is further amended by adding thereto the following: "(g) Eligibility for or the granting of financial assistance to a railroad under this section as amended herein shall not qualify such railroad nor require that such railroad be included in a preliminary or final system plan adopted pursuant to this Act."

SECRETARY HENRY KISSINGER: TIME FOR REAPPRAISAL

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, Secretary of State Henry Kissinger has long held the imperial view that he and U.S. foreign policy were inseparable—a conceit which served him well amidst stable world conditions. But now, coming on the heels of his failure in the Middle East, the collapse of South Vietnam has jarred Mr. Kissinger so much that he would blame the Congress—and, by inference, the American people—for "destroying" this government through withholding military aid. He compounds this allegation by irresponsibly claiming that our policy vis-a-vis Vietnam has undercut our position in the world by causing our allies to doubt our reliability.

On the contrary. Our country has sacrificed over 56,000 lives and $150 billion in Southeast Asia, and we need feel no shame. We have not witnessed the destruction of an independent nationalist South Vietnam with a will to fight for its sovereignty. Since we cannot have "abandoned" allies who fled their enemies without a fight, it is arrogant of Kissinger to question our morality when we refuse to channel more money into a hopeless situation.

By Kissinger's statement that he would not have negotiated the Paris settlement if he had known that Congress would place limits on military aid to Saigon, he has shown an inability to face the consequences of his own failures. These failures began when he and President Nixon compounded Johnson's folly in propping up the shaky Thieu government through large-scale bombing and an extension of the war into Cambodia.

After the Paris agreement, Kissinger made no effort to press President Thieu for a political accommodation although he must have known that Hanoi would surely resume its plans for taking over the South. Now, by blaming Congress for the fall of South Vietnam, he is acting with the petulance of a little boy who cannot get what he wants. In this case, as in others, he wants to continue policies that have obviously failed.

But Indochina is just one of the thorns in Secretary Kissinger's side these days. He has obviously been demoralized by the collapse of the Middle East mediation effort which he hoped would "crown" his diplomatic career. His European policies have made enemies of both Greece and Turkey while Portugal has lost faith in the United States after our refusal to support the democratic moderates when its dictatorship fell last year.

The much-touted détente with the Soviet Union and China is also in jeopardy—if, in fact, it ever really existed. Nuclear war was not imminent when Henry Kissinger came to the White House, and the SALT agreements have neither arrested nor controlled the Soviet/American arms race.

Increasingly, our Secretary of State has placed himself on a collision course with the Congress. Last year, in Austria, he publicly threatened to resign unless the Senate cleared him of wiretapping charges. And, when the Russians pulled out of the new trade agreement because of a dispute over Soviet emigration, Kissinger again blamed the Congress for his problems.

Now, in favoring more military aid for Saigon with "no terminal date," Secretary Kissinger has clearly shown an unwillingness to answer to the will of the people. Americans have—rightly—no stomach for a renewal of our abortive efforts in Southeast Asia, especially when we recognize that military considerations are, at this point, moot indeed. Yet Kissinger would have it differently. Obviously frustrated by the limitations of power in a democracy, no doubt he would prefer a monarchy where the Prime Minister need not be accountable to the people.

Were President Ford more sophisticated and secure in the area of foreign affairs, Mr. Kissinger's "reign" as Secretary of State might be over. Certainly his continued dominance of our foreign policy raises some serious questions. For example, is this man who orchestrated last minute efforts to salvage dying regimes qualified to deal directly with Communist-controlled Vietnam? And, how effective will he prove in the next round of Middle Eastern peace talks?

HOME HEALTH CARE—PART VI

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with 78 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators FRANK MOSS and FRANK CHURCH, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, HUGH SCOTT, Senate minority leader, and Senators WILLIAMS, DOMENICI, and TUNNEY.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the RECORD several times a week by experts and lay persons commenting on the legislation.

This is the seventh in the series:

[From the Washington Post, Apr. 1, 1975]

EDITORIAL—"HUMAN WAREHOUSE"

Unlike some primitive tribes, we do not kill off our aged and infirm. We bury them alive in institutions. To save our faces, we call the institutions homes—a travesty on the word.—Edith M. Stern, "Buried Alive."

Some months ago, two ailing elderly people, a churchman and his wife, signed a suicide note and then took an overdose of sleeping pills. They said the reason they did it was that they did not wish to end their days in a nursing home. For nearly a million Americans the nursing home is the sad reality of their last days. More and more, we are beginning to realize that the nursing home industry is a big business, grossing some $7.5 billion annually. And it will grow because the elderly are the fastest growing age group in the United States today. As that industry grows, the abuses of the elderly are coming to light in grim reports from study commissions, such as the one investigating Bernard Bergman's $24 million New York operations, or a recent report by the General Accounting Office, showing that many nursing homes fail to meet federal fire safety regulations. A Maryland study reported not long ago by this newspaper turned up instances of filthy and unhealthy homes all over the state.

The picture is not all bleak. There are good nursing homes in the United States. The problem is that as more and more Americans reach old age, the demand for some sort of care increases at a greater rate than the supply of adequate care. That would be reason enough in itself for unconscionable operators to enter such a vacuum, but there is an even greater incentive. Since 1965, when the Social Security Act was amended, the federal government and the states began paying commercial nursing home operators for their costs, plus a fixed percentage of their costs as profit. The result has been that used car dealers, scrap metal salvagers and an assortment of operators with no health home "business" with dollar signs dancing before their eyes. As more and more such operations come into existence, more and more horror stories are heard.

Lest this problem get completely out of hand, it is time for a review of the alternatives to the accretion of nursing homes for the ever-growing elderly population. To be sure, there should be no profiteering from the misfortune of those who have reached an age when they cannot entirely care for themselves. Since all of us are headed toward the point where we too will be frail, it makes sense to think of the problem as one the whole nation shares, and not an isolated misfortune befalling only those so unlucky as to be aged and infirm—and without resources of their own. With that in mind, several medical care professionals have evolved the notion of the "galaxy," a place with many functions, all of them related to the needs of the elderly. They are not hospitals in the sense that they only provide bed care, because many old people need some care, but not all the elderly need total care. What they often need is a place to live that accommodates easily to those of uncertain gait or occasional lapses of memory. The galaxies would provide apartments for those who can take care of themselves most of the time. The ill would have periodic visits from health care professionals, when they needed a specific kind of care. They could choose to cook for themselves or they could eat in a common dining room. Always the emphasis would be on flexibility.

As described by Dr. Robert N. Butler in his book, "Why Survive?: Being Old In America," there would be three parst to each galaxy: "Service, training and research. Research is now almost totally neglected in nursing homes, yet the enormity of the present and future problem of old age and chronic illness demands basic and applied clinical research." The "galaxy" approach is but one of several ideas that focus on the basic principle of multi-service centers that could be operated for a fraction of the present cost of keeping large numbers of the elderly in commercially operated nursing homes. The cost for that approach is going to go ever higher as more and more profiteers enter the field. It already costs billions in federal, state and local money, to say nothing of the cost to the families of the elderly. But the human cost in terms of suffering and neglect is incalculable, and that cost, too, should be on our minds for it is a cost any of us could be called upon to pay.

PRESIDENT FORD, WHAT ABOUT SOUTH KOREA?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, tonight President Ford will address the Congress and that address will relate to our foreign policy, we are told. We must all assume that the major thrust of the address will discuss the deteriorating situation in Cambodia and South Vietnam. My purpose in rising at this moment is not to engage in a discussion of those issues because I have discussed them on many occasions, and succinctly stated I believe we must end all military and economic assistance to South Vietnam and Cambodia and provide only humanitarian assistance. That humanitarian assistance would consist of food, medicine, and provision for refugees who must leave South Vietnam and Cambodia because they participated in the South Vietnamese regime or worked with the United States and their lives are endangered. I believe that the neighboring countries as well as the United States itself should agree to accept a fair proportion of such refugees. While I support those efforts which are now ongoing, to assist Vietnamese orphans, I believe that there is an even greater humanitarian effort to be made which is to assist those who are in physical danger because of their active opposition to the North Vietnamese Communist Government and the Provisional Revolutionary Government. With our misguided foreign policy in that particular situation over the last 15 years, we got those people into this catastrophic situation and we must help to alleviate their plight, not militarily but with humanitarian measures.

However, the principal reason I rise at this moment is to discuss our support of South Korea, another oppressive government. I do not take the position that every government that we support must have as its governmental structure that of a democracy. If we did that, we would be supporting perhaps 25 governments throughout the world since most governments are either single-party regimes or military governments. However, when we do provide economic or military support to a regime, because it is in our national interest to do so, we must evaluate the degree of repression of the government against its own people and there are limits which simply cannot be tolerated.

On March 20 I wrote to President Ford and brought to his attention an article which appeared that day in the New York Times concerning such oppression. I have not yet received a response to that letter; I am inserting it in the CONGRESSIONAL RECORD with the hope that it will be answered and when it is, I will print that response unless it is simply, as is the case so often these days with the White House, an acknowledgement without a substantive reply.

I am concerned that the President has not taken any action, not with respect to my letter, but with respect to the substance of the matter, because of a new report which appears in today's New York Times, which I am also appending. That report states that eight men who had been convicted by a military tribunal and who were tried in secret by military courts under the emergency decrees enacted last year by President Park, were hanged. According to the New York Times, nine other defendants were sentenced to life imprisonment. These men were part of a group of 21 South Koreans who were arrested last year on charges of plotting to overthrow the Government by force. Mrs. Yun Po Sun, the wife of the former South Korean President, upon hearing the news, said, "I have nothing to say." The Times reports that Mrs. Yun heads a "committee of families of persons imprisoned under the 1974 emergency decrees" and that her husband who was one of those convicted last year was "released from house arrest last month."

Repression occurs throughout the world in Communist countries, in North and South Vietnam, in North and South Korea, to cite just a few. And while in so many of these cases, there is nothing we can do other than to denounce it, when as is the case with South Korea, we provide economic support to a repressive government, then we have an obligation to end that funding as long as that repression continues. I am sending a second letter to President Ford with the article which appeared in today's New York Times with the hope that he will respond to that letter and the earlier one as well.

The article and letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 20, 1975.

Hon. GERALD R. FORD,
President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In today's New York Times there is a report that on March 19, the Assembly of the Republic of Korea adopted an amendment to the present criminal code which would forbid South Koreans to speak to foreigners about domestic political suppression. According to the Times, "the measure could be applicable to remarks made by opposition politicians to foreign journalists or to dispatches filed by South Korean newsmen working for foreign publications." The article also reported that "the well-known dissident poet Kim Chi Ha was turned over to the prosecution office today, for possible indictment on charges of having violated the South Korean stern anti-Communist law. If convicted, he could be sentenced to seven years in prison." Apparently, Mr. Kim, who last week was again arrested by the Korean Central Intelligence Agency, had described to a Seoul newspaper, his life in prison. According to Mr. Kim, the "goverment had tortured persons accused of belonging to the outlawed People's Revolutionary party into making false confessions."

The reason I write to you, Mr. President, is that the United States currently supports the Republic of Korea, in the form of $145 million in military assistance for fiscal year 1975. While I am not one of those who believe that we can only support countries operating in our image, and indeed, there are few countries in the world that could be considered democratic, I do believe that we must not give financial support to countries which are engaged in actions so repressive as to shock the conscience of the world. Mr. President, at this point can we really distinguish between the totalitarian government of the People's Democratic Republic of Korea and the totalitarian government of the Republic of Korea? If we cannot, should we be assisting South Korea?

In my judgment, the actions of South Korea can only be characterized as repressive. I ask you, whom I know to be a decent human being, whether you don't recoil in horror as I do, and therefore would oppose our continued funding of such a regime. Please do give me your thoughts on this matter.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 10, 1975.

Hon. GERALD R. FORD,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I wrote to you on March 20th concerning repression in the Republic of Korea and enclosed a New York Times article of the same date. I write today with respect to the continuing repression in that country and enclose a new article which appeared in today's New York Times.

I urge your attention to these serious matters for which we continue to have some responsibility because of our economic assistance to the Republic of Korea.

Sincerely,

EDWARD I. KOCH.

POLICE RING JAIL AS SEOUL REGIME HANGS EIGHT CONVICTED OF PLOTTING AGAINST PARK

SEOUL, SOUTH KOREA, April 9.—About 150 policemen surrounded the Seoul Penitentiary this morning as eight men convicted by a military tribunal of having been members of an outlawed party were hanged.

The executions took place early this morning at Seoul Penitentiary, barely 24 hours after the Supreme Court rejected the men's appeals in a turbulent session.

The condemned men were among a group of 21 South Koreans who were arrested in April last year on charges of having plotted to overthrow the Government of President Park Chung Hee by force. All were accused of being members of a Communist spy group called the People's Revolutionary party. The Government said that the group, acting under orders from the Communist government in North Korea, had organized student demonstrations against Mr. Park.

The 21 were tried in secret by military courts under the emergency decrees issued by President Park last year. During the trials the defendants insisted they had been tortured into making false confessions. Nine other defendants were sentenced to life imprisonment.

Meanwhile, about 300 students here defied the government's emergency decree closing Korea University and staged a street demonstration demanding the release of jailed students and lifting of the decree. The Police released 18 of the 36 students detained during clashes Monday at Seoul National University and referred the rest to summary court for legal proceedings.

About 3,000 students at three other universities here held rallies on their campuses to protest the closing of Korea University. The students demanded revision of the Constitution, the release of jailed students and the lifting of the emergency decree.

The Korean University for Foreign Studies also suspended classes today. It was the fourth university to close in the wake of week-long anti-government protests on campus.

In another development, the Government announced that seven South Korean soldiers were suffocated Monday while searching tunnel system dug by North Korean troops under the demilitarized zone.

A Defense Ministry spokesman said the soldiers were searching a tunnel system dug two weeks ago that extends about 1,200 yards into South Korean territory from the North. The South Korean government maintains that this and other underground complexes were dug by North Korea to move large numbers of men and weapons into the South for a guerrilla war.

The men who were executed this morning included Toh Ye Jong, who, the Government said, had been the leader of the allegedly subversive group, and Yo Jong Nam, an unemployed university graduate who was charged with having been responsible for party cells on campuses. . . .

The condemned men's wives were waiting outside the prison when news of the execution was read over the radio. The women sprawled on the ground, breaking into wailing. One woman, sobbing, said she had never been permitted to visit her husband during his year of imprisonment.

"I have nothing to say," said Mrs. Yun Po Sun, the wife of the former South Korean President, upon hearing the news. She heads a committee of families of persons imprisoned under the 1974 emergency decrees, Mr. Yun, who was one of those convicted, was released from house arrest last month.

Along with many of the nation's Christian leaders, Mrs. Yun had campaigned for new, open trials in a civilian court for those accused of People's Revolutionary party membership.

The "People's Revolutionary party affair," as it is called here, has been one of the most controversial court cases arising from last year's mass trials of the nation's political dissidents. During the trial the defendants said that they had confessed only because of torture. They strongly denied charges of sedition and of links to the anti-Government student movement.

The Supreme Court session yesterday confirmed the death sentences was marred by shouts of "injustice" and "unfair trial" by members of the defendants' families.

OLDER AMERICANS AMENDMENTS OF 1975

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I join my colleagues in support of H.R. 3922, Older Americans Amendments of 1975, providing for an extension and expansion of services and programs to meet the needs of the rapidly growing number of older citizens. In the 89th Congress, a decade ago, I cosponsored the first Older Americans Act. Since that time, I have actively supported amendments to these Federal initiatives and I was honored to author title VII of the Act, signed into law March 22, 1972, which provides for the nutrition program for the elderly.

This bill is the first in our Nation's history to provide for a comprehensive and coordinated system of services to help meet some of the most pressing social and economic needs of 21 million Americans over 65 and millions more between the ages of 55 and 65. The bill extends the Older Americans Act of 1965 for 4 years, until 1979, to provide the program of grants to States for community services, the nutrition program for the elderly, the Older American Community Service Employment Act, and the National Older American Service programs.

The bill also creates a new special service program for the elderly for which 20 percent of the funds provided to States is earmarked. This program emphasizes home services, counseling assistance, residential repairs and renovations, and transportation for the elderly—all designed to provide alternatives to institutionalization. This is one bill that prohibits discrimination on the basis of age in any program or activity funded, whole or in part, by revenue sharing funds.

H.R. 3922 is an excellent restatement of Federal policy which recognizes that categorical grants are the most effective means to provide the assistance that senior citizens richly deserve. For example, a report of the Comptroller General of the United States dated February 13, 1974, shows that of 218 governments authorized to expand $1.374 billion of general revenue sharing funds, only 28 authorized expenditures specifically and exclusively for the benefit of the elderly. These authorizations totaled about $2.9 million, or about two-tenths of 1 percent of the total funds authorized. There is not one scintilla of evidence to indicate that general revenue sharing will ever be an effective vehicle for the support of programs for older Americans.

The 4-year authorizations are also a great step forward and are essential to any meaningful implementation of those programs to provide real benefits to elderly Americans. The authorization period makes clear in the intent of the Congress that the highly successful nutrition program, the grants for State and community programs, and the others provided for in the amendments, are to be continued and expanded beyond the accomplishments of the past decade. One of the gravest impediments to the initial implementation of the nutrition program

revealed to my office by the State directors on aging was the fact that it was only a 2-year program. Since the program might have been abandoned by the Federal Government, State, and local officials had been reluctant to raise the hopes and expectations of the elderly beneficiaries.

Further, the 4-year authorizations are essential to the viability of 20 or more agreements which Commissioner Arthur S. Flemming, Administration on Aging, recently has negotiated with the Department of Transportation, the Department of Housing and Urban Development, the Federal Energy Administration, and other Federal departments and agencies. These agreements are designed to help governmental units respond to the special needs of the elderly and to coordinate their efforts and functions.

Mr. Speaker, critics of the bill express concern regarding the inflationary impact of the $2.5 billion authorization of new moneys over and above current levels for programs authorized under the Older Americans Act and related laws. I concur with the Committee on Education and Labor judgment "that the inflationary impact of this legislation as a component of the total Federal budget is substantially outweighted by its positive impact upon economic recovery and employment."

Furthermore there is general agreement since the Great Depression of the 1930's, that we have been saved from a recurrence by social security benefits, income safeguards, and unemployment compensation built into our economy. These amendments are designed not only to maintain older American dignity, independence, mental and physical health, but are necessary adjuncts to the other bulwarks against depression. Certainly they are justified by the contributions made by older Americans to our Nation's wealth.

The full appropriations as authorized under these amendments should be enacted and the programs implemented at the earliest possible time to the full extent of the appropriations.

FUNERAL SERVICES OF MILDRED K. WALLER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all of us appreciate what it means to us and to our contribution to the public interest to have competent staff assistance. I feel that too often we do not publicly acknowledge for ourselves and the people we serve the debt we owe to competent, dedicated, loyal staff members who serve us, often sacrificially, in the performance of our duties. We all recognize that the quality of our contribution is often measured by the competence and the diligence of those who work with us.

Recently I had the sad experience of attending the funeral of a great, dedicated, and gracious lady who served me in the Senate, in private life, and in the House for 24 years, Mrs. Mildred Waller. At her funeral service I was permitted to express publicly the debt I owed to this competent and noble lady for all that she had done to help me in the discharge of my public and private responsibilities. I feel that what I said is what every Member of this House would also say under similar circumstances in recognition of his or her gratitude to those who have so valiantly and so selflessly worked with him or her to serve his or her constituents and country. I beg leave, therefore, Mr. Speaker, to insert in the RECORD following my remarks what I said at Lafayette, Ind., in brief but more than deserved tribute to a long-time friend, a cherished colleague in public service, a dedicated and diligent aide, Mrs. Mildred Waller.

FUNERAL SERVICES OF MILDRED K. WALLER, HIPPENSTEEL CHAPEL, LAFAYETTE, IND., MARCH 5, 1975

Rev. Charles V. Bugg: Jesus said, I am the Resurrection and the life. He who believes in me, though he die, yet shall he live and whoever lives and believes in me, shall never die. Let us pray:

Oh, God, Thou who art the Lord of Life, and the Conquerer of death, our help in every time of trouble, who does not willingly grieve or afflict us, comfort us who mourn and give us grace even in the presence of death to worship Thee, that we may have the sure hope of eternal life and be enabled to put our whole trust in Thy goodness and mercy, through Jesus Christ our Lord, Amen.

Now my friends we are here to worship God in this hour and to pay a tribute of respect to the one who has gone from us and prayerfully and hopefully to offer some words of comfort to the family and to the friends, more than ever to honor our God.

I would like to read just a few passages of Scripture, that are age old Scriptures that bring us comfort in times like this—some of the ones that have been suggested to me:

I lift up my eyes to the hills from whence does my help come. My help comes from the Lord who made Heaven and earth. He will not let your foot be moved; He who keeps you will not slumber. Behold, He who keeps Israel will neither slumber nor sleep. The Lord is your keeper; the Lord is your shade on your right hand. The sun shall not smite you by day, nor the moon by night. The Lord will keep you from all evil; He will keep your life; the Lord will keep your going out and your coming in from this time forward and forever more.

Then a passage of Scripture from Paul's letter to the church at Corinth, several select verses:

Christ has been raised from the dead; the first fruits of those who have fallen asleep; for as by a man came death, by a man has come also the resurrection of the dead, or as in Adam all die, so also in Christ shall all be made alive. But someone will ask, how are the dead raised? With what kind of body do they come? You foolish one, what you sow does not come to life unless it dies, but God gives it a body as he has chosen. So is it with the resurrection of the dead. If what is sown is perishable, what is raised is imperishable. Well, this perishable nature must put on the imperishable and this mortal nature must put on immortality. When the perishable puts on the imperishable and the mortal puts on immortality, then shall come to pass the saying that is writen, death is swallowed up in victory. Oh, death, where is thy victory? Oh, death, where is thy sting? The sting of death is sin and the power of sin is the law, but thanks be to God who gives us the victory through our Lord Jesus Christ.

And then in the words of Jesus Himself, in the beautiful Fourteenth Chapter of St. John:

Let not your hearts be troubled, believe in God, believe also in me. In my Father's house are many rooms; if it were not so, would I have told you that I go to prepare a place for you; and when I go to prepare a place for you, I will come again and will take you to myself, that where I am you may be also; and you know the way where I am going. Peace I leave with you; my peace I give to you, not as the world gives do I give to you. Let not your hearts be troubled, neither let them be afraid.

Will you bow your heads again in prayer.

Most gracious and loving Heavenly Father. I ask you to direct your attention at this moment particularly to these who are in sorrow that they may walk through it with a consciousness of your presence with them in such a way their lives will be filled with the hope of life eternally in their minds and hearts; that this experience in their lives may be the means of a greater faith in your goodness and in your love for them and that they may walk in this way day by day. May they be assured that all things do work together for good in the Lord. So bless the friends and the relatives of Mildred Waller, so that they, as they look back on her life in memory, they will be drawn into the love of Christ whom to know a right is life at its best and eternally we ask these blessings in Christ's name, Amen.

Mildred Waller was not known by me, but she must have been known and loved by many people and the way that we can have any claim to know each other is through Christ our Lord. But one who held her in high regard and respect was one with whom she worked for many years and that was in Washington, D.C. with Congressman Claude Pepper. I heard of Senator Pepper back when I lived in Mississippi, and I understand that he was fourteen years a Senator and is in his thirteenth year, I believe, as a Congressman in the House, and they were very, very close to each other. And I am going to give him the privilege of having a word of comment and eulogy at this time.

Senator PEPPER. Thank you very much, Reverend Bugg. On Memorial Day in 1949, a lovely lady named Mildred, whom we fondly called, "Millee" Waller, came to work in my Senate Office. She came highly recommended. She soon exhibited the excellent qualifications which I came to appreciate so much in the ensuing years. Soon she became my personal Assistant and Secretary, and for 24 years she was almost a member of my and my wife's family. We loved her; we cherished her friendship; we treasured our association with her.

After I left the Senate, she became the Office Manager of my Law Office. It was in our State Capitol in Tallahassee in 1949 that she was married and my wife had the privilege of participating, as I did, in that happy event. After I came to the House of Representatives in 1963, she of course was at my side and became my personal assistant and the Manager of my office. She remained in that responsible capacity until she voluntarily retired after so many years of arduous labor and sacrificial toil at the 1st of February 1973. It was like tearing twins apart, separating a family, for my wife and me to see Millee go away from our association. But we wanted her to have some years which she could enjoy; the things that she had not been privileged to do in the busy years of her professional life. It is a source of sadness to us that she only had two of those happy years with her lovely sister, Mrs. Helen Westfall, with whom she lived in Florida and in North Carolina.

I have had a feeling that too often we fail to attribute the proper credit to those who contribute to what men may be able to accomplish in business or public life or some other professional activity, for whatever good of meaningful value I may have been able to do in a quarter of a century, I owe a large part of the obligation to Millee Waller. None was ever more faithful in service; her character was as beautiful as her person; compassion reigned always in her warm heart and it truly could be said of Millee Waller, as Robert Ingersoll said about his brother, "She

added to the sum total of human joy, and if every person to whom she did a loving service could bring a blossom to her grave, she would sleep tonight beneath a wilderness of flowers."

Millee Waller made the world brighter and better where she walked and where she worked. My wife and I count it a great privilege to be permitted to come here to join the family and you friends in paying our heartfelt tribute and our honorable adulation to this great and gracious lady, our beloved friend, Millee Waller.

Reverend Buggs. Thank you very much for that. That is a beautiful tribute and I am sure that the family will appreciate it for years and years; and it makes me wish more and more that I had had more time with her.

In keeping with my full philosophy of life, what it means and how God takes hold of it and uses it, and when I was called concerning this Memorial Service, I was thinking along the line of my general and specific philosophy and then when I came up here, Mrs. Westfall gave me a little devotional book and said if I could do it, please read some from it because it was hers, too, and as I read it, I said, Well, this is what I believe and I believe very much in it. And so I am going to read most of my remarks from this passage that she has given me to read. It has to do with life and death as a part of life, not as a finality. And this little part is called, "Another Dawn" and it is written by James Dilette Freeman.

"Faced with the passing of someone we love, our heart cries out in the passion of his loneliness, and is not comforted with easy answers. Our heart tells us that we are meant to live, not to die; we are meant to express life ever more consummately. When someone fails to do this, we wonder why. To understand the meaning of death, we must understand the meaning of life. Looking at life, we see that all things change, but although all things change, nothing perishes, things only change. If this is true in the world of things, how much more true it is in the world of mind. Soul has a substance of its own; no less permanent for being immaterial; no less real for being invisible. We cannot measure it with calipers or weight it in a balance. We cannot feel it with our fingers or see it with our eyes, but it is there, substantial, real. It changes, but it will not perish. Life does not begin with birth, it does not end with death; life is an eternal process and eternal progress. The visible form, this audible voice, this aggregation of organs, this network of ideas, we are more than these. We are the trappings of visibility, we are an expression of the spirit life.

This is a good illustration here.

Stand on the shore at night, you can hear the sound of the waves; you can see them break and whiten on the rocks, but the sea itself, vast and imponderable and strange and deep, you cannot see. The wave breaks on the rocks and then is gone, and all that is left behind is a fading line of foam. Yet the sea is more than the foam that fades on the rock; the sea is more than the wave into which it shaped itself for a moment. When wave and foam are gone, the sea abides, to shape itself into another wave and fling itself and foam on rocks again. You are like a sea that shapes itself into a wave. The wave will expend itself, but you will not expend yourself; you will shape yourself into an infinity of waves; you are the ever renewing, ever unfolding expression of infinite life; you are the spirit of the infinite, moving across infinity. Eternity is not an alteration of life and non-life; there is only life. Truth is that we cannot die; we are life; life is energy; life is expression; it cannot cease because it is ceaselessness; we may change form and vanish from view, but we cannot cease to be; we never cease to be, not for a moment, we cannot be separated from life; we cannot be less than life; life is a road that winds among the hills of time. With every turn in the road the old view vanishes, the new view appears. Life is a pilgrimage, a passage through eternity; a journey into the unknown. People are as travelers on a journey; some pass quickly beyond the bend in the road that hides them from view, some walk beside us all the way; some seem to creep along and some pass swiftly as a runner. But life cannot be measured in terms of time, only in terms of living. When people die, they do not cease to be, they only pass beyond human sight. Why are we afraid of death? Is it because we are afraid of the unknown? Yet is not each day an adventure into the unknown? Exactly what is on the other side of death we do not know, but we may be sure that it is life. Life is on the other side of death as it is on this side; death is not evil, neither is it good. Is the turning of a page good or evil? Is a rest between two notes of music good or evil? Is the opening of a door good or evil? Death is an incident, it is a part of life, as sleep is a part of night as night fall is a part of life. Sleep gives way to waking, night turns into day. So death is the passage from life to life; death is a door through which we pass into another room; it is a page we turn to a new chapter in the book of life. It is not the end, it is a new beginning. It is not the fall of night; it is another dawn.

I have a very good friend that lives out from Lafayette a little ways; and several years ago this friend of mine was sick and went to the hospital and everyone thought it was his time to die. I had been visiting him and one day he was in very bad shape, but as he roused up a little bit when the preacher came in, he said, don't look so sad, preacher; he said, everything is fine; everything is good. They tell me I might not get through this one, I might die. And then he looked at me with a smile and he said, death holds no dread for me, I look forward to it as a new experience in life. It is more of a challenge than a dread. I wrote that down, what he said before I had forgotten it and it has just been embedded in my heart. Death has no dread for me, it is more like a challenge, a new experience in life.

Nancy Burke Turner wrote a poem that I like very much, too, and it has something to do about life going on and on.

Death is only an old door, set in a garden wall;
On gentle hinges it gives at dusk when the thrushes call;
There is nothing to trouble any heart, noththrushes call;
Death is only a quiet door in an old wall.

And I have always thought of it as a door to a room through which you would go to a room to put off all of the old clothes of this world, the trouble, the pain and sorrow and imperfections and put on the robe of the righteousness of God where you would go and rest for a while and then God would put you to work again in a perfect setting, and in a perfect way.

John tells us about Jesus. Now in the place where he was crucified there was a garden, and in the garden a new sepulcher there they laid Jesus. And the women came to the sepulcher the first day of the week, but did not find Jesus. Then the angel said to them, why do you seek the living among the dead? He is not here, He has arisen.

Auchenham wrote a beautiful thought concerning vegetation and vegetable matter, but then he had in mind the soul of a person as he wrote:

"We drop a seed into the ground, a tiny shapeless thing, shriveled and dry. And in the fullness of its time is seen a form of purest beauty, robed and crowned beyond the pride of any earthy queen instinct with loveliness, and sweet and rare, the perfect emblem of a Master's care."

This from a shriveled seed then may man hope, indeed. And I am sure that this family has that kind of hope. They are going to be sorrowful for a while. There are many adjustments that they will have to make as they adjust their lives with the absence of their loved one. But memories will grow sweeter, they will not be forgotten. Maybe some of the roughness of life that they have had to endure from time to time will be forgotten, also, when the joy and the sweetness of memory comes to them. And in this memory with the hope that Jesus Christ gives of life eternal, I am sure that your lives will be enriched with this experience. And may God so bless you.

Lord we pray again that Thou shall bless this hour. Bless these words and may our lives be enriched in the love of Christ, Life Eternal.

THE UNITED STATES AND ISRAEL—TILT IN THE MIDDLE EAST

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, I would like to call the attention of the Members to a most perceptive article in the April 1975 issue of Commentary magazine by the distinguished author, Theodore Draper.

I believe that this article, entitled "The United States and Israel—Tilt in the Middle East?" is particularly important following the recent announcement by the administration to reassess the U.S. role in the Mideast.

The article follows:

THE UNITED STATES AND ISRAEL: TILT IN THE MIDDLE EAST?

(By Theodore Draper)

(NOTE.—Theodore Draper is the author of many books on international affairs, including *Israel and World Politics, Abuse of Power,* and *The Dominican Revolt.* Among his recent contributions to COMMENTARY are "Détente" (June 1974), "The Road to Geneva" (February 1974), and "From 1967 to 1973: The Arab-Israeli Wars" (December 1973).)

The United States has become the main front in the Arab-Israeli conflict. This is not to say that the United States has for the past three decades been far from the center of the struggle in the Middle East. What has happened, however, is that the United States itself has become the center of the struggle. The climactic change took place during the October war.

Until October 1973, the Arabs and particularly the Egyptians had counted on the Soviet Union to rescue them if an attack on Israel misfired and landed them in serious trouble. That also seemed to be the case between October 20 and 27. But we now know more about the events of those days about which, it is clear, we were initially misinformed, if not mislead. They have a direct bearing on the new American role, assumed without official announcement and little public awareness.

A bare outline of the main events is necessary to understand what we were led to believe and what actually happened.

On October 15, after ten days of desperate resistance, a small Israeli force crossed the Suez Canal and turned the tide of battle. Soviet Prime Minister Alexei Kosygin arrived in Cairo the next day. Kosygin returned to Moscow on October 19 convinced that the Egyptian forces faced disaster and urgently required a cease-fire. The men in the Kremlin quickly decided to summon Secretary of State Henry Kissinger to Moscow. Kissinger, then preparing to go to Peking, consulted only with former President Richard Nixon, who had other things on his mind—Watergate Special Prosecutor Archibald Cox was

dismissed and the resignation of Attorney General Elliot Richardson followed on October 20. The Soviet messages had as yet contained no threats and had merely expressed concern that events might get out of hand. Nevertheless, Kissinger abruptly postponed his trip to China and rushed off with unseemly, if not unnecessary, haste to Moscow at 1 a.m. on the 20th.

The biography of Henry Kissinger by Marvin and Bernard Kalb—for which Dr. Kissinger gave generously of "his time and his knowledge"—states that President Nixon gave Kissinger "power of attorney" during this mission to Moscow.[1] If this was the case, Kissinger alone was responsible for the hasty submission to the Soviet demand for an immediate cease-fire. In return, Kissinger obtained a Soviet concession to get negotiations "between the parties concerned" started immediately after the cease-fire, in line with Security Council Resolution 242 of November 1967. Kissinger then flew to Israel where he extracted an agreement in principle to his deal with General Secretary Leonid Brezhnev.

Meanwhile, Israeli forces were completing the encirclement of the Egyptian Army's III Corps estimated at 20–40,000 men. A cease-fire resolution was rammed through the U.N.'s Security Council on October 22. On the night of October 24–25, however, a worldwide alert of U.S. forces was called, ostensibly to warn off the Soviets from carrying out a unilateral operation to rescue the encircled Egyptian III Corps. The alert was called off on October 26 and the Israeli government agreed to permit a relief convoy to get through to the trapped Egyptians the following day.

At the time, we were led to believe that Soviet threats had saved the Egyptian III Corps and that the American alert had saved the Israeli forces from Soviet intervention. Disconcerting hints that there might be more to the story soon came out of Israel, but they were at first hard to interpret. Former Israeli Chief of Staff General David Elazar said that Israel had been "forced" to let a supply convoy through to the encircled Egyptian troops.[2] But who had done the forcing? Former Defense Minister Moshe Dayan explained that "the provision of food to the Third Army (I have not changed references here and in quotations below to the Egyptian force as an Army rather than a Corps) was not done by us as a humanitarian gesture but because we had no choice in the matter. Or, to be more precise, the alternatives to allowing the food convoy through were, in our judgment, still worse."[3] But what were the alternatives? Former Prime Minister Golda Meir was reported as saying that Israel allowed the food convoy to go through in order to avoid a crisis with the United States.[4] What crisis?

Bit by bit, the fully story began to emerge. In the spring of 1974, just before his appointment, Prime Minister Yitzhak Rabin told an American interviewer that "on the one hand the U.S. put its forces on the alert, and on the other warned Israel it might be alone if the war did not end." He was asked: "Which was a threat?" Rabin replied: "You can say threat or you can say a reality, it doesn't matter."[5] The Kalbs' biography of Kissinger claimed to know what was in the latter's mind on October 23, 1973, the day he returned to Washington: "Kissinger resolved that he would stop the Israelis and save the III Corps and thus guarantee a military stalemate."[6] Other Americans were also let in on the secret. Professor William E. Griffith of the Massachusetts Institute of Technology and *Reader's Digest* made known that Washington, not Moscow, had "forced Israel to allow relief convoys to pass through its lines to the surrounded Egyptian III Corps."[7] *Foreign Affairs* of October 1974 published an article by Professor Nadav Safran which casually referred to "the United States' forcing of Israel to open a supply line to the beleaguered Egyptian III Corps."[8]

Finally, Dayan decided to clear up the mystery on December 19, 1974. In a lecture at Bar-Ilan University at Ramat Gan, Israel, he disclosed:

"The Americans, in order to smooth the way with the Arabs, confronted us with an ultimatum to the effect that, if we would not enable the [Egyptian] Third Army to receive food and water, we would find ourselves in a political conflict with them [the Americans]."[9]

The State Department decided that it was best not to comment on Dayan's remarks. Whereupon Dayan repeated the story in greater detail in an interview with Terence Smith in the New York *Times* of January 26, 1975. Two of the questions and answers are worth giving in full:

Smith: In a recent lecture, you charged that the United States threatened in October 1973, to fly supplies in to relieve the encircled Egyptian Third Army if Israel refused to allow food and water through the lines. What actually happened there?

Dayan: The U.S. moved in and denied us the fruits of the victory. It was an ultimatum—nothing short of it. Had the United States not pressed us, the Third Army and Suez City would have had to surrender. We would have captured 30,000 to 40,000 soldiers and Sadat would have had to admit it to his people. We might only have held them for a day and let them walk out without their arms, but it would have changed the whole Egyptian attitude about whether they won or lost the war. It would have given us more cards in the practical negotiations.

Smith: Would the Soviets really have intervened as the Americans said they would at the time?

Dayan: I don't think so. Not over the Third Army. If we had tried to take Cairo or Aswan, yes. Do you remember the U.S. alert on October 24? They thought the Soviets were going to land an airborne division near Cairo and link up with the Egyptians to try to drive us from the west bank of the canal. The Soviets were worried about Cairo and Aswan, not saving the Third Army. It could have made a big difference if we had been permitted to force them to surrender. The American move didn't help anything.

Again, no effort was made in Washington to deny Dayan's story.

It was, then, an American "ultimatum" to use American forces to resupply the Egyptians and to face the Israelis with the prospect of fighting Americans, not a Russian ultimatum to use Russian forces and face the Israelis with the prospect of fighting Russians, that compelled the Israeli government to submit. It is entirely credible, as a recent study of the war asserts, that the American alert of October 25 was one of the signals "aimed against Israel as much as they were aimed against the Soviet Union" in order to convince Israel that further developments "would have grave implications for American interests far beyond the confines of immediate hostilities."[10] The trail of events was so carefully concealed that a reconstruction of the October 1973 events in the New York *Times* a month later never so much as hinted at such American pressure on Israel.[11]

The American threat might conceivably have been justified by a Russian threat. But it is no longer clear what the Russian threat was or, whatever it was, how it should have been met. The Russian message on October 24 urged joint U.S.-USSR enforcement of the cease-fire and, if the U.S. refused, raised the possibility of Soviet forces acting alone. Secretary Kissinger's reflex was evidently far more drastic than the reaction in the Pentagon or in Israel. The demand for the worldwide, phase-three American alert came from him. In the Pentagon, the Soviet messages were considered an initial test of American nerves and policy, to be taken seriously but not precipitantly. The Israelis, who had most at stake, were least unnerved. They held out until the 27th and then capitulated to an American, not a Russian, threat. Former Assistant Secretary of State for Near Eastern and South Asian Affairs, Lucius D. Battle, has offered the opinion that "the Brezhnev note of October 24 did not strike me as threatening as earlier flares signaled it to be. Compared to Russian notes I have read in past years, it was relatively mild—at least as reported in the press."[12] We might be able to judge for ourselves how threatening the situation was if Secretary Kissinger had kept his word to "make the record available." Unfortunately, he changed his mind, and only our children or grandchildren may know how embarrassing the record may be.

In effect, the October war made it possible for Secretary Kissinger to pose as the savior of both sides. When the Israelis were in trouble, the American resupply effort made it possible for them to continue the battle on a scale commensurate with their needs. When the Egyptians were in trouble, American pressure on Israel enabled them to avert a defeat which would have fractured the Egyptian army and shaken the Sadat regime. Throughout the Nixon years, the administration had been straining to achieve "even-handedness." By force of circumstances, that blessed state was reached in practice in October 1973.

The change in the American position during and after the 1973 war can be gauged only by looking back at what American policy had been. Some historical perspective is needed before we can go on to the persent.

II

The ostensible reason for the 1973 war was bound up with the Arab territories occupied by Israel. Before we consider what should be done with these territories, we need to remember why and how they were occupied in the 1967 war.

It was a war which, as I have shown in a previous article, originated in proposals made ten months earlier by the highest Egyptian military officials with the deliberate intention of violating the status quo—which they knew could not be carried out without another war.[13] It was a war for which the Soviet Union had supplied the ostensible provocation by spreading a phony story in May 1967 to the effect that Israeli forces had massed for attack on the Syrian frontier—which the Egyptians knew to be false.[14] It was a war which the Egyptian leader, President Gamal Abdel Nasser, said was being waged because "Israel's existence in itself is an aggression."[15] It was a war touched off by an Egyptian blockade of the Israeli port of Eilat at the tip of the Gulf of Aquaba—a traditional act of war. It was a war which demonstrated that Israel could not rely on an American "commitment" given by President Eisenhower in 1957 dealing precisely with the eventuality of such a blockade.[16]

If ever a war was deliberately provoked, it was provoked by Egypt in 1967. Even Arab commentators have harshly criticized Nasser for having been too vainglorious and overconfident in his challenge to Israel. Yet Arab and Soviet propaganda has unremittingly characterized this war as a pure and simple Israeli "aggression." This charge was so clearly threadbare and self-serving that it was never accepted by, nor even put to a vote at, the United Nations as a basis of its determination on the war. Yet so successful has this Arab-Soviet propaganda been, as memories have dimmed, that James Reston could write in the New York *Times* of January 31, 1975, of friends of Israel who have urged her "to give up territory occupied by aggression"—an expression for which he ex-

Footnotes at end of article.

pressed regret a week later. Mr. Reston, however, was not the first American who should have known better than to charge Israel with "aggression" in 1967. In his first pronouncement on the Middle East in 1970, Senator J. William Fulbright used exactly the same term on the floor of the Senate.[17] If it was to Mr. Reston's credit that he soon recognized his mistake, one cannot ignore it as a symptom of how much has been forgotten since 1967.

Let us consider the question of the occupied territories in a general way.

The history of the world could be written in terms of the history of territories occupied—and annexed—as a result of wars. The Arab world would never have reached from the Euphrates to the Atlantic if it were not for vast invasions, conquests, occupations, and absorptions. But that was a long time ago. No self-respecting American historian has failed to wince at the way in which a huge chunk of Mexico was occupied and annexed in 1846 and the Philippines in 1898–99. But that was in the 19th century. In the lifetime of the present generation. Soviet Russia has occupied and annexed 272,500 square miles of territory—an area as large as Jordan, Lebanon, Syria, and Iran combined—as a result of World War II, much of which had not even belonged to Czarist Russia. But that was three or four decades ago. At this very moment, as a result of a Greek provocation—which, however, was considerably less than that of Nasser in 1967, inasmuch as Turkey itself was not threatened—Turkey has occupied and taken over almost half of Cyprus, with barely more than a tired groan from the rest of the world.

My point here is not that occupation of foreign territory is something to be encouraged and approved. My point is that the Israeli occupation is being singled out for moralistic abuse as if it were unheard of and did not have more justification than almost any other. Power, not morality, obviously determines whether or not occupation can be gotten away with.

Let us consider another vexing problem—the Palestinian refugees.

A recent study, *The UN and the Palestinian Refugees,* starts with this sentence: "Political refugees, of whom there have been many millions since the end of the Second World War, are the tragic product of an incompatible juxtaposition, whether of faction, class, religion, ideology, or nationality."[18] Here at least we are immediately confronted by a critical fact—the Palestine refugee problem is part of a much larger refugee problem and should be seen in terms of that larger problem. An official U.S. estimate put those who fled or were evicted since 1945 from the Communist countries alone at over 25 million.[19] A British source has estimated that as many as 35 million refugees have been successfully resettled since 1945.[20] The Arab refugees constitute a small fraction of this huge shift in population. The number of Arab refugees was put by the Special Political Committee of the General Assembly in 1956 as somewhere between 705,000 and 725,000. The highest figure, based on registrants for UN relief and obviously inflated by false registrations and other factors, was 1,344,567 in 1967.[21] Terence Prittie, the British writer, has concluded from a survey of the available statistics that the figure should be about 700,000.[22] Inasmuch as about 600,000 Jewish refugees fled from Arab countries, the two tend to offset each other. Even if Arab refugees should be estimated at one million, they would represent a relatively small portion of all post-1945 refugees.

These hordes of refugees should have outraged the conscience of the postwar world. That is not the point here. I want to stress something else—that only one kind of refugee has been made a political weapon to destroy the state from which he fled. The point has been well made by the Rev. Dr. Douglas Young, President of the American Institute of Holy Land Studies in Jerusalem. He recently drew attention to the fact that the propaganda to get Israel to allow Palestinian refugees to return is "contrary to *all* treatment of *all* refugees throughout the *whole* world in the last 10 or more years. Never are refugees moved. Always are they assimilated in their host countries."[23]

There is something suspicious and ominous about a world which permits one rule for refugees from a Jewish state and another rule for refugees from all other kinds of states.

In his 1970 speech, Senator Fulbright admitted that Israel was being asked to do something no other state had ever done. This is how he put it: "It is natural enough for Israel to resist the honor of being the first modern military victor to be obliged to abide by the principles and specifications of the United Nations Charter, especially when the greater powers who dominate the Security Council have set such a wretched example. Be that as it may, the principle is too important to be cast away because of the hypocrisy or self-interest of its proponents."[24]

In short, all the self-interested hypocrites have a right to ask of Israel what they would not dream of doing themselves.

Let us now consider the problem of the occupied territories more concretely. Again, the starting point must be the 1967 war.

The war was fought because, among other things, Egypt tried to close off the Gulf of Aqaba at Sharm el-Sheikh; Syria used the Golan Heights to shell the Israeli settlements below; and Jordan divided Jerusalem so ruthlessly that Jews could not visit their holy sites and cemeteries, which were in any case demolished or defiled. Nasser was overconfident precisely because the existing borders seemed to make Israel so vulnerable in a three-front war. The waist of Israel just north of Tel Aviv was less than a dozen miles wide—the distance it would take at this point to throw the Israelis into the sea.

Six days later, the Israelis had a defensive frontier on the Suez Canal, all along the Jordan, and atop the Golan Heights. At first, the Israelis expected to cash in their victory for a firm peace. As Dayan put it, in a much derided phrase, he was waiting for a telephone call from Cairo. The meaning was plain: Egypt had always refused to negotiate with what it considered to be a weak Israel; now it might decide to negotiate with a strong Israel. Dayan was disappointed. The Arab answer was given at Khartoum in August 1967: "No peace, no recognition, no negotiations."

Nevertheless, in November 1967, both the Arabs and Israelis accepted Security Council Resolution 242. For our present purposes, it is merely necessary to recall its main provisions. Essentially, it provided for the withdrawal of Israeli armed forces from "territories"—not "*all the* territories"—occupied during the war in return for giving Israel an end to belligerency and "secure and recognized boundaries." It was a "package deal," as Lord Caradon, the British member who sponsored it, has recently reminded us.[25] In effect, the parts of 242 were linked together to make "a balanced whole," to be enforced together or not at all. When the Arabs now demand total Israeli withdrawal and the Israelis demand a state of peace or at least non-belligerency, we are still within the bounds of 242, which has never been revoked or renounced.

Resolution 242 never achieved its purpose mainly because the Arab states and their Soviet patron insisted on breaking up the "package deal." Inasmuch as they were interested solely in Israeli withdrawal from the occupied territories, they cut down the whole problem to a simple case of Israeli "aggression" which made the Arabs the only aggrieved party to the dispute. This line totally ignored the fact that it had been the understanding of the British and Americans that at least "insubstantial" or "minor" modifications should be made in the pre-war boundaries in order to give Israel a greater degree of security.[26]

But 242 was not yet finished. The Brezhnev-Kissinger deal of October 21, 1973, which was adopted in the UN the following day as Resolution 338, resurrected 242 by calling for its implementation "in all its parts." In addition, 338 went somewhat further than 242 by also calling for "negotiations"—that dread term—"between the parties concerned."

Several other things which happened between the 1967 and 1973 wars deserve to be better known and need to be taken into consideration for an understanding of the problem of the occupied territories.

Immediately after the 1967 war, according to Professor Nadav Safran, Egypt was prepared to go along with a formula worked out by Secretary of State Dean Rusk and Foreign Minister Andrei Gromyko to exchange Israeli withdrawal for a termination of belligerence. Algeria, however, sharply protested and the other Arab states rallied behind it. Nasser backed away from the proposal. Professor Safran believes that the same "outbidding" resulted in the "Three No's" at Khartoum. If he is right, Dayan was not so far wrong in thinking that there might have been a telephone call from Cairo.[27]

In February 1968, British Prime Minister Harold Wilson told Israeli Deputy Prime Minister Yigal Allon that Britain was suffering most from the blockage of the Suez Canal. Allon conferred with Prime Minister Levi Eshkol—who had from the first considered the occupied territories a dubious blessing—and they agreed that Britain would secretly approach the Egyptians in Cairo to see whether they would be willing to reach a partial settlement with Israel for the purpose of reopening the Canal. The Egyptian reply was negative. Other efforts were made in the same direction by Pietro Nenni of Italy and Secretary of State William Rogers—all with the same negative result.[28]

In September and October 1968, the United States assured Egypt that, if it would negotiate with Israel, the United States would support the phased but total return to Egypt of the Sinai territory on condition that a peace settlement should be reached and the area demilitarized. This proposal was accepted by Israel and rejected by Egypt.[29]

In February 1971, a disengagement agreement to enable Egypt to reopen the Suez Canal came up once more. According to then Assistant Secretary of State Joseph J. Sisco, Israel informed the United States that it was willing to engage in talks for an interim Suez Canal agreement to be held without any preconditions under the aegis of the United States. The plan fell through, Sisco said, because the Egyptians insisted "on prior commitment to total evacuation from Egyptian territory."[30] In effect, Egypt could have had some form of disengagement along the Suez Canal in 1971—which is all that Egypt has now—without a war.

A dovish plan worked out before the 1973 war by the present Israeli Foreign Minister, Yigal Allon, was designed to grant Israel the greatest possible increment of additional security commensurate with the least possible transfer of Arab territory. There is no need here to go into the details of Allon's plan, which gave away too much for some Israelis and too little for others; it would probably get more support today.

The point is that there has never been, even remotely, an Arab effort to present an analogous plan for even a minimal territorial compromise. Israeli doves have had such a hard time because they have had no one but

Footnotes at end of article.

themselves to be dovish with. Recently a well-known Israeli writer, Amos Elon, and a young Egyptian scholar, Sana Hassan, collaborated on a book, *Between Enemies* (Random House, 1974). They also agreed that he would pay his first visit to Egypt and she to Israel, and that the book would be brought out in Hebrew in Israel and in Arabic in Egypt. Sana Hassan went to Israel, where she traveled wherever and spoke to whomever she pleased; Amos Elon was not permitted into Egypt. The book appeared in Hebrew in Israel; it was refused permission to appear in Arabic in Egypt by the highest authorities, despite Sana Hassan's best efforts.

A "compromise" would obviously mean that Israel could not keep all of the occupied territories and that the Arabs could not get all of them back. It is possible to oppose Israel's keeping any of the territories or the Arabs' giving any of them, but then it is impossible to speak of a "compromise." The sponsors of Resolution 242 actually thought of a minimal compromise according to which only "insubstantial" or "minor" territorial changes would be made. No matter how these relative terms might be interpreted, something had to change or the idea of a compromise was meaningless.

Some idea of change was also built into Resolution 242's requirement of "secure and recognized boundaries" for every state in the area. This provision could only mean that Israel did not have such boundaries before the June 1967 war. Whatever "secure" boundaries may mean, they could not mean exactly the same boundaries as had prevailed previously.

A great deal of casuistry has been expended on the subject of secure boundaries. It is frequently and solemnly said that there is no such thing as absolute security, as if anyone would ever do anything at all if life were a matter of absolutes. One advanced thinker has gone so far as to assure Israel that "it would be equally indefensible if it stretched from Tripoli to Beirut."[21] The distance from Tripoli to Beirut is about 1,500 miles; the distance from Qalquilyah in the West Bank across the narrow waist of Israel to the sea is about 10 miles; the distance from the Golan Heights to the valley below in Israel is virtually nonexistent. Would anyone dare to tell the Russians that their vast expanse of territory gives them no more security than if they were compressed into Israel's narrow space? Boundaries can surely give Israel—and any other country—more or less security, though they certainly cannot provide absolute security by themselves. In Israel's case, there is the added factor that an increase of relative security may have an absolute value in the event of a life-or-death battle.

If "unsubstantial" or "minor" territorial changes were all there were to the problem, they would not be beyond the wit of man. A compromise could entail a very small portion of the occupied territories.

After June 1967, Israel occupied about 47,000 square miles of former Arab territory, of which the Sinai represented approximately 95 per cent. The West Bank, the Gaza Strip, and the Golan Heights accounts for about 3,000 square miles, of which the West Bank alone makes up about 75 per cent. Israel has always made known that it was not interested in retaining the Sinai indefinitely. The West Bank is a much more difficult problem, about which I will have more to say later. If we omit the West Best provisionally and concentrate on the neuralgic points which gave rise to the 1967 war, such as Sharm el-Sheikh, the Golan Heights, and Jerusalem, the changes would actually be "insubstantial" or "minor" by any definition. A few territorial changes amounting to a tiny fraction of the 47,000 square miles of occupied territory would make a great deal of difference to Israel and vastly less difference to the Arabs, so long as every inch of ground is not considered sacred.

What really stands in the way is something far deeper and more intractable. Israel insists on holding on to the occupied territories unless it gets something for them. The Arab states insist on getting back the occupied territories without giving anything for them. This is the basic dilemma, not relatively small pieces of land.

One can understand a hard-boiled, cynical approach to the effect that Israel should give up the occupied territories in return for little or nothing because it does not have the power to do otherwise. But the unctuous, sanctimonious attitude that pervades so much of the commentary on this issue smacks—as former Senator Fulbright intimated—of hypocrisy or self-interest.

In his column of January 21, 1975, James Reston asked this question: "And who are the friends of Israel anyway—those who urge her to give up territory occupied by aggression [later changed to "force"] or those who urge her to hold on to everything she has?" It was in every sense the wrong question. For all but an extremist fringe, the real question, as matters stand today, is whether the friends of Israel should urge her to hold on to *anything*. It is the friends of the Arabs who should be asked whether to urge them to hold out for *everything*.

IV

Until October 1973, American policy seemed to be clear and firm in important respects. It was not, as Arab propaganda liked to pretend, unequivocally and unconditionally pro-Israel. On the contrary, the Nixon administration from the first sought to move over to so-called evenhandedness in its policy. The Rogers Plan of December 1969 was explicitly intended to be "a *balanced*" policy (emphasis in original). By that it was meant that there should be an exchange between Israel and Egypt—Israel to withdraw its forces from Egyptian territory and Egypt to make a "binding commitment" with all "the specific obligations of peace spelled out" and "worked out between the parties."[22]

Assistant Secretary Sisco, the main American spokesman, held fast for the next three years to three principles—Israeli withdrawal with insubstantial territorial changes; direct Arab-Israeli negotiations; a binding peace agreement. In November 1972, for example, he spoke of Resolution 242 in the following terms: "It did not call, as you know, for total Israeli withdrawal to the pre-June 5 [1967] lines. The whole assumption of Security Council Resolution 242 was that the final lines would be negotiated between the two sides." In February 1973, he said: "The United States has never seen itself as either a substitute for an agreement between the parties or a substitute for the actual process of negotiation itself." In May 1973, he still maintained: "Finally, there is the myth that peace can be made by proxy; that powers not party to the conflict, acting independently or through the United Nations, can somehow substitute for negotiations between the parties themselves."[23]

One thing seemed clear: from January 1969 to October 1973, the United States stood steadfastly for Arab-Israeli negotiations and some form of *quid pro quo* as the only way to arrive at a lasting peace agreement. Anything else, such as a U.S., Big Four, or UN "guarantee," was considered supplementary to such an agreement and even capable of doing more harm than good if it was intended to act as a substitute for it. An outside guarantee, Mr. Sisco said, could add "as a minimum, an important psychological and political support for the agreement between the parties," but no more.[24]

Now we are in the midst of an influential, persistent campaign to change this policy in favor of some form of "imposed peace" based on some kind of "guarantee." This idea is not a new one, but it was not taken seriously until after October 1973.

A UN-Big Four trial balloon was sent up in 1969 by Charles Yost, former U.S. ambassador to Syria and Morocco and deputy representative at the UN. If the contending parties could not themselves very soon come to a settlement, he proposed that the UN, with the backing of the U.S., USSR, Britain, and France, should take the initiative "to break the logjam." Where guarantees belonged in Mr. Yost's scheme was not clear because he also wrote: "Whatever guarantees can be obtained from the United Nations and/or the Great Powers would no doubt be welcome, but after the impotence of both in May-June last year [1967] either to maintain the United Nation forces in place or to reopen the Straits of Tiran, there is considerable skepticism as to the efficacy and durability of such guarantees." Nevertheless, Mr. Yost clearly wanted the UN and/or the Great Powers to be the *deus ex machina* of the Arab-Israeli conflict.[25]

Senator Fulbright in August 1970 was the first one to make "guarantees" the key to an imposed settlement. In return for Israeli withdrawal from occupied territories, Mr. Fulbright envisaged two kinds of guarantees—a multilateral one by the UN and a bilateral one between the United States and Israel. The relationship of these two guarantees was not altogether clear. At one point, Mr. Fulbright seemed to throw in the U.S. guarantee because Israel did not trust another UN guarantee. Under questioning, however, he agreed that the United States might have to act alone on its guarantee "in accordance with the constitutional process." He put considerable trust in the Soviet Union to back a guarantee and to join in a Middle East "international police force." He gave as one reason for his optimism about such a UN force—Cyprus.[26]

These trial balloons failed to rise. One thing, however, was striking—those who were least sympathetic to Israel were most eager for guarantees. The United States officially rejected them. Israel was most unenthusiastic. The Arabs also refused to take them very seriously, for one reason because they wanted something else from the United States.

Nasser died in September 1970. His successor, Anwar el-Sadat, soon showed that he was going to play a different kind of game. Nasser had been relatively rigid and straightforward in his tactics. Sadat adopted a far more shifty and slippery course. Coming to power after Nasser's two great failures, the 1967 war and the 1970 "war of attrition," Sadat realized that a direct attack was no longer feasible. In 1967, Nasser had worried mainly about U.S. intervention and had counted on Soviet Russia to neutralize the United States. In different circumstances, Sadat arrived at a different tactical answer to the problem. The key to victory for him was the isolation of Israel, especially its isolation from the United States. Nasser had wanted to neutralize the United States; Sadat set out to make the United States neutral.

The new Egyptian line did not take long to make its appearance. In February 1971, in an interview with Arnaud de Borchgrave of *Newsweek*, Sadat made two related statements. One was: "I ask only one thing: can the U.S. be neutral and objective?" The other was: "The U.S. administration is the key to peace."[27] In another interview, with C. L. Sulzberger of the New York *Times* in December 1971, Sadat said that he wanted the United States to be "just neutral."[28]

Until October 1973, however, the circumstances were not right for a drastic shift in American policy. The October war, the Arab oil embargo, and the supposed exigen-

Footnotes at end of article.

cies of the U.S.-USSR détente conspired to bring about a far-reaching change.

Previously, the Arabs had counted on the Soviets to neutralize the United States, and Israel had relied on the United States to neutralize the Soviet Union. To neutralize meant, in this context, to prevent direct intervention by either power. But on October 21, the Kissinger-Brezhnev deal implied joint Soviet-American direct intervention. The cease-fire agreement was, in effect, an imposed arrangement—imposed by the Soviets on the Americans, imposed by the Americans on the Israelis. The imposed settlement of October set a precedent which some Americans would now like to make a permanent condition.

The implications of his narrow escape from disaster thanks to American intervention were not lost on Sadat. Cold Egyptian calculation dictated making the United States the new center of gravity of Egyptian policy. The shift was based on the simple pronoiitian alliance with Dr. Kissinger in the form Israel what no one else could get. The United States became the center of the struggle in the Middle East when Egypt decided to get what it wanted from Israel through the United States.

Again, the Egyptians made no secret of their new tactics. In December 1974, Foreign Minister Ismail Fahmy defended the Egyptian alliance with Dr. Kissinger in the form of a rhetorical question: "What other country can force Israel to withdraw?" [39] In an interview in *Le Monde* of January 22, 1975, Sadat outdid himself in his flattery of Secretary Kissinger, and then explained: "However, supposing Henry should not be the man I have just described, do you think that we have any other alternative than American mediation? I do not say that the USSR has no role to play, but it must be admitted that the United States holds most of the trump cards, since Israel entirely depends on it."

In the same interview, Sadat also made clear how he intended to play the American card. For the return of the occupied territories, he said, "I have nothing to offer." In any event, he declared peace was not possible "as long as the Palestinian problem is not resolved." On one important point, the report of *Le Monde's* interview in the New York *Times* may have been too brief to be fully intelligible. The *Times* chose to emphasize what Sadat said about Soviet Russia, which need not be repeated here, but it neglected to mention what he said about the United States, such as his reference to the "trump cards" which he expected it to play in Egypt's favor. As for what Sadat was willing to give in return, the *Times* report merely stated that he was "ready to conclude a peace agreement with Israel." Sadat's full statement, however, is necessary to understand what he meant by this:

"I am ready to conclude a peace agreement with Israel and to respect the obligations flowing from such an agreement. However, I think that it is still too soon to speak of diplomatic relations or open frontiers. It would be necessary to reduce the hate accumulated in the course of twenty-six years of bloody conflicts. I leave to the next generation the trouble of deciding if it is possible not only to coexist with the Jewish state but also to cooperate with it. Everything depends, moreover, on the behavior of Israel after the establishment of peace."

Much of this Sadat had said many times before; it thus represents a well thought-out plan of how far the Egyptians are prepared to go. In practice, it means that, if Israel is willing to capitulate on all substantive issues—from the total, unconditional withdrawal from all the occupied territories to recognition of a PLO-ruled Palestinian state—Egypt might sign a piece of paper to be called a "peace agreement." I say "a piece of paper" because it would have none of the concrete attributes of a real peace. Anything of importance to Israel, such as open frontiers, would be ruled out and passed on to the next generation. The interview in *Le Monde* also had a bearing on a point raised by I. F. Stone in the *New York Review of Books* of February 6, 1975. In the interview, Sadat threatened war twice—if Israel was determined to keep the Golan Heights and if Israel refused to negotiate a general settlement on the Egyptian terms. Stone sought to give the impression that "a new war is the line of least resistance in Israel." One might imagine that Rabin, not Sadat, uses interviews to make threats of war. When Otto Nathan protested Stone's defamation of Israel in the March 6 *Review*, Stone disingenuously evaded the issue and tried to hide behind Albert Einstein. One wonders whether I. F. Stone knows better—or does not know better.

In his interview with Philip L. Geyelin in the Washington *Post* of February 17, 1975, Sadat gave a much clearer answer to the question of what he expected to give in exchange for an Israeli pullback. On this occasion he demanded an Israeli withdrawal from the Sinai, Golan Heights, and the West Bank. And in return? "I am not ready to make a settlement agreement with Israel," he said. "I am ready to agree to a gesture of peace from the side of Israel to pull back so that we can create a new atmosphere toward permanent peace." And after the Israeli gesture? "So they must give this gesture," Sadat said, "and then after that we shall be going to discuss the whole problem in Geneva." The interviewer persisted and wanted to know what, meanwhile, was going to be done about "Israel's long-term security—a removal of any further challenge to the territorial integrity and the sovereignty and the right of Israel to exist. What about this?" To which Sadat replied: "The only place to discuss this is Geneva. You must keep this for Geneva, for the whole solution."

In effect, little or nothing had changed. Sadat still demanded that Israel should give up its bargaining power, obtained at great cost from the two Arab-provoked wars, and then . . . and then . . . the Arabs would see. . . . Perhaps a "peace agreement" without substance: more likely endless logorrhea at Geneva over such intractable issues as Jerusalem and a PLO-ruled state, culminating in sheer exhaustion or exasperation, leaving both sides exactly where they had been before Geneva—except that the Israelis would no longer have much to bargain with.

Whatever it may be called, Sadat's offer resembled a cease-fire far more than a peace. In classical Islamic doctrine, the *jihad* signifies "a permanent state of war, not a continuous fighting." [40] In modern terms, a cease-fire is permissible, a peace is not. A cease-fire has ended every Arab-Israeli war, and it is again being offered, if the price is right, slightly masked as a peace. Whatever the name, however, it is essential for the Arabs to appear to have imposed their demands on Israel. It is also essential for any temporary cessation of hostilities to leave the way open for their resumption, through the Palestinians or some other unsatisfied element. The refusal to negotiate with Israel, the setting forth of terms on which Israel's survival would depend, and the oft-made distinction between good Jews and bad Israelis serve a fundamental purpose: to make those Jews who may be permitted to remain in the area a small, at best tolerated religious minority—or, as Sadat put it in April 1972, not so long ago, "whom our Book says that lowliness and submissiveness is their lot." [41] When the PLO leader, Yasir Arafat, says that Jews and Arabs will have equal rights in his mythical "secular, democratic Palestinian state," he also stipulates that the state would be an integral part of the larger Arab nation, every other part of which—except for the special case of Lebanon—is as non-secular and non-democratic as it is possible to get in the modern world.

All of which does not mean that Sadat is invulnerable to attack by Arab extremists. They are not satisfied with anything less than an all-out war to the death with Israel and scorn the "moderation" a la Sadat which believes in using diplomacy as well as force and wavers between Egyptian self-interest and Egyptian leadership of the Arab world.

Two other points in *Le Monde's* interview, which did not appear in the New York *Times* report, are noteworthy. Sadat was strangely confident about where American policy was going. On the PLO, he said: "I can assure you that Washington will not delay recognizing the PLO as being the sole legitimate representative of the Palestinian people." The other point had to do with guarantees: "The U.S. and the USSR are ready to furnish us jointly with such guarantees which would be approved by the other members of the Security Council and, if desired, by the entire United Nations."

Sadat talked as if he knew more about American policy than almost all Americans were permitted to know. In fact, if Sadat should prove to be right, readers of *Le Monde* knew more than readers of the New York *Times*.

v

Why have "guarantees" suddenly become so popular in some American and Arab circles?

It was not so long ago, as we have seen, that official American policy clearly deemphasized guarantees. Almost the only voice that had been raised in their favor was that of Senator Fulbright, and his loneliness was not abated by his advocacy. The Israelis did not want them, the Arabs were not impressed.

Soon after the October war, however, Secretary Kissinger began to talk about guarantees. In November 1973, he discussed them publicly on two occasions, and in December of that year, once again. No one else at that time was paying so much attention to them.

The subject was brought up for the first time on November 12 by an interviewer who apparently thought that guarantees were still officially unwelcome. Dr. Kissinger's answer revealed more than he may have intended:

"We have not yet given any particular guarantees. However, I would assume that if the peace negotiations succeed there will be a very serious problem, especially for Israel, of how its security can be assured under conditions when the final borders will certainly be different from the cease-fire lines and when withdrawals are involved as Security Council Resolution 242 provides.

"At this point the question of guarantees will arise and we have to then ask the question what sort of guarantees—unilateral, several countries, and so forth. Second, moreover, the great powers are already involved to some extent in the Middle East. What we have to do is to try to prevent every crisis from turning into a clash of the superpowers." [42]

The best authority, then, on why guarantees were now to be regarded more favorably was Secretary Kissinger himself. He recognized at this time that anything the Israelis could get from the Arabs in return for withdrawals from the occupied territories would constitute "a very serious problem" of security for Israel. "Guarantees" from outside powers were supposed to compensate Israel for what it could not get from the Arabs. This, in essence, was the rationale which he unguardedly expressed in his first discourse on the subject.

In his second reference to guarantees on November 21, Secretary Kissinger talked about the number of elements necessary in a peace settlement:

"It will have to have an element of withdrawals. It will have to have an element of

Footnotes at end of article.

security arrangements between the parties concerned. And it may have to have an element of outside guarantees. In addition, there are such issues as the Palestinians and the future of Jerusalem." [43]

And on December 6, he mentioned guarantees as having reached the stage of active consideration: "We are prepared to consider the question of guarantees in its broadest sense," and "we are prepared to consider—I said to 'consider,' not necessarily to agree—either individual or joint guarantees. As to permanent stationing of United States or Soviet forces in the Middle East, we are somewhat dubious. We do not rule it out totally, but we are reluctant to get it into this." [44]

After planting the seed of guarantees in the public consciousness for the first time since Senator Fulbright's abortive effort, Dr. Kissinger stopped just short of committing himself, as if time were needed for the seed to sprout.

Meanwhile, the Israelis were still protesting that guarantees were not in their interest nor, for that matter, in the American interest. In November 1973, then Defense Minister Dayan stated the Israeli point of view: "We don't need a formal guarantee, and we don't want any other soldiers, American or otherwise, to fight for us." [45]

This protest did not discourge the incipient American campaign for guarantees. Among the first to take up the cause was Professor Zbigniew Brzezinski of Columbia University, who included a U.S. guarantee in his personal peace plan. In making his case, Professor Brzezinski somehow tried to have it both ways. On the one hand, he argued: "In effect, Israel enjoys such a [U.S.] guarantee." On the other hand, he maintained that formalizing it would "enhance the existing U.S.-Israeli relationship and have the added advantage of making the consequences of any aggression against Israel much more serious." He carefully refrained from spelling out the nature of his guarantee and from explaining why an admitted formality should make so much difference.[46]

Another recruit in the burgeoning campaign was Professor William E. Griffith, whose first effort appeared in the Winter 1974 issue of *Orbis*. He went Professor Brzezinski one better by calling for two guarantees in the manner of the old Fulbright plan—a multilateral international and a unilateral U.S. guarantee. Although Professor Griffith took note that a guarantee "might involve the United States in military action," he studiously avoided the hard questions of how, when, and where. Revealingly he recognized that "Israel would no longer be able to rely on its own resources and military forces to guarantee its security. Rather, it would have to depend *in part* on international and U.S. guarantees" (emphasis added).[47] I have emphasized the words "in part" because they betray how easy it is to misuse the term "guarantee." A guarantee "in part" is a contradiction; a guarantee is totally effective or it is no guarantee.

In a repeat performance in his role as a Roving Editor of the *Reader's Digest*, Professor Grfith hit the reader on the head with this opening sentence: "If you think the Arab oil squeeze a year ago was bad, you haven't seen anything yet." He warned of gas rationing, chilly homes and offices, factories shut down, the financial system disrupted, and the first major depression since the 1930's. Next came the real message: "All this will probably happen unless Washington takes prompt and decisive action to settle the long-standing conflict between Israel and the Arabs"—along the lines proposed by the author. No one would ever know from this crude tie-up that the Arab oil threat did not originate with, and could go on for many other reasons than, the Arab-Israeli conflict, or that working up mass hysteria is the worst possible political climate for working out an American policy.

Like Professor Brzezinski, Professor Griffith also admitted that a U.S. guarantee "would only formalize a long-standing commitment—and constitute a clear sign to the Arabs that we mean business, and therefore that they can never destroy or dismantle Israel." Presumably this means that our previous long-standing commitment was not clear and did not convince the Arabs that we meant business. Why a new formality should be trumped-up to be so much more compelling than the old commitment again remained a mystery.[48]

By the end of 1974, the campaign for guarantees had gained real momentum. Senator Fulbright was heard from once more—nothing new, but the title given to his speech in the *Washington Monthly* was revealing: "Getting Tough with Israel." [49]

Former Under Secretary of State George W. Ball came out for a Soviet-American imposed guarantee on terms to be set forth in detail by the Security Council. Just how much of a guarantee it would be, on the American side, appeared to be questionable, since Mr. Ball himself seriously doubted "that President Ford, or any American President, would launch a military venture in the area." [50] Professor Richard H. Ullman of Princeton University urged that the present American "commitment" to Israel was too ambiguous and that "an absolutely unambiguous American commitment—one perhaps including the stationing of contingents of American forces in Israel," was now needed.[51] How difficult it might be for a unilateral American commitment of this kind to get the necessary congressional support was soon indicted by two influential Senators. When Senator Charles H. Percy came back from the Middle East in late January of this year, he foresaw the necessity of Americans troops, if Israel should need them in a new war started by the Arabs, but "I would ask Soviet Russia to join us, together with other countries, to provide an international force," he explained.[52] Senator John Sparkman, the new Chairman of the Foreign Relations Committee, also spoke in favor of "assurances" to Israel by "major powers." [53]

These variations on the theme of guarantees were accompanied by various demands on Israel. Professor Brzezinski's plan called for Israeli surrender of political control of the occupied territories in return for Arab surrender of military control. Professor Griffith, in his 1974 article in *Orbis*, excepted the "Latrun salient" in the West Bank and parts of the Golan Heights, but his 1975 article in the *Reader's Digest* mentioned only the Wailing Wall of East Jerusalem. Senator Fulbright would hear of nothing but total withdrawal on all fronts. Mr. Ball preferred to leave the reader in the dark on this score, but expressed remarkable confidence that it should not be "too difficult" for the United States and the Soviet Union to agree on "secure and recognized boundaries" for Israel, providing only that the Soviet Union jointly guaranteed the settlement. Professor Ullman touched on Israeli "territorial concessions which will be so vitally necessary if a genuine end to hostilities in the Middle East is ever to come," but prudently abstained from mentioning what they might be. Senator Percy came out for "pulling back essentially to the 1967 lines," and Senator Sparkman spoke of Israel as "surrendering some of the land, if not all."

Most of these proposals, for good reason, linked a guarantee with an imposed settlement. Guarantors must, in the last analysis, decide what they are willing to guarantee, even if the parties concerned can agree among themselves and especially if they cannot. If a guarantee becomes critical to a settlement, the next step is to impose those terms which are agreeable to the guarantor. As a result, it become more important for the contending parties to negotiate with the guarantor than among themselves.

Strangely, no one had yet told the President of the United States that the *line might* be changing. On January 23 of this year, Mr. Ford still held faithfully to the old line: "But I think the Israelis with adequate equipment and their determination and sufficent economic aid won't have to have guarantees of any kind." [54] On February 16, however, his Secretary of State spoke of a "possible guarantee of the Soviet Union," presumably not alone.[55] On February 21, James Reston, who seems to have developed the uncanny knack of knowing what Dr. Kissinger has in mind, confided to his readers that "the idea of an American "guarantee" of Israel's security now seems the most relevant, if difficult, compromise." On February 23, however, the old line was dutifully restated by Under Secretary of State Sisco, who said that any guarantee was being studied only as "a supplement and a complement to the actual agreement between the parties," based on Resolution 242. Israeli Ambassador Simcha Dinitz, it was reported, had asked Dr. Kissinger for an explanation and had been told the same thing.[56]

Meanwhile, the Israelis were still resisting. "An American military presence here would be a grave mistake," a high Israeli official insisted. "We are proud that no American soldier has lost his life in the defense of Israel, and it would be a terrible tragedy if it happened." [57] Foreign Minister Allon declared that Israel would not accept any formal guarantees of Israel's existence by the United States or any other third country unless "Israel is capable of defending itself." [58] Prime Minister Rabin said that "those who proposed" an American-Israel defense treaty are seeking it as "a substitute for defensible borders." He maintained: "The moment that Israel's destiny in anything relating to the defense of its very existence is taken out of its hands, then this becomes a different Israel—at the mercy of others." Referring to an American-Soviet guarantee, he held that it would have no practical value and that no arrangement exists "that goes by the term 'guarantees' by the two powers for any kind of settlement between states, or a regional settlement." [59]

Something odd has clearly been going on. What is there about guarantees that is so attractive to some American publicists and politicians? What effect would guarantees have on Resolutions 242 and 338 on which American policy is still supposedly based? Why should the Israelis be so allergic to them?

VI

A clue to the sudden attractiveness of guarantees may be found in some of the things that have been said in favor of them.

When he first broached the subject on November 12, 1973, it may be recalled, Secretary Kissinger indicated why some sort of guarantee might be necessary. It was conceived, he implied, as a means of making up for the "very serious problem" for Israeli security which would arise when final borders were arranged. The guarantee, then, was compensation for what would otherwise be a state of serious Israeli insecurity.

Sadat also alluded to something important when he said in one interview that there "is nothing as good as international guarantees" and in another interview that he had nothing to give the Israeli for a pull-back in the Sinai, the Golan Heights, and the West Bank or, for that matter, anywhere else.[60] In his view, then, guarantees are good because they are something that someone else gives to the Israelis.

James Reston in the New York *Times* of February 21, 1975, saw an American guarantee as part of a "compromise." A guarantee, then, is from this *point of* view essentially a

Footnotes at end of article.

"compromise" arranged between Israel and the guarantors, not between Israel and the Arabs.

It should now be sufficiently clear why a guarantee has, in some minds, been promoted from a supplement to a substitute. It has emerged as the most seductive way of getting around the conditions set forth in Resolution 242 and 338. The first held out the expectation of some change in boundaries, and the second promised negotiations between the parties concerned. While everyone continues to pay lip-service to both resolutions, they are in danger of being eviscerated. Neither resolution said anything about guarantees. If the resolutions were lived up to, guarantees would not be so urgent or would at most be regarded as useful reinforcements. The new prominence of guarantees is a sure sign that the balance in the resolutions has in practice tipped drastically against Israel and that something had to be improvised that would appear to right the balance.

Let us be clear about one thing: the issue here is not whether Resolutions 242 and 338 are good or bad. The issue is whether they are being gutted.

Despite all the recent publicity about a guarantee, it is remarkable how little thought has been given to it in present circumstances. Those who have been using the term so glibly of late have not made the slightest effort to spell out how it would work or what its effect would be.

The past record is not encouraging. Apparently only one study, by Professor Alan Dowty, has been made of how international guarantees might apply to the Arab-Israeli conflict. It came to this conclusion: 'Generally it must be stressed that the prognosis for international guarantees as part of an Egyptian-Israeli settlement is poor." [61]

A serious guarantee is not a diplomatic bandaid; it is a solemn undertaking to go to war if the guaranteed nation is endangered. Thus arises the first hard problem—who would decide whether or not the guarantee is operative? The obvious answer is: the guarantor or guarantors. After Vietnam and Cambodia such a decision would not be easy for the United States. If the guarantee were embodied in a formal treaty, as Mr. Fulbright and others have urged, the commitment would be most uncertain and ill-defined unless it specifically detailed "what steps would be taken under what circumstances," as Professor Dowty put it.[62] It would not be easy for such a detailed treaty to be negotiated or to get through Congress in the present circumstances; it would be even more difficult to get Congress to declare war for the sole purpose of making good a guarantee, unless we are going to get into another Presidential war which, if only for constitutional reasons, might tear the country apart again. One need only think of one nagging question that would inevitably arise and hold up an American decision—who was the aggressor? In 1967, Israel was deliberately provoked but was denounced by the Soviet bloc, the Arab bloc, and Senator Fulbright as the "aggressor." On October 6, 1973, the Arab armies admittedly moved first and caught the Israeli forces by surprise, but the Soviet and Arab blocks in the UN launched a concerted campaign against Israeli "aggression" that lasted for some days.

Still, let us make the most favorable assumptions about the treaty in time of crisis. Guarantees, as Professor Hans Morgenthau pointed out almost three decades ago, "must be effective in their execution, and the execution must be automatic." [63] In the case of Israel, the *sine qua non* of automatic—or even effective—execution would be speed. The Israeli emergency plan in 1973 was based on a period of twelve days.[64] The period has probably been extended since then, but an Israeli emergency would still almost certainly be most acute in the first days. A rescue operation mounted too late would do no good for Israel and would hopelessly discredit the United States.

To avoid such a contingency, it has been suggested that an American force should be stationed in Israel prior to any emergency. If it were merely a token, "trip-wire" force, it would not be able to defend itself adequately, let alone Israel. We would be reading about American casualties before we know how far we wanted to commit ourselves to a real war. An adequate American force would have to be a rather large one, perhaps as large as the Israeli force that would have to be mobilized to meet an attack. One shudders at the thought of thousands of American troops, complete with PX's and other appurtenances, stationed permanently in Israel, their logistical bases six thousand miles or more away.

These daunting problems would be compounded by a Soviet-American or "international" guarantee. The Soviet Union has given unswerving, unconditional political—and, to the extent that Soviet interests were served, military—support to the Arab states for a quarter of a century. It conspired with Syria in 1967 to nudge Nasser into foolhardy adventurism. Among the captured documents in the 1973 war were lectures delivered by Soviet generals at the Egyptian Staff College on how to deal with Israel; they advised the Egyptians to wage long drawn-out wars of attrition, aimed at softening up and wearing Israel down, instead of the short, swift wars of movement which they said Israel favored.[65] At present, Soviet Russia is again nudging Egypt by heavily arming the most extreme Arab states, Syria and Iraq. Thanks to Soviet arms, the PLO has a far larger and far better-equipped army in Lebanon than the Lebanese government has.

Détente, one is sure to be told, makes a Soviet-American guarantee feasible. But Secretary Kissinger himself has told us that the Middle East has been most impervious to détente.[66] Even if détente worked better in the Middle East, its relationship to a guarantee would not be reassuring. A guarantee, to be worthy of the name, must be effective and automatic; it should not depend on a Soviet-American rapport which by its very nature is fluctuating and unstable. If a guarantee is based on détente, any threat to détente would become a threat to the guarantee. Any threat to the guarantee would, in turn, threaten and get tangled up in the whole complex of issues and interests that make up détente. Above all, a Soviet-American guarantee would give the Soviet Union a veto power or at least a potentially fatal power of obstruction; the United States would be faced with the alternative of negotiating with the Soviet Union or hurriedly breaking with it on the operation of the guarantee. One can hardly imagine a more fragile and hazardous basis for a guarantee.

Such are some of the problems that a guarantee raises. Amazingly, all the would-be and have-been policy makers and policy planners who have proposed some form of guarantee have not made the slightest effort to deal with any of them. This uncharacteristic reticence is itself a commentary on how well thought-out the proposal is.

VII

Secretary Kissinger's more recent thinking on foreign policy has been marked by a peculiar contradiction. On the one hand, he has repeatedly called for "conceptual" frameworks and breakthroughs. On the other hand, he has pronounced: "The difference between a good and a mediocre policy is the accumulation of nuances." [67]

One cannot have it both ways. Concepts are large and fundamental; nuances are small and subsidiary. A good foreign policy undoubtedly needs both, but no accumulation of nuances can save unsound concepts, while sound concepts can often survive a good many unfortunate nuances. What passes for nuances, moreover, often conceals unrecognized or unacknowledged concepts.

In essence, the Kissinger policy has tended to interpose the United States Israel and the Arabs. The basic formula has been for the United States to do for the Arabs what the latter will not do themselves. If the Arabs cannot force Israel to give up territory, the United States is expected to put subtle and not-so-subtle pressure on Israel to give up territory. If a return to the pre-1967 boundaries decreases Israeli security, the United States considers making up the difference with an American or American-plus guarantee. If Israel surrenders the Abu Rodeis oil field in the Sinai, let the United States arrange to get an equivalent amount of oil from Iran.

The first thing that must be said about this American role is that it represents a tilt of policy that goes far beyond "nuances." It may be good or bad, but it is not more of the same.

The old concept used to be that there could be no peace in the Middle East unless Israelis and Arabs came to terms with each other. The new concept is for both of them to come to terms with the United States. It is only one step from this to the concept that the United States must come to terms with them by, if necessary, imposing its terms on them. This step has already been taken unofficially, as indicated by the articles I have cited, and it remains to be seen how far official policy will go in this direction.

In reality, the United States cannot impose its terms, whatever they are, equally on Israelis and Arabs. An imposed settlement is, in practice, a settlement imposed on Israel. It implies that the Arabs will give as much or as little as they want to give, the United States will in some manner pay off for them, and Israel will get whatever the Arabs and the United States together choose to give.

Is it in the American interest to interpose itself in this way between Israel and the Arabs?

We may accept at face value Secretary Kissinger's assurance: "The United States—and finally in the last analysis Europe—will not negotiate over the survival of Israel. This would be an act of such extraordinary cynicism that the world would be morally mortgaged if it ever happened. But it won't happen." [68]

At one time, I too thought it couldn't happen. Now I am not so sure. It may happen because people make it happen, not necessarily because they want it to happen. The shabby scandal of UNESCO, the obsequious exhibition of Yasir Arafat at the UN, the craven behavior in the face of the Arab blacklist of Western companies and financial institutions, the report that a British minister "recently told a visiting American politician that the government doesn't envision Israel's long-term survival and is basing its Middle East policies around that assumption" [69]—have shaken my confidence. I am sure that Israel will survive, because its will to survive is its veritable guarantee, but I am far from sure that the rest of the world is not already well on its way to morally mortgaging itself.

One way to become morally mortgaged is to deprive Israel of its own power of defense and to substitute the illusion of someone else's power I say "illusion" because no outside power, not even that of the United States, can effectively take the place of Israeli power. I is simply expecting too much of the United States in the present circumstances to make good a guarantee which, if taken seriously, could mean fighting another Vietnam war in Israel. That specter is not good for either the United States or Israel. Yet it hovers over the agitation for imposed

Footnotes at end of article.

settlements and guarantees without any of the advocates of these proposals daring to bring it out into the open.

It was Sadat's strategy to make the United States the center of the struggle. It serves his strategy for the United States to interpose itself constantly between Israel and the Arabs in a manner never done before. An American guarantee is perfectly acceptable to him because it shifts attention away from anything resembling an Arab guarantee.

If the American aim is an Israel that can defend itself, we cannot afford to forget some of the concepts that have governed Israel's existence from the outset:

1) *Only Israelis can defend Israel.* This is an ineluctable reality with which Israel has lived for a long time. It is a critical difference between Israel and Vietnam. Americanization of Israeli defense would smother Israel as it smothered Vietnam. Even the chimera of Americanization cannot fail to have as baneful an effect on Israel self-reliance as the real thing had on the Vietnamese.

Those who want an imposed settlement and/or guarantee specialize in the most lugubrious assessments of Israel's ability to defend itself. If the Arabs were as strong and the Israelis as weak as Mr. Fulbright and others would like us to believe, the Arabs would have overrun Israel some time ago. We seem to have gone from one extreme to the other; it is all the fashion to exaggerate Israel's difficulties and ignore those of the Arabs. If the Arabs did not have so many troubles of their own, Sadat would not have chosen to ask the United States to get what he wants for him instead of taking it himself. There is no need to minimize how hard pressed Israel is, but there is also no reason to underestimate how hard put the Arabs are. Polite panic-mongering has become a form of psychological warfare to break Israel's will to resist Arab or American pressure.

2) *There is no peace by proxy.* Two years ago, Mr. Sisco derided "the myth that peace can be made by proxy." The myth is still a myth. A statement by Egypt to the United States is not the same as a statement by Egypt to Israel. If it were the same, Sadat would not be so adamant about not giving it to Israel. The use of a proxy is important to Egypt because it leaves the way wide open to an evasion of responsibility. An under-the-table deal of this kind can be denied, obfuscated, or repudiated, especially inside the Arab countries. A deal which is not recognized as such by most Arabs and Israelis is doomed to break down.

What starts as a guarantee to Israel ends in reality as a guarantee for Egypt. In the event of default, Israel has no claim on Egypt; it must come to the United States with its complaint, as it did, fruitlessly, before. This sort of transaction is calculated to envenom future Israeli-American relations far more than it can possibly improve Israeli-Egyptian relations. It is the kind of thing diplomats think of to get over a bad moment, when they cannot think of anything else.

3) *Peace is not a piece of paper.* At present a direct and open pledge of peace or non-belligerence by Egypt to Israel is almost too much to hope for; even a statement of non-belligerence given to a third party is eagerly bid for as if at an auction. The reality of peace will never be achieved in this fashion. Peace in the Middle East will become effective only when it concerns ways of making a start at living together, socially, economically, intellectually. That is why such issues as trade and travel between Israel and the Arab states are what really matter. When they are put off to the next generation, one can be sure that what is being called peace or non-belligerence is no more than another cease-fire. Here is a story by Bernard Gwertzman which tells better than anything else what peace does and does not mean: "One American suggested [to a high Egyptian official] that as a way of reducing mistrust, Egypt should invite some Israeli editors to visit for a month and see the situation for themselves. The Egyptian's manner changed. He looked startled. 'Look,' he said, 'we let Jews from America and other countries visit. We know why they come here and that is all right with us. But to ask us to let Israelis in—that is too much' " (New York *Times*, February 17, 1975).

The test of peace in the Middle East, then, hinges more on Arab-Israeli relations than on Arab-American or Israeli-American relations. There is a delicate balance between these relationships that is dangerously disturbed by putting the United States in the middle, now acting as guarantor for Israel, now for Egypt or some other Arab state. The United States is in no position to make good automatically on some guarantees, and they should not be given if they cannot be made good. The tilt in the India-Pakistan struggle was not one of Dr. Kissinger's more successful operations. A tilt in the Middle East does not promise to come out any better.

It may be said that an imposed settlement and guarantee present an extreme case. Nevertheless, we have heard a great deal about this case lately, and the question arises why anyone should want to push it.

For some, I suspect, it is a little more than a gimmick. When we are told that Israel has, in effect, always had an American guarantee but should get another one, we have a right to wonder whether the proposal can be taken seriously. When we are told that guarantees would guarantee Israel "in part," we have a right to question whether this means that Israel would be guaranteed to be half-alive or half-dead. When we are told that a guarantee is just what Israel needs but that no American President could be expected to use American armed forces in the Middle East, we have a right to surmise that we are being sold a pig in a poke.

Israeli Defense Minister Shimon Peres has made a biting observation on how guarantees operate: "In a way, guarantees are like bank loans. They are given once you convince the bank that you do not need them. If you really need them, everybody is embarrassed to take the risk." [70]

Secretary Kissinger recently told the editors of the *New Republic* that a guarantee would be only "icing on the cake" [71]—which is not how he described it when he brought it up the first time on November 12, 1973. If there was a cake, however, icing would seem to be, in the circumstances, a luxury that could well be spared. The trouble is that guarantees look more like icing without the cake.

Motives undoubtedly differ from proponent to proponent of a guarantee. Some seem to think of it in terms of *faute de mieux*—it is not an ideal solution but it is better than nothing. If the price were not so high and the consequences of making good on it not so serious, such a view might be unobjectionable if not too inspiring. Others seem to think that Israel has no business looking this gift horse in the mouth because it is so dependent on the United States. Israel in this view should be grateful for anything it gets. This crass approach grossly underestimates the determination of Israelis to remain as far as possible masters of their own fate. There is no reason to believe that Israel would accede to any kind of settlement or any kind of guarantee. The consequences of attempting to impose a one-sided settlement on Israel, covered up by a less-than-convincing guarantee, could be traumatic for both Israel and the United States.

Then there are those who would like to believe that America's problems with the Arabs will disappear if only the Israeli problem disappears. This belief, I am convinced, is profoundly in error. The Arab states have thrown their newly-discovered power around in such a way that our future problems with them will depend on how much power they have or think they have, not how much of Israel we throw to them. The more power the Arab states have, with or without our help, the more problems they will make for us. There may be temporary let-ups, based on temporary pay-offs, but Arab power will continue to seek new outlets. This is the real problem we may expect to cope with, perhaps for a decade, perhaps longer.

What then remains?

I have come to believe that a consistent American policy can be based only on Resolutions 242 and 338. There is nothing else on which everyone has agreed, whatever the different motives may have been. To give up these resolutions is to start all over again from the beginning.

What do we have to work with? Let us recall: these resolutions called for Israeli withdrawals from most of the occupied territory in exchange for what were understood to be "insubstantial" or "minor" boundary changes, non-belligerence, and negotiations between the parties concerned. These terms rule out an imposed settlement but would not necessarily rule out some form of guarantee as long as the parties concerned wanted it after reaching an agreement among themselves on the substantive issues. There is no other ground, at present, to stand on.

For Israel, 242 means that the two largest land masses of the occupied territories, Sinai and the West Bank, need to be recognized in a final agreement as Arab land. So long as either of them is retained indefinitely, the boundary changes cannot be "insubstantial" or "minor." For Israel to demand substantial or major changes is, in effect, to rule out a compromise based on 242.

For this and another reason, I cannot accept the position taken by Moshe Dayan on the retention of the West Bank. This is how Dayan expressed it in his interview in the New York *Times* of January 26, 1975:

"I want us to remain in the West Bank, with limited rights, including the right to establish Jewish settlements there, to buy land, and keep a military presence there to protect it. We should be the only military party there. We don't want to replace the people there, but that is our homeland. We have the right to be there."

Is such a state of affairs tenable? If the people are not replaced, what kind of "homeland" is it? Is there such a thing as a "home" in which other people always live? A West Bank in which Israel has only "limited rights" but remains "the only military power" sets up a hopeless contradiction between rights and power. The prime reality in the West Bank and Gaza Strip is the people in them—about 5,000 Jews and about one million Arabs.

In COMMENTARY of February 1974, I touched on this aspect of the problem:

"No diplomacy can do much about a holy war. A strategy of stages based on immemorial claims is a prescription for protracted conflict. The only way out of the dilemma is to start with the present and the living and not with the past and the dead. It is too late for Arabs to say that so many Jews do not belong in Palestine; they are there, and they cannot be removed or dispossessed without another Holocaust. It is too late for Israelis to say that the West Bank does not belong to the Arabs; they are there, and they cannot be removed or disregarded without incalculable suffering. The trouble with history is that it is non-negotiable, and diplomacy is negotiation or it is nothing."

This is still my view. It is one thing to say that Jews should be able to live in the West Bank as Arabs live in Israel; more than 5,000 Jews lived in the West Bank before Jordan expelled them and barred them from return

Footnotes at end of article.

in 1948–49. It is another thing to question the Arab character of the land because some Jews may now live there. If the Jewish population in the West Bank increased by 1,000 per cent in the next ten years, it would still be a relatively small minority in a hostile environment.

But there is another and more important reason why I reject the political implications of the "homeland" concept. It is simply this—Jews should not rule over land inhabited so massively by Arabs. It is bad for the Jews and bad for the Arabs. It sets up an unbearable tension between the two peoples. It cannot be reconciled with the understanding behind Resolution 242.

This is not the place to discuss the modalities of political controls of the West Bank to satisfy the Arab need for self-determination and the Israeli requirements of security. I am thinking of the principle only. It may be a long way from principle to practice, but the way should start with a recognition of the principle. A PLO-ruled West Bank would obviously belie the principle of self-determination because it would be imposed from the outside and constitute an intolerable threat to Israel. The true self-determination of the West Bank would require a political climate very different from the present. Nevertheless, it is hard to think of negotiation based on any other principle.

For Israel, owing to its peculiar origin, partly rooted in faith and partly in necessity, renunciation of the West Bank clearly demands an enormous sacrifice. The only thing that could justify it to most Israelis would be the conviction that there is no other road to peace. It would help little for Israel to make such a sacrifice without a corresponding effort on the part of the Arabs to satisfy Israel's minimum needs for greater security. A compromise arrangement would have to treat those neuralgic points—the "Latrun salient," the Golan Heights, Sharm el-Sheikh, Jeursalem, and perhaps one or two other places—which were inflamed by the Arabs themselves. Adjustments in these places would not involve more than "insubstantial" or "minor" portions of the 47,000 square miles of occupied territory. If Resolution 242 did not imply at least this much change, it was either meaningless or a deliberate swindle.

American policy since October 1973 has made such an Arab-Israeli understanding more rather than less difficult. By constantly interposing the United States between Israel and the Arab states, paying off the latter whenever some token of compromise was required of them, Dr. Kissinger's "nuances" have encouraged Arab intransigence and pushed the two sides farther and farther apart. I am inclined to agree with Professor Ullman that American policy has become so "ambiguous" that, in effect, it does more harm than good, even if I cannot go along with his suggestion that U.S. military contingents in Israel may be the remedy. The remedy, to my mind, is political rather than military. What is desperately needed is an unflinching American determination to see the Middle East conflict through on the basis of Resolution 242 and 338. Without a modicum of territorial compromise, non-belligerence, and negotiations between the parties concerned, the resolutions are effectively relegated to the famous dust-bin of history. The Middle East conflict is one Gordian knot that must be united, not cut.

My impression, so far as Israel is concerned, is that a reasonable compromise would be welcomed by a great majority of its people. The Israeli leaders have been talking the language of compromise. I do not hear similar expressions from Arab leaders. If American pressure is designed to extort substantive concessions only from the Israelis, it will not result in a durable and peaceful compromise—it will be that "moral mortgage" of which Secretary Kissinger spoke.

FOOTNOTES

[1] Marvin Kalb and Bernard Kalb, *Kissinger* (Little, Brown, 1974), p. 484.

[2] Jerusalem *Post Weekly*, October 30, 1973, p. 1.

[3] *Divrei HaKnesset* (Parliamentary Report), October 30, 1973, Fourth Session, p. 4585.

[4] *Ha'avetz*, October 31, 1973.

[5] Joan Peters Kaplan, "A Talk with Yitzhak Rabin," *New Leader*, May 13, 1974, p. 7.

[6] Kalb, *op. cit.*, p. 487.

[7] *Orbis*, Winter 1974, p. 1188.

[8] *Foreign Affairs*, October 1974, p. 58.

[9] This passage is taken from the verbatim version of Dayan's lecture in the Israeli newspaper, *Ma'ariv*, December 27, 1974, p. 21. Though the sense of the version in the New York *Times*, December 20, 1974, was similar, the exact wording could not be found in the verbatim text.

[10] Lawrence L. Whetten, *The Canal War: Four-Power Conflict in the Middle East* (MIT Press, 1974), p. 293.

[11] David Binder, New York *Times*, November 21, 1973. As far as I have been able to make out, other efforts to reconstruct the October 1973 story, such as Tad Szulc's behind-the-scenes article in *New York* magazine of July 1, 1974, were equally unenlightening on this point. William E. Griffith and Nadav Safran, as I have noted, pointed in the right direction but gave no details. If it were not for the remarks of Rabin and the revelations of Dayan, we would still know little from U.S. sources what course U.S. policy had actually taken between October 20 and 27, 1973.

[12] *Foreign Policy*, Spring 1974, p. 121.

[13] "From 1967 to 1973: The Arab-Israeli Wars," COMMENTARY, December 1973.

[14] In the above article, I raised a question about the source of Egyptian Minister of Defense Shams Badran's testimony at his trial in February 1968 to the effect that the Egyptian Chief of Staff, General Muhammad Fawzi, had been sent to Syria on May 14, 1967, to check on this Soviet story. A UPI report from Cairo of February 24, 1968, quoted Badran as testifying that Fawzi had found the Soviet reports to be unfounded and had declared that the Soviets "must have been having hallucinations." I have now been able to verify that the reputable Beirut, Lebanon, newspaper, *Al-Hayat*, of February 25, 1968, carried the same report of Badran's testimony. Indeed, the headline on page 1 read: "Shams Badran: The Reports of the [Israeli] Attack upon Syria were Soviet Fantasies [*takhayyulat*]." The main story referred to "Soviet fantasies" of Israeli "concentrations on the Syrian border."

[15] Press Conference of May 28, 1967 (see my *Israel and World Politics* [Viking, 1968] for the text, pp. 224–231, especially p. 230).

[16] One of the main Israeli aims in the 1956 war was precisely to break a previous blockade of Eilat. The circumstances of President Eisenhower's commitment have been set forth in *Israel and World Politics*, pp. 17–23. The mystery of the misplaced commitment that took place in Washington in 1967 was recently related by Lucius D. Battle, then Assistant Secretary in charge of the region: "The United States had a commitment, of sorts, to the Israelis with respect to the Straits of Tiran [leading into the Gulf of Aqaba]. We had assured Israel that we would continue to consider it an international waterway, use it, and encourage others to do so. In 1967, we were, however, unable to find the record of the meetings and the discussions of the 1956 period. Therefore, the obligations that Mr. Dulles undertook at the earlier time were unclear and unknown. The Isralei records of the conversations were readily available, full, and proved accuracy. American records were, for economic reasons, stored in the Middle West—Cleveland, I believe—and were therefore not available when we needed them. . . . Despite their vagueness, U.S. assurances at the time had been accepted by the Israelis as the basis for withdrawal (under intense American pressure) from the conquered territory of the war of 1956. These assurances were weak reeds and meaningless in the face of crisis" (*Foreign Policy*, Spring 1974, pp. 116–117).

[17] "The Israelis, for the moment, occupy Arab territory. The Senator [Ribicoff] knows that we certainly publicly subscribe to the principle of the resolution of 1967, that the acquisition of territory by aggression is no longer acceptable international practice" (*Congressional Record*, Senate, August 24, 1970, p. 29800). Senator Fulbright was wrong both times; Israel was not indicted by the UN or the Security Council for having violated this "principle"; such a charge could not have been sustained at that time.

[18] Edward H. Buehrig, *The UN and the Palestinian Refugees* (Indiana University Press, 1971), p. 3.

[19] *U.S. Apparatus of Assistance to Refugees Throughout the World*, Hearings Before the Subcommittee to Investigate Problems Connected with Refugees and Escapees, U.S. Senate, July–August 1966, p. 5.

[20] "Middle East Refugees, I" from a three-part study in *Britain and Israel*, edited by Terence Prittie and Richard Jones. Among the refugees who were resettled were 15 million from India and Pakistan (1947); 400,000 from Finland (1945); 1.5 million from Czechoslovakia (1945); 2.8 million from Poland (1944–45); 7.5 million from East Germany in 1945; 3.8 million from the German Democratic Republic (1945–75); 1.2 million from Rumania (1945).

[21] Buehrig, op cit., pp. 38–39.

[22] Terence Prittie, "How Many Arab Refugees?" Middle East Information Series, American Academic Association for Peace in the Middle East, Fall 1973, pp. 37–38.

[23] Letter to the Jerusalem Post Weekly, January 21, 1975.

[24] Congressional Record, Senate, August 24, 1970, p. 29805.

[25] New York Times, November 24, 1974.

[26] I went into the full story of 242 in a previous article, "The Road to Geneva," Commentary, February 1974.

[27] Foreign Affairs, October 1974, p. 51.

[28] Yigal Allon "Strategy for Peace," lecture at opening of the Levi Eshkol Institute, Hebrew University, June 3, 1973 (mimeographed).

[29] Eugene V. Rostow, speech at Educational Conference of the League for Industrial Democracy, May 5, 1974, reprinted in Crossroads, September 1974, p. 1. Rostow was then Under Secretatry of State for Political Affairs.

[30] Department of State Bulletin, September 25, 1972, pp. 352–353; November 13, 1972, p. 568; February 25, 1973, p. 326; March 29, 1973, p. 486. In an interview in Newsweek, February 22, 1971, Sadat demanded that Israel should withdraw to a line behind el-Arish, virtually on the Israeli border, as the price of reopening the Canal in six months.

[31] Ronald Steel, New Leader, February 4, 1974, p. 9.

[32] *Department of State Bulletin*, January 5, 1970, pp. 7–11.

[33] *Ibid.*, November 13, 1972, p. 571; also see March 19, 1973, p. 323, June 11, 1973, p. 846.

[34] *Ibid.*, March 8, 1971, p. 293; also see June 11, 1973, p. 846.

[35] *Atlantic*, January 1969, pp. 80–85.

[36] *Congressional Record*, Senate, August 24, 1970, pp. 29796–29813.

[37] *Newsweek*, February 22, 1971, p. 40–41.

[38] New York *Times*, December 13, 1971.

[39] *Ibid.*, December 10, 1974.

[40] Majid Khadduri, *War and Peace in the Law of Islam* (Johns Hopkins Press, 1955), p. 64.

[41] Cited by Elie Kedourie, *Arabic Political Memoirs and Other Studies*, Cass (London), 1974, p. 227.

[42] New York *Times*, November 13, 1973.

[42] *Department of State Bulletin*, December 10, 1973, p. 705
[44] *Ibid.*, December 24, 1973, p. 761.
[45] New York *Times*, November 13, 1973.
[46] *New Leader*, January 7, 1974, p. 9.
[47] *Orbis*, Winter 1974, p. 1187.
[48] *Reader's Digest*, February 1975, p. 75.
[49] *Washington Monthly*, February 1975, p. 23.
[50] *Atlantic*, January 1975, pp. 6–11.
[51] *Foreign Affairs*, January 1975, pp. 294–296.
[52] *Christian Science Monitor*, January 29, 1975. The report in the New York *Times* of the same date did not contain this part of Senator Percy's statement to a group of reporters.
[53] Interview in the English-language *Daily Star* of Beirut, Lebanon, reported in the Jerusalem *Post Weekly*, January 28, 1975.
[54] NBC television interview, New York *Times*, January 24, 1975.
[55] New York *Times*, February 17, 1975.
[56] NBC *Meet the Press*, February 23, 1975 (Sisco); New York *Times*, February 24, 1975 (Dinitz).
[57] New York *Times*, February 21, 1975.
[58] *Ibid.*, February 24, 1975.
[59] Jersusalem *Post Weekly*, February 25, 1975. Rabin made the same point in his interview in the Washington *Post*, March 1, 1975.
[60] *Le Monde*, January 22, 1975, and Washington *Post*, February 17, 1975.
[61] Alan Dowty, "The Application of International Guarantees to the Egypt-Israel Conflict," *Journal of Conflict Resolution*, June 1972, p. 261. Also see his more general study, *The Role of Great Power Guarantees in International Peace Agreements*, Jerusalem Papers on Peace Problems, the Hebrew University, No. 3, February 1974, especially p. 27.
[62] Dowty, *Journal of Conflict Resolution*, June 1972, p. 262.
[63] Hans Morgenthau, *Politics among Nations* (Knopf, 1st ed., 1948), p. 231.
[64] Statement of Mark Mosevics, president of the Manufacturers Association of Israel, New York *Times*, February 2, 1974.
[65] Defense Minister Shimon Peres, Jerusalem *Post*, September 8, 1974.
[66] Interview in *Newsweek*, December 30, 1974, p. 30.
[67] *Ibid.*, p. 32. The infatuation with "nuances" seems to go back to Dr. Kissinger's article, "The Vietnam Negotiations," in *Foreign Affairs*, January 1969 (reprinted in *American Foreign Policy*, Norton, 1969, p. 116).
[68] *Ibid.*, p. 31.
[69] Felix Kessler, "Arab Money Talks to Britain: Knuckling Under," *New Republic*, March 8, 1975, p. 12.
[70] *Christian Science Monitor*, January 27, 1975.
[71] Comment, "Mideast Peace?" *New Republic*, March 8, 1975, p. 6.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted as follows to:)

Mr. PATMAN (at the request of Mr. O'NEILL), for April 8 and 9, on account of necessary absence.

Mr. CORMAN, for today, on account of official business.

Mr. FINDLEY (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. GUDE (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. JOHNSON of Colorado (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. J. WILLIAM STANTON (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. SYMMS (at the request of Mr. RHODES), for the week of April 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JOHNSON of Colorado) to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. BAUCUS, for 5 minutes, today.
Mr. WHITE, for 5 minutes, today.
Mr. MOAKLEY, for 15 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. AUCOIN, for 5 minutes, today.
Mr. UDALL, for 5 minutes, today.
Mr. MATSUNAGA, for 60 minutes, on April 17, 1975.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, after the prayer, today.

Mr. YATES, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,294.

(The following Members (at the request of Mr. JOHNSON of Colorado) and to include extraneous matter:)

Mr. CARTER in two instances.
Mr. MARTIN in two instances.
Mr. VANDER JAGT.
Mr. DERWINSKI in two instances.
Mr. BROOMFIELD.
Mr. BROWN of Ohio in three instances.
Mr. BUCHANAN in two instances.
Mr. BOB WILSON in two instances.
Mr. KEMP in two instances.
Mr. COLLINS of Texas in four instances.
Mr. SYMMS.
Mr. BELL.

(The following Members (at the request of Mr. MCHUGH) and to include extraneous material:)

Mr. BEDELL.
Mr. SEIBERLING in 10 instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. ZEFERETTI.
Mr. MCCORMACK in 10 instances.
Mr. KASTENMEIER in five instances.
Mr. MINETA.
Mr. PATTEN.
Mr. BEARD of Rhode Island.
Mr. LEGGETT in two instances.
Mr. SOLARZ.
Mr. EARLY in two instances.
Mr. DE LUGO.
Mr. MIKVA.
Mr. HANLEY.
Mr. GAYDOS in three instances.
Mr. EVANS of Indiana in 10 instances.
Mrs. LLOYD of Tennessee.
Mrs. SCHROEDER.
Mr. MOFFETT.
Mr. YOUNG of Georgia in two instances.
Mr. COTTER.
Mr. MCFALL.
Mr. MCDONALD of Georgia in five instances.

RECESS

The SPEAKER pro tempore. Pursuant to a previous order of the House, the Chair is now going to declare a recess until the two Houses meet in joint session for an address by the President of the United States.

The House will stand in recess until approximately 8:40 p.m. today.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 203 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Molloy) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Massachusetts, Mr. O'NEILL, the gentleman from California, Mr. MCFALL, the gentleman from California, Mr. PHILLIP BURTON, the gentleman from Arizona, Mr. RHODES, and the gentleman from Illinois, Mr. MICHEL.

The VICE PRESIDENT. Pursuant to the order of the Senate, the following Senators are appointed to escort the President of the United States into the House Chamber: JAMES O. EASTLAND, of Mississippi; MIKE MANSFIELD, of Montana; ROBERT C. BYRD, of West Virginia; FRANK E. MOSS, of Utah; GARY HART, of Colorado; HUGH SCOTT, of Pennsylvania; ROBERT P. GRIFFIN, of Michigan; JOHN G. TOWER, of Texas; and ROBERT T. STAFFORD, of Vermont.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives

and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 1 minute p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE WORLD—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–101)

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and high personal honor of presenting to you the President of the United States.

The PRESIDENT of the United States. Mr. Speaker, Mr. President, distinguished guests, my very good friends in the Congress and fellow Americans:

I stand before you tonight after many agonizing hours in very solemn prayers for guidance by the Almighty.

In my report on the State of the Union in January, I concentrated on two subjects which were uppermost in the minds of the American people—urgent actions for the recovery of our economy and a comprehensive program to make the United States independent of foreign sources of energy.

I thank the Congress for the action that it has taken thus far in response to my economic recommendations. I look forward to early approval of a national energy program to meet our country's long-range and emergency needs in the field of energy.

Tonight it is my purpose to review our relations with the rest of the world, in the spirit of candor and consultation which I have sought to maintain with my former colleagues and with our countrymen from the time that I took office. It is the first priority of my Presidency to sustain and strengthen the mutual trust and respect which must exist among Americans and their government if we are to deal successfully with the challenges confronting us both at home and abroad.

The leadership of the United States of America, since the end of World War II, has sustained and advanced the security, well-being and freedom of millions of human beings besides ourselves. Despite some setbacks, despite some mistakes, the United States has made peace a real prospect for us and for all nations.

I know firsthand that the Congress has been a partner in the development and in the support of American foreign policy which five Presidents before me have carried forward, with changes of course but not of destination.

The course which our country chooses in the world today has never been of greater significance—for ourselves as a nation and for all mankind.

We build from a solid foundation.

Our alliances with great industrial democracies in Europe, North America and Japan remain strong, with a greater degree of consultation and equity than ever before.

With the Soviet Union we have moved across a broad front toward a more stable, if still competitive relationship. We have begun to control the spiral of strategic nuclear armaments.

After two decades of mutual estrangement we have achieved an historic opening with the People's Republic of China.

In the best American tradition we have committed—often with striking success—our influence and good offices to help contain conflicts and settle disputes in many, many regions of the world. We have, for example, helped the parties of the Middle East take the first steps toward living with one another in peace.

We have opened a new dialog with Latin America looking toward a healthier hemispheric partnership. We are developing closer relations with the nations of Africa. We have exercised international leadership on the great new issues of our interdependent world, such as energy, food, environment and the law of the sea.

The American people can be proud of what their nation has achieved and helped others to accomplish. But we have, from time to time, suffered setbacks and disappointments in foreign policy. Some were events over which we had no control; some were difficulties we imposed upon ourselves.

We live in a time of testing and of a time of change. Our world—a world of economic uncertainty, political unrest, and threats to the peace—does not allow us the luxury of abdication or domestic discord. I recall quite vividly the words of President Truman to the Congress when the United States faced a far greater challenge at the end of the Second World War. If I might quote: "If we falter in our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of this nation."

President Truman's resolution must guide us today. Our purpose is not to point the finger of blame; but to build upon our many successes; to repair damage where we find it; to recover our balance; to move ahead as a united people. Tonight is a time for straight talk among friends about where we stand, and where we are going.

A vast human tragedy has befallen our friends in Vietnam and Cambodia.

Tonight I shall not talk only of obligations arising from legal documents. Who can forget the enormous sacrifices of blood, dedication and treasure that we made in Vietnam? Under five Presidents and twelve Congresses the United States was engaged in Indochina. Millions of Americans served, thousands died, and many more were wounded, imprisoned, or lost.

Over $150 billion have been appropriated for that war by the Congress of the United States. And after years of effort, we negotiated under the most difficult circumstances a settlement which made it possible for us to remove our military forces and bring home with pride our American prisoners. This settlement, if its terms had been adhered to, would have permitted our South Vietnamese ally, with our material and moral support, to maintain its security and rebuild after two decades of war.

The chances for an enduring peace after the last American fighting man left Vietnam in 1973 rested on two publicly stated premises: First, that if necessary the United States would help sustain the terms of the Paris Accords it signed two years ago; and second, that the United States would provide adequate economic and military assistance to South Vietnam. Let us refresh our memories for just a moment. The universal consensus in the United States at that time, late 1972, was that if we could end our own involvement and obtain the release of our prisoners we would provide adequate material support to South Vietnam.

The North Vietnamese, from the moment they signed the Paris Accords, systematically violated the cease-fire and other provisions of that agreement. Flagrantly disregarding the ban on the infiltration of troops, the North Vietnamese illegally introduced over 350,000 men into the South. In direct violation of the agreement, they sent in the most modern equipment in massive amounts. Meanwhile they continued to receive large quantities of supplies and arms from their friends.

In the face of this situation, the United States—torn as it was by the emotion of a decade of war—was unable to respond. We deprived ourselves by law of the ability to enforce the agreement—thus giving North Vietnam assurance that it could violate that agreement with impunity. Next we reduced our economic and arms aid to South Vietnam. Finally we signalled our increasing reluctance to give any support to that nation struggling for its survival.

Encouraged by these developments, the North Vietnamese in recent months began sending even their reserve divisions into South Vietnam. Some twenty divisions, virtually their entire army, are now in South Vietnam. The Government of South Vietnam, uncertain of further American assistance, hastily ordered a strategic withdrawal to more defensible positions. This extremely difficult maneuver, decided upon without consultations, was poorly executed, hampered by floods of refugees, and thus led to panic. The results are painfully obvious and profoundly moving.

In my first public comment on this tragic development, I called for a new sense of national unity and purpose. I said I would not engage in recriminations or attempt to assess the blame. I reiterate that tonight.

In the same spirit I welcomed the statement of the distinguished Majority Leader of the United States Senate earlier this week and I quote: "It's time for the Congress and the President to work together in the area of foreign as well as domestic policy."

So let's start afresh.

I am here to work with the Congress. In the conduct of foreign affairs, Presidential initiative and ability to act

swiftly in emergencies are essential to our national interest.

With respect to North Vietnam, I call upon Hanoi—and ask the Congress to join with me in this call—to cease military operations immediately and to honor the terms of the Paris agreement. The United States is urgently requesting the signatories of the Paris Conference to meet their obligations to use their influence to halt the fighting and to enforce the 1973 Accords. Diplomatic notes to this effect have been sent to all members of the Paris Conference, including the Soviet Union and the People's Republic of China.

The situation in South Vietnam and Cambodia has reached a critical phase requiring immediate and positive decisions by this government.

The options before us are few and the time is very short.

On the one hand, the United States could do nothing more; let the government of South Vietnam save itself and what is left of its territory if it can; let those South Vietnamese civilians who have worked with us for a decade or more save their lives and their families if they can; in short, shut our eyes and wash our hands of the whole affair—if we can.

Or, on the other hand, I could ask the Congress for authority to enforce the Paris Accords with our troops and our tanks and our aircraft and our artillery, and carry the war to the enemy.

There are two narrower options:

First, stick with my January request that Congress appropriate $300 million for military assistance for South Vietnam and seek additional funds for economic and humanitarian purposes.

Or, increase my requests for both emergency military and humanitarian assistance to levels which by best estimates might enable the South Vietnamese to stem the onrushing aggression, to stabilize the military situation, permit the chance of a negotiated political settlement between the North and South Vietnamese, and, if the very worst were to happen, at least allow the orderly evacuation of Americans and endangered South Vietnamese to places of safety.

Let me now state my considerations and my conclusions:

I have received a full report from General Weyand, whom I sent to Vietnam to assess the situation. He advises that the current military situation is very critical, but that South Vietnam is continuing to defend itself with the resources available. However, he feels that if there is to be any chance of success for their defense plan, South Vietnam needs urgently an additional $722 million in very specific military supplies from the United States. In my judgment, a stabilization of the military situation offers the best opportunity for a political solution.

I must, of course, as I think each of you would, consider the safety of nearly 6,000 Americans who remain in South Vietnam, and tens of thousands of South Vietnamese employees of the United States Government, of news agencies, of contractors and businesses for many years whose lives, with their dependents, are in very grave peril. There are tens of thousands of other South Vietnamese intellectuals, professors, teachers, editors and opinion-leaders who have supported the South Vietnamese cause and the alliance with the United States, to whom we have a profound moral obligation.

I am also mindful of our posture toward the rest of the world, and particularly of our future relations with the free nations of Asia. These nations must not think for a minute that the United States is pulling out on them or intends to abandon them to aggression.

I have therefore concluded that the national interests of the United States and the cause of world stability require that we continue to give both military and humanitarian assistance to the South Vietnamese.

Assistance to South Vietnam at this stage must be swift and adequate. Drift and indecision invite far deeper disaster. The sums I had requested before the major North Vietnamese offensive and the sudden South Vietnamese retreat are obviously inadequate. Half-hearted action would be worse than none. We must act together and act decisively.

I am therefore asking the Congress to appropriate without delay $722 million for emergency military assistance and an initial sum of $250 million for economic and humanitarian aid for South Vietnam.

The situation in South Vietnam is changing very rapidly and the need for emergency food, medicine and refugee relief is growing by the hour. I will work with the Congress in the days ahead to develop humanitarian assistance to meet these very pressing needs.

Fundamental decency requires that we do everything in our power to ease the misery and the pain of the monumental human crisis which has befallen the people of Vietnam. Millions have fled in the face of the communist onslaught, and are now homeless and are now destitute. I hereby pledge in the name of the American people that the United States will make a maximum humanitarian effort to help care for and feed these hopeless victims.

And now I ask the Congress to clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for the limited purposes of protecting American lives by ensuring their evacuation if this should be necessary, and I also ask prompt revision of the law to cover those Vietnamese to whom we have a very special obligation, and whose lives may be in danger, should the worst come to pass.

I hope that this authority will never have to be used, but if it is needed there will be no time for Congressional debate.

Because of the gravity of the situation, I ask the Congress to complete action on all of these measures not later than April 19. In Cambodia the situation is tragic. The United States and the Cambodian Government have each made major efforts, over a long period and through many channels, to end that conflict, but because of their military successes, steady external support, and their awareness of American legal restrictions, the communist side has shown no interest in negotiation, compromise, or a political solution. And yet, for the past three months, the beleaguered people of Phnom Penh have fought on, hoping against hope that the United States would not desert them, but instead provide the arms and ammunition they so badly needed.

I have received a moving letter from the new acting President of Cambodia, Saukham Khoy—and let me quote it for you:

"Dear Mr. President," he wrote, "as the American Congress reconvenes to reconsider your urgent request for supplemental assistance for the Khmer Republic, I appeal to you to convey to the American legislators our plea not to deny these vital resources to us, if a non-military solution is to emerge from this tragic five-year-old conflict.

"To find a peaceful end to the conflict we need time. I do not know how much time, but we all fully realize that the agony of the Khmer people cannot and must not go on much longer. However, for the immediate future, we need the rice to feed the hungry and the ammunition and the weapons to defend ourselves against those who want to impose their will by force. A denial by the American people of the means for us to carry on will leave us no alternative but inevitably abandoning our search for a solution which will give our citizens some freedom of choice as to their future. For a number of years now the Cambodian people have placed their trust in America. I cannot believe that this confidence was misplaced, and that suddenly America will deny us the means which might give us a chance to find an acceptable solution to our conflict."

This letter speaks for itself. In January, I requested food and ammunition for the brave Cambodians and I regret to say that as of this evening, it may be soon too late.

Members of the Congress, my fellow Americans, this moment of tragedy for Indochina is a time of trial for us. It is a time for national resolve.

It has been said that the United States is overextended; that we have too many commitments too far from home; that we must reexamine what our truly vital interests are and shape our strategy to conform to them. I find no fault with this as a theory, but in the real world such a course must be pursued carefully and in close coordination with solid progress toward overall reduction in worldwide tensions.

We cannot in the meantime abandon our friends while our adversaries support and encourage theirs. We cannot dismantle our defenses, our diplomacy or our intelligence capability while others increase and strengthen theirs.

Let us put an end to self-inflicted wounds. Let us remember that our national unity is a most priceless asset.

Let us deny our adversaries the satisfaction of using Vietnam to pit Americans against Americans.

At this moment the United States must present to the world a united front.

Above all, let us keep events in Southeast Asia in their proper perspective. The security and the progress of hundreds of millions of people everywhere depend importantly on us.

Let no potential adversary believe that our difficulties or our debates mean a slackening of our national will.

We will stand by our friends.

We will honor our commitments, and we will uphold our country's principles.

The American people know that our strength, our authority and our leadership have helped prevent a third World War for more than a generation. We will not shrink from this duty in the decades ahead.

And let me now review with you the basic elements of our foreign policy, speaking candidly about our strengths and some of our difficulties.

We must first of all face the fact that what has happened in Indochina has disquieted many of our friends, especially in Asia. We must deal with this situation promptly and firmly. To this end, I have already scheduled meetings with the leaders of Australia, New Zealand, Singapore and Indonesia, and I expect to meet with the leaders of other Asian countries as well.

A key country in this respect is Japan. The warm welcome I received in Japan last November vividly symbolized for both our peoples the friendship and the solidarity of this extraordinary partnership. I look forward, as I am sure all of you do, with very special pleasure to welcoming the Emperor when he visits the United States later this year.

We consider our Security Treaty with Japan the cornerstone of stability in the vast reaches of Asia and the Pacific. Our relations are crucial to our mutual well-being. Together we are working energetically on the international multilateral agenda—in trade, energy and food. We will continue the process of strengthening our friendship, mutual security and prosperity.

Also, of course, of fundamental importance is our mutual security relationship with the Republic of Korea, which I reaffirmed on my recent visit. Our relations with Europe have never been stronger. There are no peoples with whom America's destiny has been more closely linked. There are no peoples whose friendship and cooperation are more needed for the future. For none of the members of the Atlantic community can be secure, none can prosper, none can advance unless we all do so together. More than ever, these times demand our close collaboration in order to maintain the secure anchor or our common security in this time of international riptides; to work together on the promising negotiations with our potential adversaries; to pool our energies on the great new economic challenge that faces us.

In addition to this traditional agenda, there are new problems involving energy, raw materials, and the environment. The Atlantic nations face many and complex negotiations and decisions. It is time to take stock, to consult on our future, to affirm once again our cohesion and our common destiny. I therefore expect to join with the other leaders of the Atlantic Alliance, at a Western Summit in the very near future.

Before this NATO meeting, I earnestly ask the Congress to weigh the broader considerations and consequences of its past actions on the complex Greek-Turkish dispute over Cyprus. Our foreign policy cannot be simply a collection of special economic or ethnic or ideological interests. There must be a deep concern for the overall design of our international actions. To achieve this design for peace and to assure that our individual acts have some coherence, the Executive must have some flexibility in the conduct of foreign policy.

United States military assistance to an old and faithful ally, Turkey, has been cut off by action of the Congress. This has imposed an embargo on military purchases by Turkey, extending even to items already paid for—an unprecedented act against a friend. These moves, I know, were sincerely intended to influence Turkey in the Cyprus negotiations. I deeply share the concern of many citizens for the immense human suffering on Cyprus. I sympathize with the new democratic government in Greece. We are continuing our earnest efforts to find equitable solutions to the problems which exist between Greece and Turkey. But the results of the Congressional action has been:

to block progress toward reconciliation, thereby prolonging the suffering on Cyprus;

to complicate our ability to promote successful negotiations;

to increase the danger of a broader conflict.

Our longstanding relationship with Turkey is not simply a favor to Turkey; it is a clear and essential mutual interest. Turkey lies on the rim of the Soviet Union and at the gates of the Middle East. It is vital to the security of the eastern Mediterranean, the southern flank of Western Europe and the collective security of the Western Alliance. Our U.S. military bases in Turkey are as critical to our own security as they are to the defense of NATO.

I therefore call upon the Congress to lift the American arms embargo against our Turkish ally by passing a bipartisan Mansfield-Scott bill, now before the Senate. Only this will enable us to work with Greece and Turkey to resolve the differences between our allies.

I accept—and indeed welcome—the bill's requirement for monthly reports to the Congress on progress toward a Cyprus settlement. But unless this is done with dispatch, forces may be set in motion within and between the two nations which could not be reversed.

At the same time, in order to strengthen the democratic government of Greece, and to reaffirm our traditional ties with the people of Greece, we are actively discussing a program of economic and military assistance with them. We will shortly be submitting specific requests to the Congress in this regard.

A vital element of our foreign policy is our relationship with the developing countries—in Africa, Asia and Latin America. These countries must know that America is a true, that America is a concerned friend, reliable both in word and deed.

As evidence of this friendship, I urge the Congress to reconsider one provision of the 1974 Trade Act which has had an unfortunate and unintended impact on our relations with Latin America, where we have such a long tie of friendship and cooperation. Under this legislation all members of OPEC were excluded from our generalized system of trade preferences. This unfortunately punished two South American friends, Ecuador and Venezuela, as well as other OPEC nations such as Nigeria and Indonesia, none of which participated in last year's oil embargo. This exclusion has seriously complicated our new dialogue with our friends in this hemisphere.

I therefore endorse the amendments which have been introduced in the Congress to provide Executive authority to waive those restrictions on the Trade Act that are incompatible with our national interest.

The interests of America, as well as our allies, are vitally affected by what happens in the Middle East. So long as the state of tension continues, it threatens military crisis, the weakening of our alliances, the stability of the world economy, and confrontation with the nuclear superpowers. These are intolerable risks.

Because we are in the unique position of being able to deal with all the parties, we have at their request been engaged for the past year and a half in a peacemaking effort unparalleled in the history of the region.

Our policy has brought remarkable successes on the road to peace. Last year two major disengagement agreements were negotiated and implemented with our help. For the first time in 30 years a process of negotiation on the basic political issues was begun—and is continuing.

Unfortunately, the latest efforts to reach a further interim agreement between Israel and Egypt have been suspended. The issues dividing the parties are vital to them and not amenable to easy and to quick solutions. However, the United States will not be discouraged.

The momentum toward peace that has been achieved over the last 18 months must and will be maintained.

The active role of the United States must and will be continued. The drift toward war must and will be prevented.

I pledge the United States to a major effort for peace in the Middle East—an effort which I know has the solid support of the American people and their Congress. We are now examining how best to proceed. We have agreed in principle to reconvene the Geneva conference. We are prepared as well to explore other forums. The United States will move ahead on whatever course looks most promising, either towards an overall settlement or interim agreements, should the parties themselves desire them. We will not accept stagnation or a stalemate, with all its attendant risks to peace and prosperity and to our relations in and outside of the region.

The national interest—and national security—require as well that we reduce the dangers of war. We shall strive to do so by continuing to improve our relations with potential adversaries.

The United States and the Soviet Union share an interest in lessening tensions and building a more stable rela-

tionship. During this process we have never had any illusions.

We know that we are dealing with a nation that reflects different principles and is our competitor in many parts of the globe. Through a combination of firmness and flexibility, the United States in recent years laid the basis of a more reliable relationship founded on mutual interest and mutual restraint. But we cannot expect the Soviet Union to show restraint in the face of the United States weakness or irresolution. As long as I am President, America will maintain its strength, its alliances and its principles as a prerequisite to a more peaceful planet. As long as I am President, we will not permit détente to become a license to fish in troubled waters. Détente must be and I trust will be a two-way relationship.

Central to U.S.-Soviet relations today is the critical negotiation to control strategic nuclear weapons. We hope to turn the Vladivostok agreements into a final agreement this year at the time of General Secretary Brezhnev's visit to the United States. Such an agreement would for the first time put a ceiling on the strategic arms race. It would mark a turning point in postwar history and would be a crucial step in lifting from mankind the threat of nuclear war.

Our use of trade and economic sanctions as weapons to alter the internal conduct of other nations must also be seriously re-examined. However well intentioned the goals, the fact is that some of our recent actions in the economic field have been self-defeating. They are not achieving the objectives intended by the Congress. And they have damaged our foreign policy.

The Trade Act of 1974 prohibits most-favored nation treatment, credit and investment guarantees and commercial agreements with the Soviet Union so long as their emigration policies fail to meet our criteria. The Soviet Union has therefore refused to put into effect the important 1972 trade agreement between our two countries.

As a result, Western Europe and Japan have stepped into the breach. Those countries have extended credits to the Soviet Union exceeding $8 billion in the last six months. These are economic opportunities—jobs and business—which could have gone to Americans.

There should be no illusions about the nature of the Soviet system—but there should be no illusions about how to deal with it. Our belief in the right of peoples of the world freely to emigrate has been well demonstrated. This legislation, however, not only harmed our relations with the Soviet Union but seriously complicated the prospects of those seeking to emigrate. The favorable trend aided by quiet diplomacy by which emigration increased from 400 in 1968 to over 33,000 in 1973 has been seriously set back. Remedial legislation is urgently needed in our national interest.

With the People's Republic of China we are firmly fixed on the course set forth in the Shanghai Communique. Stability in Asia and the world require our constructive relations with one-fourth of the human race. After two decades of mutual isolation and hostility, we have in recent years built a promising foundation. Deep differences in our philosophy and social systems will endure. But so should our mutual long-term interests and the goals to which our countries have jointly subscribed in Shanghai.

I will visit China later this year to reaffirm these interests and to accelerate the improvement in our relations. And I was glad to welcome the distinguished Speaker and the distinguished minority leader of the House back today from their constructive visit to the People's Republic of China.

Let me talk about new challenges. The issues I have discussed are the most pressing of the traditional agenda on foreign policy. But ahead of us also is a vast new agenda of issues in an interdependent world.

The United States—with its economic power, its technology, its zest for new horizons—is the acknowledged world leader in dealing with many of these challenges. If this is a moment of uncertainty in the world, it is even more a moment of rare opportunity.

We are summoned to meet one of man's most basic challenges—hunger. At the World Food Conference last November in Rome, the United States outlined a comprehensive program to close the ominous gap between population growth and food production over the long term. Our technological skill and our enormous productive capacity are crucial to accomplishing this task.

The old order—in trade, finance, and raw materials—is changing, and American leadership is needed in the creation of new institutions and practices for worldwide prosperity and progress.

The world's oceans, with their immense resources and strategic importance, must become areas of cooperation rather than conflict. American policy is directed to that end.

Technology must be harnessed to the service of mankind while protecting the environment. This too is an arena for American leadership.

The interests and aspirations of the developed and developing nations must be reconciled in a manner that is both realistic and humane. This is our goal in this new era.

One of the finest success stories in our foreign policy is our cooperative effort with other major energy-consuming nations. In little more than a year, together with our partners, we have created the International Energy Agency; we have negotiated an emergency sharing arrangement which helps to reduce the dangers of an embargo; we have launched major international conservation efforts; we have developed a massive program for the development of alternative sources of energy.

But the fate of all of these programs depends crucially on what we do at home. Every month that passes brings us closer to the day when we will be dependent on imported energy for 50 percent of our requirements. A new embargo under these conditions would have a devastating impact on jobs, industrial expansion, and inflation at home. Our economy cannot be left to the mercy of decisions over which we have no control, and I call upon the Congress to act affirmatively.

In a world where information is power, a vital element of our national security lies in our intelligence services. They are as essential to our Nation's security in peace as in war. Americans can be grateful for the important, but largely unsung, contributions and achievements of the intelligence services of this Nation.

It is entirely proper that this system be subject to Congressional review. But a sensationalized public debate over legitimate intelligence activities is a disservice to this Nation and a threat to our intelligence system. It ties our hands while our potential enemies operate with secrecy, with skill and with vast resources. Any investigation must be conducted with maximum discretion and dispatch, to avoid crippling a vital national institution.

Let us speak quite frankly to some in this Chamber, and perhaps to some not in this Chamber:

The Central Intelligence Agency has been of maximum importance to Presidents before me. The Central Intelligence Agency has been of maximum importance to me. The Central Intelligence Agency and its associated intelligence organizations could be of maximum importance to some of you in this audience who might be President at some later date. I think it would be catastrophic for the Congress or anyone else to destroy the usefulness, by dismantling in effect, our intelligence system upon which we rest so heavily.

Now, as Congress oversees intelligence activities it must of course organize itself to do so in a responsible way. It has been traditional for the Executive to consult with the Congress through specially-protected procedures that safeguard essential secrets. But recently some of those procedures have been altered in a way that makes the protection of vital information very, very difficult. I will say to the leaders of the Congress, the House and the Senate, that I will work with them to devise procedures which will meet the needs of the Congress for review of intelligence agency activities and the needs of the Nation for an effective intelligence service.

Underlying any successful foreign policy is the strength and the credibility of our defense posture.

We are strong and we are ready and we intend to remain so.

Improvement of relations with adversaries does not mean any relaxation of our national vigilance. On the contrary, it is the firm maintenance of both strength and vigilance that makes possible steady progress toward a safer and a more peaceful world.

The national security budget that I have submitted is the minimum the United States needs in this critical hour. The Congress should review it carefully, and I know it will. But it is my considered judgment that any significant reduction revision would endanger our national security and thus jeopardize the peace.

Let no ally doubt our determination to maintain a defense second to none,

and let no adversary be tempted to test our readiness or our resolve.

History is testing us today. We cannot afford indecision, disunity or disarray in the conduct of our foreign affairs.

You and I can resolve here and now that this Nation shall move ahead with wisdom, with assurance, and with national unity.

The world looks to us for the vigor and for the vision that we have demonstrated so often in the past in great moments of our national history.

As I look down the road, I see a confident America, secure in its strength, secure in its values and determined to maintain both.

I see a conciliatory America, extending its hand to allies and adversaries alike, forming bonds of cooperation to deal with the vast problems facing us all.

I see a compassionate America, its heart reaching out to orphans, to refugees and to our fellow human beings afflicted by war, by tyranny and by hunger.

As President, entrusted by the Constitution with primary responsibility for the conduct of our foreign affairs, I renew the pledge I made last August: To work cooperatively with the Congress.

I ask that the Congress help to keep America's word good throughout the world. We are one nation, one government, and we must have one foreign policy.

In an hour far darker than this, Abraham Lincoln told his fellow citizens, and I quote:

> We cannot escape history. We of this Congress and this Administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us.

We who are entrusted by the people with the great decisions that fashion their future can escape neither responsibilities nor our consciences.

By what we do now the world will know our courage, our constancy, and our compassion.

The spirit of America is good and the heart of America is strong. Let us be proud of what we have done and confident of what we can do. And may God ever guide us to do what is right.

Thank you.

[Applause, the Members rising.]

At 10 o'clock and 4 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly (at 10 o'clock and 7 minutes p.m.), the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. O'NEILL. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, April 14, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

772. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, and the Military Selective Service Act to permit the assignment of members of the armed forces who have completed basic training and training in a military specialty as is prescribed by the Secretary concerned to overseas areas free from hostile fire, and to permit the release of Reserve component enlistees from their initial active duty for training upon the completion of basic training and training in a military specialty as is prescribed by the Secretary concerned; to the Committee on Armed Services.

773. A letter from the Deputy Secretary of the Treasury, transmitting a proposed agreement establishing a financial support fund of the Organization for Economic Cooperation and Development; to the Committee on Banking, Currency and Housing.

774. A letter from the Acting Assistant Administrator of General Services, transmitting a prospectus recommending the relocation of the Consolidated Federal Law Enforcement Training Center from Beltsville Md., to the Clynco Naval Air Station at Brunswick, Ga.; to the Committee on Public Works and Transportation.

775. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report for calendar year 1974 on social security advisory committees, pursuant to section 1114(f) of the Social Security Act, as amended; to the Committee on Ways and Means.

776. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of lands at Fort Leonard Wood Military Reservation, Mo., pursuant to 70 Stat. 656; jointly to the Committees on Armed Services, and Agriculture.

777. A letter from the Chairman, National Security Council Interagency Task Force on the Law of the Sea, transmitting a report on issues before the Third United Nations Conference on the Law of the Sea; jointly, to the Committees on International Relations, and Merchant Marine and Fisheries.

RECEIVED FROM THE COMPTROLLER GENERAL

778. A letter from the Comptroller General of the United States, transmitting a report on how to improve the selected acquisition reporting system in the Department of Defense; jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4114. A bill to amend the Public Health Service Act to revise and extend the National Health Service Corps programs; with amendment (Rept. No. 94–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 375. Joint resolution making an additional appropriation for the fiscal year ending June 30, 1975, for the Veterans' Administration, and for other purposes (Rept. No. 94–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS of Ohio: Committee on International Relations. H.R. 4510. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (Rept. No. 94–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS of Ohio: Committee on International Relations. H.R. 5810. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (Rept. No. 94–140). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 5899. A bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 94–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 5901. A bill making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other other purposes (Rept. No. 94–142). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4115. 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; with amendment (Rept. No. 94–143). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAUCUS (for himself, Mr. BEDELL, Mr. CARNEY, Mr. CARR, Mr. CORNELL, Mr. COUGHLIN, Mr. DOMINICK V. DANIELS, Mr. FRENZEL, Mr. HARRINGTON, Mr. HAWKINS, Mr. ICHORD, Mr. KREBS, Mr. NEAL, Mr. PEPPER, Mr. ROYBAL, Mrs. SPELLMAN, Mr. STUDDS, Mr. TSONGAS, Mr. WEAVER, Mr. CHARLES WILSON of Texas, Mr. WINN, and Mr. YATRON):

H.R. 5833. A bill to authorize a vigorous Federal program of research, development, and demonstration to assure the utilization of MHD (magnetohydrodynamics) to assist in meeting our national energy needs, and for other purposes; to the Committee on Science and Technology.

By Mr. BOWEN:

H.R. 5834. A bill to assure foreign countries that reserve stocks of agricultural commodities stored in the United States under certain conditions shall not be subject to export controls; to the Committee on International Relations.

H.R. 5835. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWEN (for himself, Mr. MURTHA, Mr. PRESSLER, Mr. SIMON, and Mr. WAGGONNER):

H.R. 5836. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BOWEN (for himself, Mr. CARR, Mr. GOODLING, and Mr. STEPHENS):

H.R. 5837. A bill to amend the Internal Revenue Code to encourage the continuation of family farms, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 5838. A bill to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1976) the eligibility of supplemental security income recipients for food stamps; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 5839. A bill to provide for the establishment of the National Center for Health Education and Promotion and the Institution for Health Education and Promotion to advance the national health; to reduce preventive illness, disability, and death; to moderate self-imposed risks; to promote progress and scholarship in consumer health education and preventive medicine; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAY (for himself, Mr. ASPIN, and Mr. BEARD of Rhode Island):

H.R. 5840. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 5841. A bill to amend section 111 of title 23, United States Code, to permit the sale of State lottery tickets on Interstate System rights-of-way; to the Committee on Public Works and Transportation.

By Mr. DOMINICK V. DANIELS (for himself, Mr. BROWN of California, Mr. HICKS, Mr. COLLINS of Texas, Mr. RYAN, Mr. HANNAFORD, Mr. RIEGLE, Mr. STOKES, Mr. SARASIN, Mr. DIGGS, Mr. BLANCHARD, Ms. ABZUG, Mr. HAWKINS, Mrs. CHISHOLM, Mr. ALEXANDER, Mr. CARR, Mr. ROE, Mr. HOWARD, Mr. HORTON, Mr. DAN DANIEL, Mr. MINETA, Mr. MACDONALD of Massachusetts, Mr. HYDE, Mr. ST GERMAIN, and Mr. WYDLER):

H.R. 5842. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for amounts paid or incurred for repairs or improvements of, or additions to, their principal residences; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mr. ASPIN, and Mr. PATTERSON of California):

H.R. 5843. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for amounts paid or incurred for repairs or improvements of, or additions to, their principal residences; to the Committee on Ways and Means.

By Mr. EVANS of Colorado:

H.R. 5844. A bill to amend the Internal Revenue Code of 1954 to impose a temporary excise tax on passenger motor vehicles based on horsepower, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the manufacture of passenger motor vehicles which do not comply with certain limitations with respect to weight, fuel economy, and horsepower, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HELSTOSKI (for himself, Mr. FRENZEL, Mr. SCHNEEBELI, and Mr. VANIK):

H.R. 5845. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 5846. A bill to amend title 38 of the United States Code in order to exclude certain social security payments in determining annual income for purposes of paying non-service-connected disability pension to veterans; to the Committee on Veterans' Affairs.

By Mr. LEGGETT:

H.R. 5847. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

H.R. 5848. A bill to amend chapter 55 of title 10 to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 5849. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hardcore unemployed; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 5850. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of potential water resources developments in the Mora River Basin, N. Mex., to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN (for himself, Ms. ABZUG, Mr. CHAPPELL, Mr. HASTINGS, Mr. HINSHAW, Mr. KRUEGER, Mr. ST GERMAIN, Mr. SARASIN, and Mr. TSONGAS):

H.R. 5851. A bill to amend the Comprehensive Employment and Training Act of 1973 to provide that a unit of general local government having a population of 50,000 or more shall be eligible to be a prime sponsor; to the Committee on Education and Labor.

By Mr. NIX:

H.R. 5852. A bill to enact the Uniform Reciprocal Peace Act; to the Committee on International Relations.

By Mr. NIX (for himself, Mr. DODD, Mr. ECKHARDT, Mr. FORD of Michigan, and Mr. TRAXLER):

H.R. 5853. A bill to amend title 39, United States Code, to provide for the mailing of correspondence to Members of the Congress free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NOLAN:

H.R. 5854. A bill to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years and to make permanent the ban against certain prerequisites to voting; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 5855. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 5856. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; to the Committee on Ways and Means.

H.R. 5857. A bill to amend title II of the Social Security Act to provide that an insured individual otherwise qualified may retire and receive full old-age benefits, at any time after attaining age 60, if he has been forced to retire at that age by a Federal law, regulation, or order; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 5858. A bill to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SKUBITZ:

H.R. 5859. A bill to change the name of the Cheney Reservoir, Kansas, to the Schoeppel-Rees Lake; to the Committee on Public Works and Transportation.

By Mr. THONE (for himself, Mr. BURGENER, Mr. COLLINS of Texas, Mr. DOWNEY, Mrs. FENWICK, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HINSHAW, Mr. KETCHUM, Mr. LENT, Mr. MONTGOMERY, Mr. MOTTL, Mr. ROE, Mr. SOLARZ, Mr. SPENCE, and Mr. WALSH):

H.R. 5860. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 5861. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 5862. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officer's bill of rights; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 5863. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Currency and Housing.

H.R. 5864. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5865. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 5866. A bill to provide that future increases in social security benefits shall be disregarded in determining eligibility for benefits or assistance under the supplemental security income program, the program of aid to families with dependent children, the medicaid program, and certain other Federal programs; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Ms. ABZUG, Mr. KEMP, and Mr. ROBINSON):

H.R. 5867. 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 ob-

ligations of the United States; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 5868. A bill to amend title II of the Social Security Act to provide that the surviving spouse of an insured worker may authorize direct payment of the worker's lumpsum death payment for expenses incidental to the deceased worker's death; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 5869. A bill to make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections; to the Committee on House Administration.

By Mr. DRINAN (for himself, Mr. BAUCUS, Mr. BEDELL, Mr. BINGHAM, Mr. BROWN of California, Mr. CORNELL, Mr. COTTER, Mr. DOWNEY, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. GUDE, Mr. HAWKINS, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H.R. 5870. A bill to require the President to take all necessary action to strictly enforce the regulation promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. HICKS, Ms. HOLTZMAN, Mr. MAGUIRE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. OTTINGER, Mr. RICHMOND, Mr. ROE, Mr. ROYBAL, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, Mr. THOMPSON, and Mr. TSONGAS):

H.R. 5871. A bill to require the President to take all necessary action to strictly enforce the regulation promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. FORD of Tennessee, and Mr. RICHMOND):

H.R. 5872. A bill to amend the Impoundment Control Act of 1974 to provide that no rescission of budget authority proposed by the President shall take effect unless and until the Congress has passed a bill incorporating such rescission; to the Committee on Rules.

By Mr. FINDLEY:

H.R. 5873. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such Agency; jointly to the Committees on Armed Services, and International Relations.

By Mr. FINDLEY (for himself and Mr. HINSHAW):

H.R. 5874. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 5875. A bill to amend the Public Health Service Act to establish an emergency health protection program for the unemployed; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 5876. A bill to provide humanitarian relief through international agencies to the people of Vietnam and Cambodia; to the Committee on International Relations.

By Mr. KASTENMEIER (for himself, Mr. STEELMAN, Mr. CORMAN, Mr. ENGLISH, Mr. HEINZ, Mr. JACOBS, Mr. KREBS, Mr. MAGUIRE, Mr. NOLAN, and Mr. OBERSTAR):

H.R. 5877. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; jointly, to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. KOCH (for himself, Mr. OTTINGER, and Mr. SHRIVER):

H.R. 5878. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 5879. A bill to direct the Secretary of Health, Education, and Welfare to develop and implement a system for the issuance of social security benefit checks on a staggered or cyclical basis; to the Committee on Ways and Means.

By Mr. McCLORY:

H.R. 5880. A bill to designate November 11 of each year as Armistice Day; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H.R. 5881. A bill to amend the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. NEAL (for himself, Ms. ABZUG, Mr. BLANCHARD, Mr. BROWN of California, Mr. BUTLER, Mr. DOMINICK V. DANIELS, Mr. DAVIS, Mr. DERRICK, Mr. DUNCAN of Oregon, Mr. EDGAR, Mr. ESHLEMAN, Mr. FITHIAN, Mr. GOODLING, Mr. HARKIN, Mr. LENT, Mr. LUJAN, Mr. McCLOSKEY, Mr. MANN, Mr. MARTIN, Mr. MIKVA, Mrs. MINK, Mr. MURPHY of Illinois, Mr. MYERS of Indiana, Mr. NOLAN, Mr. OBERSTAR, and Mr. PATTERSON of California):

H.R. 5882. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. NEAL (for himself, Mr. DODD, Mr. FORD of Tennessee, Mr. KREBS, Mr. MAZZOLI, Mrs. MEYNER, Mr. OTTINGER, Mr. SEIBERLING, Mr. SHARP, Mrs. SPELLMAN, Mr. SPENCE, and Mr. WEAVER):

H.R. 5883. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. NIX (by request):

H.R. 5884. A bill to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended, and for other purposes; to the Committee on International Relations.

By Mr. RIEGLE:

H.R. 5885. A bill to increase the amount of the weekly benefits payable under the Federal-State extended unemployment compensation program and to remove the limitations on the number of weeks of unemployment compensation under the emergency unemployment compensation program; to the Committe on Ways and Means.

By Mr. ROE:

H.R. 5886. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROE (for himself, Mr. EILBERG, Mr NEDZI, Mr. LITTON, and Mr. HEINZ):

H.R. 5887. A bill to establish a National Foreign Investment Control Commission to prohibit or restrict foreign ownership control or management control, through direct purchase, in whole or part; from acquiring securities of certain domestic issuers of securities; from acquiring certain domestic issuers of securities, by merger, tender offer, or any other means; control of certain domestic corporations or industries, real estate, or other natural resources deemed to be vital to the economic security and national defense of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE (for himself, Mr. EILBERG, Mr. NEDZI, Mr. LITTON, and Mr. HEINZ):

H.R. 5888. A bill to create a Joint Congressional Committee on Foreign Investment Control in the United States; to the Committee on Rules.

By Mr. RUSSO:

H.R. 5889. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. McFALL, Mr. MURPHY of Illinois, Mr. STEED, Mr. RAILSBACK, Mr. PRICE, Mr. METCALFE, Mr. SHRIVER, Mr. ROSTENKOWSKI, Mr. YATES, Mr. Mr. ANNUNZIO, Mr. ALEXANDER, Mr. BEDELL, Mr. BLOUIN, Mrs. COLLINS of Illinois, Mr. ENGLISH, Mr. GRASSLEY, Mr. HARKIN, Mr. HIGHTOWER, Mr. JONES of Oklahoma, Mr. HALL, Mr. MEZVINSKI, Mr. RISENHOOVER, Mr. RUSSO, and Mr. SIMON):

H.R. 5890. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize financial assistance under section 211 to a railroad which is in reorganization under section 77 of the Bankruptcy Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa (for himself, Mr. McFALL, Mr. MURPHY of Illinois, Mr. PICKLE, Mrs. KEYS, Mr. O'BRIEN, Mr. THORNTON, and Mr. SHIPLEY):

H.R. 5891. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize financial assistance under section 211 to a railroad which is in reorganization under section 77 of the Bankruptcy Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 5892. A bill to amend the Controlled Substances Act to make the stealing of a controlled substance from a pharmacy or related establishment a Federal crime; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 5893. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST (for himself, Mr. ANDERSON of California, Mr. BAUMAN, Mr. CHAPPELL, and Mr. PATTERSON of California):

H.R. 5894. A bill to direct the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense; to the Committee on Armed Services.

By Mr. FRASER (for himself, Ms. ABZUG, Mr. BALDUS, Mr. BENITEZ, Mr. BROWN of California, Mr. CONYERS, Mr. CORMAN, Mr. DELLUMS, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARRINGTON, Mrs. KEYS, Mr. KETCHUM, Mr. KREBS, Mr. MELCHER, Mr. MIKVA, Mr. MEZVINSKY, Mr. MOTTL, Mr. O'HARA, Mr. PATTERSON of California, Mr. PEPPER, and Mr. RANGEL):

H.R. 5895. A bill to amend section 1661 of title 38 of the United States Code in order to entitle veterans to 2½ months of educational assistance for each month of service on active duty and to extend the maximum entitlement to such assistance to 45 months; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SANTINI, Mr. ST GERMAIN, Mr. STARK, Mr. STUDDS, Mr. VAN DEERLIN, Mr. WEAVER, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Georgia):

H.R. 5896. A bill to amend section 1661 of title 38 of the United States Code in order to

entitle veterans to 2½ months of educational assistance for each month of service on active duty and to extend the maximum entitlement to such assistance to 45 months; to the Committee on Veterans' Affairs.

By Mr. GREEN (for himself, Mr. ULLMAN, Mr. SCHNEEBELI, and Mr. CONABLE):

H.R. 5897. A bill to amend the Trade Act of 1974 in order to authorize the President to designate any of certain countries as eligible for the tariff preferences extended to developing countries under title V of such act if the President determines that such designation is in the national economic interest; to the Committee on Ways and Means.

By Mr. THORNTON (for himself, and Mr. ALEXANDER):

H.R. 5898. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. MAHON:

H.R. 5899. A bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

By Mr. THOMPSON (for himself, Mr. PERKINS, Mr. DENT, Mr. DOMINICK V. DANIELS, Mr. BRADEMAS, Mr. FORD of Michigan, Mr. PHILLIP BURTON, Mr. ANNUNZIO, Mr. JOHN L. BURTON, Mr. BEARD of Rhode Island, Mr. KARTH, and Mr. ROONEY):

H.R. 5900. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. FLOOD:

H.R. 5901. A bill making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

By Mr. MONTGOMERY:

H.R. 5902. A bill to amend title 38 of the United States Code to provide the automobile assistance allowance and adaptive equipment for veterans of World War I and thereafter; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mr. ROBERTS, Mr. TEAGUE, Mr. HAMMERSCHMIDT, and Mr. WYLIE):

H.R. 5903. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SYMINGTON:

H.R. 5904. A bill to provide a penalty for the robbery or burglary or attempted robbery or burglary of any narcotic drug from any pharmacy, doctor's office, or warehouse; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. BEDELL, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HOWE, Mrs. SCHROEDER, Mr. ROE, Mrs. HOLT, Mr. PRESSLER, Mr. CHARLES WILSON of Texas, Mr. EMERY, Mrs. SPELLMAN, Mr. GILMAN, Ms. ABZUG, Mr. CONTE, Ms. HOLTZMAN, Mr. BEARD of Rhode Island, Mr. CLEVELAND, Mr. EVANS of Indiana, Mr. FITHIAN, Mr. YATES, Mr. BLOUIN, and Mr. BOLAND):

H.J. Res 386. Joint resolution to amend the Emergency Petroleum Allocation Act of 1973 to prohibit the President from setting minimum prices for crude oil, residual fuel oil, or any refined petroleum product without congressional authority, to prohibit the President from using section 232(b) of the Trade Expansion Act of 1962 or any other provision of law to establish such minimum prices without congressional authority and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. JEFFORDS (for himself, Mr. HAWKINS, Mr. FASCELL, Mr. DODD, Mr. MOFFETT, Mr. DRINAN, Mr. MOAKLEY, and Mr. KREBS):

H.J. Res. 387. Joint resolution to amend the Emergency Petroleum Allocation Act of 1973 to prohibit the President from setting minimum prices for crude oil, residual fuel oil, or any refined petroleum product without congressional authority, to prohibit the President from using section 232(b) of the Trade Expansion Act of 1962 or any other provision of law to establish such minimum prices without congressional authority and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. WHITEHURST (for himself, Ms. ABZUG, Mr. BENITEZ, Mr. CARR, Mr. COUGHLIN, Mr. EDWARDS of California, Mr. EMERY, Mr. FREY, Mr. HEINZ, Mr. KRUEGER, Mr. MAZZOLI, Mrs. MEYNER, Mr. OTTINGER, Mr. PEPPER, and Mr. RICHMOND):

H.J. Res. 388. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. ROBINSON, Mr. ROE, Mr. SARASIN, Mrs. SCHROEDER, Mr. SOLARZ, Mr. STEIGER of Wisconsin, Mr. STUDDS, Mr. TSONGAS, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WIRTH, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.J. Res. 389. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on International Relations.

By Mr. MOTTL:

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress with respect to the complexity of Federal income tax forms; to the Committee on Ways and Means.

By Mr. ROE:

H. Con. Res. 212. Concurrent resolution in support of International Women's Year 1975; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Ms. ABZUG, Mr. BENITEZ, Mr. CARR, Mr. COUGHLIN, Mr. EDWARDS of California, Mr. EMERY, Mr. FREY, Mr. HEINZ, Mr. KRUEGER, Mr. MAZZOLI, Mrs. MEYNER, Mr. OTTINGER, Mr. PEPPER, and Mr. RICHMOND):

H. Con. Res. 213. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnepeds; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. ROBINSON, Mr. ROE, Mr. SARASIN, Mrs. SCHROEDER, Mr. SOLARZ, Mr. STEIGER of Wisconsin, Mr. STUDDS, Mr. TSONGAS, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WIRTH, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H. Con. Res. 214. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnipeds; to the Committee on International Relations.

By Mr. BRADEMAS:

H. Con. Res. 215. Concurrent resolution providing for the printing of a House document of a revised edition of "The Capitol"; to the Committee on House Administration.

By Mr. DERWINSKI (for himself, Mr. BIAGGI, Mr. COUGHLIN, Mr. FISH, Mr. HAGEDORN, Mr. ROGERS, Mr. RYAN, and Mr. YOUNG of Florida):

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on International Relations.

By Mr. ROBINSON:

H. Con. Res. 217. Concurrent resolution stating the sense of Congress regarding the situation in Southeast Asia; to the Committee on International Relations.

By Mr. DRINAN (for himself, Mr. BAUCUS, Mr. BEDELL, Mr. BINGHAM, Mr. BROWN of California, Mrs. BURKE of California, Mr. CORNELL, Mr. COTTER, Mr. DOWNEY, Mr. EDWARDS of California, Mr. FITHIAN, Mr. FORD of Tennessee, Mr. GUDE, Mr. HANNAFORD, and Mr. HAWKINS):

H. Res. 387. Resolution to request that the Department of Justice investigate the Federal Energy Administration with respect to any possible conflicts of interest; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. HECHLER of West Virginia, Ms. HOLTZMAN, Mr. MAGUIRE, Mr. MOAKLEY, Mr. OTTINGER, Mr. RICHMOND, Mr. ROE, Mr. ROYBAL, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, Mr. THOMPSON, and Mr. TSONGAS):

H. Res. 388. Resolution to request that the Department of Justice investigate the Federal Energy Administration with respect to any possible conflicts of interest; to the Committee on the Judiciary.

By Mr. LLOYD of California:

H. Res. 389. Resolution congratulating the city of Chino, Calif., and the city of San Juan del Rio, Mexico, on the sixth anniversary of their sister city program; to the Committee on Post Office and Civil Service.

By Mr. PRICE:

H. Res. 390. Resolution to provide for the printing of additional copies of the "Report of the Special Subcommittee on the Middle East of the Committee on Armed Services, House of Representatives, Committee Paper No. 94–3; to the Committee on House Administration.

By Mr. STARK (for himself, Mr. BAUCUS, Mr. BELL, Mr. BROWN of California, Mr. BURGENER, Ms. BURKE of California, Mr. CARR, Mr. CORMAN, Mr. ECKHARDT, Mr. ESHLEMAN, Mr. GOLDWATER, Mr. HANNAFORD, Mr. HINSHAW, Mr. MINETA, Mr. MOSS, Mr. ROGERS, Mr. ROYBAL, Mr. SISK, Mr. VAN DEERLIN, Mr. WAXMAN, and Mr. CHARLES H. WILSON of California):

H. Res. 391. Resolution directing the President to provide to the House of Representatives information which the executive branch possess with respect to the experience of certain citizens of the United States of America while in the Republic of Mexico; to the Committee on International Relations.

MEMORIALS

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

90. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to reforestation; to the Committee on Agriculture.

91. Also, memorial of the Legislature of the State of Montana, relative to air pollution control; to the Committee on Interstate and Foreign Commerce.

92. Also, memorial of the Legislature of the State of Washington, relative to the observance of Memorial Day and Veterans Day on their traditional dates; to the Committee on Post Office and Civil Service.

93. Also, memorial of the Legislature of the State of Washington, relative to the State matching requirement for obtaining Federal highway funds; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BYRON:

H.R. 5905. A bill for the relief of Miss Coralia Raposo; to the Committee on the Judiciary.

By Mr EARLY:

H.R. 5906. A bill for the relief of Miriam U., also known as, U, Pui-Ching; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 5907. A bill for the relief of Yau Pik Chau; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 5908. A bill for the relief of S. Sgt. Archer C. Ford, Jr.; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 5909. A bill for the relief of Jean Maniger Ridgeway, Phillip Ridgeway, Michael Ridgeway, Amy Jane Robertson, Bruce Robertson, Jr., Susan Robertson, Catherine Robertson, Viola J. Stewart, Dana Stewart, Patrick Stewart, Lois Souby, Ellan Souby, Jr., and Heather Souby; to the Committee on the Judiciary.

By Mr. WINN:

H. Res. 392. Resolution to refer the bill H.R. 5832 for the relief of NEES Corporation to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of March 26, 1975 (page 8980):

H.R. 4000. February 27, 1975. Interstate and Foreign Commerce. Requires that motor vehicles acquired for use by the Federal Government during and after the 1980 model year achieve a significant percentage increase in fuel consumption efficiency over 1975 models.

Amends the Automobile Information Disclosure Act to require disclosure of fuel efficiency rates on information labels of automobiles offered for sale. Amends the Clean Air Act and the National Traffic and Motor Vehicle Safety Act to extend certain effective dates for standards under such provisions.

Amends the Motor Vehicle Information and Cost Savings Act to require additional information in certain reports and to extend certain effective dates for regulations.

H.R. 4001. February 27, 1975. Education and Labor. Amends the National School Lunch Act to authorize the Secretary of Agriculture to purchase beef and beef products on the open market to be distributed to schools, States and service institutions participating in the food service programs under the Child Nutrition Act and the National School Lunch Act.

H.R. 4002. February 27, 1975. Judiciary. Extends certain provisions of the Voting Rights Act of 1965 for an additional period of time. Makes permanent the ban against certain prerequisites to voting.

H.R. 4003. February 27, 1975. Interstate and Foreign Commerce. Amends the Federal-State unemployment compensation provisions of the Social Security Act by stipulating that an individual's coverage under an employer's health insurance plan shall not terminate when such individual's employment terminates. Directs the Secretary of Labor to pay the insurance premium on behalf of the unemployed individual and his former employer.

H.R. 4004. February 27, 1975. Interstate and Foreign Commerce. Authorizes a health insurance benefits program for unemployed individuals, if they would have had such benefits from their prior employer, for their dependent spouse, and for their dependent children. Directs the Secretary of Health, Education, and Welfare to enter into contracts with carriers who will provide such insurance benefits.

H.R. 4005. February 27, 1975. Interstate and Foreign Commerce. Extends the funding of the Developmental Disabilities Services and Facilities Construction Act through fiscal year 1976. Requires all special project grants under such Act to be authorized by the Secretary of Health, Education, and Welfare. Stipulates that the Federal share of all costs incurred by the States for planning, administration, and services for disabled persons, including construction costs, shall be 75 percent of the total.

H.R. 4006. February 27, 1975. Armed Services. Authorizes the Administrator of General Services to dispose of a certain quantity of chemical grade chromite in the national stockpile and the supplemental stockpile.

H.R. 4007. February 27, 1975. Interior and Insular Affairs. Revises provisions of existing law relating to the rights and benefits available to the Lumbee Indians of North Carolina. Requires notification to the Secretary of the Interior by certain persons not wishing to be designated as a Lumbee Indian of North Carolina.

H.R. 4008. February 27, 1975. Banking, Currency and Housing. Amends the Bank Holding Act of 1956 (1) to require faster action by the Federal Reserve Board and the Comptroller of the Currency or State banking supervisory authorities on applications by bank holding companies for the acquisition of banks or bank holding companies under emergency conditions or when such bank or company is failing, than is taken on applications for acquisition of sound banks; and (2) to authorize bank holding companies to acquire out of State banks or bank holding companies in emergency situations to prevent the failure of such banks or companies.

H.R. 4009. February 27, 1975. Veterans' Affairs. Charges veterans with non-service-connected disabilities for the cost of providing them with hospital care to the extent that such veterans are entitled to reimbursement for the expenses of such care under an insurance policy or contract, a medical or hospital service agreement, or a similar agreement.

H.R. 4010. February 27, 1975. Agriculture. Foreign Affairs. Establishes an Office of Food Administration and directs the Administrator of the Administration to ascertain annually the food requirements for domestic and foreign assistance programs, the availability of food to carry out such programs, the availability of funding for such programs, and to study other world hunger and nutrition-related problems.

H.R. 4011. February 27, 1975. Judiciary. Increases the penalties for the commission of a felony with a firearm or while carrying a firearm.

H.R. 4012. February 27, 1975. Judiciary. Amends the Clayton Act by prohibiting any corporation or association from transporting by pipeline any petroleum, petroleum product, or natural gas which it owns, controls, produces, or refines.

H.R. 4013. February 27, 1975. Judiciary. Amends the Clayton Act to prohibit any corporation or association from (1) controlling more than one type of energy-producing mineral and (2) engaging in more than one aspect of the petroleum and natural gas industry. Prohibits any individual from serving as a director of more than one company engaged in energy resource production, refining, transportation or marketing.

H.R. 4014. February 27, 1975. Interstate and Foreign Commerce. Amends the Uniform Time Act by providing that daylight saving time shall be observed from the first Sunday following Memorial Day to the first Sunday following Labor Day.

H.R. 4015. February 27, 1975. Public Works and Transportation. Amends the Federal Aviation Act of 1958 (1) to authorize reduced fares to young and elderly people on a space-available basis; (2) to require the payment of a deposit on all flight reservations; and (3) to prohibit the overbooking of flights by air carriers.

H.R. 4016. February 27, 1975. Interior and Insular Affairs. Prescribes the distribution scheme for funds appropriated to pay certain Indian Claims Commission judgments to the Sac and Fox Tribe of Oklahoma and the Sac and Fox Tribe of the Mississippi in Iowa.

H.R. 4017. February 27, 1975. Judiciary. Authorizes the Secretary of Agriculture to compensate employees for losses sustained in the value of personal housing due to closing the headquarters of the Sitgreaves National Forest in Arizona.

H.R. 4018. February 27, 1975. Armed Services. Directs the Secretary of the Army to convey certain lands in Georgia to the Board of Regents of the University System of Georgia.

H.R. 4019. February 27, 1975. Post Office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 4020. February 27, 1975. Ways and Means. Amends the Internal Revenue Code to include certain joint hospital laundry ventures among the cooperative hospital service organizations granted tax exempt status.

H.R. 4021. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of certain crude oil by more than one dollar per barrel per year.

H.R. 4022. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of certain crude oil by more than one dollar per barrel per year.

H.R. 4023. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of certain crude oil by more than one dollar per barrel per year.

H.R. 4024. February 27, 1975. Public Works and Transportation. Allows the Secretary of Transportation to permit States to prepare the detailed environmental impact statement on Federal aid highway projects proposed by the State which is required by the National Environmental Policy Act.

H.R. 4025. February 27, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4026. February 27, 1975. Post Office and Civil Service. Adds inspectors employed by the Immigration and Naturalization Service, the United States Customs Service, and the Canal Zone Customs Service, and certain firefighting personnel, to the list of those engaged in hazardous occupations who are eligible for certain Civil Service retirement benefits.

H.R. 4027. February 27, 1975. Agriculture. Redefines the term "dealer" as used in the Animal Welfare Act of 1970 to include retail pet stores and common carriers.

H.R. 4028. February 27, 1975. Agriculture. Redefines the term "dealer" as used in the Animal Welfare Act of 1970 to include retail pet stores and common carriers.

H.R. 4029. February 27, 1975. Armed Services. Directs the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense.

H.R. 4030. February 27, 1975. Merchant Marine and Fisheries. Establishes a Federal Zoological and Aquarium Board to prescribe standards for the national accreditation of zoos. Requires each regulated zoo to apply to

the Board for accreditation. Authorizes Federal grants and loans to nonprofit zoos and aquariums in order to meet accreditation standards.

H.R. 4031. February 27, 1975. Veterans' Affairs. Stipulates that remarriage after age 60 of a widow of a veteran shall not bar payment of dependency and indemnity compensation to such widow

H.R. 4032. February 27, 1975. Armed Services. Revises one of the eligibility requirements for an annuity under the Armed Forces Survivor Benefit Plan

H.R. 4033. February 27, 1975. Armed Services. Prohibits Survivor Benefit Plan deductions for a spouse's annuity from Armed Forces retired pay during those periods when a retiree is not married

H.R. 4034. February 27, 1975. Veterans' Affairs. Designates the Veterans' Administration hospital in Loma Linda, California, as the Jerry L. Pettis Memorial Veterans' Hospital.

H.R. 4035. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish procedures for Congressional review of certain administrative actions with respect to the pricing of domestic crude oil and petroleum products. Authorizes interim extensions of authority under the Emergency Petroleum Allocation Act of 1973 and the Energy Supply and Environmental Coordination Act of 1974.

H.R. 4036. February 27, 1975. Public Works and Transportation. Directs the heads of Executive branch departments, agencies, and instrumentalities who have jurisdiction for public works programs and projects to reduce or eliminate any procedural requirements, including but not limited to time, hearing, reporting and publication requirements, when such action would appreciably speed up the initiation or completion of such programs and projects.

H.R. 4037. February 27, 1975. Post Office and Civil Service. Directs the Civil Service Commission to establish, and from time to time revise, a Special Cost-of-Living Pay Schedule for civil service employees and positions in certain metropolitan areas

H.R. 4038. February 27, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act

H.R. 4039. February 27, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 4040. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for injuries received while entertaining troops in Korea.

H.R. 4041. February 27, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4042. February 27, 1975. Judiciary. Directs the United States Court of Claims to receive, consider, and allow any claim filed by a certain individual, notwithstanding specified provisions of law.

H.R. 4043. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claim against the United States Treasury Department, Bureau of Customs.

H.R. 4044. February 27, 1975. Judiciary. Deems a certain individual eligible for a civil service deferred retirement annuity, notwithstanding certain provisions of law.

H.R. 4045. February 27, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4046. February 27, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4047. February 27, 1975. Ways and Means. Directs the Secretary of the Treasury to extend the expiration date of the temporary importation bond covering a certain schooner.

H.R. 4048. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in full settlement of such corporation's claims against the United States under a certain contract.

H.R. 4049. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for injuries sustained while working in the prison industries at the United States Public Health Hospital, Lexington, Kentucky.

H.R. 4050. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain company in full settlement of such company's claims against the United States for damages incurred due to the failure of the United States to enforce a specified statute.

H.R. 4051. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States due to a false arrest.

H.R. 4052. February 27, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4053. February 27, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4054. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for injuries incurred as the result of an automobile accident while a member of the Civilian Conservation Corps.

H.R. 4055. February 27, 1975. Judiciary. Directs the Secretary of Agriculture to convey a specified patent to a certain individual.

H.R. 4056. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain company in full settlement of such company's claims against the Department of the Army for transportation of a certain load of explosives.

H.R. 4057. February 27, 1975. Armed Services. Authorizes the President alone to appoint a certain individual to the grade of colonel on the retired list of the regular Air Force.

H.R. 4058. March 3, 1975. Armed Services. Makes service overseas during World War I performed by any female United States citizen who was a member of the telephone operating units, signal corps, creditable military service for all purposes except the right to promotion.

H.R. 4059. March 3, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish a gasoline entitlement stamp program for drivers of passenger motor vehicles. Directs the President to assign State licensed drivers a minimum gasoline entitlement, and to specify a fixed user fee for purchase of additional entitlement stamps.

Authorizes exemptions for certain petroleum products from allocation or pricing regulations if the President finds such regulation is no longer necessary.

Extends the Emergency Petroleum Allocation Act of 1973 for an additional four years.

H.R. 4060. March 3, 1975. Agriculture. Amends the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to set forth the national acreage allotment and price supports for rice for 1976 and subsequent years.

H.R. 4061. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to eliminate the percentage depletion allowance and the option to deduct intangible drilling and development costs for any oil or gas well located outside the United States.

Eliminates as a credit against the income tax any income, war profits, or excess profits tax paid during the taxable year to any foreign country with respect to foreign oil related income.

H.R. 4062. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited deduction the home improvement expenses paid or incurred by an individual during the taxable year, and the residential addition amortization allowed for the taxable year on his principal residence.

H.R. 4063. March 3, 1975. Post Office and Civil Service. Abolishes the United States Postal Service. Repeals the Postal Reorganization Act. Re-establishes the Post Office Department as an executive department of the Federal government.

H.R. 4064. March 3, 1975. Agriculture. Amends the Agriculture and Consumer Protection Act of 1973 to prohibit the Secretary of Agriculture from requiring the prior approval of the export sales of feed grains, wheat, soybeans, or other agricultural commodities.

H.R. 4065. March 3, 1975. Post Office and Civil Service. Authorizes reduced second-class postal rates for certain State conservation publications.

H.R. 4066. March 3, 1975. Veterans' Affairs. Extends the maximum period of eligibility for veterans' educational benefits from 36 to 45 months. Entitles veterans to 2½ months of educational benefits for each month of service on active duty.

H.R. 4067. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the expenses for household and dependent care services for the gainful employment of an individual employed on a part-time basis.

H.R. 4068. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for expenses incurred in connection with the adoption of a child by the taxpayer.

H.R. 4069. March 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I veterans, their widows, and their children.

H.R. 4070. March 3, 1975. Agriculture. Amends the Packers and Stockyards Act to authorize the Secretary of Agriculture to seek an injunction restraining any market agency, packer, or dealer from the purchasing livestock, meat, or poultry products if such person is unable to pay, is insolvent, or is unable to furnish the required bond. Grants priority in an insolvency proceeding to any debts owing for the purchase of livestock or poultry.

H.R. 4071. March 3, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish procedures for Congressional review of certain administrative actions with respect to the pricing of domestic crude oil and petroleum products. Authorizes interim extensions of authority under the Emergency Petroleum Allocation Act of 1973 and the Energy Supply and Environmental Coordination Act of 1974.

H.R. 4072. March 3, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to submit, in fulfillment of the requirements of the National Environmental Policy Act, any environmental impact statements prepared in accordance with that Act by the States of Connecticut, New York

and Vermont concerning any Federal-aid highway project in such States. Limits the conditions under which the Secretary of Transportation shall require detailed statements under the National Environmental Policy Act concerning the environmental impact of Federal-aid highway projects.

H.R. 4073. March 3, 1975. Public Works and Transportation. Amends the Appalachian Regional Development Act of 1965 (1) to extend the provisions of the Act through fiscal year 1977; and (2) to increase the appropriations for the Appalachian development highway system for fiscal years 1977 and 1978 and to authorize funds for such system through fiscal year 1980.

H.R. 4074. March 3, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 4075. March 3, 1975. Appropriations. Rescinds certain budget authorizations for the Department of Agriculture, Department of Defense, the Consumer Product Safety Commission, and the United States Travel Service as recommended by the President in a message transmiitted pursuant to the Impoundment Control Act of 1974.

H.R. 4076. March 3, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by exempting from such Act any non-manufacturing business, and any business having twenty-five or fewer employees, if the State in which such businesses reside has occupational safety and health standards regulating such businesses.

Requires the Secretary of Labor to notify employers of alleged violations of the Act, and to permit such employers a reasonable period of time to correct such alleged violations, before any penalties shall be assessed.

H.R. 4077. March 3, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to revise the procedures for consideration of applications for renewal of broadcast licenses. Extends the maximum term of license for the operation of broadcasting stations from three to five years.

H.R. 4078. March 3, 1975. Veterans' Affairs. Allows the Administrator of Veterans' Affairs to assist veterans, with a permanent and total service-connected disability due to the loss, or loss of use, of one upper and one lower extremity, in acquiring a suitable housing unit with special fixtures or movable facilities.

H.R. 4079. March 3, 1975. Veterans' Affairs. Creates a presumption of service-connected disability for a case of hypertension, developing a 10 percent or more degree of disability, which occurs within two years after separation from active service during a period of war.

H.R. 4080. March 3, 1975. Veterans' Affairs. Declares that any veteran who within three years of separation from the armed service develops a 10 percent degree of disability or more as a result of amyotrophic lateral sclerosis shall be presumed to have incurred or aggravated such disability as a result of such service.

H.R. 4081. March 3, 1975. Veterans' Affairs. Entitles veterans who are eligible for peacetime disability compensation to receive wartime disability compensation if their disability was incurred in the line of duty as a direct result of armed conflict while engaged in extrahazardous service.

H.R. 4082. March 3, 1975. Veterans' Affairs. Deems veterans who were prisoners of war for six months or longer during World War II or the Korean War to have a service-connected disability rating of 50 percent.

H.R. 4083. March 3, 1975. Veterans' Affairs. Includes World War I veterans in the provisions granting veterans eligibility for assistance for automobiles and adaptive equipment for disabled veterans.

H.R.. 4084. March 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay a clothing allowance of $300 per year to each veteran who, because of a disability compensable by the Veterans' Administration, wears a prosthetic appliance or appliances which the Administrator determines tends to wear out or tear the clothing of such veteran.

H.R. 4085. March 3, 1975. Veterans' Affairs. Creates a presumption of service connection for any psychoses, causing a 10 percent or more degree of disability, which develop within two years from the date of separation from active service.

H.R. 4086. March 3, 1975. Veterans' Affairs. Authorizes veterans with a 10 percent or more rating of disability to receive additional compensation for their dependents.

H.R. 4087. March 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay dependency and indemnity compensation to the widow, children, and parents of any veteran who died after December 31, 1956, from a service-connected or compensable disability, or who was in receipt of or entitled to receive compensation at time of death for a service-connected disability permanently and totally disabling for twenty or more years.

H.R. 4088. March 3, 1975. Veterans' Affairs. Extends the non-reduction protection that arises when veterans benefits have been received for twenty years or more to a child of a veteran who became permanently incapable of self-support before attaining the age of eighteen years.

H.R. 4089. March 3, 1975. Veterans' Affairs. Establishes a new benefit level for qualified veterans requiring regularly scheduled hemodialysis.

H.R. 4090. March 3, 1975. Veterans' Affairs. Creates a presumption of service-connection for chronic diseases becoming manifest to a degree of 10 percent or more, if incurred by a former prisoner of war within 10 years after separation from active service.

H.R. 4091. March 3, 1975. Banking, Currency and Housing. Establishes a presidentially-appointed National Landlord and Tenant Commission.

Directs the Commission to conduct a study of landlord-tenant problems, to review the implementation of the provisions of this Act, to grant funds to the States for the establishment and maintenance of housing courts in accordance with standards established by the Commission, to develop model lease and rental agreements, and to appoint a body to develop and implement a national rent control plan.

Sets forth the rights, obligations, and remedies of tenants and landlords.

H.R. 4092. March 3, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States for (1) establishing vision testing programs for public school children in the first six grades; (2) providing necessary followup services; and (3) training personnel to administer such tests.

Directs the Secretary to establish a panel to advise him on the standards which vision tests should meet.

H.R. 4093. March 3, 1975. House Administration. Establishes a Voter Registration Administration within the Bureau of the Census to formulate and administer a voter registration program for all Federal elections.

Requires each State to make provisions for the registration and voting in Federal elections of its eligible citizens who have writing, vision, or limb handicaps or who speak a language other than English as their major tongue.

H.R. 4094. March 3, 1975. Interstate and Foreign Commerce. Authorizes and directs the Secretary of Health, Education, and Welfare to make grants to States and local communities to pay the full cost of eye examinations to detect glaucoma, for residents who are at least 65 years of age.

H.R. 4095. March 3, 1975. Interstate and Foreign Commerce. Amends the Public Health Service Act by directing the Secretary of Health, Education, and Welfare to establish a National Sickle Cell Anemia Institute for the diagnosis, treatment, and prevention of sickle cell anemia.

H.R. 4096. March 3, 1975. Judiciary. Requires proceedings in certain United States courts to be conducted bilingually under certain circumstances. Directs the Director of the Administrative Office of the United States Courts to determine and supply the personnel and facilities necessary to conduct bilingual proceedings as required by this Act.

H.R. 4097. March 3, 1975. Judiciary. Creates the National Prison Standards Administration to promulgate rules to assure that the minimum prisoner treatment standards for prisons established by this Act are maintained. Requires the Administration to hear complaints arising from alleged infractions of such standards.

H.R. 4098. March 3, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation, under the Urban Mass Transportation Act of 1964, to give preference to applicants for grants and loans whose projects are designed to increase or improve public transportation for handicapped or elderly persons, and to prescribe standards for the accommodation of elderly persons in mass transportation buildings constructed with public financial assistance.

Directs common carriers in interstate commerce to provide reduced fare service to elderly persons during nonpeak periods and authorizes them to apply for compensation of losses due to such reduced fares.

Authorizes the Secretary of Health, Education, and Welfare, under the Older Americans Act of 1965, to make grants supporting studies of improved public transportation facilities for the elderly.

H.R. 4099. March 3, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to issue duplicate checks to supplemental security income recipients whose checks are lost, stolen or undelivered.

H.R. 4100. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to permit the deduction of medical expenses of persons sixty-five years of age and over without reducing the expenses by the percentage exclusion.

H.R. 4101. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer who has attained the age of sixty-five to take a credit against his income tax for real property taxes paid by him, or for the amount of his rent constituting such taxes.

H.R. 4102. March 3, 1975. Education and Labor. Amends the National School Lunch Act and the Child Nutrition Act of 1966 to extend and increase appropriations for certain programs under the Acts.

H.R. 4103. March 3, 1975. Education and Labor. Amends the National School Lunch and Child Nutrition Acts to (1) extend appropriations for various programs; (2) extend the School Breakfast Program and the Special Supplemental Food Program; (3) authorize the Secretary of Agriculture to make grants for Food Service Programs in institutions providing day care; (4) revise guidelines for the administration of various programs under the Acts; (5) redefine terms used in the Acts; and (6) authorize funding for nonfood assistance for the Summer Food Program and the Special Food Service Program.

H.R. 4104. March 3, 1975. Armed Services. Revises the eligibility requirement for Armed Forces reservists retired pay.

H.R. 4105. March 3, 1975. Armed Services.

Revises the method of computing Armed Forces retired or retainer pay to reflect later active duty.

H.R. 4106. March 3, 1975. Veterans Affairs. Extends the maximum period of eligibility for veterans educational benefits from 36 to 45 months.

H.R. 4107. March 3, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 4108. March 3, 1975. Science and Technology. Authorizes appropriations to the National Science Foundation for fiscal year 1976 to cover various programs. Directs the National Science Foundation to conduct a college science improvement program.

H.R. 4109. March 3, 1975. Interior and Insular Affairs. Amends the Grand Canyon National Park Enlargement Act to authorize the Secretary of the Interior to study the feasibility of designation of any area within the national park for preservation as wilderness.

H.R. 4110. March 3, 1975. House Administration. Sets forth regulations for State Presidential primary elections.

H.R. 4111. March 3, 1975. Interstate and Foreign Commerce. Amends the Securities Exchange Act to revise the regulations governing the Securities and Exchange Commission and its operation.

Sets forth regulations with respect to the securities industry's regulatory bodies and the national securities market system.

H.R. 4112. March 3, 1975. Judiciary. Merchant Marine and Fisheries. Interior and Insular Affairs. Science and Technology. Revises the Outer Continental Shelf Lands Act to establish a policy for the development and management of oil and natural gas on the Outer Continental Shelf designed to protect the marine and coastal environment.

Directs the Secretary of the Interior to establish a comprehensive exploratory program to develop potential oil and gas leases. Directs the National Oceanic and Atmospheric Administration to assume lead responsibility in preparation of environmental impact statement.

Revises bidding and lease administration procedures.

Authorizes the Secretary of Transportation to report on pipeline safety and operation on Federal lands and the Outer Continental Shelf.

H.R. 4113. March 3, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4114. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to adjust the monthly pay of each physician and dentist assigned to and directly engaged in the delivery of health services to a medically underserved area to put such monthly income on a competitive level with professionals having equivalent training. Establishes procedures for determining that an area is a medically underserved population, and for determining what personnel the Secretary may assign to such areas. Establishes the National Advisory Council on the National Health Service Corps and extends appropriations for the Corps through 1976.

H.R. 4115. March 4, 1975. Interstate and Foreign Commerce. Revises and extends programs for nurse training assistance under the Public Health Service Act. Grants authority to the Secretary of Health, Education, and Welfare to make grants for advanced nurse training and nurse practitioner programs.

H.R. 4116. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax the amount of real property taxes or the amount of rent constituting real property taxes paid by an individual during the taxable year on his principal residence.

H.R. 4117. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence.

H.R. 4118. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax the amount of the employment placement fees paid or incurred by the taxpayer during the taxable year to an employment agency.

H.R. 4119. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exempt private foundations operating as long-term care facilities from the excise tax on investment income and the tax on undistributed income.

H.R. 4120. March 4, 1975. Ways and Means. Amends the Social Security Act by revising the eligibility requirements for Child's Insurance benefits in the case of certain adopted children.

H.R. 4121. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to promulgate standards and formulate an inspection program for skilled nursing homes and intermediate and long-term care facilities participating in the Medicaid program. Sets forth guarantees and rights of patients in such facilities.

H.R. 4122. March 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to conduct an annual investigation of the cost of travel to beneficiaries traveling to and from a Veterans' Administration facility.

H.R. 4123. March 4, 1975. Agriculture. Transfers all functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 4124. March 4, 1975. Banking, Currency and Housing. Amends the Flood Disaster Protection Act of 1973 by making the prohibition against Federal financial assistance for acquisition or construction purposes in an area having special flood hazards, where the property involved is not covered by flood insurance or the community is not participating in the national flood insurance program, inapplicable if a flood control study or construction program is being carried on in such community.

H.R. 4125. March 4, 1975. Veterans' Affairs. Designates the Veterans' Administration hospital in Loma Linda, California, as the Jerry L. Pettis Memorial Veterans' Hospital.

H.R. 4126. March 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire certain lands in Mississippi for access to the Natchez Trace Parkway.

H.R. 4127. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow an investment tax credit with respect to property used in centralized livestock operations.

H.R. 4128. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the accumulated earnings credit on corporate income.

H.R. 4129. March 4, 1975. Ways and Means. Interstate and Foreign Commerce. Amends the Social Security Act by abolishing the Professional Standards review organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 4130. March 4, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 4131. March 4, 1975. Education and Labor. Establishes in the Office of the Secretary of Health, Education, and Welfare an Office of Youth Camp Safety. Requires that Federal youth camp safety standards be developed and enforced.

H.R. 4132. March 4, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants for the construction of public elementary and secondary schools to local educational agencies which serve substantial numbers of children from low-income families.

H.R. 4133. March 4, 1975. Foreign Affairs. Suspends all sales of defense articles and services to Iran, Saudi Arabia, Iraq, Kuwait, Quatar, Bahrain, the United Arab Emirates and the Sultanate of Omar for six months unless Congress approves, by joint resolution, a Presidential statement of policy regarding sales made to such countries under the Foreign Military Sales Act.

H.R. 4134. March 4, 1975. Judiciary. Abolishes the death penalty under all laws of the United States. Requires that each law which authorizes or imposes the death penalty shall hereafter authorize or impose life imprisonment.

H.R. 4135. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes, and to utilize such increase for expanded research of smoking related diseases in the National Heart and Lung Institute.

H.R. 4136. March 4, 1975. Judiciary. Approves and confirms the certificate of incorporation and certificate of amendment thereto of the Southeastern University of the District of Columbia.

H.R. 4137. March 4, 1975. Armed Services. Prohibits any military departments from using dogs in connection with research and development of any chemical or biological warfare agent.

H.R. 4138. March 4, 1975. Education and Labor. Requires educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers.

Requires the Commissioner of Education to make grants to institutions of higher learning to assist them in educating athletic trainers.

H.R. 4139. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to appoint a National Commission to develop a national plan for the control of epilepsy and its consequences.

H.R. 4140. March 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Services Act to make grants and enter into contracts for projects to provide Huntington's disease screening, and research in the diagnosis, treatment, and prevention of Huntington's disease. Directs the Secretary to disseminate information on Huntington's disease and to provide voluntary screening, counseling, and treatment therefor within the Public Health Service.

H.R. 4141. March 4, 1975. Interstate and Foreign Commerce. Enlarges the authority of the National Institute of Neurological Diseases and Stroke, under the Public Health Service Act, to expand and develop a plan of investigation into all forms and aspects of neurological disorders.

H.R. 4142. March 4, 1975. Post Office and Civil Service. Redesignates Veterans' Day as November 11.

H.R. 4143. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to define the place of residence of a State legislator and to allow a limited deduction from gross income of the living expenses of such legislator.

H.R. 4144. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income any gain resulting from a lottery conducted by an agency of a State acting under authority of State law.

H.R. 4145. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to revise and consolidate the provisions of the

Code with respect to small business. Establishes a Committee on Tax Simplification for Small Business to suggest changes in the Code with respect to small business. Requires the Secretary of the Treasury, with the assistance of the Office of Small Business Tax Analysis, to be created within the Office of the Secretary, to submit to the House Committee on Ways and Means and the Senate Committee on Finance recommendations for structural changes in the Code relating primarily to small business.

H.R. 4146. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 4147. March 4, 1975. Ways and Means. Amends the Social Security Act by entitling certain Child's Insurance beneficiaries to receive benefits until they reach the age of 24.

H.R. 4148. March 4, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 4149. March 4, 1975. Interstate and Foreign Commerce. Amends the Fair Packaging and Labeling Act to require that any packaged consumer commodities sold by a retail distributor be plainly marked as to its total selling price, by a stamp, tag, or label, on the principal display panel.

H.R. 4150. March 4, 1975. Interstate and Foreign Commerce. Amends the Fair Packaging and Labeling Act to require that any packaged consumer commodities sold by a retail distributor be plainly marked as to its total selling price, by a stamp, tag, or label, on the principal display panel.

H.R. 4151. March 4, 1975. Judiciary. Revises procedures for proceedings before the Court of Claims in congressional reference cases.

H.R. 4152. March 4, 1975. Judiciary. Retitles commissioners of the United States Court of Claims as "trial judges."

H.R. 4153. March 4, 1975. Post Office and Civil Service. Prohibits the making of appropriations to the Postal Service for any fiscal year commencing on or after July 1, 1975, unless authorized by legislation enacted by Congress.

Requires the Postal Service to keep the House and Senate Committees on Post Office and Civil Service currently informed on Postal Service activities.

H.R. 4154. March 4, 1975. Foreign Affairs. Amends the United Nations Participation Act to permit the President to apply the sanctions contained therein notwithstanding certain provisions of the Strategic and Critical Materials Piling Act.

H.R. 4155. March 4, 1975. Interstate and Foreign Commerce. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to a health insurance benefits program for unemployed individuals, if they would have had such benefits from their prior employer, for their dependent spouse, and for their dependent children. Directs the Secretary of Health, Education, and Welfare to enter into contracts with insurance carriers who will provide such insurance benefits.

H.R. 4156. March 4, 1975. Interstate and Foreign Commerce. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to establish a health insurance benefits program for unemployed individuals, if they would have had such benefits from their prior employer, for their dependent spouse, and for their dependent children. Directs the Secretary of Health, Education, and Welfare to enter into contracts with carriers who will provide such insurance benefits.

H.R. 4157. March 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to any State for the study of drawbridges within the State and for the implementation of such recommendations as may be made as a result of any study made pursuant to this Act.

H.R. 4158. March 4, 1975. Education and Labor. Amends sections of the Occupational Safety and Health Act of 1970 relating to civil penalties for employers in violation of the Act.

H.R. 4159. March 4, 1975. Merchant Marine and Fisheries. Amends the National Environmental Policy Act of 1969 to permit a Federal official to delegate the preparation of an environmental impact statement to an appropriate State agency, official, or qualified consultant.

H.R. 4160. March 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to permit States to prepare the detailed environmental impact statement on Federal aid highway projects proposed by the State which is required by the National Environmental Policy Act.

H.R. 4161. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act by stipulating the method for allotment of funds to States by the Administrator of the Environmental Protection Agency for construction of treatment facilities.

H.R. 4162. March 4, 1975. Judiciary. Standards of Official Conduct. Requires lobbyists to: (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulation of Lobbying Act.

H.R. 4163. March 4, 1975. Public Works and Transportation. Authorizes the removal of Federal restrictions on the imposition and collection of tolls by the State of Indiana on the east-west toll road (Interstate Route 80/90) in northern Indiana upon the repayment by that State to the Treasurer of the United States of certain Federal-aid highway funds.

H.R. 4164. March 4, 1975. Agriculture. Provides that under the Agricultural Act of 1949 the price of milk shall be supported at not less than 85 percent of the parity therefor. Directs the president to limit the quality of meats and refrain from increasing the level of import quotas on butter, butter oil, cheddar cheese, and nonfat dry milk.

H.R. 4165. March 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 4166. March 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 4167. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction certain expenses paid by the taxpayer during the taxable year for the education of a dependent at any primary, secondary, or higher educational institution.

H.R. 4168. March 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4169. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency, to approve certain user charge systems on ad valorem taxation.

H.R. 4170. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to extend the effective date for certain toxic and pretreatment effluent standards.

H.R. 4171. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to delete the requirement for annual State water quality inventory reports and to require biennial State water quality inventory reports.

H.R. 4172. March 4, 1975. Public Works and Transportation. Designates the Federal building in Chicago, Illinois, as the John C. Kluczynski Federal Building.

H.R. 4173. March 4, 1975. Public Works and Transportation. Designates the Federal building in Chicago, Illinois, as the John C. Kluczynski Federal Building.

H.R. 4174. March 4, 1975. Ways and Means. Interstate and Foreign Commerce. Exempts, temporarily, certain rural hospitals from the professional standards review, utilization review, and utilization control requirements imposed by the Social Security Act on hospitals participating in the Medicare, Medicaid, and Maternal and Child Health Services programs.

Directs the Secretary of Health, Education, and Welfare to study alternative methods of utilization review and utilization control for rural hospitals.

H.R. 4175. March 4, 1975. Rules. Amends the Congressional Budget Act of 1974 (1) to provide that Federal revenues and outlays shall not exceed Federal revenue and budget outlay limits with specified exceptions, and (2) to require that when they are introduced all bills or joint resolutions contain a "fiscal note" disclosing the fiscal impact of the bill on Government finances.

H.R. 4176. March 4, 1975. Ways and Means. Directs the Bureau of Labor Statistics to prepare a monthly Consumer Price Index for the Aged. Amends the Social Security Act by requiring that the Consumer Price Index for the Aged be utilized in lieu of the Consumer Price Index in computing cost-of-living benefit increases when such use will yield a greater increase.

H.R. 4177. March 4, 1975. Armed Services. Makes any period of time spent in a missing status creditable service for the purpose of computing Armed Forces retired pay.

H.R. 4178. March 4, 1975. Banking, Currency and Housing. Amends the United States Housing Act of 1937 and the National Housing Act to require that future increases in social security benefits be excluded in determining the eligibility of an individual or family for admission to, or occupying of, low-income housing and the amount of rent payable for accomodations in such housing. Requires a similar exclusion under other federally assisted housing programs.

H.R. 4179. March 4, 1975. Education and Labor. Amends the National Labor Relations Act by including agricultural laborers as employees covered by the Act.

H.R. 4180. March 4, 1975. Foreign Affairs. Prohibits foreign assistance to India until India becomes a signitory to the Treaty on the Non-Proliferation of Nuclear Weapons.

H.R. 4181. March 4, 1975. Foreign Affairs. Limits the assessed and voluntary contributions of the United States to the United Nations and its affiliated agencies to an amount not to exceed an amount which bears the same ratio to the total budget of the United Nations as the total population of the United States bears to the total population of all the member states of the United Nations.

H.R. 4182. March 4, 1975. Government Operations. Requires the Administrator of General Services, where a specified amount of land is Federal real property within a State or local governmental unit, to pay to such unit amounts equivalent to the property taxes which would have been collected had the property been privately owned.

H.R. 4183. March 4, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to prohibit railroads from

refusing to transport any refrigerator car which is not owned by a railroad and to expressly authorize the Interstate Commerce Commission to issue emergency car service orders with respect to all refrigerator cars whether they are owned by railroads or not.

H.R. 4184. March 4, 1975. Interstate and Foreign Commerce. Prohibits any State from imposing taxes or other regulations on wines produced outside that State which are not imposed on wines produced in that State.

H.R. 4185. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to appoint a National Commission to develop a national plan for the control of epilepsy and its consequences.

H.R. 4186. March 4, 1975. Judiciary. Amends the Immigration and Nationality Act to eliminate the option of voluntary departure in lieu of deportation for certain aliens illegally in the United States. Alters the penalties for bringing in and harboring certain aliens and for entering the United States illegally. Requires the Attorney General to increase the border patrol force and investigate the feasibility of utilizing current technology in patrolling the land borders of the United States and establishing a system of issuing machine-readable cards to aliens entering the United States.

H.R. 4187. March 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4188. March 4, 1975. Ways and Means. Interstate and Foreign Commerce. Amends the Social Security Act by abolishing the Professional Standards Review Organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 4189. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes.

Amends the Public Health Service Act to establish in the Treasury of the United States a trust fund to be known as the National Cancer Research Fund into which amounts equal to the additional excise tax on cigarettes shall be deposited.

H.R. 4190. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes.

Amends the Public Health Services Act to establish in the Treasury of the United States a trust fund to be known as the National Cancer Research Fund into which amounts equal to the additional excise tax on cigarettes shall be deposited.

H.R. 4191. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the maximum period which may elapse between the sale of a residence and the purchase of another in order that gain from such sale will be excluded from gross income.

H.R. 4192. March 4, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 4193. March 4, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4194. March 4, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4195. March 4, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4196. March 4, 1975. Atomic Energy. Directs the Atomic Energy Commission to establish a National Nuclear Museum in New Mexico.

H.R. 4197. March 4, 1975. Interior and Insular Affairs. Designates certain lands in Bandelier National Monument in New Mexico as wilderness, to be administered by the Secretary of the Interior.

H.R. 4198. March 4, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirements of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 4199. March 4, 1975. Interstate and Foreign Commerce. Directs the Interstate Commerce Commission and the Federal Maritime Commission to establish nondiscriminatory rates for the transportation of recycled materials in commerce. Requires that all channels of Federal procurement be utilized to expand use of recycled materials in order to reduce the depletion of natural resources,

Amends the Wool Products Labeling Act and Fair Packaging and Labeling Act of 1966 with respect to the labeling of items containing recycled materials.

H.R. 4200. March 4, 1975. Interstate and Foreign Commerce. Prohibits the United States Consumer Product Safety Commission from making any ruling that restricts the manufacture or sale of firearms or firearm ammunition.

H.R. 4201. March 4, 1975. Interstate and Foreign Commerce. Requires States to provide medical assistance benefits to individuals who are eligible for State supplementary payments under the public assistance and supplementary security income programs of the Social Security Act, or who would be eligible for such payments but for the 1973 and 1974 general and cost-of-living increases in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 4202. March 4, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to exempt from the antitrust laws certain market allocation agreements made as part of a licensing contract for the manufacture, distribution or sale of trademarked foods.

H.R. 4203. March 4, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to extend the maximum term of license and license renewal for the operation of broadcasting stations from three to five years.

H.R. 4204. March 4, 1975. Judiciary. Requires Federal district courts to order the United States to pay court costs to defendants in Federal criminal cases, if such defendant is found not guilty, or the action is dismissed with prejudice.

H.R. 4205. March 4, 1975. Public Works and Transportation. Directs the Administrator of the General Services Administration to establish parking facilities for tourists to the Capitol of the United States and bus service from such facilities to Capitol Hill.

H.R. 4206. March 4, 1975. Public Works and Transportation. Designates the Federal building in Albuquerque, New Mexico as the Senator Dennis Chavez Federal Building.

H.R. 4207. March 4, 1975. Veterans' Affairs. Deems any veteran who was a prisoner of war for not less than 26 weeks to have a service-connected disability rated as permanent and total.

H.R. 4208. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from record keeping requirements the licensed ammunition importers, manufacturers, or dealers of .22 caliber ammunition.

H.R. 4209. March 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4210. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to elect an alternate allowance for depreciation with respect to certain byproduct and waste energy conversion facilities.

H.R. 4211. March 4, 1975. Interstate and Foreign Commerce. Ways and Means. Authorizes the Secretary of the Interior to make grants to States which have established motor vehicle disposal plans designed for the efficient removal of junked motor vehicles to scrap processing facilities. Requires States to control visibility of automobile graveyards as a grant condition.

Includes provisions for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment.

H.R. 4212. March 4, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to acquire certain lands in the State of New Mexico upon which the Zuni Salt Lake is located, and to hold the title to such lands in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico. Allows any claim of the tribe to be adjudicated in the United States Court of Claims without first exhausting any available administrative remedies.

H.R. 4213. March 4, 1975. Interior and Insular Affairs. Creates an Abandoned Coal Mine Reclamation Fund to be administered by the Secretary of the Interior. Includes provisions for the acquisition and reclamation of abandoned mined lands. Authorizes the Secretary of Agriculture to enter into agreements with owners of lands affected by mining operations to provide for conservation of soil and water resources of such lands.

H.R. 4214. March 4, 1975. Banking, Currency and Housing. Establishes a Presidentially-appointed Price Restraint Board to issue standards and guidelines for noninflationary price adjustments.

Authorizes the Board (1) to require prenotification of price increases; (2) to delay proposed price increases; (3) to disapprove proposed price increases; and (4) to roll back excessive prices with respect to companies in industries designated as concentrated industries in accordance with guidelines established by this Act.

H.R. 4215. March 4, 1975. Armed Services. Authorizes payment of an annuity to the dependents of members of the Armed Forces who qualified for retired pay but died prior to being granted such pay.

H.R. 4216. March 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of establishing the Bartram Trail in Alabama, Florida, and Georgia, as a national scenic trail.

H.R. 4217. March 4, 1975. Public Works and Transportation. Amends the Urban Mass Transportation Act of 1964 to (1) assist projects in nonurbanized areas; (2) extend the availability of study fellowship grants in the urban mass transportation field to private transportation operators; (3) require all new federally assisted mass transportation facilities to be designed to accommodate elderly and handicapped passengers; (4) require that studies in support of local transportation planning include accommodation of the elderly and handicapped; and (5) establish a National Advisory Council on Accessibility of Mass Transportation to advise the Secretary of Transportation on matters relating to the elderly and handicapped.

H.R. 4218. March 4, 1975. Interstate and Foreign Commerce. Prohibits, as unfair methods of competition under the Federal Trade Commission Act, certain gasoline sales promotion games.

H.R. 4219. March 4, 1975. Public Works and Transportation. Terminates the authoriza-

tion for the Salt Creek Dam and Reservoir project in Ohio.

H.R. 4220. March 4, 1975. Veterans' Affairs. Designates a Veterans' Hospital in California as the Jerry L. Pettis Memorial Veterans' Hospital.

H.R. 4221. March 4, 1975. Education and Labor. Amends the Higher Education Act of 1965 to allow the Commissioner of Education to reallocate work-study funds not expended by the institutions to which they were originally allocated.

H.R. 4222. March 4, 1975. Education and Labor. Amends the National School Lunch and Child Nutrition Acts to (1) extend appropriations for various programs; (2) extend the school breakfast program; (3) revise guidelines for the administration of various programs under the Acts; and (4) redefine terms used in the Acts.

H.R. 4223. March 4, 1975. Education and Labor. Amends the National School Lunch and Child Nutrition Acts to (1) extend appropriations for various programs; (2) extend the school breakfast program; (3) revise guidelines for the administration of various program under the Acts; and (4) redefine terms used in the Acts.

H.R. 4224. March 4, 1975. Atomic Energy. Authorizes appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

H.R. 4225. March 4, 1975. Appropriations. Extends the authorizations for appropriations under the Lead-Based Paint Poisoning Prevention Act.

H.R. 4226. March 4, 1975. Banking, Currency and Housing. Amends the United States Housing Act of 1937 to prohibit the eviction of a tenant from a low-rent housing project without a public hearing.

H.R. 4227. March 4, 1975. Banking, Currency and Housing. Amends the Housing Act of 1949 to increase relocation payments for tenants and business concerns displaced from urban renewal areas.

H.R. 4228. March 4, 1975. Foreign Affairs. Increases United States efforts toward controlling the international traffic in opium by (1) proposing the establishment of an opium control staff within the International Criminal Police Organization; (2) establishing a similar domestic staff composed of Under Secretaries of United States executive departments; and (3) amending the Foreign Assistance Act of 1961 by authorizing the President to (a) assist the efforts of friendly foreign countries in eliminating illegal opium traffic; (b) discontinue foreign aid to noncooperating countries; and (c) by establishing an Executive Committee on International Opium Control to advise the President on international efforts at controlling opium traffic.

H.R. 4229. March 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants to States and local governments to assist them in meeting the costs of providing health care to individuals whose health problems stem from reduced heating required to conserve energy.

H.R. 4230. March 4, 1975. Ways and Means. Amends the Social Security Act to permit officers and employees of the Federal Government to elect coverage under Old-Age, Survivors and Disability Insurance. Sets forth the procedures by which Federal employees may elect such coverage.

H.R. 4231. March 4, 1975. Judiciary. Sets a time limit for the commencement of the trial of any defendant charged with an offense against the United States. Requires that States, in order to be eligible for funding under the Omnibus Crime Control and Safe Streets Act, must also adhere to the stated time limits for the commencement of trial.

Authorizes the utilization of pretrial services officers to supervise persons released on bail and on probation.

H.R. 4232. March 4, 1975. Post Office and Civil Service. Declares that employees of the Federal Government shall have the right to form, join, and assist a labor organization, or refrain from such activity, without fear of penalty or reprisal.

H.R. 4233. March 4, 1975. Interstate and Foreign Commerce. Requires owners of rail lines which are about to be abandoned pursuant to the authorization of any unit of Federal, State or local government, to give the State in which the rail line is located the opportunity to purchase such line before offering the line for sale to any other person.

Authorizes grants from Federal financial assistance programs for transportation or utility purposes to aid the State in acquiring abandoned rail lines.

H.R. 4234. March 4, 1975. Public Works and Transportation. Directs the Secretary of Transportation to require that all projects receiving Federal financial assistance for mass transportation purposes be adapted to accommodate elderly and handicapped persons.

H.R. 4235. March 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Services Act, to make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services, to make grants and enter into contracts for research related to family planning and populations, and to make grants for migrant health centers, community health centers, and home health services. Directs the Secretary to appoint various Committees to study certain health related problems and diseases.

H.R. 4236. March 4, 1975. Interstate and Foreign Commerce. Revises the Public Health Services Act to increase the level of appropriations that the Secretary of Health, Education, and Welfare may make for programs to assist in the construction of teaching facilities for the training of health personnel, to contribute to the student loan funds of such schools, to establish traineeships in schools of public health, and to provide assistance to individuals from disadvantaged backgrounds. Increases appropriations for the National Health Service Corps Scholarship Training programs. Establishes the Medical Residency Training Program.

H.R. 4237. March 4, 1975. Interstate and Foreign Commerce. Revises the National Health Service Corps program to provide the Secretary of Health, Education, and Welfare with criteria to be used in processing applications for assistance from medically underserved areas. Extends the appropriations for such program. Increases and extends the level of appropriations under the National Health Service Corps Scholarship Training Program and provides a formula for repayment of loans for those individuals who fail to fulfill their service obligations under such program.

H.R. 4238. March 4, 1975. Interstate and Foreign Commerce. Revises and extends programs of assistance for nurse training under the Public Health Service Act. Authorizes the Secretary of Health, Education, and Welfare to make grants for advanced nurse training and nurse practitioner programs.

H.R. 4239. March 4, 1975. Interstate and Foreign Commerce. Extends the funding of the Developmental Disabilities Services and Facilities Construction Act through fiscal year 1976. Requires all special project grants under such Act to be authorized by the Secretary of Health, Education, and Welfare. Stipulates that the Federal share of all costs incurred by the States for planning, administration, and services for disabled persons, including construction costs, shall be 75 percent of the total.

H.R. 4240. March 4, 1975. Post Office and Civil Service. Directs the Civil Service Commission to establish, and from time to time revise, a special Cost-of-Living Pay Schedule for civil service employees and positions in certain metropolitan areas.

H.R. 4241. March 4, 1975. Public Works and Transportation. Designates a Federal office building in Chicago, Illinois as the John C. Kluczynski Federal Building.

H.R. 4242. March 4, 1975. Armed Services. Requires that each member of the Armed Forces be screened for narcotics addiction near the time of his scheduled release from active duty. Requires that each member who is found to be addicted be treated prior to his release from active duty or agree to undergo private treatment subsequent to his release.

H.R. 4243. March 4, 1975. Education and Labor. Amends the Federal Coal Mine Health and Safety Act of 1969 by requiring the Secretary of Labor to establish a program to extend information and assistance to miners eligible for black lung benefits.

H.R. 4244. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to prohibit, by regulation, any compensation by a federally assisted hospital or health service delivery facility to a physician or other person for the referral of patients for treatment at such facility.

H.R. 4245. March 4, 1975. Judiciary. Amends the Immigration and Nationality Act to prohibit the voluntary departure of an alien who is a native of a country contiguous to the United States unless a finding of deportability is made in a proceeding before a special inquiry officer.

H.R. 4246. March 4, 1975. Veterans' Affairs. Directs the Secretary of the Army to establish a national cemetery in Los Angeles County in California.

H.R. 4247. March 4, 1975. Interior and Insular Affairs. Suspends the requirement of annual assessment work on mining claims held by location in the United States.

H.R. 4248. March 4, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 4249. March 4, 1975. Post Office and Civil Service. Revises appeal and hearing procedures for certain Federal employees subject to removal from employment or suspension without pay.

H.R. 4250. March 4, 1975. Ways and Means. Amends the Tariff Schedules of the United States to remove the duty on certain forms of zinc.

H.R. 4251. March 4, 1975. Education and Labor. Amends the Older Americans Act of 1965 (1) to establish a program of Federal financial grants to States for projects to repair or renovate the homes of elderly people and to encourage the employment of older workers for such projects, and (2) to authorize Federal grants to States for programs meeting the transportation needs of older persons, especially transportation in connection with nutrition projects operated pursuant to the Older Americans Act of 1965.

H.R. 4252. March 4, 1975. Judiciary. Amends the Civil Rights Act of 1964 by prohibiting any department, agency, officer or employee of the United States from using the withholding of Federal funds to coerce changes in the racial distribution of teachers or students within a school system when a freedom of choice system, as defined by this Act, is used for the assignment of students.

Prohibits Federal courts from requiring school boards to make changes in the racial distribution of teachers or students when students are assigned in conformity with such a system.

H.R. 4253. March 4, 1975. Judiciary. Eliminates the jurisdiction of Federal courts to issue busing orders based on race, color, religion or national origin.

Prohibits any Federal agency from inducing such busing through withholding or

threatening to withhold Federal financial assistance.

Postpones the effectiveness of any busing order until all appeals have been exhausted or until the time for such appeals has expired.

Stipulates that District Courts shall have jurisdiction of proceedings involving validity or applicability of this Act.

H.R. 4254. March 4, 1975. Judiciary. Declares that no Federal court having general jurisdiction shall have any jurisdiction to hear or decide cases or controversies involving the public schools. Vests jurisdiction in such cases in the courts of the several States, and appellate jurisdiction in the United States Supreme Court by writ of certiorari from the highest State or territorial court.

H.R. 4255. March 4, 1975. Judiciary. Education and Labor. Prescribes uniform criteria for formulating judicial remedies for the elimination of dual school systems. Stipulates that the failure of an educational agency to obtain a balance, on the basis of race, color, sex, national origin, or socioeconomic status of students among its schools shall not constitute a denial of equal protection of the laws.

H.R. 4256. March 4, 1975. Interstate and Foreign Commerce. Requires every model car manufactured in model year 1977 or later to be capable of averaging at least twenty miles per gallon of gasoline.

Authorizes the Environmental Protection Agency to establish more stringent standards for future model years.

H.R. 4257. March 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States for the construction of bikeways.

Directs the Secretary to establish construction standards for bikeways constructed with Federal grants.

H.R. 4258. March 4, 1975. Education and Labor. Amends those provisions of the Federal Coal Mine Health and Safety Act of 1969 relating to presumptions, attorney's fees, workman's compensation benefits, other employment, and appeals.

Directs the Secretary of Health, Education, and Welfare to undertake to locate individuals likely to be eligible for black lung benefits under this Act.

Establishes a Black Lung Disability Insurance Fund. Requires coal mine operators to pay premiums into the fund. Directs the Secretary of Labor to make benefit payments to eligible miners from the fund.

H.R. 4259. March 4, 1975. House Administration. Establishes an American Folklife Center in the Library of Congress.

H.R. 4260. March 4, 1975. Post Office and Civil Service. Declares that certain civil service annuities which have been reduced shall be recomputed and paid as if the annuity had not been so reduced upon the death of the annuitant.

H.R. 4261. March 4, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to authorize the Interstate Commerce Commission to grant temporary authority to a carrier by railroad to operate the properties of a railroad which such carrier is seeking to acquire by merger or consolidation pending the final determination of the Commission on the carrier's application for merger or consolidation.

H.R. 4262. March 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish a national historic park on the island of Guam.

H.R. 4263. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income amounts received by an individual as a pension, annuity or similar retirement benefit under a public retirement system.

H.R. 4264. March 4, 1975. Banking, Currency and Housing. Authorizes the President to accept participation for the United States in the African Development Fund provided for by the agreement establishing the Fund deposited in the Archives of the United Nations.

Authorizes an appropriation for the United States subscription to the Fund.

H.R. 4265. March 4, 1975. Foreign Affairs. Amends the Arms Control and Disarmament Act to authorize the Director of the United States Arms Control and Disarmament Agency to accept a security clearance granted (to a contractor or subcontractor) by the Department of Defense as a basis for granting access to classified information to such contractor.

Appropriates funds to the Agency for fiscal years 1976 and 1977.

H.R. 4266. March 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4267. March 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4268. March 4, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4269. March 5, 1975. Interior and Insular Affairs. Amends the Organic Act of Guam and the Revised Organic Act of the Virgin Islands to allow the same reimbursement for certain expenses for Delegates to the United States House of Representatives from Guam and the Virgin Islands as is allowed for Members of the United States House of Representatives.

H.R. 4270. March 5, 1975. Interior and Insular Affairs. Amends the Organic Act of Guam and the Revised Organic Act of the Virgin Islands to allow the same reimbursement for certain expenses for Delegates to the United States House of Representatives from Guam and the Virgin Islands as is allowed for Members of the United States House of Representatives.

H.R. 4271. March 5, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the imposition of penalties upon employees in violation of the health and safety standards established under the Act, and by authorizing the Secretary of Labor to visit the workplaces of employees in the maritime industry, upon their request, for the purpose of affording consultation and advice to such employers.

H.R. 4272. March 5, 1975. Rules. Amends the Congressional Budget and Impoundment Control Act of 1974 by establishing a legislation classification system within the Congressional Budget Office to supply information to Members and committees of Congress concerning Federal programs and expenditures, budget authority and outlays, appropriation Acts, unexpended balances, and committee jurisdiction.

H.R. 4273. March 5, 1975. Judiciary. Prohibits the destruction, burning, or damaging of the property of an employer, or other person near any place where work or business of the employer or owner is carried on. Redefines the term "extortion" to include actual or threatened force or violence used to induce consent in the course of a legitimate labor dispute.

H.R. 4274. March 5, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to establish allocation priorities for certain agricultural uses of natural gas.

Directs the Federal Power Commission to prohibit certain boiler fuel uses of natural gas.

H.R. 4275. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to remove certain limitations on the amount of the deduction allowable for household and dependent care services necessary for gainful employment.

H.R. 4276. March 5, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 4277. March 5, 1975. Government Operations. Prohibits Federal agencies from purchasing, hiring, leasing, operating or maintaining limousines, and from employing chauffeurs to operate such limousines, except for certain designated Federal officers.

H.R. 4278. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income a certain amount received during the taxable year as an annuity, pension or other retirement benefit by an individual or married couple.

H.R. 4279. March 5, 1975. Education and Labor. Repeals provisions of the National Labor Relations Act and the Railway Labor Act which authorizes employers to make agreements with labor organizations to require employee membership in such organization as a condition of employment.

H.R. 4280. March 5, 1975. Interstate and Foreign Commerce. Amends the Controlled Substances Act to increase the penalties for persons convicted of distributing certain controlled substances.

H.R. 4281. March 5, 1975. Judiciary. Increases the penalties for the commission of a felony with or while unlawfully carrying a firearm.

H.R. 4282. March 5, 1975. Ways and Means. Interstate and Foreign Commerce. Directs the Secretary of the Treasury to determine the dollar amount of petroleum which may be imported annually. Directs the Administrator of the Federal Energy Administration to regulate petroleum importation and the allocation of imported petroleum among domestic refiners.

H.R. 4283. March 5, 1975. Judiciary. Prohibits the manufacture, assembly, importation or sale of certain types of handguns in the United States.

H.R. 4284. March 5, 1975. District of Columbia. Directs the Mayor of the District of Columbia to transfer certain designated real property of the United States to the District of Columbia Redevelopment Land Agency.

H.R. 4285. March 5, 1975. District of Columbia. Grants the consent of Congress to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a Metro Transit Police Force. Defines the jurisdiction and responsibilities of such force. Authorizes the Authority to enter into mutual aid agreements with the various jurisdictions within the Transit Zone of the Authority.

H.R. 4286. March 5, 1975. District of Columbia. Directs the chief judge of the District of Columbia Court of Appeals to convene annually a Judicial Conference of the District of Columbia Court of Appeals for the purpose of devising means of improving the administration of justice within the District of Columbia.

H.R. 4287. March 5, 1975. District of Columbia. Authorizes additional law clerks for the judges of the District of Columbia Court of Appeals.

H.R. 4288. March 5, 1975. District of Columbia. Authorizes the District of Columbia Parole Board to credit "street time" for a prisoner whose parole is revoked.

H.R. 4289. March 5, 1975. District of Columbia. Authorizes any State, territory or possession of the United States to sue in the Superior Court of the District of Columbia to recover any tax lawfully due and owing to it when the reciprocal right is accorded to the District by such State, territory or possession. Authorizes the District of Columbia Corporation Counsel to bring suit in the courts of States, territories or possessions, to collect taxes lawfully due the District.

H.R. 4290. March 5, 1975. District of Columbia. Prohibits the fraudulent use or pos-

session of credit cards in the District of Columbia. Prohibits possession of flash paper or water soluble paper. Prohibits the possession of any knife with an unlawful intent. Grants authority to the District of Columbia to seize motor vehicles used in narcotics violations. Provides for the forfeiture of such vehicles for the District of Columbia. Prohibits the service or execution of process on a Sunday. Makes it unlawful to obtain or attempt to obtain communications services with the intent to avoid lawful payment for such services.

H.R. 4291. March 5, 1975. Post Office and Civil Service. Authorizes the Civil Service Commission to take appropriate action on counterclaims filed by the government as set off against amounts otherwise due and payable from the Civil Service Retirement and Disability Fund to the debtor concerned.

H.R. 4292. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland or scenic open space.

H.R. 4293. March 3, 1975. Ways and Means. Amends the Social Security Act by prohibiting any general or cost-of-living increase in Old-Age Survivors, and Disability Insurance benefits from being considered income for the purpose of determining eligibility for veterans' disability or death pensions or dependency and indemnity compensation to parents.

H.R. 4294. March 5, 1975. Post Office and Civil Service. Permits any member of a private nonprofit organization, other than a political committee, to deposit mailable matter relating to the activities or functions of such organization in any letter box without payment of postage, if such member engages in such activity on a voluntary basis without reimbursement from such organization.

H.R. 4295. March 5, 1975. Education and Labor. Amends the Emergency Job Programs section of the Comprehensive Employment and Training Act of 1973 (1) to extend the provisions of that section for two years; (2) to increase the percentage of funds appropriated for that section which may be used for the administrative costs of public service employment programs; (3) to authorize the use of funds for public service employment programs carried out under contract with private employers; and (4) to extend from twenty-six to thirty-nine weeks the period of special unemployment assistance benefits available under this Act.

H.R. 4296. March 5, 1975. Agriculture. Adjusts target prices and loan and purchase levels on the 1975 crops of upland cotton, corn, wheat and soybeans. Establishes the support price for milk at not less than 85 percent of the parity price therefor.

H.R. 4297. March 5, 1975. Agriculture. Adjusts target prices and loan and purchase levels on the 1975 crops of upland cotton, corn, wheat and soybeans. Establishes the support price for milk at not less than 85 percent of the parity price therefor.

H.R. 4298. March 5, 1975. Agriculture. Directs the Secretary of Agriculture to issue orders applicable to persons engaged in the production, processing or marketing of cattle, such orders to provide for or regulate (1) advertising, sales promotion, and consumer education with respect to the use of beef; (2) research on the marketing and distribution of beef; (3) the inspection of the books and records of producers, processors, and marketers of beef; and (4) the establishment of a Beef Board to administer such orders.

H.R. 4299. March 5, 1975. Merchant Marine and Fisheries. Amends the National Environmental Policy Act to require preparation of supplemental environmental impact statements with respect to Federal leasing of Outer Continental Shelf lands for the exploration and development of oil and gas.

H.R. 4300. March 5, 1975. Merchant Marine and Fisheries. Interior and Insular Affairs. Amends the Coastal Zone Management Act to authorize assistance to affected coastal states for the development of coastal zone management plans relating to the impact of offshore energy facilities on such States. Prohibits Federal authorization of the development of offshore energy facilities prior to approval of State coastal zone management plans.

Establishes an Affected Coastal States Fund to assist states in designation of suitable or unsuitable on-shore sites for facilities related to coastal zone development.

H.R. 4301. March 5, 1975. Judiciary. Interior and Insular Affairs. Science and Technology. Merchant Marine and Fisheries. Amends the Outer Continental Shelf Lands Act to establish strict liability for damages caused by oil spills. Authorizes the Secretary of the Interior to distribute revenues collected from the leasing of Outer Continental Shelf lands to affected States.

Establishes an Outer Continental Shelf Research Fund to expand and develop data and technology relating to oil and gas resources and the marine environment on the Outer Continental Shelf.

H.R. 4302. March 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants for the establishment and operation of home health services and for the purpose of initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services.

H.R. 4303. March 5, 1975. Ways and Means. Interstate and Foreign Commerce. Revises the conditions and limitations applicable to home health services under the Medicare program of the Social Security Act.

H.R. 4304. March 5, 1975. Judiciary. Amends the Immigration and Nationality Act by revising the criteria under which the Attorney General may adjust the status of certain aliens to that of lawfully admitted.

Makes it unlawful to knowingly hire an alien not lawfully admitted into the United States. Requires that employees of the Department of Health, Education, and Welfare disclose the names of illegal aliens who are receiving assistance under the Social Security Act.

H.R. 4305. March 5, 1975. Government Operations. Extends and authorizes appropriations for the State and Local Fiscal Assistance Act of 1972 for five years.

H.R. 4306. March 5, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to authorize appropriations for the emergency jobs programs under Title VI of the Act for fiscal year 1976.

H.R. 4307. March 5, 1975. Science and Technology. Ways and Means. Directs the Director of the National Bureau of Standards to issue regulations with respect to recycled oil. Repeals any previous regulations which required certain labeling of recycled oil.

Amends the Internal Revenue Code of 1954 to establish an excise tax exemption for certain sales of waste lubricating oil.

H.R. 4308. March 5, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by (1) mandating benefit increases and emergency assistance grants; (2) prohibiting benefit decreases as a consequence of increases in other social security benefits; (3) adding supplementary housing benefits; (4) revising the basis upon which mandatory minimum State supplementation is calculated; (5) revising administrative procedures for paying benefits; and (6) redefining "eligible spouse".

Amends the Food Stamp Act of 1964 by allowing certain Supplemental Security Income recipients to elect to receive food stamps.

H.R. 4309. March 5, 1975. Interior and Insular Affairs. Science and Technology. Establishes a National Energy and Conservation Corporation to undertake programs of exploration, development, and production of public land and tideland oil, natural gas, oil shale, and coal resources. Directs the Corporation to administer programs consistent with objectives of land use planning, conservation, and environmental protection.

H.R. 4310. March 5, 1975. Judiciary. Increases the penalties for the commission of a felony with a firearm or while unlawfully carrying a firearm.

H.R. 4311. March 5, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 4312. March 5, 1975. Public Works and Transportation. Amends the Airport and Airway Development Act of 1970 (1) to extend the authority of the Secretary of Transportation to make grants for airport development through fiscal year 1980; (2) to limit the consideration of the environmental impact of airport development outside of standard metropolitan statistical areas; (3) to require the preparation of environmental impact statements in projects under this Act; (4) to limit the requirement for public hearings on development projects; (5) to provide an alternate method of computing the Federal share of certain project costs; and (6) to change the tax on air fares.

H.R. 4313. March 5, 1975. Post Office and Civil Service. Declares that letters sent to Members of Congress shall be carried in the mails at no cost to the sender.

H.R. 4314. March 5, 1975. Ways and Means. Revises the eligibility requirements for disability benefits and the disability freeze under the Social Security Act by extending eligibility to individuals with 40 quarters of coverage regardless of when they were earned.

H.R. 4315. March 5, 1975. Ways and Means. Revises the eligibility requirements for disability benefits and the disability freeze under the Social Security Act by extending eligibility to individuals with 40 quarters of coverage regardless of when they were earned.

H.R. 4316. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4317. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4318. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4319. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4320. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to impose an excise tax on automobiles based on the rate at which such automobiles consume fuel.

Allows a credit against the income tax for the purchase of every new automobile for use within the United States, based on the rate at which such automobile consumes fuel.

H.R. 4321. March 5, 1975. Interstate and

Foreign Commerce. Directs the Federal Power Commission to review and modify plans submitted by natural gas pipelines for curtailing sales to specific customers and authorizes the Commission to direct transfers of available supplies of natural gas in order to meet regional needs.

H.R. 4322. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to require that interest be paid to individual taxpayers on the calendar year basis who file their returns before March 1, if the refund check is not mailed out within a certain period after the return is filed.

H.R. 4323. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the Federal estate tax exemption.

H.R. 4324. March 5, 1975. Judiciary. Standards of Official Conduct. Requires lobbyists to: (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulations of Lobbying Act.

H.R. 4325. March 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish precipitation management projects in order to augment the United States' usable water resources. Authorizes the Secretary to engage in operational demonstration projects for potential use in precipitation management programs in certain states.

H.R. 4326. March 5, 1975. Post Office and Civil Service. Entitles an employee of an executive agency who is also an elected official of a city, town, or municipality to additional annual leave for the discharge of official duties as such elected official if such duties can not be discharged without using such leave.

H.R. 4327. March 5, 1975. Interstate and Foreign Commerce. Science and Technology. Amends the Clean Air Act to require the Administrator of the Environmental Protection Agency, with the assistance of other agencies, to determine the effect on public health and the environment of the discharge of cholerfluoromethane into the ambient air.

Prohibits, subject to such determination, the introduction into commerce of any aerosol spray container which discharges chlorofluoromethane into the ambient air.

H.R. 4328. March 5, 1975. Interstate and Foreign Commerce. Science and Technology. Amends the Clean Air Act to require the Administrator of the Environmental Protection Agency, with the assistance of other agencies, to determine the effect on public health and the environment of the discharge of chlorofluromethane into the ambient air.

Prohibits, subject to such determination, the introduction into commerce of any aerosol spray container which discharges chlorofluoromethane into the ambient air.

H.R. 4329. March 5, 1975. Education and Labor. Authorizes the Secretary of Health, Education and Welfare to make grants for the development and implementation of new prevention and treatment techniques in the field of juvenile delinquency and for the planning, operation and evaluation of juvenile delinquency projects by States and local government units.

Establishes in the Executive Office of the President a National Office of Juvenile Delinquency Prevention to establish overall policy for Federal juvenile delinquency programs and to coordinate the Federal involvement in the field of juvenile delinquency prevention.

Establishes a National Advisory Council for Juvenile Delinquency Prevention to advise the Director of the Office of Juvenile Delinquency Prevention.

H.R. 4330. March 5, 1975. Interstate and Foreign Commerce. Prohibits the shipment or sale in interstate commerce of nonreturnable beverage containers for which no reasonable refundable money deposit is required.

Directs the Secretary of Health, Education, and Welfare to define the term "nonreturnable containers".

H.R. 4331. March 5, 1975. Post Office and Civil Service. Revises the method of determining cost-of-living increases payable to civil service annuitants.

H.R. 4332. March 5, 1975. Agriculture. Increases the amount authorized to be appropriated for the forestry incentive program under the Agricultural Act of 1970.

H.R. 4333. March 5, 1975. Agriculture. Increases the size of the tract which may be affected by the forestry incentive program under the Agricultural Act of 1970.

H.R. 4334. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from record keeping requirements the licensed ammunition importers, manufacturers, or dealers of .22 caliber ammunition.

H.R. 4335. March 5, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to establish a national adoption information exchange system to facilitate adoptions.

H.R. 4336. March 5, 1975. Judiciary. Amends the Immigration and Nationality Act to permit the adoption of more than two alien children by a United States citizen.

H.R. 4337. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for expenses incurred in connection with the adoption of a child by the taxpayer.

H.R. 4338. March 5, 1975. Interior and Insular Affairs. Designates certain lands in California as the Monarch Wilderness to be administered by the Secretary of Agriculture. Abolishes the previous classification of the High Sierra Primitive Area. Allows the Secretary to authorize certain uses of the lands within the wilderness area.

H.R. 4339. March 5, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 4340. March 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants for the establishment and operation of home health services and for the purpose of initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services.

H.R. 4341. March 5, 1975. Ways and Means. Interstate and Foreign Commerce. Revises the conditions and limitations applicable to home health services under the Medicare program of the Social Security Act.

H.R. 4342. March 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to make grants to assist States in the development and administration of land use programs. Establishes requirements and procedures for State eligibility for such grants and defines necessary elements of State land use programs.

Directs Federal public land management agencies to develop and revise land use plans. Includes provisions for public participation where Federal activities have a significant impact on State and local land use.

H.R. 4343. March 5, 1975. Armed Services. Directs the Secretary of Defense to convey certain lands in the city of Nome, Alaska.

H.R. 4344. March 5, 1975. Interior and Insular Affairs. Establishes, within the Department of the Interior, and Assistant Secretary of the Interior for Indian Affairs.

H.R. 4345. March 5, 1975. Interior and Insular Affairs. Amends existing law relating to the sale of certain public lands in Alaska by deleting certain restrictions on the use of such lands.

H.R. 4346. March 6, 1975. Government Operations. Establishes a Committee to be known as the International Women's Year American Women's Conference Planning Committee for the purpose of planning and reporting on the International Women's Conference.

H.R. 4347. March 6, 1975. Armed Services. Redefines dependent in the case of a dependent of a female member of the Armed Forces for the purposes of calculating allowances and eligibility for medical and dental care.

H.R. 4348. March 6, 1975. Armed Services. Includes family planning services, supplies and counseling among the medical services provided to members of the Armed Forces.

H.R. 4349. March 6, 1975. Education and Labor. Authorizes and directs the Secretary of Health, Education, and Welfare to establish various comprehensive child development programs and services. Establishes an Office of Child Development in the Department of Health, Education, and Welfare to coordinate and administer all comprehensive child development programs established by the Secretary in accordance with the provisions of this Act.

H.R. 4350. March 6, 1975. Foreign Affairs. Applies the same eligibility requirements to widows and wdlowers with respect to death benefits and annuities under the Foreign Service Retirement and Disability System.

H.R. 4351. March 6, 1975. Government Operations. Prohibits any instrumentality of the United States from using any title as a prefix to a person's name which has the effect of indicating the marital status of such person.

H.R. 4352. March 6, 1975. Government Operations. Amends the Federal Property and Administrative Service Act to include child care centers as educational institutions for the purpose of receiving surplus Federal property.

H.R. 4353. March 6, 1975. Government Operations. Amends teh Federal Property and Administrative Services Act to include child care centers as educational institutions for the purpose of receiving surplus Federal property.

H.R. 4354. March 6, 1975. Interstate and Foreign Commerce. Prohibits discrimination solely on the basis of sex by the insurance business with respect to the availability and scope of insurance coverage.

H.R. 4355. March 6, 1975. Judiciary. Amends the Crime Control Act of 1973 by establishing a National Center for the Prevention and Control of Rape to conduct a continuing study, evaluation, and investigation of rape.

H.R. 4356. March 6, 1975. Judiciary. Amends the Crime Control Act of 1973 by establishing a National Center for the Prevention and Control of Rape to conduct a continuing study, evaluation, and investigation of rape.

H.R. 4357. March 6, 1975. Ways and Means. Amends the Social Security Act by increasing benefits to certain Old-Age, Survivors and Disability Insurance benefits; and establishing father's insurance benefits for widowers with minor children.

H.R. 4358. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer to deduct from gross income reasonable expenses incurred for the care of one or more dependents. Repeals the allowance of such a deduction as an itemized deduction from adjusted gross income.

H.R. 4359. March 6, 1975. Ways and Means. Amends the Social Security Act by revising the eligibility requirements for divorced women for wife's or widow's Old-Age, Survivors and Disability Insurance benefits.

H.R. 4360. March 6, 1975. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to direct air carriers to provide half fare tranaportation on a space available basis to Armed Forces veterans who have a service-connected, total and permanent disability.

H.R. 4361. March 6, 1975. Judiciary. In-

creases the penalties for use of a firearm in the commission of a felony.

H.R. 4362. March 6, 1975. Ways and Means. Interstate and Foreign Commerce. Subjects any dog and cat products unlawfully imported into the United States or shipped in interstate commerce to seizure and forfeiture as provided for violation of the customs laws.

H.R. 4363. March 6, 1975. Interstate and Foreign Commerce. Directs the Secretary of Transportation to establish and enforce fuel economy standards for classes of new motor vehicles. Requires automobile manufacturers and dealers to affix labels disclosing fuel economy information. Requires disclosure of such information in advertisements for new motor vehicles.

H.R. 4364. March 6, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to postpone certain automobile emission standards. Amends the National Traffic and Motor Vehicle Safety Act of 1966 to establish a moratorium on new automobile safety standards.

H.R. 4365. March 6, 1975. Interstate and Foreign Commerce. Establishes an Interstate Railroad System composed of existing rail lines designated by the Secretary of Transportation and approved by Congress to provide nationwide freight and passenger rail service. Directs the Secretary to set maintenance standards for System rail lines.

Establishes a nonprofit Interstate Railroad Corporation and sets forth the duties and regulations of the Corporation and of States which acquire rail lines under this Act with regard to the acquisition, rehabilitation, maintenance and modernization of System rail lines.

Authorizes Federal financial assistance for the System.

H.R. 4366. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to impose an excise tax equal to a percentage of the amount paid for the transportation of property within the United States by rail, motor vehicle, or water.

H.R. 4367. March 6, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 4368. March 6, 1975. Ways and Means. Amends the estate tax provisions of the Internal Revenue Code to allow a limited deduction from the gross estate of the value of the decedents interest in a family farming operation which passes to an individual related to him or his spouse.

H.R. 4369. March 6, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency to revise certain air pollutant standards based on recent scientific evidence. Authorizes the Administrator to establish emission charges for certain air pollutants where promulgation of national standards is impracticable.

Requires that certain stationary sources of air pollutants install and operate continuous air pollution monitoring instruments.

Authorizes extensions of transportation control deadlines upon application to the Administrator. Authorizes the Secretary of Labor to pay unemployment compensation and temporary mortgage and rental to an individual who is unemployed as a result of enforcement of air pollution standards.

H.R. 4370. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles.

H.R. 4371. March 6, 1975. Ways and Means. Revises the Internal Revenue Code by amending and repealing portions of the Code with respect to capital gains and losses, income derived from the extraction of minerals, individual and corporate income, the estate and gift tax and State and local obligations.

H.R. 4372. March 6, 1975. Armed Services. Authorizes special pay for active duty judge advocates of the Army, Navy, Air Force, and Marine Corps, and law specialists of the Coast Guard.

H.R. 4373. March 6, 1975. Merchant Marine and Fisheries. Incorporates the National Zoological and Aquarium Corporation.

H.R. 4374. March 6, 1975. Judiciary. Interior and Insular Affairs. Foreign Affairs. Grants to each coastal State certain mineral rights in Outer Continental Shelf lands extending to a line twelve miles from the coast of such State. Establishes a boundary advisory commission to report to the President on international boundaries between the United States, Canada, and Mexico.

H.R. 4375. March 6, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to make individuals performing instructional, research, or administrative services for educational institutions ineligible for unemployment compensation under the Act for periods between academic years or terms.

H.R. 4376. March 6, 1975. Education and Labor. Amends the Bankruptcy Act to limit the dischargeability in bankruptcy of educational debts.

Amends the Higher Education Act of 1965 to eliminate the defense of infancy with respect to federally Insured Student Loans. Revises provisions of the Act relating to the minimum repayment period for loans, the interest subsidy on multiple disbursements and the minimum annual payment for married couples.

Makes students who have defaulted on any student loan ineligible for further federally supported loans or basic educational opportunity grants.

Eliminates proprietary institutions as eligible lenders for Federally Insured Student.

H.R. 4377. March 6, 1975. Agriculture. Prohibits the Secretary of Agriculture, under the Agriculture and Consumer Protection Act of 1973, from requiring or providing for the voluntary or involuntary prior approval of the export sales of agricultural commodities.

H.R. 4378. March 6, 1975. Agriculture. Amends the Federal Meat Inspection Act to prohibit the States from establishing less strict standards with respect to the marketing, labeling, and ingredient requirements of the Act.

H.R. 4379. March 6, 1975. Foreign Affairs. Amends the United Nations Participation Act to permit the President to apply the sanctions contained therein notwithstanding certain provisions of the Strategic and Critical Materials Stock Piling Act.

H.R. 4380. March 6, 1975. Ways and Means. Interstate and Foreign Commerce. Directs the Administrator of the Federal Energy Administration to regulate petroleum importation and the allocation of imported petroleum among domestic refiners.

H.R. 4381. March 6, 1975. Ways and Means. Interstate and Foreign Commerce. Directs the Administrator of the Federal Energy Administration to regulate petroleum importation and the allocation of imported petroleum among domestic refiners.

H.R. 4382. March 6, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I Veterans, their widows, and their children.

H.R. 4383. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit the filing of a joint return unless each spouse verifies under oath or affirmation that such spouse has equal ownership, management and control of the income, assets, and liabilities of the marriage partnership.

H.R. 4384. March 6, 1975. Interstate and Foreign Commerce. Requires under the Fair Packaging and Labeling Act, that perishable or semiperishable foods must be labeled by the manufacturer or packager to show the pull date for such food and the optimum temperature and humidity conditions for its storage by the ultimate consumer. Prohibits sale after the pull date has expired unless the food is fit for human consumption, is separated from other packaged perishable or semiperishable foods, and is clearly identified as a food whose pull date has expired.

H.R. 4385. March 6, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 4386. March 6, 1975. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require that labels of certain packaged goods contain a disclosure of the manufacturer, packer, and distributor of each such good.

H.R. 4387. March 6, 1975. Interstate and Foreign Commerce. Requires that certain durable products be labeled with the date of manufacture. Directs the Federal Trade Commisssion to prepare a list of products to be so labeled and to administer and enforce this Act.

H.R. 4388. March 6, 1975. Interstate and Foreign Commerce. Requires, under the Federal Food, Drug, and Cosmetic Act, that the labels on all foods disclose each ingredient in order of its predominance, an accurate statement of the percentage amount of such ingredient, and any change made in the ingredients.

H.R. 4389. March 6, 1975. Interstate and Foreign Commerce. Requires, under the Fair Packaging and Labeling Act, the total selling price and the retail unit price for packaged consumer commodities to be plainly marked on the package itself or on a sign in close proximity to the point of display of such package.

H.R. 4390. March 6, 1975. Interstate and Foreign Commerce. Requires manufacturers of durable consumer products to conspicuously label each item sold at retail with respect to the performance life under normal operating conditions of such durable product.

H.R. 4391. March 6, 1975. Interstate and Foreign Commerce. Makes it a violation of the Federal Trade Commission Act for any retailer to increase the price of a consumer commodity after the retailer has marked the price on that item.

Authorizes the Federal Trade Commission to issue a cease and desist order and to order the restitution of moneys received by a retailer in violation of this Act.

H.R. 4392. March 6, 1975. Post Office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 4393. March 6, 1975. Veterans' Affairs. Requires that payments to an individual under any Federal retirement, annuity, or similar plan or program be disregarded in computing annual income for the determination of eligibility for veterans' pension or dependency and indemnity compensation.

H.R. 4394. March 6, 1975. District of Columbia. Amends the District of Columbia Self-Government and Governmental Reorganization Act by abolishing the National Capital Service Area.

H.R. 4395. March 6, 1975. Agriculture. Revises the eligibility requirements for food coupons under the Food Stamp Act of 1964 to exclude individuals who receive one-half of their income from an individual who is not eligible for food coupons.

H.R. 4396. March 6, 1975. Agriculture. Amends the Emergency Livestock Credit Act of 1974 to provide additional temporary financial assistance to owners of livestock who have suffered severe financial losses as a result of low market prices for livestock.

H.R. 4397. March 6, 1975. Judiciary. Prohibits the destruction, burning, or damaging of the property of an employer, or other person near any place where work or business of the employer or owner is carried on. Redefines the term "extortion" to include actual or threatened force or violence used to induce consent in the course of a legitimate labor dispute.

H.R. 4398. March 6, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to delegate to the State which proposes a Federal-aid highway project the responsibility for preparing the environmental impact statement required under the National Environmental Policy Act.

H.R. 4399. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to increase the maximum period which may elapse between the sale of a residence and the purchase of another in order that gain from such sale will be excluded from gross income.

H.R. 4400. March 6, 1975. Government Operations. Requires the President to include in the budget transmitted to Congress additional information showing regional impact by State and Congressional districts of budget proposals.

Requires the Director of the Office of Management and Budget to file with the Congress certain information relating to Federal expenditures within the States and Congressional districts.

H.R. 4401. March 6, 1975. Interstate and Foreign Commerce. Directs the Secretary of Commerce, under the Fair Packaging and Labeling Act (1) to formulate and prescribe a system of food quality grade designations for all food products; (2) to require a label on all food products containing a statement specifying all the ingredients of such food in their order of predominance; (3) to require a label specifying the nutritional value of a food product; and (4) require, for perishable and semiperishable foods, a label specifying the expiration date of such food, the optimum storage conditions, and any other information necessary to protect the palatability of such food.

H.R. 4402. March 6, 1975. Interstate and Foreign Commerce. Directs the President to cause the design and construction of a minimum of seven full-scale petroleum refining facilities. Establishes a public corporation to manage the design, construction and operation of each such facility.

H.R. 4403. March 6, 1975. Interstate and Foreign Commerce. Requires, under the Fair Packaging and Labeling Act, the total selling price and the retail unit price for packaged consumer commodities to be plainly marked on the package itself or on a sign in close proximity to the point of display of such package.

H.R. 4404. March 6, 1975. Interstate and Foreign Commerce. Amends the Federal Power Act to prohibit public utilities from increasing rates for electric energy which reflect increased fuel costs by means of a fuel adjustment clause in a wholesale rate schedule, where such clause allows more than 50 percent of any increased fuel cost to be reflected in the increased rate.

H.R. 4405. March 6, 1975. Interstate and Foreign Commerce. Prohibits the sale of energy-intensive consumer goods without labeling of average annual energy costs for the operation of such goods.

Directs the Federal Trade Commission to establish minimum standards of efficiency for consumer goods. Requires additional labeling stating that such consumer goods are inefficient.

Regulates advertising of consumer goods to require disclosure of energy efficiency information.

H.R. 4406. March 6, 1975. Judiciary. Prohibits certain corporate management interlocking relationships under the Clayton Act.

H.R. 4407. March 6, 1975. Judiciary. Makes it unlawful under the Clayton Act for a vertically integrated oil company to acquire, own or control any asset of certain energy resources.

H.R. 4408. March 6, 1975. Education and Labor. Amends the National Labor Relations Act by including agricultural laborers as employees covered by the Act.

H.R. 4409. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow to individuals an additional income tax exemption for each dependent under the age of 19 who is disabled.

H.R. 4410. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to impose an income tax surcharge on every energy corporation for each taxable year ending after December 31, 1972, and beginning before the termination of the energy emergency period.

H.R. 4411. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the amounts paid by a tenant to a lessor during the taxable year equal to the tenant's proportionate share of the real estate taxes and the interest incurred on the indebtedness of the real property such tenant occupies as his principal residence.

H.R. 4412. March 6, 1975. Interstate and Foreign Commerce. Interior and Insular Affairs. Establishes a Bureau of National Resource Information and a National Resource Information System within the Department of Commerce to maintain information and statistics on natural resources.

Requires major natural resource companies engaged in commerce to file reports with the Bureau detailing their worldwide assets and operations.

Authorizes the Secretary of the Interior to compile an inventory of all mineral reserves in the public lands of the United States.

H.R. 4413. March 6, 1975. Merchant Marine and Fisheries. Establishes a Coastal Zone and Energy Production Coordination Fund from Federal revenues collected from leases on the Outer Continental Shelf. Authorizes assistance to States for the development of coastal zone planning and management programs.

H.R. 4414. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer an additional personal exemption for each dependent who is mentally retarded.

H.R. 4415. March 6, 1975. Post Office and Civil Service. Amends the Intergovernmental Personnel Act of 1970 by (1) authorizing an increase in the Federal share for funding Government Service Fellowships for State and local government personnel; (2) requiring recipients of such fellowships to agree to certain conditions; and (3) including the Trust Territory of the Pacific Islands as an eligible jurisdiction under the Act.

Revises regulations with respect to Federal employees assigned to work for State or local government agencies, and State or local government employees assigned to work for Federal agencies.

H.R. 4416. March 6, 1975. Veterans' Affairs. Redefines veteran to mean a person who served in the active military, naval, or air service, who was discharged other than by a court-martial. Directs the Administrator of Veterans' Affairs to provide any claimant for Veterans' Administration benefits with a list of such documentary information and other evidence which the claimant will likely need to support his claim. Directs the Administrator to pay the reasonable attorney's fees of such claimant, if such attorney is a recognized practitioner. Authorizes an appeal from the Board of Veterans' Appeals decisions to the appropriate District Court.

H.R. 4417. March 6, 1975. Veterans' Affairs. Declares the decisions of the Administrator of Veterans' Affairs with respect to any claim for benefits final and conclusive. Authorizes review within two years from the date of the mailing of the Administrator's decision in the appropriate United States District Court. Allows the court to award reasonable fees for the attorneys of claimants, unless the court determines that the attorney is guilty of the misdemeanor of champerty.

H.R. 4418. March 6, 1975. Judiciary. Amends the patent laws of the United States to provide for public examination and review of claims relating to applications for patents.

H.R. 4419. March 6, 1975. Veterans' Affairs. Specifics that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 4420. March 6, 1975. Ways and Means. Excludes general and cost-of-living increases in Old-Age, Survivors and Disability Insurance benefits under the Social Security Act from being considered income for the purpose of determining an individual's eligibility for veterans pensions or dependency and indemnity compensation for parents of deceased veterans.

H.R. 4421. March 6, 1975. Judiciary. Directs the President to appoint, by and with the advice and consent of the Senate, additional Federal district court judges.

H.R. 4422. March 6, 1975. Judiciary. Directs the President to appoint, by and with the advice and consent of the Senate, additional judgeships for the United States courts of appeals.

H.R. 4423. March 6, 1975. Interstate and Foreign Commerce. Prohibits the introduction of nonreturnable beverage containers in interstate commerce. Authorizes the Administrator of the Environmental Protection Agency to establish such regulations as are necessary for the purpose of this Act.

H.R. 4424. March 6, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 4425. March 6, 1975. Judiciary. Amends the Voting Rights Act of 1965 by prohibiting voting eligibility tests in jurisdictions covered by the Act for an additional ten years. Extends the prohibitions against such tests to additional jurisdictions.

H.R. 4426. March 6, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 4427. March 6, 1975. Armed Services. Allows certain members of the National Guard to wear civilian clothing when performing their duties in a civilian status.

H.R. 4428. March 6, 1975. Post office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 4429. March 6, 1975. Agriculture. Revises the eligibility requirements for food coupons under the Food Stamp Act of 1964 to exclude individuals who receive one-half of their income from an individual who is not eligible for food coupons.

H.R. 4430. March 6, 1975. Education and Labor. Amends the Higher Education Act of 1965 to require that institutions of higher education and vocational schools, in order to be eligible for purposes of federally assisted student loans, establish a policy of tuition refunds for students who withdraw. Requires notification of the institution's tuition refund policy to students prior to the payment of tuition or fees.

H.R. 4431. March 6, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the Administrator of the Small Business Administration to render onsite consultation and advice to certain small business employers to assist such employers in complying with the health and safety standards of the Act.

H.R. 4432. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to im-

pose an excise tax on every passenger automobile sold by the manufacturer whose fuel consumption falls below a stipulated fuel economy standard.

Directs the Secretary of Transportation to establish test procedures for determining the fuel consumption rate for each new automobile subject to such tax.

H.R. 4433. March 6, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4434. March 6, 1975. Interior and Insular Affairs. Science and Technology. Establishes a National Energy and Conservation Corporation to undertake programs of exploration, development, and production of public land and tideland oil, natural gas, oil shale, and coal resources. Directs the Corporation to administer programs consistent with objectives of land use planning, conservation, and environmental protection.

H.R. 4435. March 6, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to reduce from one hundred thousand to fifty thousand the population required for a unit of general local government to qualify as a prime sponsor for the purpose of receiving Federal financial assistance under the Act.

H.R. 4436. March 6, 1975. Banking, Currency, and Housing. Repeals the provisions of the Flood Disaster Protection Act of 1973 which require communities and individuals in flood prone areas to participate in the national flood insurance program in order to be eligible for Federal financial assistance.

H.R. 4437. March 6, 1975. Banking, Currency, and Housing. Repeals the provisions of the Flood Disaster Protection Act of 1973 which require communities and individuals in flood prone areas to participate in the national flood insurance program in order to be eligible for Federal financial assistance.

H.R. 4438. March 6, 1975. Foreign Affairs. Requires executive agreements to be transmitted by the President to Congress. Stipulates that such agreements shall come into force within a certain time period unless Congress disapproves such executive agreement by passage of a concurrent resolution by both Houses.

H.R. 4439. March 6, 1975. Foreign Affairs. Requires Congressional review of any international executive agreement concerning the establishment, renewal, continuance, or revision of a national commitment.

H.R. 4440. March 6, 1975. Merchant Marine and Fisheries. Amends the Port and Waterways Safety Act of 1972 to require the Secretary of the department in which the Coast Guard is operating to certify certain sites suitable for the location of liquefied natural gas storage terminals. Prohibits the issuance of a certificate of public convenience and necessity by the Federal Power Commission without such certification.

H.R. 4441. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to authorize real property to be valued for estate tax purposes at its value as farmland, woodland, or openland rather than at its fair market value.

H.R. 4442. March 6, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to exempt from mandatory allocation regulations the first sale of the share of a State or local government in crude oil produced from the leasing of State and or locally-owned lands.

H.R. 4443. March 6, 1975. Armed Services. Directs the Secretary of Defense to establish a program for the screening, treatment and rehabilitation of drug-dependent members of the Armed Forces. Forbids disciplinary action against, or issuance of a dishonorable discharge to, any member of the Armed Forces solely on the basis of drug use or dependency.

Directs the President to renegotiate status of forces agreements concerning the host country's jurisdiction to prosecute members of the Armed Forces for drug use or dependency.

H.R. 4444. March 6, 1975. Appropriations. Extends the authorization for appropriations under the Lead-Based Paint Poisoning Prevention Act.

H.R. 4445. March 6, 1975. Foreign Affairs. Prohibits the export from the United States of the substance known as 2,4,5-trichlorophenoxyacetic acid or any of its salts or esters, or any herbicide which contains such substance or any of its salts or esters.

H.R. 4446. March 6, 1975. Government Operations. Amends the Employment Act of 1964 to include price stability as one of the goals of the Act.

H.R. 4447. March 6, 1975. Government Operations. Amend the Employment Act of 1964 to include price stability as one of the goals of the Act.

H.R. 4448. March 6, 1975. Agriculture. Ways and Means. Amends the Social Security Act by authorizing the Secretary of Health, Education, and Welfare to formulate and administer a food allowance program for the elderly.

H.R. 4449. March 6, 1975. Interstate and Foreign Commerce. Authorizes appropriations to the Secretary of Commerce for the promotion of tourist travel in the United States for fiscal years 1976 through 1979.

H.R. 4450. March 6, 1975. Agriculture. Authorizes the Secretary of Agriculture to pay compensation for beef cattle, dairy cattle, swine, poultry, eggs, milk, and dairy products at a fair market value to producers who are advised that their animals or products cannot be marketed because such animals or products contain residues of Polybrominated Biphenyl, unless such producer willfully failed to follow procedures prescribed for the use of such substance.

H.R. 4451. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow tax exempt industrial development bonds to be issued to finance recycling facilities.

H.R. 4452. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the manufacturers excise tax on tires, inner tubes, and tread rubber.

H.R. 4453. March 6, 1975. Education and Labor. Applies the Longshoremen's and Harbor Workers' Compensation Act to agricultural workers for the purposes of compensating such workers for disability or death occurring in the course of employment or arising out of any unsafe condition or inadequate sanitary facility of housing provided incident to employment. Authorizes such workers to sue for damages where injury or death resulted from the employer's gross negligence or from the use of an economic poison. Directs the damages be paid from appropriations to the Environmental Protection Agency in the case of injury or death from an economic poison.

H.R. 4454. March 6, 1975. Ways and Means. Amends the Tariff Schedules of the United States with respect to the rate of duty on olives.

H.R. 4455. March 6, 1975. Armed Services. Authorizes recomputation of retired pay for members and former members of the Armed Forces who are 60 years of age or older or who are retired because of a physical disability.

H.R. 4456. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to exempt cooperative housing corporations, condominium manager associations, and residential real estate maangement associations from taxation on certain types of income.

H.R. 4457. March 6, 1975. Interstate and Foreign Commerce. Authorizes the Securities and Exchange Commission to facilitate the establishment of national system for the clearance and settlement of securities.

Directs the Commission to for a fifteen-member National Market Board, composed of persons knowledgeable of securities market practice; to advise the Commission on the establishment of the system, and on the fairness, honesty, and efficiency of regulations proposed by the Commission.

H.R. 4458. March 6, 1975. Merchant Marine and Fisheries. Amends the Fishermen's Protective Act of 1967 to repeal the authority of the President to disapprove the transfer of foreign assistance funds from the intended recipient country because of an unsatisfied claim against such country arising from its seizure of a United States fishing vessel.

H.R. 4459. March 6, 1975. Interior and Insular Affairs. Extends the boundaries of the Los Padres National Forest in California.

H.R. 4460. March 6, 1975. Public Works and Transportation. Limits the charge which can be made by common carriers in interstate commerce for transporting elderly persons during nonrush hours to half the published tariff.

Establishes procedures for reimbursing carriers which lose money due to the provisions of this Act.

Revises the Urban Mass Transportation Act of 1964 to give preference for assistance under such Act to States and local bodies which adopt specially reduced rates for elderly persons transported in intrastate commerce.

H.R. 4461. March 6, 1975. Science and Technology. Government Operations. Creates in the Executive Office of the President a Council of Advisers on Science and Technology to advise the President and Congress on the continued implementation of the national science policy set forth in this Act.

Establishes in the executive branch a Department of Research and Technology Operations and an independent agency, the Science and Technology Information and Utilization Corporation to further the purposes of this Act. Transfers various governmental agencies to the administrative control of the newly created agencies.

H.R. 4462. March 6, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to increase from twenty-six to thirty-nine the maximum number of weeks for which an individual may receive unemployment assistance under the provisions of such Act.

H.R. 4463. March 6, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to increase from twenty-six to thirty nine the maximum number of weeks for which an individual may receive unemployment assistance under the provisions of such Act.

H.R. 4464. March 6, 1975. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to increase from thirteen to twenty-six the maximum number of weeks for which an individual may receive emergency compensation thereunder.

H.R. 4465. March 6, 1976. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to increase from thirteen to twenty-six weeks the maximum number of weeks for which an individual may receive emergency compensation thereunder.

H.R. 4466. March 6, 1975. Ways and Means. Amends the Internal revenue Code to allow as a deduction an amount equal to the stipulated value of services contributed to a qualified charitable organization by an individual who has attained the age of sixty-five.

H.R. 4467. March 6, 1975. Agriculture. Amends those provisions of the Animal Welfare Act of 1970 relating to the care and treatment of animals to include protection for birds in pet stores and zoos. Extends the applicability of such laws to include the terminal facilities used by any common carrier licensed to transport animals.

H.R. 4468. March 6, 1975. Agriculture. Re-

defines the term "dealer" as used in the Animal Welfare Act of 1970 to include retail pet stores and common carriers.

H.R. 4469. March 6, 1975. Armed Services. Directs the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense.

H.R. 4470. March 6, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to use aircraft and motorized vehicles to provide for the protection, management, and control of wild free-roaming horses and burros. Allows the Secretary to sell or donate, without restriction, excess horses or burros to individuals or organizations.

H.R. 4471. March 6, 1975. Veterans' Affairs. Allows the widow of a veteran to remarry after age 60 without losing her veterans' dependency and indemnity compensation.

H.R. 4472. March 6, 1975. Veterans' Affairs. Allows remarriage of a widow over age 60 without termination of Veterans' dependency and indemnity compensation.

H.R. 4473. March 6, 1975. Interior and Insular Affairs. Designates a unit of the Big Thicket National Preserve in Texas as the Ralph Yarborough Unit.

H.R. 4474. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for costs paid by the taxpayer for the custodial care of a dependent as a result of Down's syndrome.

H.R. 4475. March 6, 1975. Public Works and Transportation. Prohibits commercial flights by supersonic aircraft in the navigable airspace of the United States until Congress approves findings of the Administrator of the Environmental Protection Agency that such flights will have no detrimental effect on the persons and environment of the United States, and the Secretary of Transportation certifies that the operation of such aircraft meets all standards prescribed for the operation of aircraft in the United States under the Federal Aviation Act of 1958.

Requires supersonic aircraft to meet noise standards equal to those of subsonic aircraft.

H.R. 4476. March 6, 1975. Judiciary. Requires the establishment of a system for the redress of law enforcement officers' grievances and acceptance of a law enforcement officers' bill of rights by the States and local government units as a condition to receiving grants under the Omnibus Crime Control and Safe Streets Act of 1968.

H.R. 4477. March 6, 1975. Judiciary. Authorizes the Attorney General to institute suits to eliminate sex discrimination in public facilites. Prohibits discrimination on the basis of marital status in various Federal programs and statutes. Requires the Secretary of Health, Education, and Welfare to make recommendations to equalize the treatment of the sexes under Federal laws.

H.R. 4478. March 6, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationalty Act.

H.R. 4479. March 6, 1975. District of Columbia. Provides that all property of American University shall be held in perpetuity for educational purposes and, in the event that the property shall no longer be held for educational purposes, all right, title, and interest shall vest in the Board of Education of the United Methodist Church.

H.R. 4480. March 6, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals for the period of their imprisonment in Southeast Asia which commenced while employed by International Voluntary Services Incorporated pursuant to a Government contract.

H.R. 4481. March 6, 1975. Authorizes emergency appropriations to various Federal agencies for fiscal year 1975.

H.R. 4482. March 10, 1975. Judiciary. Prohibits discrimination on the basis of sex and marital status in public accommodations, public facilities, public education, federally assisted programs, employment opportunities, and the sale or rental of housing. Authorizes the Secretary of Health, Education, and Welfare to pay up to 60 percent of the cost of commissions, boards, and advisory panels established by the legislatures or Governors of the several States to study discrimination against women.

H.R. 4483. March 10, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to establish a priority system for certain agricultural uses of natural gas.

H.R. 4484. March 10, 1975. Post Office and Civil Service. Repeals criminal penalties for the failure of an individual to answer questions submitted in connection with certain censuses or surveys conducted or administered by the Department of Commerce.

H.R. 4485. March 10, 1975. Banking, Currency and Housing. Authorizes the Secretary of Housing and Urban Development to reduce interest rates on home mortgages for middle-income families (1) by making periodic interest reduction payments to reduce payments made by a family to the amount that would be due on its home mortgage at six percent; (2) by making interest rate differential payments equal to the difference between the outstanding principal balance on home mortgage and the market value of the mortgages, with a maximum interest rate of seven percent, priced to provide a yield determined by the Secretary; and (3) by purchasing mortgages through the Government National Mortgage Association.

H.R. 4486. March 10, 1975. Judiciary. Sets forth penalties for the kidnapping of a minor child by a parent who is under a judicial order not to interfere with the custody of such child or not to remove such minor from the jurisdiction of the Court.

H.R. 4487. March 10, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 4488. March 10, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to exempt from mandatory allocation regulations the first sale of the share of a State or local government in crude oil produced from the leasing of State or locally-owned lands.

H.R. 4489. March 10, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of establishing the Bartram Trail in Alabama, Florida, and Georgia, as a national scenic trail.

H.R. 4490. March 10, 1975. Post Office and Civil Service. Directs the Postal Service to issue a special postage stamp in honor of the approximately six million Jews killed by Nazi Germany during World War II.

H.R. 4491. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to permit an employer who is a corporation or other organization exempt from the income tax, and who contributes to a custodial account which is a qualified employee retirement plan, to invest the funds so contributed in savings accounts or debt obligations of banks.

H.R. 4492. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the December 31, 1975 termination of a provision of the code relating to interest income earned from certain domestic savings, insurance, and other institutions, which is treated as income from sources within the United States except where such interest is paid to nonresident aliens or a foreign corporation.

H.R. 4493. March 10, 1975. Education and Labor. Amends the Fair Labor Standards Act of 1938 by repealing the employers' credit against minimum wage liability which is based on tips received by employees.

H.R. 4494. March 10, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by stipulating that no civil penalty may be assessed against an employer the first time such employer is issued a citation for a violation of the Act. Requires such employer to abate those violations cited within a specified period of time.

H.R. 4495. March 10, 1975. Public Works and Transportation. Directs that no State shall receive less than 80 percent of the amount paid by that State into the Highway Trust Fund.

H.R. 4496. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to disallow deduction from gross income of the expenses for attending conventions outside the United States and Canada unless certain requirements are met.

H.R. 4497. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income the membership income of cooperative housing corporations, condominium owners' or homeowners associations.

H.R. 4498. March 10, 1975. Ways and Means. Amends the Social Security Act by extending Medicare benefits to unemployed individuals, and their dependent spouses and children, who are entitled to weekly unemployment compensation benefits.

H.R. 4499. March 10, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which a widow with minor children may earn while receiving mother's insurance benefits.

EXTENSIONS OF REMARKS

THE HARTFORD, CONN., TIMES CALLS FOR LOBBYING REFORM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. KASTENMEIER. Mr. Speaker, the Hartford Times, on March 16, called for quick congressional action on legislation, the Public Disclosure of Lobbying Act, H.R. 15, which reforms lobbying activities with the Federal Government. I recommend this editorial to my colleagues:

ESTABLISH CONTROLS ON FEDERAL LOBBYING

An intensive drive is underway in the Congress to force action this year on a piece of major legislation that would establish basic controls on legislative and executive branch lobbying.

The present law, the 1946 Federal Regulation of Lobbying Act, does not have enforcement powers, does not apply to executive branch lobbying and provides inadequate coverage of those who lobby the Congress.

John W. Gardner, chairman of Common Cause, the national citizens' lobby, recently said, "Lobbying has become one of the most secretive and potentially corrupting ingredients in American politics. The time for legislation bringing it out in the open is long overdue."

He also said, "The citizens of this land have a right to know about any individual or group that is spending money secretly to manipulate the political process. They must know because the price of their food, their heating

bills, the safety of the tops their children play with, and a great many other things may be profoundly affected by such activity. Every citizens, every consumer, every taxpayer is directly affected."

That right to know is absolute, but the restrictions on lobbying should not be so onerous that they interfere with the vital function that lobbying serves.

Mr. Gardner, perhaps more than anyone, should be familiar with the positive benefits of lobbying: He founded only five years ago what has since become the single most influential citizens lobby in the country.

He recognizes that "Lobbying is not wrong in itself. In fact, it can serve a useful purpose. But it is wrong to lobby secretly, wrong to deceive the public, wrong to use money in ways that corrupt the public process."

The legislation now under consideration in the House and the Senate recognizes the vital need to control lobbying to insure that what occurs is, in fact, in the public interest while, at the same time, not outlawing lobbying in and of itself.

"Lobbying" is defined in the legislation as communication with a federal officer or employe in order to influence either legislative or executive branch action. It applies to lobbyists as individuals and to organizations which employ lobbyists. Any individual or organization spending or receiving more than $250 in a calendar quarter for lobbying is covered by the legislation.

The bill would require individuals or organizations covered by the definition to register as lobbyists, to keep records of their receipts and expenditures, to file quarterly reports on their lobbying activities and finances, to make public the name of the lobbyist, his employer and the amount paid, reveal any services or gifts given to a federal officer or employe, identify the legislative action the lobbyist attempted to influence, reveal the names of persons the lobbyist contacted, and furnish a copy of any written communication between the lobbyist and the federal official.

The House version would also require certain executive branch officials and employes to log any oral or written communication from lobbyists seeking to influence proceedings or agency policy. The logs would contain the date of the contact, the subject, the written material and a description of the response to the contact.

The Federal Elections Commission, created to administer and enforce the campaign finance reform law, would also be responsible for enforcing the lobbying act. All reports would be filed with the commission. It would have investigatory powers, subpoena powers and could initiate civil proceedings to compel compliance.

The legislation is well-thought out and would in no way interfere with the importance and value of the lobbying function. In fact, it only serves to protect the public interest in an area where past abuses have been legion.

The Congress should act quickly. The legislation should have solid support from the public and from legitimate lobbyists, who all too frequently have been burned by the taint of evil and corruption because of the questionable activities of a small minority who abused their rights and privilege.

SCIENCE FOUNDATION AUTHORIZATION

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. HANLEY. Mr. Speaker, I would like to take this opportunity to comment on an important matter debated on the House floor yesterday. While considering the National Science Foundation Authorization for fiscal 1976, important questions were raised concerning a program developed and marketed by the National Science Foundation entitled "Man, a Course of Study," MACOS. Many objections have been raised concerning the use of textbooks and other learning aids in this program. Terms such as "adultery," "murder," and "bestiality" were used. I received a number of communications claiming that our children were being subjected to such ideas and concepts.

Such claims are quite obviously valid concerns and ones which should not be taken lightly. As discussion continued on the MACOS program, we learned that the National Science Foundation was also quite aware of these objections, and had in fact decided that no further funds would be obligated for MACOS in fiscal 1975, and no funds would be obligated in fiscal 1976 for either MACOS or any other Foundation program until a thorough review had been completed. In view of the strong objections raised, I commend the Foundation for its decision.

As debate continued, however, a much broader issue developed that concerned me deeply. An amendment was offered by Mr. CONLAN which would have required congressional approval of the promotion and marketing of all curriculum programs of the National Science Foundation, including the MACOS program. Fortunately, the amendment was defeated.

The American people will rue the day when the Federal Congress has the power to tell them what can and cannot be taught in their schools. To me, this is the central problem with the Conlan amendment. Providing Congress with the power to censor local educational agencies and school programs is dangerous and will destroy the concept of free public education in America.

My vote against the Conlan amendment was not based on any particular judgment of the MACOS program or any other program developed by the National Science Foundation, or any program developed or marketed with Federal Government funds. My vote against this amendment was based on my firm conviction that we were dealing with a local matter, which should be handled at the local level. It is a matter which should be handled by parents and local school agencies, and not by the U.S. Congress. This body has neither the time nor the expertise to pass judgment on school curriculums. We are not here to be a censorship board over any program. These are the responsibilities of parents and local school boards.

While I fully understand and appreciate the concerns of many parents about the ideas and concepts their children are subjected to in our schools, judgments on such programs must rest in their hands.

I sincerely hope that the review conducted by the National Science Foundation in the weeks and months ahead will resolve the problems surrounding programs of this type to the satisfaction of all.

CONFIDENTIALITY OF TAX RETURNS

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ZEFERETTI. Mr. Speaker, over the last several years, it has become quite obvious that a number of Government agencies and departments have been used and abused in a number of ways harmful to the public interest. We now know that illegal files on innocent American citizens were kept by certain Federal agencies merely because those citizens happened to take positions contrary to those held by certain people in posts of authority. The Nation has been surprised and dismayed to discover that this has been extended to the FBI, the CIA, and Internal Revenue Service. The Post Office has been used to open mail illegally and secret organizations were set up within certain agencies to watch certain of our fellow citizens.

While I certainly appreciate and affirm the need for a meaningful program of national security, these and related actions are odious and unacceptable to me and the overwhelming majority of American citizens. The private lives of our people should remain private. Once Government starts to probe into those lives, it swiftly grows from big Government to big brother. Our liberties are too precious to tolerate such a series of encroachments, and it is the task of the Congress to act as the first line of defense for the liberties of the people we represent. Just because we were lax in the past, we must be more vigilant today and in the future.

One of the most disturbing phenomena of the past few years as revealed in recent news stories is the access to confidential income tax information of citizens by unauthorized individuals and organizations. It seems that the information on our financial status has been abused by IRS over the years, and is continuing. It seems that a special, separate IRS intelligence operation has been gathering personal, nontax related data on the personal habits of individual Americans, and that this information has been used to apply political pressure.

Unauthorized files have been compiled, and despite denials to the contrary, the documents and tapes involved probably still exist. We have all been shaken by the publicity given the special service staff, which engaged in the most inexcusable departures from standard IRS duties. There is a strong possibility that audits of tax returns were not made on the at random basis of the past, but on the basis of political judgments and prejudices.

Another disconcerting revelation is that IRS fed special service staff files regularly to other Federal agencies, and in return, received information from them.

IRS has one job to do, and that is to collect taxes. Congress has given IRS huge powers to do so. Congress also has a duty to make certain that IRS never

abuses these powers for political purposes.

Therefore, I feel that corrective legislation is required to guarantee the confidentiality of our tax returns and guarantee that IRS collects taxes rather than information on private citizens to turn over to those in power. We need legislation that would restrict the functions of IRS, prohibiting that agency from straying from its jurisdictional designation, insuring that there will be no repetition of the Watergate years.

Conservatives and liberals, alike, agree that this is one of the most important legislative goals of this Congress. A new, no-nonsense law must be put on the statute books forthwith. Therefore, we must see to it that the bill concerning this matter, now under consideration by the Committee on Ways and Means, moves swiftly through Congress and to the President's desk.

SUPERSONIC JET TRANSPORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MIKVA. Mr. Speaker, I was very disappointed and puzzled to learn that the Environmental Protection Agency has told the Federal Aviation Administration that it does not object to foreign supersonic jet transports landing at U.S. airports.

Anyone remotely familiar with the dangerous effects of the SST and the existing, loophole-ridden FAA regulations—which allow sonic boom-producing flights for such vague and questionable reasons as assisting aircraft development or studying sonic boom effects—should realize that instead of encouraging more SST traffic we should be working toward an all-out ban of it.

The EPA action and the FAA's regulations make me wonder if anyone in either agency lives near a major U.S. airport, or is remotely aware of the impact their recommendations and rules have on those people who do.

If the EPA or FAA bureaucrats did live near a major airport—such as O'Hare in my own district in Illinois—they would have a much clearer, if less comfortable, understanding of what it is like to have their daily lives disrupted, their health impaired and their atmosphere ravaged by noise and air pollution from airplanes.

So far the pollution has come from conventional jets. If we allow supersonic jet transports to rampage across our skies, the discomfort and danger will do more than just break the sound barrier, some eardrum and windows. According to a report last week from the National Academy of Science, SST traffic would spew out nitrogen oxides that will strip the ozone blanket in the stratosphere and allow a dangerous rise in ultraviolet rays from the Sun. The probable result—an increase in skin cancer.

When the SST first threatened to take off in the United States in 1971 when I was in the 92d Congress, we acted decisively and prevented plans for domestic production. The 94th Congress must act just as decisively and pass a bill that would permanently ground the SST in the United States by banning sonic booms from all civil aircraft—domestic and foreign—over the United States, its territories, possessions and territorial waters.

To do anything less is to court disaster for our Nation's health and environment.

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. EARLY. Mr. Speaker, with yesterday's passage of House Joint Resolution 148, the House voiced its overwhelming support for the designation of April 24, 1975, as a "National Day of Remembrance of Man's Inhumanity to Man." This day marks the 60th anniversary of the brutal destruction of close to 2 million Armenian people in the holocaust perpetrated by the Turks early in the First World War in the Ottoman Empire.

The turbulent history of the Armenian people is marked by long periods of subjugation to foreign rule. The systematic stripping of human dignity and freedom from an entire people—proud people who dared to feel that they were entitled to a measure of freedom and autonomy in their homeland—culminated in the Turks' wholesale massacre of Armenian men, women, and children over a 3-year period. The horror stories that are told today by Armenian-Americans who survived the genocide describe the insane annihilation of half a nation in a brutal and heartless bloodbath too tragic to comprehend. And still there has been no territorial restitution for the Armenian Nation.

In the climate of today's world, when our own Nation is so directly involved in the tragedies of Vietnam and Cambodia, and the ongoing crises in the Middle East and Northern Ireland show no signs of ebbing, it behooves us all, particularly we in the Congress, to put the symbolism intended by a "National Day of Remembrance of Man's Inhumanity to Man," to the test. We have told ourselves for 200 years that we are a Nation dedicated to peace. I want to believe that we are. I want this Congress to prove that we are.

I am proud to have been a cosponsor of House Joint Resolution 148. I believe as do the Armenian-American people, that the great sacrifices and devotion to the cause of freedom made by their nation cannot and must not be forgotten in this year 1975.

WASHINGTON POST SUPPORTS EXTENSION AND EXPANSION OF THE VOTING RIGHTS ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BADILLO. Mr. Speaker, in an editorial that appeared in the Washington Post on April 5, 1975, the newspaper took a position in support of expanding the coverage of the Voting Rights Act to include the Spanish-speaking community. As an advocate of this position I would like to thank the Washington Post for its valuable support. The text of the editorial follows:

EXPANDING THE RIGHT TO VOTE

Across the American Southwest in recent months, a complaint has been made that is striking in its familiarity. The complaint is that American citizens are being systematically denied the right to vote because of their ethnic background. These citizens, Mexican-Americans, have provided Congress and the courts with examples of how their insistence on the right to vote has been challenged by local voting registrars. The evidence includes instances of blatant gerrymandering, cases where the names of aspiring voters were not entered in the voting books after they thought they had registered and instances in which community members have been denied the opportunity to serve as deputy registrars to be in a position to oversee the registration process. The U.S. Civil Rights Commission has confirmed many of the contentions in a study of its own.

The reason all this has a familiar ring is that the complaints of the Mexican-Americans of the Southwest sound remarkably like the complaints of the black people of Alabama and Mississippi only 10 years ago. After much national anguish, the remedy for the Deep South situation was found. Congress passed the Voting Rights Act of 1965. Not all the voting problems of the black people of the South disappeared with the passage of that act. Much remains to be done, but much progress has been made. The Voting Rights Act has proved to be a worthwhile device for correcting historic inequities in the voting patterns of the South.

Now, Americans of Hispanic background have called on the Congress to include them specifically under the act in those jurisdictions in which the systematic denial of the franchise is still a way of life. The Voting Rights Act is up for renewal this year, and Mexican-American groups have asked Congress for its expansion. Reps. Herman Badillo of New York, Barbara Jordan of Texas and Edward Roybal of California have submitted a bill (HR 5552) that encompasses the needs of the Mexican-Americans and others of Hispanic descent for relief. It would amend the Voting Rights Act by making it illegal to conduct English-only elections in jurisdictions with large numbers of Spanish-speaking citizens, and it would bring in federal registrars where large numbers of the Spanish speaking are not registered. It would place those jurisdictions under federal supervision until such time as a majority of the Hispanic people had been registered. And during that time, no changes in the voting procedures could be made without the consent of the attorney general or the U.S. District Court. Moreover, the elections would be supervised in those areas of the country where Mexican-Americans now feel threatened when they attempt to vote.

Texas and California are among the states where the Mexican-American community is feeling the pressure most, but there are problems elsewhere in the country that could, and should, be redressed by the expansion of the act.

There have been expressions of concern that the cause of civil rights could be harmed by this attempt to expand the law, notably because of the question of whether the Supreme Court would sustain a law that forbids English-only election procedures. Since the Supreme Court spoke on that subject last fall (*New York v. United States*) and said English-only elections were a restrictive device against the Spanish-speaking, that concern appears to be of little consequence, in any event, the Badillo-Jordan-Roybal bill contains a clause that is designed to permit a test of the new sections of the act without endangering the whole of it, so there is little reason to fear losing the entire Voting Rights Act in the course of trying to fashion legislative relief for the Mexican-American community.

As matters now stand, the Mexican-American Legal Defense and Educational Fund has been fighting inch-by-inch in the courts for relief from a variety of restrictive devices in several states. Even though their cause has often been upheld, the time and expense involved in court suits have been needlessly burdensome. The Voting Rights Act was intended to make certain that the 14th and 15th Amendments were obeyed in the case of blacks. Its principles should be applied now in the case of Americans of Hispanic descent.

JOHN R. HILL, JR., OF GIFFORD-HILL & CO.

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. COLLINS of Texas. Mr. Speaker, I was pleased yesterday to learn that John R. Hill, Jr., president and chief executive officer of Gifford-Hill & Co., has been honored as America's most outstanding corporate executive in the building materials industry. The award, presented by Financial World magazine, was based on Hill's excellent management performance which contributed to the dynamic advancement of Gifford-Hill Co., and the overall betterment of his industry and his community. Having known John for many years and having observed his outstanding work both for Gifford-Hill and for Dallas, I know that Financial World showed deep perception in their excellent selection.

John first went with Gifford-Hill in 1946, and served in a variety of capacities until 1969 when he was named president. Gifford-Hill has, during Hill's presidency, attained a very impressive record as one of the Nation's leading and most forward-moving industries. The company maintains a wide range of activities including construction materials and concrete products; truck transporation; agricultural and industrial products; and real estate investment and development. During 1974, Gifford-Hill achieved record earnings.

John Hill has also been an outstanding neighbor in the community. He has served as president and member of the board of the Timberlawn Foundation, president of the City Club of Dallas, and board member of the Dallas Museum of Fine Arts and the Dallas Society of Crippled Children.

We in Dallas have always valued John's business and community leadership. We are most proud to see him honored nationally among America's top corporate executives as the best corporate official in the building materials industry.

ELECTRIC VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1975

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McCORMACK. Mr. Speaker, on March 25, 1975, I introduced a bill (H.R. 5470) which would establish a program, within ERDA, to demonstrate the practical use of electric cars for short-range use in every area of this country. I have been joined in introducing this bill by Congressman OLIN E. TEAGUE, Congressman CHARLES A. MOSHER, Congressman GEORGE E. BROWN of California, and Congressman BARRY GOLDWATER, JR. The impact of this bill will be of major importance to our country because it would greatly contribute to the conservation of liquid fuels and thus decrease our dependence upon foreign supplies of petroleum. Also, it would significantly reduce urban noise and environmental pollution.

The legislation is primarily intended to demonstrate the commercial feasibility of electric vehicles—particularly as second cars, or as vehicles for short-range errands and commuting—applicable for most metropolitan areas in the United States. The legislation will also provide information leading to the improvement of design and performance characteristics of electric vehicles, so that they will become more competitive with gasoline-driven vehicles for a larger number of uses throughout this country. The bill calls for the Energy Research and Development Administration to undertake a 3-year program in which 10,000 electric vehicles would be purchased and leased in all areas of the country, probably on a lottery basis. After an appropriate period of time for final testing and evaluation, the vehicles would be sold.

The 3-year program, which would cost $40 million annually, consists of two phases. The first is the introduction within 1 year of several thousand electrically-powered vehicles, using existing American automobile chassis. These would obviously be small American cars, and the electric vehicles would retain all of the safety features of these cars except perhaps for rapid acceleration. The second phase of the program would involve the production of several thousand vehicles specifically designed for practical electric propulsion. Data would be collected from the use of all of these vehicles, and used for design improvements for future models. Among the special provision of the bill are means to provide protection and incentives to small businesses in order to encourage their widespread participation.

Research and development would include work on energy storage, as well as control systems and allover design of electric vehicles, with the aim of reaching maximum energy efficiency, durability, ease of repair, and recyclability of parts. Associated research would focus on urban design and traffic management for optimum transportation energy use, and minimum environmental degradation.

The Administrator of ERDA would also conduct studies of tax provisions, regulatory law, and other factors which might tend to bias the transportation system toward a particular type of vehicle. These findings, as well as assessments of the long-range environmental and economic impacts, would be first reported to Congress within 6 months, and subsequent reports on the overall progress of the project would be required every 6 months following, for the 3-year lifetime of the project.

Electric cars have not generally been considered as competitors for vehicles powered with internal combustion engines, because so much more power can be provided by an internal combustion engine, and the resulting performance is obviously higher. The first point that this demonstration program would attempt to make, therefore, is that electric vehicles are completely adequate to meet a substantial portion of the transportation requirements of Americans today. According to the Environmental Protection Agency, more than half of the total automobile miles driven today consists of trips of 5 miles or less. For such short trips, internal combustion engines operate least efficiently. Such trips as going to and from work, to and from school, and to and from the shopping market account for a large fraction of our gasoline consumption. These trips could easily be made in electric vehicles. Even in so spreadout a city as Los Angeles, the EPA estimates that the average driving distance per day is only about 28 miles, and it is expected that 17 percent of such personal transportation needs could be met by electric cars. Electric cars existing today are capable of traveling up to about 60 miles without recharging batteries, and may reach speeds of 60 miles per hour.

In order to further focus on the potential impact of electric vehicles for the commuting public, it is instructive to consider the Washington, D.C., metropolitan area. Within a 20-mile radius of the Capitol—commuting distance with existing electric cars—we find, according to the Bureau of the Census, a population of approximately 2.7 million people.

Of course, one of the major reasons for our legislation is conservation. Gains in energy efficiency would come about by off-peak hour recharging of electric car batteries. This would permit more efficient use of existing electric generating plant capacity. As this Nation runs out of petroleum and natural gas, it will, for the balance of this century, become dependent for most of its energy on coal and nuclear fission. Obviously, electric vehicles can play a major role in conserving petroleum and petroleum products, and reducing our dependence on imports. In addition, of course, there will be a dramatic reduction of air and noise pollution within our metropolitan areas.

The Committee on Science and Technology considers this Electric Vehicle Research, Development, and Demonstration Act of 1975 to be serious legislation, to be initiated and pursued at once. The potential benefits in energy conservation and environmental protection are substantial.

All Members are invited to join in cosponsoring this legislation. The text of H.R. 5470 is as follows:

H.R. 5470

A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Electric Vehicle Research, Development, and Demonstration Act of 1975".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) travel patterns of commerical and private vehicles in urban areas are weighted heavily toward short and predictable trips well within the capability of electric vehicles of current design;

(2) our balance of payments and our economic stability are threatened by the need to import oil for the production of liquid fuel for gasoline-powered vehicles;

(3) the shortage of fuel for gasoline-powered vehicles will continue indefinitely;

(4) the increased price of petroleum is a major factor in recent inflation trends;

(5) the strain on individuals' budgets inflicted by liquid fuel prices mandates the development of an alternative source of propulsion wherever possible;

(6) environmental pollution control is becoming more and more difficult and expensive with the use of gasoline-powered vehicles, and the steadily increasing numbers of such vehicles threatens the quality of the air even when strict controls are applied to individual vehicles;

(7) stationary sources of pollutants are potentially easier to control than moving vehicles, making it environmentally desirable for transportation systems to be powered from central sources;

(8) liquid-fuel-powered vehicles are a major source of urban noise pollution;

(9) electric-powered vehicles do not emit any significant pollutant and are far less noisy than conventional automobiles and trucks;

(10) new technologies of propulsion and control have made electric vehicles more practicable than in the past, and developments in battery technology indicate that further progress is likely in the next decade;

(11) because electric vehicles use little or no energy when stopped in urban traffic, they permit the conservation of energy currently wasted by conventional automobiles and trucks;

(12) the power demands of electric vehicles would promote energy conservation by loading utilities in offpeak late night hours, permitting more efficient use of plant capacity;

(13) the depressed state of the current automobile industry would be alleviated by the introduction of new technologies more closely matching consumer needs; and

(14) because of the large capital needs of new transportation technology, and the built-in features of current highway and maintnance systems which tend to bias consumers toward conventional vehicles, a Federal role is required in promoting the development of the socially desirable electric vehicle industry.

POLICY AND GOALS

SEC. 3. (a) It is declared to be the policy of the United States and the purpose of this Act to demonstrate the commercial feasibility of electric vehicles for urban individual and business use, and to encourage research and development in new technologies for electric vehicles with wider applications, in order to promote long-range conservation of liquid fuel and reduce environmental pollution.

(b) In carrying out the purpose of this Act it is the goal of the Federal Government—

(1) to promote the substitution of electric vehicles for many gasoli e- and diesel-powered vehicles currently used in routine short-haul, low load applications;

(2) to implement this policy by removing institutional barriers to such substitution where otherwise practicable;

(3) to provide incentives for consumers and industry to adopt and utilize electric vehicles whenever the use of such vehicles would be beneficial; and

(4) to provide a research and development background for further applications as rapidly as possible to meet the further tightening of liquid fuel availability.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) The term "electric vehicle" means a vehicle which is powered primarily by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current. It may include also a non-electrical source of power designed to charge batteries or provide auxiliary power to the wheels.

(2) The term "project" means the Electric Vehicle Research Development and Demonstration Project established within the Energy Research and Development Administration as provided in section 5 of this Act.

(3) The term "Administrator" means the Administrator of the Energy Research and Development Administration.

(4) The term "significant numbers" means numbers sufficient to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for the purposes of subsection (a) of section 7, significant numbers of vehicles shall be considered to have been produced if five thousand or more are produced.

SEC. 5. (a) The Administrator shall promptly establish, as an organizational entity within the Energy Research and Development Administration, the Electric Vehicle Research, Development and Demonstration Project.

(b) The overall management of the project shall be the responsibility of the Administrator, but he may enter into such arrangements and agreements with the National Aeronautics and Space Administration, the Secretary of Transportation, the National Science Foundation, the Environmental Protection Agency, the Secretary of Housing and Urban Development, and such other Federal offices and agencies as he may deem necessary or appropriate for the conduct by them of parts or aspects of the project which are within their particular competence.

(c) In providing for the effective management of the project the Administrator shall have specific responsibility for—

(1) promoting basic research on electric vehicle batteries, controls, and motors;

(2) determining optimum overall electric vehicle design;

(3) conducting demonstrations of the feasibility of commercial electric vehicles by contracting for the practical manufacture of electric vehicles and by developing arrangements with other agencies and nongovernmental entities for the operation of such vehicles;

(4) ascertaining consumer needs and desires so as to match the design of electric vehicles to their potential market; and

(5) ascertaining the long-term changes in road design, urban planning, traffic management, maintenance facilities, utility rate structures, and tax policies which are needed to facilitate the manufacture and use of electric vehicles.

RESEARCH AND DEVELOPMENT

SEC. 6. The Administrator, acting through appropriate agencies and contractors, shall initiate and provide for the conduct of research and development in areas related to electric vehicles, including—

(1) energy storage technology, including batteries and their potential for convenient recharging;

(2) vehicle control systems and overall design for energy conservation, including the use of regenerative braking;

(3) urban design and traffic management for optimum transportation-related energy use and minimum transportation-related degradation of the environment; and

(4) vehicle design for maximum practical lifetime, ease of repair, and interchangeability of parts.

DEMONSTRATION

SEC. 7. (a) The Administrator shall enter into such contracts as may be necessary and appropriate—

(1) for the production, within one year after the date of the enactment of this Act, of significant numbers of urban passenger and commercial vehicles (meeting the standards and criteria developed under subsection (b)) which have electric propulsion systems on conventional chassis; and

(2) for the production, within three years after such date, of significant number of urban passenger and commercial vehicles (meeting such standards) which are specifically designed for electric propulsion as the primary power source.

(b) Within one hundred and eighty days after the date of the enactment of this Act, the Administrator shall develop or arrange for the development of performance standards and criteria which are suitable for the needs of urban private passenger vehicles and urban commercial vehicles (and which shall be applicable to the vehicles produced under subsection (a)). The standards and criteria so developed shall not be designed simply to reflect the characteristics of current internal combustion engine automobiles and trucks, but shall also take into account the factors of energy conservation, urban traffic characteristics, patterns of use for "second" vehicles, consumer preferences, maintenance needs, battery recharging characteristics, materials demand and recyclability, vehicle safety and insurability, and other relevant considerations, as such factors and considerations particularly apply to or affect vehicles with electric propulsion systems. Such stand-

ards and criteria are to be developed and determined separately for vehicles designed with electric propulsion systems on conventional chassis and for vehicles specifically designed for electric propulsion as the primary power source. In developing such standards and criteria, the Administrator shall consult with appropriate authorities concerning design needs for electric vehicles compatible with long-range urban planning and traffic management.

(c) The Administrator shall make arrangements as may be necessary or appropriate—

(1) for the introduction of the electric vehicles produced under subsection (a) into the vehicle fleets of State and local governments and Federal agencies;

(2) for the introduction of such vehicles into individual and business use, with the individuals and businesses involved being chosen by an equitable process (such as a lottery in each region or category) and being given the option of purchasing or leasing such vehicles under terms and conditions which will insure their widespread use;

(3) for the evaluation of electric vehicle performance and of consumer reaction to electric vehicles in use;

(4) for demonstration maintenance projects (including maintenance organization and equipment needs), and model training projects on maintenance procedures; and

(5) for the dissemination of data on electric vehicle safety and operating characteristics (including nontechnical descriptive data made available through the Government Printing Office) to State and municipal consumer affairs agencies and groups.

USE OF ELECTRIC VEHICLES BY FEDERAL AGENCIES

SEC. 8. (a) The United States Postal Service, the General Services Administration, the Secretary of Defense, and the heads of other Federal agencies shall arrange for the introduction of electric vehicles into their fleets as soon as possible. For competitive procurement purposes in purchasing such vehicles, life cycle costing and the beneficial emission characteristics of electric vehicles shall be fully taken into account. In any case where (as determined by the head of the agency involved) electric vehicles are practical but are not economically competitive with conventional vehicles, the Administrator may pay the incremental cost of the electric vehicles (as a part of the demonstration program under section 7) to insure that the maximum number of electric vehicles are placed in use by Federal agencies.

INCENTIVES AND ASSESSMENTS

SEC. 9. (a) The Administrator shall conduct a study to determine the existence of any tax, regulatory, traffic, urban design, and other institutional factors which tend or may tend to bias transportation systems toward vehicles of particular characteristics, and shall report the results of such study to the Congress within six months after the date of the enactment of this Act.

(b) The Administrator shall conduct a continuing assessment of the long-range materials demand and pollution effects which may result from or in connection with the electrification of urban traffic, and shall include a statement of his current findings in each report submitted under section 12. Any environmental impact statement which may be filed under a Federal law with respect to research, development, or demonstration activities under this Act shall include reference to the matters which are subject to assessment under this subsection.

(c) In carrying out his functions under this Act, the Administrator shall perform or cause to be performed studies and research on incentives to promote broader utilization and consumer acceptance of electric vehicle technologies.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out his functions under this Act, the Administrator shall take steps to assure that small business concerns and qualified individuals will have realistic and adequate opportunities to participate in the program under this Act to the maximum extent possible.

REPORTS TO CONGRESS

SEC. 11. The Administrator shall submit to the Congress semiannually a report on all activities being undertaken or carried out pursuant to the provisions of this Act, including such projections and estimates as may be necessary to evaluate the progress of the program under this Act and to indicate the extent to which and pace at which the objectives of this Act are being achieved. Each such report shall also include any recommendations which the Administrator may deem appropriate for legislation or related action which might further the purposes of this Act.

APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator not to exceed $40,000,000 for each of the three fiscal years 1976, 1977, and 1978. Any amount appropriated pursuant to this section shall remain available until expended, and any amount authorized for either of the first two such fiscal years but not appropriated may be appropriated for any succeeding fiscal year through the third such year.

PETER DALBEN COMPLETES 26 YEARS OF SERVICE ON THREE BOARDS OF EDUCATION

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McFALL. Mr. Speaker, I want to share with you and my colleagues a letter I have sent today to my good friend, Peter Dalben. Pete is retiring from public service after 26 years of improving education in our community. It is because of men and women like Pete Dalben that as parents we can look forward to our childrens' progress and the progress of our Nation. The letter follows:

APRIL 11, 1975.

DEAR PETE: It is with a sense of profound regret that I cannot be with you and your many friends this evening to join paying tribute and expressing appreciation for your 26 years of service to our community on three boards of education.

Long ago, I know, you lost count of the number of meetings and hours you have spent in working to provide the children and young people of our community with the best educational system possible.

The years of your service have been years of change, challenge, and growth for our educational system. You and your colleagues have met change with vision; challenge with a sense of duty; and growth by providing leadership in the community.

Your career has been capped with the building of the new gymnasium complex at East Union High School. It could have no better name than "Dalben Center."

As you retire from public service, I know you and Elma are looking forward to having more time to yourselves and your family, though your interest in education will not diminish.

May I join the whole community in expressing to you sincerest wishes for a future filled with many years of well deserved joy.

Sincerely yours,

JOHN J. McFALL,
Member of Congress.

RUTGERS' 30TH ANNIVERSARY AS THE STATE UNIVERSITY OF NEW JERSEY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. PATTEN. Mr. Speaker, as an alumnus of Rutgers University, it will be my pleasure and privilege to participate in the celebration of the 30th anniversary of Rutgers as the State university of New Jersey by attending a banquet on Saturday, April 12, 1975, on the New Brunswick campus.

On that evening 1,000 faculty, administrators, alumni, and just plain friends of the university will gather to honor Rutgers graduates and selected others who have become leaders in government.

U.S. Senator CLIFFORD P. CASE, Rutgers 1925, will be the featured guest speaker and will receive special honors to mark the 50th anniversary of his graduation from Rutgers. Other guest speakers will be the Honorable Brendan T. Byrne, Governor of New Jersey, and Edward J. Bloustein, president of the university.

Those to be honored include three former Governors of New Jersey, nine alumni who are Members of Congress, 21 alumni who are members of the State legislature, and former university presidents, Dr. Mason W. Gross and Dr. Lewis Webster Jones.

The Governors to be honored include Robert B. Meyner, Richard J. Hughes—currently Chief Justice of the New Jersey Supreme Court—William T. Cahill, and the incumbent Governor, Brendan T. Byrne.

Rutgers alumni presently serving in Congress are Senators CLIFFORD P. CASE and HARRISON WILLIAMS, and Representatives DOMINICK V. DANIELS, JAMES J. FLORIO, JAMES J. HOWARD, WILLIAM J. HUGHES, MATTHEW J. RINALDO, PETER W. RODINO, and myself.

Rutgers alumni in the State senate are Herbert J. Buehler, Martin L. Greenberg, Joseph A. Maressa, Carmen A. Orechio, Barry Parker, and Raymond J. Zane.

Rutgers alumni assemblymen are George H. Barbour, William J. Bate, Gertrude Berman, John Paul Doyle, William E. Flynn, John H. Froude, William J. Hamilton, Eldridge Hawkins, Alan Karcher, Herbert C. Klein, Harold Martin, Ronald Owens, Victor A. Rizzolo, Karl Weidel, and Charles D. Worthington.

This occasion is only one special event in a month-long series of concerts, lectures, art exhibits, tours, and sports events—almost all free to the public—to commemorate the action of the New Jersey Legislature in 1945 designating Rutgers to be the source of a comprehensive program of education, research and pub-

lic service for the citizens of the Garden State. President Edward J. Bloustein has invited all New Jersey citizens to visit their State university during this open-house celebration.

The most dynamic and challenging period in Rutgers' history as an educational institution has been its immediate past 30 years as the State university of New Jersey. During those three decades Rutgers grew from a collection of small colleges in New Brunswick into one of the 20 largest universities in the country, encompassing three major urban centers and numerous teaching and research facilities throughout the State.

Recognition by the State legislature in 1945 as the State university—after having been the land-grant college since 1864—was only an initial step toward the full-fledged State university status which is the current responsibility of Rutgers and its mandate for the future.

A comparison of the university then and now reveals a staggering growth pattern. In October 1944, the number of college credit students totaled 3,166. In October 1974 the university enrolled a total of 44,469 credit students.

Rutgers' vast physical expansion over 30 years is virtually unparalleled among State universities. Since the middle 1950's alone, Rutgers has built or renovated more than 90 major buildings.

Rutgers' physical plant increased in value from a little over $20 million in 1944 to more than $321 million in 1974.

Along with physical expansion went enormous educational strides as Rutgers increased the depth and breadth of its undergraduate, graduate, and professional courses, the intensity of its research activities, and the range of services to the public.

Among new educational units the 30 years since the war era have spawned are graduate schools of education, social work, library service, and business administration, two new undergraduate colleges—Cook and Livingston—in the New Brunswick area, undergraduate colleges and law schools in Newark and Camden, institutes for microbiology, politics, and animal behavior, and centers for the study of alcohol, labor relations, and marine sciences.

Although it is celebrating 30 years as the State university of New Jersey, Rutgers was founded in 1766 as the eighth college in the Colonies. Therefore, we would like to take this opportunity to recognize Rutgers' designation—the only university which can claim a colonial background—as the land-grant college and status as the State university.

PERSONAL EXPLANATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MIKVA. Mr. Speaker, when the vote was taken on House Joint Resolution 148, rollcall No. 105, I was unavoidably detained off the House floor. Had I been present, I would have voted "yea."

LEE HAMILTON'S MARCH 12 WASHINGTON REPORT: "SOCIAL SECURITY IS SOUND"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my March 12, 1975, Washington Report, "Social Security Is Sound":

SOCIAL SECURITY IS SOUND

The social security system is not bankrupt, unsound, or doomed to collapse and continues to merit the basic confidence of the millions of Americans it serves.

That is the verdict of five former secretaries of Health, Education and Welfare who recently studied the social security system. They concluded that attacks on its basic durability and health are unfounded and a disservice to the public and that the system will continue to function well if it is adapted to changing times and conditions.

There is no disput that public discussion is both necessary and helpful to improve the social security system and that the debate should include such questions as the level of benefits, the test of retirement, the benefit rights accorded women, and the adequacy and equity of financing. Nevertheless, since 1938 the basic integrity of the system has been reaffirmed with each exhaustive review by social security advisory councils including representatives of the private insurance industry.

These are some of the important questions the former secretaries addressed in their report on the status of social security:

Question. Is it true that promised social security benefits may not be paid in the future?

Answer. The claim to social security benefits is a legal right enforceable in court as the law of the land. Congress has gone far to assure that future legislators will not weaken the legal obligation to pay those benefits and to make clear its pledge to honor the social security commitment.

Question. Is social security the same thing as insurance?

Answer. Strictly speaking social security is social insurance, not private insurance. Yet both embody financial protection against defined hazards through a pooling of contributions and a sharing of risks on the happening of stated events. Workers' social security payments are both taxes and contributions to an insurance system.

Question. Are social security trust funds too small?

Answer. Social security advisory councils and the insurance industry have repeatedly concluded that social security reserves are adequate. A government insurance system which has its future income assured by the taxing power needs a trust fund only as a contingency reserve large enough to meet temporary changes in income and outgo. As long as his benefits are adequately assured by the government's ability to obtain future income, today's young worker need have no concen because his contributions are used to pay today's beneficiaries, or because his future benefits will be paid from future contributions.

Question. Are social security taxes regressive?

Answer. Taking into account both social security benefits and contributions, the social security system as a whole is not regressive. The benefit formula is so designed as to give a larger return for each dollar of contribution to the low wage earner than to the high, and the net effect of the system is to transfer some income from the more affluent as a group to the less affluent.

Question. Does social security give the contributor a poor bargain?

Answer. The individual receives better value from the government than he could obtain elsewhere. Excluding speculative investment, it is not true that the social security contributor could get a better return by investing in the private market. Considering the automatic cost-of-living and benefits level increases, there is no question that the worker receives protection worth more than his total contributions with interest.

Question. Will the social security system require additional financing in the future?

Answer. It is estimated that over the next 25 years that income to support the cash benefit program will need to be increased by about 10% to 15%, particularly toward the year 2000. The problem is easily manageable and does not constitute a financial crisis. One reason for the increase in the long run is that a lower birth rate will result in a higher proportion of retired people, as compared with active workers. The additional income that will be needed could come in part from an increase in the maximum earnings base, rather than entirely from the contribution rate, or it could come from general revenues.

(NOTE.—The above is taken from "Social Security: A Sound and Durable Institution of Great Value," by Wilbur Cohen, Robert Finch, Arthur Fleming, John Gardner, Elliot Richardson, Robert Ball, William Mitchell, and Charles Schottland.)

DISASTER PREPAREDNESS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BROWN of Ohio. Mr. Speaker, the National Oceanic and Atmospheric Administration released today the results of a study of tornadoes and schools. Seven university professors, all architects and engineers, have scientifically determined the safest parts of a school in which to seek shelter in case of a tornado.

I think it is vital that such potentially lifesaving information gets the widest distribution that is possible. We have a responsibility to provide the public with all the disaster preparedness information that is available and to remind citizens that they may have only a moment's notice to prepare for a tornado like the one which devastated Xenia, Ohio, just 1 year ago last week. For these reasons, I am inserting the news release prepared by NOAA to explain the results of the study in the RECORD at this point:

TORNADO SAFETY RULES FOR SCHOOLS

A team of seven university professors has come up with some potentially lifesaving refinements to the National Oceanic and Atmospheric Administration's National Weather Service safety rules for shielding schoolchildren against tornadoes.

Their recommendations to the Commerce Department agency are based on numerous on-site inspections of schools damaged or destroyed by tornadoes during the past few years. Their key finding is that the worst effect of a tornado on a schoolbuilding is a savage blast of wind from the portion of the rotating funnel augmented by the tornado's forward speed. Since most tornadoes come from the southwest, this means the extreme blast usually will come from the

southwest, and that schoolrooms on upper floors facing south and west usually will be hardest hit, and most dangerous to occupy. The safest places in a school with no basement usually will be interior corridors on the lowest floor that open to the east and north, where the wind force usually will be least.

If the school has a basement, that of course remains the safest place of all.

Previously, it had been thought that a possibly greater effect than wind was the explosion of air trapped inside a school-building when the low-pressure "eye" of the tornado passed overhead, causing all of the walls to fall outward and the roof to blow off. Actually, it seldom happens that way, says the team. In their investigations, walls and windows on south and west sides sometimes would fall outward, but rarely.

The wind force of a powerful, fast-moving tornado may be 100 miles per hour stronger on the right side than the left.

Combining this knowledge with the fact that 90 percent of all major U.S. tornadoes come from a direction somewhere between south-southwest and west-southwest, you get a guide by which school administrators and other institutional officials can select, *in advance,* the portions of their buildings that are likely to be safest, and those most dangerous, if a large tornado makes a direct hit on their building.

The professors who did the research for the report are James Abernethy of Lawrence Institute of Technology, Southfield, Michigan, project coordinator; Joseph Minor, James McDonald, and Kishor Mehta of Texas Tech Univ.; Uwe Koehler of Ball State University, Indiana; Billy Manning of Auburn University, Alabama; and Thomas Hanson of the University of Detroit. All are either architects or engineers. The report was prepared for the Community Preparedness staff of the Weather Service.

The researchers said the principal effects of the peak tornado winds are, in order of importance: first, the disintegrating pressure against walls, windows and doors; second, the devastating effect of missiles propelled by the wind; third, the collapse of high portions of buildings, such as chimneys, into lower parts which would otherwise suffer little damage, and last, the explosive pressure differential when air pressure inside a building is momentarily higher than outside. They said school buildings designed to meet usual code requirements seldom fail because of explosive decompression, but usually because of some combination of the other three.

The analysts reported that time and time again they found tornado-devastated schools with south and west walls knocked inward, and that shattered window glass frequently was imbedded in interior walls of south-facing rooms, illustrating the extreme danger of remaining in such areas. Windows on north-facing rooms were often intact.

They cautioned that large rooms with free-span roofs are particularly dangerous because of the likelihood of roof failure, and subsequent showering of debris on people huddled below. They said roofs of rooms such as gymnasiums, cafeterias, and auditoriums fail because of aerodynamic "lifting" by winds passing over the roof plus "ballooning" from within caused by inrushing air through openings in an exterior wall—a dynamic duo of destruction.

Other places to be avoided besides rooms on the windward side and rooms with broad roofs are listed as areas with lots of glass, corridors and spaces likely to become "wind tunnels," and areas with load-bearing walls. "All buildings have one or more of these undesirable features," they wrote. "Pinpointing them is helpful in predicting portions that will be most severely damaged."

The "wind tunnel" effect occurs in corridors and spaces in line with the tornado's travel. Glass, gravel, dirt and all kinds of debris will actually move horizontally through these tunnels. So it's vital for people caught in such locations to sit, crouch, or lie flat and cover their heads. Better still, avoid using corridors with openings that face south or west. Interior corridors facing north are usually safest, followed by those facing east. Also stay away from doorways that open into south- or west-facing rooms. If it's necessary to occupy a corridor with a door facing an approaching tornado, stay well back from the door.

The warning against load-bearing walls applies to rooms where roofs and floors depend on walls for their support. If the wall collapses, the roof or floor also fails—a very dangerous combination.

Reversing the coin, the report also lists "good features" for tornado shelters, in order of importance, as a place on the lowest floor, under a short-span ceiling, in the interior of the building, in a room with framed construction rather than long-bearing walls. It recommends six square feet per person in the shelter area.

THE AMERICAN PEOPLE SUPPORT ISRAEL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. SOLARZ. Mr. Speaker, in recent weeks there has arisen a popular misconception that the support of the American people for the State of Israel has seriously eroded. This attitude has supposedly been intensified by the attempt of some in the administration to place the blame for the failure of Secretary Kissinger's peace mission at the feet of Israel and by the President's announcement that our Middle East policy will be reassessed. Others believe that the country's preoccupation with the energy crisis and the attempts to lessen our dependence on Arab oil has fostered a decline in sympathy for the plight of Israel.

A recent study by the well-known and highly respected public opinion analyst, Louis Harris, reveals, however, that there has not been any erosion for the support of Israel by the American public. In fact, Mr. Harris declares that "support for Israel is now at a record peak." In a recent New York Times Magazine article it was reported that 52 percent of the American public now sympathizes with Israel, an increase from the 39 percent who held that opinion in 1973 after the Yom Kippur war. The Harris poll also discloses that our fellow citizens came down decisively against abandoning Israel to get enough oil—64 to 18 percent.

Mr. Speaker, I believe it is critical to have a sense of the broad support for the current U.S. policy toward Israel by the American public as we listen to the President's message this evening and consider our overall foreign policy objectives. I submit Mr. Harris' most timely and perceptive article herewith, for inclusion in the RECORD, and urge that our colleagues give it full and careful attention:

OIL OR ISRAEL?

(By Louis Harris)

There is a deep and disturbing counterpoint to Henry Kissinger's flying diplomacy (now grounded) in the Middle East. It is the feeling here at home—and particularly among the Eastern Establishment—that the traditional American support for Israel is crumbling and that anti-Semitism may be on the rise. Put somewhat differently, in the prospective trade-off between the need to get along with the oil-rich Arabs and sympathy for the Jewish state, the Jews are going to be the losers.

The sentiment is expressed in many other ways. A prominent Eastern newspaper publisher, who is Jewish, remarked: "Most Americans are practical and pragmatic. They are not that principled. And when they become convinced that we must get oil from the Arabs, they'll say, 'The Jews be damned.'" A leading doctor, also Jewish, had a more apocalyptic vision: "I'm not even religious, nor have I been that enamored of Israel. But now I think that if Israel goes down the drain, it will be followed by pogroms against the Jews in every Western country, including this one."

This apprehension, this deep distrust of the world about them is characteristic of the way many Jews see the present situation. And it must be said that they can find reasons for their fears. During a recent conversation, a top executive of an oil company in New York City summed up his view of the current scene: "The balance of power in the world has passed into new hands. Israel is going to be lucky to survive. The old voting power of Jews in America is going to give way to a new realization that Arab oil power is a price America must both reckon with and ultimately compromise with, even if Israel has to go."

A highly publicized variant of this view was offered by Gen. George Brown, the chairman of the Joint Chiefs of Staff, during an informal talk at the Duke University Law School. He said that if Americans suffered enough because of the energy shortage "they might get tough minded enough to stop the Jewish influence in this country and break that lobby." And then, rather mindlessly, he went on to say that the "Jews own the banks and the newspapers in this country. Just look where the Jewish money is." General Brown was scolded by President Ford; he apologized, and the matter was dropped. When Jewish organizations threatened to demand his removal, they were persuaded to hold back on the grounds that forcing the general out would be taken as proof of the power of "Jewish influence" at the highest levels.

Others have pointed out the obvious misconceptions behind General Brown's remarks. There also seemed to be a series of linked underlying assumptions: Israel's reputation in the United States was built on its military success. The life-line for Israel was American military assistance. The more the Soviet Union poured arms into Egypt and Syria, the bigger the United States build-up in Israel. As former Senator William Fulbright remarked several times, the pro-Israel Jewish influence in Washington was so great that it could command as many as 71 out of 100 members of the United States Senate. Thus, Jewish voting power, strategically located in pivotal states, such as New York, California, Illinois, Michigan and Pennsylvania, along with Jewish money in political campaigns, provided the political muscle to guarantee unlimited American backing for Israel.

But, now, the argument goes, things are different. The myth of Israeli military invincibility has been shattered. Israel did not win the Yom Kippur War in 1973. With its traditional air-power supremacy blunted by Russian missiles in the hands of the Egyptian and Syrian Armies there was a standoff. At the same time the Arab stereotype has changed. No longer could they be seen as backward sheiks garbed in white sheets and living in desert tents. They control a large

part of the world's most precious raw material—oil. And the American people have to come to terms with this new power or find themselves in the deepest trouble for lack of energy. Finally, the relentless Jewish effort to keep in touch with the power centers in Washington is beginning to backfire.

Indeed, the failure of Kissinger's mission was underscored by President Ford's statement, made less than 24 hours after Kissinger's return, that if Israel "had been a bit more flexible . . . it would have been the best insurance for peace." The Administration stressed that the time had come to reassess American policy, though Kissinger was quick to point out that "punishment of a friend cannot be the purpose"; nor would he publicly affix blame on the Israelis or the Arabs for the collapse of the talks. Nevertheless, a sensible inference was that Ford, who needs a conspicuous success in the international field for his own political well-being, did blame the Israelis and was angry at them. It is also possible that he misjudged American public opinion on the matter.

Taken together, the cumulative effect of the events of the last year and a half seem to have produced three main conceptions in many American minds: (1) Jewish power could well be eroding in the United States, accordingly weaking the lifeline to Israel; (2) traditional Israeli intransigence would no longer be tolerated; (3) with the decline of sympathy for Israel and the growth of Arab power, a spate of anti-Semitism could well break out in the Western world.

The trouble with almost all of this is that it simply doesn't square with prevailing public opinion in the United States. And the single group which most underestimates the pro-Israel sentiment in this country and most overestimates the possibility of the anti-Semitism is none other than the American Jewish community. Instead of slipping away, support for Israel is now at record peak. A recent Harris survey indicates that 52 per cent of the public now sympathizes with Israel, up sharply from the 39 per cent who felt that way in 1973, right after the Yom Kippur War. By contrast, 7 per cent of the American people expressed sympathy with the Arab side in the Middle Eastern conflict. A national leadership group drawn from government and politics, business, labor, communications, education, religion, and voluntary organizations was 56 percent in sympathy with Israel, while only 5 per cent supported the Arab cause.

Later this year, Congress must decide whether to give Israel $1.8-billion in military aid, a much higher sum than that country has ever asked for before. American public opinion has not always favored sending military assistance to Israel. Back in 1967, when Israel was rolling up its smashing victory of the Six Day War, a 39 per cent to 35 per cent plurality of the public opposed sending military aid. During the 1973 war, opinion shifted and a relatively narrow 46 to 34 per cent plurality supported aid.

But now, even as the myth of Israel's invincibility has lost its hold on the public, support for sending weapons to Israel has grown enormously. A rather lopsided 66 to 24 per cent majority favors sending Israel what it needs in the way of military hardware. (some have suggested that the very size of this margin might tempt the Israelis to bypass the Administration and take their case, no doubt illadvisedly, to the public and the Congress directly.) This is all the more remarkable in view of the decisive 65 to 22 per cent majority who opposes the country's giving military aid in general and the 74 to 17 per cent who oppose sending any more military assistance to Vietnam.

These findings about the attitudes of Americans towards the Arab-Israeli conflict and toward Jews in the United States came from a survey that was finished by the second week of January. Two major groups were interviewed: First the public, in the form of a representative national cross section of 3,377 adults, including a number of Jews; and second, the leadership community, a total of 491 persons who are opinion leaders in such areas as business, government, religion, education, labor and communications.

The obvious conclusion to be drawn from the survey is that when Israel is seen as a tough, cocky Sparta, the top military power in the Middle East, most Americans feel little sense of urgency to send aid. But when Israel appears to be the underdog, alone and surrounded by hostile Arabs, then a better than 3 to 1 majority wants to send military aid. (In passing, I should point out that only 34 per cent of the public is confident that Israel would win another war.) Thus, Israeli leaders who think the world always wants to ride with a winner may be sorely underestimating the compassion of the American people for the underdog. Of course, there are other reasons for this overwhelming support for military aid for Israel (which rises to an even higher 75 to 13 per cent majority among the leaders). One is a persistent worry about the Russians and their arms. As a mechanic in Youngstown, Ohio, put it: "I hear the Russians have sent the Arabs all their latest planes and missiles. So we better do the same or Israel will be wiped out, and Russia will take over the whole area."

It must be said that only one out of four Americans would approve sending American troops to the Middle East even "if Israel were being defeated by the Arabs," and there are some who will find this a very distressing figure. But this is a very remote scenario and the Israelis have always insisted that they would never ask for troops. The reluctance to send troops should not be taken as a sign of an erosion of American support for more military aid for Israel. To the contrary, there is every sign that such backing is at a peak.

Despite all that has been said about it, neither the public nor the leadership group seems particularly disturbed about Israel's so-called intransigence in the Middle East peace negotiations. A solid majority of the public and 77 percent of the leaders feel that the current Government of Israel is "reasonable in wanting to work for a peace settlement." It should be added that the Egypt regime is also felt to be "reasonable" by a 2 to 1 majority among the public and a 4 to 1 margin among the leadership group. In fact, there is little demand from American public opinion that Israel be persuaded to give back the territories it has occupied since the 1967 war. The heavily prevailing view at all levels is that "Israel has helped develop occupied Arab territories and will work out a fair way for the Arabs to rule themselves in their own territory." A 55 per cent majority of the public is opposed to America's pressuring Israel to hand back the occupied areas, and a wide 65 to 14 per cent majority is against Israel's "giving up occupied Palestinian Arab territory and letting P.L.O. leader Yasir Arafat rule it."

Indeed, neither Arafat nor the P.L.O. is held in high regard by the public. Arafat's appearance before the United Nations met with a negative response of 58 to 30 per cent. Compared to last summer, the majorities that see him as "an extremist who conducts terrorist activities" and "responsible for the slaughter of innocent children" have grown in number. Yet Arafat is gaining ground as the recognized leader of the Palestinians (up from 19 per cent to 35 per cent in 6 months), and there is no strong feeling among either the public or the leaders that he should be barred from the Geneva peace talks if they ever take place.

The reasons people think Arafat ought to have a seat at Geneva are interesting and reflect an underlying cynicism about world politics. It is a cynicism so widespread that it is becoming hard to find majorities of Americans who are ready to condemn aggressors. The head of the P.L.O. is seen as being only a cut below many of the other figures who might be seated in Geneva. Moreover, Americans have become used to seeing Secretary of State Kissinger holding cordial negotiating sessions with all kinds of previously hostile leaders: Brezhnev, Mao, the North Vietnamese and every shade of Arab potentate. Why shouldn't Arafat sit in at Geneva, the reasoning goes, even if the P.L.O.'s acts of terrorism are despicable?

In the complex web of concerns that make up the Middle East problem, there is one that dominates all others in the mind of the American public. It can be summed up in a statement from our recent survey: "Arabs are getting rich on our dollars, and as a result we and the rest of the world are suffering bad inflation and economic hardship, which is wrong."

Since last fall, a massive backlash against foreign oil-producing countries has formed in the United States and it now colors nearly all other American views. When asked to name the leading cause of inflation, 76 per cent of the public singled out foreign oil-producing countries. When asked to account for the recession, 63 per cent pinpointed "Arab oil producers." Fully three out of four Americans blame last year's oil shortage on the Arab embargo, while two out of three blame the Arabs for the rise in the price of oil. With a kind of indiscriminate intensity, the American people attribute their energy troubles, as well as their general economic woes, to oil—and to most, oil means "the Arabs."

But even as they appreciate the spectacular increase in the wealth and power of the Arab world, the American people remain firm in their support of Israel and determined to maintain this position. A 68 to 20 per cent majority rejected the notion that "we need Arab oil for our gasoline shortage here at home, so we had better find ways to get along with the Arabs, even if that means supporting Israel less." The percentage that rejected this argument last summer was only 61 to 23.

The response to the pivotal question in the entire survey was profoundly illuminating. The question was this: "If it came down to it and the only way we could get Arab oil in enough quantity and at lower prices was to stop supporting Israel with military aid, would you favor or oppose such a move by this country?" A 64 to 18 per cent majority of the public, which contains only 3 per cent Jews, came down decisively against abandoning Israel to get enough oil. An even higher, almost unanimous 93 to 5 per cent majority of the leaders expressed the same view. Yet, when a special national cross section of 567 Jews was asked how non-Jews in America would feel, by 45 to 34 per cent, the Jews were quite sure that they would opt for oil, not Israel.

It is clear that most Americans are unwilling to make Israel the victim of what many feel is a "game of Arab oil blackmail," as one United States Senator put it. There is little doubt that the Arabs have badly miscalculated American public opinion in this country. This is not to say that the public favors the use of force to take over the Arab oil fields. A 58 to 25 per cent majority opposes this. But that is beside the point. With the exception of Egypt's President Sadat and Jordan's King Hussein, Arab leaders, including the murdered King Faisal of Saudi Arabia, are now viewed as foes of the United States and are highly unpopular. Sadat is a familiar figure to 55 per cent of the public, more than know most Democratic candidates for President, and 69 per cent have a favorable view of him. He is one of

the few bridges the Arab world has to the American public.

Though opinion in this country has deep reservations about the Arab world, it does not accept Israel uncritically. Americans feel that the Israelis have taken American support for granted too easily. A majority of 62 per cent to 24 per cent and only a slightly smaller majority of 56 to 36 per cent of leaders believe that "Israel is friendly to the United States because it wants our military supplies." Even more damaging is the 48 to 33 per cent plurality of the public which holds that "Israel seems to feel the United States will back them up, no matter what they do." The leaders deny this, but the difference is only marginal.

If Israel projects the view that it takes American aid for granted, there is certain to be a serious erosion of votes in the Congress during the military aid debate in the coming months. An Israel which appears to shun all peace efforts and boasts of its military power could well be told to find its backing elsewhere. In sharp contrast, an Israel which appeared eminently reasonable about negotiations can easily make its case for continued military aid. At the moment, Israel is benefitting as much from anti-Arab sentiment over oil as from its pro-Israeli feeling in its own right.

The extent and depth of support for Israel may come as a surprise to many, but the most surprised group of all will be American Jews, who now seem totally possessed of a doomsday vision of what will happen to Israel and what might happen to Jews in this country. A prominent Jewish lawyer in Chicago put it this way, "Senator Percy is known for having his ear to the ground. When he made all those friendly remarks about the Arabs, he could see the handwriting on the wall. Don't kid yourself, the fact that Arabs have oil power is changing everything. Combined with the recession, you'll see Jews not being hired and I wouldn't be surprised to see middle America blame the whole economic mess on the Jews before it is all over."

Let us return to the case of General Brown. By 45 per cent to 42 per cent, most Jews felt that non-Jews thought "it was proper and right" for the general to say what he did. Yet, when non-Jews were asked about the general's statement, by 61 to 19 per cent, a solid majority—and an even higher 78 to 15 per cent of the leadership—said Brown's comments were "improper and wrong."

But this discrepancy is only the beginning. Where American Jews really take off into flights of fantasy is on the subject of anti-Semitism itself.

It can be argued that people say one thing and really believe another when it comes to such delicate matters as racial and religious prejudice, and anyone who looks closely at public opinion must take this into account. In the case of Jews and non-Jews, the Harris survey took steps to deal with the problems. An attempt was made to match Jewish interviewers with Jewish respondents and non-Jewish interviewers with their counterparts to reduce as much as possible any hesitation among non-Jews to express anti-Semitic attitudes or among Jews to express their perceptions of anti-Semitic attitudes. There is evidence that the exercise was useful. Compare these Jewish estimates of non-Jewish attitudes with the facts of the matter: 62 per cent of all Jews hold the view that non-Jews think "Jews are irritating because they are too aggressive." Yet, no more than 31 per cent of the non-Jewish public believes this. Fifty-two per cent of all Jews think non-Jews feel that "when it comes to choosing between people and money, Jews will choose money." Only 32 per cent of the non-Jews actually feel that way. This same pattern could be repeated on a whole list of attitudes. For each, Jews vastly overestimate the hostile feelings of non-Jews.

If we total all the unfavorable stereotypes, it can be estimated that 31 per cent of the non-Jewish public in the United States hold attitudes about Jews which can be described as anti-Semitic. This is not a small number and it certainly confirms the fact that anti-Semitism is very much alive. Indeed, trend measures indicate that there has been a marginal rise in anti-Jewish feeling from 28 per cent last year. However, when Jews were asked to estimate anti-Semitism, a much higher 56 per cent estimated that non-Jews held prejudiced views about them.

The inescapable conclusion is that American Jews have somehow lost touch with the reality of where anti-Semitism really is. The dangers in this major miscalculation by the Jewish community are many. It could mean that American Jews may be consistently ignoring their natural allies in the fight against anti-Semitism. It could also mean that they are serving Israel poorly by automatically assuming hostility to Israel when rather powerful support actually exists. Most importantly, American Jews could well be giving an impression of such insecurity that they are inviting the hostility they fear.

All minorities tend to think things are worse for them than they are. It is part of the survival mechanism and is understandable in human terms. But in today's climate of opinion, American Jews have vastly overestimated their own problems as well as the precariousness of Israel's position. What we have found is that support for Israel is deep and wide among non-Jews, and anti-Semitism is holding at traditional levels. This may be no great consolation to the American-Jewish minority, but it is hardly a prelude to holocaust.

OPEC AND BIG OIL

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BEDELL. Mr. Speaker, the high price of foreign oil is the main cause of our current economic and energy problems. The international price of oil has quadrupled in the last 2 years. Our escalating oil payments have in turn placed a heavy burden on our economy by draining off critical purchasing power and exacerbating inflationary pressures. It is thus imperative that we devise and implement a national energy policy that will deal with our energy problems in an effective and equitable manner.

In the past few months, the administration has proposed an energy program that is based on the maintenance of high oil prices, both at home and abroad. It contends that high oil prices will force Americans to buy less gas and fuel oil thus reducing our dependence on imports of foreign oil and stimulating greater investment in domestic oil supplies and greater research and development on alternative sources of energy. This policy has manifested itself in the form of President Ford's oil tariff proposal last January, the State Department's support for the negotiation on a "floor price" for imported oil, and in administration proposals for abandoning price controls on domestic crude oil and gas.

In my view, this policy of high oil prices holds serious implications for our domestic economy. The primary objective of our national energy policy at this point in time must be to reduce our dependence on imports of extremely expensive foreign oil without damaging an economy now in the throes of a recession. The administration's policy addresses the first half of this equation, but neglects the latter part.

This is a dangerous omission. Instead of concentrating on maintaining artificially high oil prices, we should be seeking ways to lower the price of oil while continuing with intensified conservation and development efforts here at home. This is not a mutually exclusive proposition.

In an article in the February 15 edition of Nation magazine, Prof. Louis Schwartz points out the flaws in the "high price" approach to our energy problems. I commend this article to my colleagues and herewith insert it in the RECORD:

OPEC AND BIG OIL: THE MALIGN COLLABORATION

(By Louis B. Schwartz)

The Ford Administration has come up with an amazing remedy for the "energy crisis." The cure advocated for the Arab-dictated extortionate price of petroleum is to raise prices still higher! It is proposed to tax imported crude at the rate of $3 per barrel, this to be added to the current international price of $11 with a pass-through of the new tax to the consumer. At the same time, it is proposed to drop price controls on domestic crude oil and gas. These steps, according to the President, will have the gratifying result that people will simply be forced to buy less gasoline and fuel oil. Accordingly, demand will decline, or at least "stabilize," and thus we shall have countered the cartel power of OPEC.

This Alice-in-Wonderland solution of the energy crisis is so divorced from economic reality that it must be regarded as disingenuous. The purpose of the proposal is not to restrict the use of oil, but to provide revenue to balance the politically attractive income tax cuts concurrently proposed. An additional purpose is to gratify all the interests in the United States that have for generations used the government to support artificially high prices for domestic oil, gas and competitive fuels. The recent quadrupling of the price of oil with no substantial "voluntary" curtailment of consumption, sufficiently demonstrates that oil consumption is relatively unresponsive to price change. Accordingly, further increases in price cannot be expected to cut demand significantly. They will, however, significantly contribute to inflation, and will cut the demand for other goods.

A real cut in demand for oil, and a real contribution to conservation, can be achieved only by rationing and, preferably for the long run, by tax or other legislation favoring the manufacture of small cars. A graduated tax based on horsepower would change car-buying habits in a manner that would not interfere seriously with travel, would reduce air pollution (in contrast to President Ford's proposal to relax clean-air standards) and would offset higher gas prices with increased miles per gallon. Along with this conservation effort should go a drive to break the OPEC cartel, thus reducing the price of imported, hence all, petroleum.

Real, as distinguished from phony, solutions of the oil crisis must respond to basic facts and rest on moral and economic principle. The central facts are that OPEC is controlling a price for crude oil that is approximately forty times the cost of produc-

tion, that the multinational oil companies, which have been our "agents" to procure foreign oil and to negotiate with the sheiks, have failed us and that the U.S. Government's recent policy has been aimed at "collaboration" rather than "confrontation" with OPEC. Collaboration is Kissinger's program to bring the consumer states together with OPEC to "stabilize" the situation at current fantastic, cost-disregarding prices. Confrontation would aim at breaking the cartel, especially by concerting the U.S. buying power to make favorable bilateral deals with those suppliers who would reduce prices.

Prices should, in general, reflect costs. That is a principle of morals and economics. To the extent that prices reflect costs (including fair compensation to labor and a capital return sufficient to attract the necessary investment), a given expenditure of human effort will produce a maximum of human satisfaction. Putting it another way, price-cost parity allocates resources most efficiently. If oil that can be produced at 25¢ a barrel in the Middle East is sold at forty times that price, two misallocations follow: (1) The energy users, forced to divert enormous resources to pay this non-cost-justified price, will have less with which to buy meat, clothing, capital goods and services. The world is thus forced to forgo production for which it is ready to pay cost, in order to pay much more than cost for a monopolized resource; (2) the non-cost-justified rise in oil prices leads to an enormous and wasteful diversion of resources into finding alternatives to the monopolized resource. The difficult, expensive and dangerous development of nuclear energy, of oil production from the sea depths, of new means of extraction and transportation, absorb billions that would otherwise be spent for human needs other than fuel.

An even more dangerous misallocation of resources is occurring. The oil billions are being used to buy arms; and the build-up of Arab military power will evoke a countervailing build-up of Israel's military power. Such a perversion of the world's productive resources to weapons of mutual destruction is, at a time when millions of human beings face death by starvation, not only reckless but disgusting. War is being brought closer to the Middle East, not merely war between the Arabs and the Israelis but war between their Big Power sponsors, and even war among the Arab states. In the chaos of expanding armaments each Arab state will will see a deterioration of its relative military position vis-a-vis its neighbors, or much to be gained by putting to hideous use the new instruments being provided by the West (including Russia). The immorality of OPEC's extortion of monopoly prices for petroleum inheres therefore both in the excessive returns and in the use to which those returns are put.

This immoral and dangerous redistribution of wealth is the result of an agreement or conspiracy among the OPEC countries to limit production and to exact an arbitrary monopolistic price from the rest of the world. Cartel agreements of this type are illegal and even criminal under the laws of the Western nations when engaged in by private companies, for the reason, among others, that charging a monopoly price is equivalent to levying a tax on consumers. When interests inside or outside our country levy taxes upon us other than through our own political processes, the issue of "taxation without representation" arises. As in the case of the American Revolution, that issue can lead to violence. To say that the oil "belongs to them" is no answer to the charge of immoral and uneconomic exaction. Ownership, when dispersed among numerous proprietors, does not carry with it the power to exact prices above cost: competition among proprietors would usually divert trade to the low-cost producers. The power of OPEC nations to overcharge results from the agreement among them to consolidate their bargaining position, not from their individual "ownership."

OPEC is, of course, not the only cartel in the international oil market. The giant multinational oil firms functioned as a private cartel long before OPEC appeared on the scene. They collectively maintained the price of oil far above the cost of production, thus denying energy to some who could have paid a reasonable competitive price and misallocating resources toward production of more costly fuels. They maintained their united front not by an overt comprehensive cartel agreement, like OPEC, but by a complex network of interrelationships, including partnerships to develop new fields or markets, multiple contracts for exchange of oil and petroleum products among themselves and, above all, unspoken understandings—typical of oligopolies—not to challenge one another commercially but to "follow the leader" in pricing for particular markets. By this means, for example, Middle East oil was for decades sold in the Mediterranean on the basis of Gulf Coast prices, i.e., as if it had been produced at high cost in the United States and transported thousands instead of hundreds of miles. Moreover, there is little reason to doubt complaints of OPEC members that the private cartel exploited their weak, unorganized suppliers as well as their weak, unorganized customers, exercising monopsony power on one side as well as monopoly power on the other.

There is small comfort for the rest of us in the "countervailing power" seemingly provided by the private oil cartelists confronting OPEC. The great multinational petroleum companies do not represent us. They certainly cannot be identified with any single national interest, e.g., of the United Kingdom, or the United States, or Holland or France. The obvious solution to tensions between superpowers—as Kenneth Galbraith observed in *American Capitalism: The Concept of Countervailing Power*—is a treaty of alliance, i.e., power sharing at the expense of the unorganized. It takes little imagination to envision the course of negotiations between OPEC and the cartelists. OPEC wants the highest price extractable from the industrial consumer nations. The oil companies' position is not inherently antagonistic to that desire, since any increase in the total revenues enlarges the companies' potential income (if the sheiks are not too greedy). Also, the value of the companies' reserves in the United States and elsewhere rises by breath-taking billions with each rise in the current price called for by the Saudis.

What will most preoccupy the companies is that the price increases be so handled as to avoid three undesirable responses: (1) A genuine rapid search for alternative energy sources which would reduce the demand for oil; (2) nationalization, excess profit taxation, or other adverse political responses in the "home" country; (3) any undermining of OPEC control, either through covert violation by a member, or by rapid development of non-OPEC oil fields, since an uncontrolled oil source would lead to price cutting and upset the balance of power among the oil companies in favor of whichever one found the new source. Arabia will be most understanding of the companies' apprehensions on each of these scores.

OPEC member countries have begun to buy or confiscate interests in the oil companies' transportation, refining and marketing operations—activities outside the boundaries of the producing country. The private organization is retained on a profitable basis to carry on the activities for the new owner. This progressive integration of the companies into the OPEC cartel tends to consolidate both the governmental and the private cartels. The main sources of supply become permanently tied to the main outlets to the market. The probability that a new refiner or marketer will come on the scene to serve consumers independently is reduced. The chance that a new oil discovery will find its way to consumers by a route other than through the cartelized marketers is slim. There is talk already that the consumer nations need to engage in a little "counternationalization" of Arab interest in non-Arab petroleum operations.

The grim picture is oversimplified—unavoidably so in a brief analysis. Company policies are not perfectly aligned, if for no other reason than that they are differentially dependent on OPEC oil. They are rivals for sources and markets as well as collaborators. Some of them are responsive to public opinion and to political pressures in the home country. But these moderating influences are inadequate to qualify the companies to represent the national interests of consumer countries. The underlying conflict of interests is too plain, and the history of the companies' commercial policies too dubious.

An American reaction to the situation was recently embodied in a bill, tentatively approved by a Subcommittee on Multinational Corporations of the Senate Committee on Foreign Relations. This "Foreign Oil Contracts Act of 1974" purportedly is intended to increase the political accountability of the intenational oil companies. It would require registration of all contracts for procurement of substantial quantities of crude or refined petroleum; forbid any "United States business entity" to enter into such contract without approval of the Federal Energy Administrator (but a contract is deemed approved if not disapproved within twenty days of registration); authorize the Administrator to inspect records of companies submitting contracts for approval; and make public all registered contracts, except to the extent that publication would "seriously interfere with the national interest in obtaining secure supplies" of petroleum products. In exercising his authority to approve, the Administrator would consider "any threat to the economic well-being of the United States or of other importing nations," the availability of other lower-priced oil, the tendency of the contract to concentrate access to any oil production "in the hands of one or a small number of corporations" and "the degree to which the Administrator was consulted during negotiation of the contract."

The bill is a travesty. It is confined to contracts and ignores structural integration, e.g., mergers and takeovers. It adopts a contract-by-contract approach instead of appraising the entire skein of relationships. It does not apply to contracts made prior to enactment. It does not authorize the Administrator to withdraw approval once given. It does not assure him a continuous flow of information on changing conditions that affect the desirability of the contract. Perhaps the most interesting feature is the hint that the Administrator should involve himself in *negotiating* the contracts. Considering that the Administrator is given only twenty days to pass upon registered contracts, it would be reassuring to believe that his agents would be scurrying about the world to influence contract formation. But that would be an illusion; the manpower would be lacking and the other participants in the negotiations would obstruct intrusions by outsiders. At best, a nominal participation by the Administrator would serve to justify swift formal approval of *faits accomplis*. The most revealing comment on this bill was its characterization by one "insider" as "a more feasible alternative to establishing a direct

purchasing agency of the U.S. Government which would deal directly with OPEC nations and then allocate purchased oil among U.S. oil companies."* The bill in short is a political gesture masquerading as effective governmental intervention—a triumph for the oil companies, for OPEC and for the highly placed officials in the government of the United States who favor "collaboration, not confrontation" with OPEC.

These forces find a governmental purchasing agency "less feasible" because it would expose and highlight the political confrontation between the importing governments and OPEC. But there is every reason for the industrialized democratic governments to press boldly for solutions grounded on economic justice and morality and to put away pseudo-solutions—including the one so often advanced these days, that we borrow back from the sheiks the billions which they are extorting from us.

The strangest and most frightening element in the whole situation is that the government of the United States seems committed, not merely to pseudo-solutions but actually to maintaining the monopolistic price levels dictated by OPEC, Secretary Kissinger, to the wrath of the French, the Japanese and others, is trying to organize a consumer nation "common front" which will, in negotiations with OPEC, settle for "stability" at or about current high prices. The sop to participating consumer nations would be some kind of insurance against Arab boycotts of individual nations, through an agreed sharing of supplies. The "gain" for the United States would be a putative (and wholly unreliable) enhancement of political influence with the sheiks, plus solidification of the U.S. world financial hegemony through the channeling of Arab billions back into U.S. investments and banks.

Behind these current manifestations of oil's power in Washington is a long, dark history of the betrayal of national interests by successive national governments. The people in government who are providing the current leaden life preserver are the ones who "promoted national security" with a suicidal national oil policy. That policy excluded oil imports in the decades when we could have had all we wanted at minimal cost, while stockpiling our own higher cost reserves for emergencies like the present; maintained a high price for domestic petroleum by encouraging state systems for manipulating production and prices in the interests of the least efficient producers; facilitating oligopolistic pricing in the domestic oil business; subsidizing the oil barons through arbitrary tax credits, without requiring the exploration which those subsidies were supposed to finance; perpetuated a giant leak in the natural gas regulating system by allowing huge quantities of gas to escape federal regulation; and drove us into multibillion expenditures for high cost and dangerous alternate sources of energy, e.g., nuclear power.

The forces that have generated these economic irrationalities were reviewed by Prof. M. A. Adelman in *The World Petroleum Market* (1972). They are the "protectionist," autarchic influences that operate everywhere. In England, the National Coal Board and the Gas Council derive a perverse comfort from artificially high oil prices. In this country, operators of marginal oil wells, numerous and politically influential, enjoy the bonanza of government-sponsored inflation of oil prices. In France, expensive North African exploration and inefficient state-operated refining and marketing bureaucracies are masked by the extortionate OPEC prices. The huge vested interests in nuclear energy everywhere prosper under the umbrella of the cartel.

What, then, is it reasonable to expect of the American Government in the oil crisis? Very little. Its natural and traditional tendency is to make common cause with those who would extract the highest price for oil. But if the question is what should informed citizens demand in the way of a national oil policy, an answer is available:

A genuine attempt should be made to reduce needless petroleum consumption. This implies rationing and a shift to smaller cars.

A National Oil Resources Agency (NORA) should be created, and given exclusive right to import petroleum and allocate imports among domestic refiners and marketers. The bargaining power of this consolidated buying agency, vis-a-vis OPEC and other suppliers, would be enormous. It might well be able to crack the cartel by playing members against one another.

Nora should be empowered to spend sums equivalent to the subsidies of the nuclear energy program or space exploration program to develop alternate energy supplies, e.g., from shale or geothermal sources. Investments like these would pay off in several ways. The threat would be efficacious in moderating the demands of OPEC and other suppliers. Low-cost additions to the energy supply would be fed into our energy system at cost, displacing higher cost oil. This contrasts with existing arrangements under which the oil companies themselves "diversify" into geothermal energy, for example, and market it at prices tied to the rigged international oil price. High-cost energy coming out of NORA's development program would be fed into our energy system at a calculated normalized price. The taxpayers would absorb the excess cost. That is surely preferable to the staggering increase in all petroleum prices which has been allowed to follow from the higher price of OPEC's oil, which is after all only a marginal part of America's total supply.

All oil company "secrets," at least in the international sphere, should by law be made accessible to NORA, which would exercise an inquisitorial power comparable to that of national bank examiners.

The Secretary of State should cease trying to organize a consumer nation cartel to engage in collective bargaining with the producer nation cartel on a basis that legitimates cartelization on both sides and freeze into the international trade system the current fantastic, cost-disregarding prices. A firm entente among the consumer nations is so unlikely, given their different situations and interests (political as well as economic), as to make doubtful the good faith of the attempt, which so far has served only to sidetrack a real solution. That solution lies, rather, in bilateral arrangements between particular suppliers and their customers. Iran or Venezuela may be willing to make concessions to country X that Libya would not consider. In this way, the solidarity of the cartel might begin to be undermined.

The OPEC nations are entitled to fair returns through conventional taxation and to royalties to the extent that each has legitimate property interests in the land. Some of them have, as underdeveloped states, moral claims upon us for constructive aid. They do not, any more than does the private cartel, have a right to dictate prices unrelated to costs, to bully us into supplying arms with which to threaten the peace of the world, to create a new crop of unearning billionaries, or to disrupt our fiscal and industrial order. A failure of nerve on the part of the Western democracies, an evasion of the challenge, can have only catastrophic consequences.

*Antitrust and Trade Regulation Reports, No. 679 September 10, 1974, p. A-16, quoting a Subcommittee staff member.

H.R. 4723—AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. GAYDOS. Mr. Speaker, there is fat and waste in the budget of every Federal agency.

Such a situation would be bad enough in what might be called normal times. But in a period of simultaneous recession and inflation, it is intolerable.

I am particularly concerned at the moment about the hydra-headed monster known as the National Science Foundation.

I support the fundamental mission of the Foundation in the promotion of scientific research. We must have continuing scientific advance in our highly technological society.

However, Mr. Speaker, I must declare I am adamantly opposed to spewing out billions of dollars of the taxpayers' money to support the pet projects of researchers whose work results in studies which are routinely filed and forgotten.

I am opposed to such exotic projects as studies of West Indian lizards and the mating calls of birds.

Are these really necessary to improve our society?

Also, I am opposed to the use of taxpayers' money for highly erotic, even pornographic, texts on the sex life of eskimos—to be used in "teaching" 10-year-old children.

There is a surfeit of pornography on the newsstands, apparently protected by a loose interpretation of the first amendment, without the Federal Government going into the porno business; worse yet, foisting it off on impressionable children whose entire outlook on life may be warped by it.

I am opposed to spewing out funds for eggheads so they can get their Ph. D.'s—particularly at a time when we have men and women who have Ph. D.'s who are not doing the work for which they were educated.

We have a glut of Ph. D.'s in this country, working at everything from pumping gas to driving cabs and tending bar.

Mr. Speaker, it is bureaucratic madness to pump tax dollars into the production of additional Ph. D.'s—who may turn out to be the most learned bartenders in America. On sober reflection, if you will pardon a pun, perhaps we could use some learned bartenders.

Mr. Speaker, the National Science Foundation admits it has no idea of the value of the thousands of studies it has bankrolled over the years.

Five years ago, the General Accounting Office laid down some guidelines calling for "program result audits." In that 5-year period only one program has been audited, which to me is a bureaucratic scandal in itself.

I agree that the resources of Government must be utilized in certain areas

concerning the public welfare, such as sound research programs which can benefit all Americans and even our friends abroad.

But I do not agree that this country, staggering under an incredible national debt, should operate a squanderbund for the benefit of individual citizens or institutions just because they happen to live in the halls of ivy or function as overpaid consultants.

Mr. Speaker, I voted for the National Science Foundation authorization only because it was amended on the floor to provide Congress the opportunity to review all proposed NSF grants before they are awarded. Properly implemented, this amendment would enable Congress to eliminate the boondoggles and assure that our tax money is spent prudently.

We do need a National Science Foundation. We do not need a hydra-headed monster gobbling up hundreds of millions of dollars for projects of little or no value to our people.

I hope we can bring this elite egghead empire under control.

SUBMITTING AN IDEA TO A MANUFACTURER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BOB WILSON. Mr. Speaker, an individual who believes he has a saleable idea or invention may feel overwhelmed by the complexities of actually marketing his proposal to a manufacturer or businessman. Some very useful guidelines are offered in a pamphlet published by the American Bar Association, entitled "Submitting an Idea to a Manufacturer," and I include this material as a portion of my remarks:

SUBMITTING AN IDEA TO A MANUFACTURER

The purpose of this brochure is to provide you, a person with an idea that you believe to have commercial value, with some general information as to how to submit that idea to a manufacturer or businessman who is not your employer. This brochure does not try to cover every situation and is not intended to give legal advice. It is intended to give you some understanding as to why most manufacturers ask you to agree to certain ground rules before they will consider your idea. It is also intended to inform you of steps that you can take to protect your idea.

When you first approach a manufacturer with an idea, you are likely to be concerned about whether you are going to be treated fairly. Your intention is to make some money by having the manufacturer pay you for either using your idea in the operation of its business or embodying your idea in a product. However, because you are afraid that the manufacturer may use your idea without paying for it, you are reluctant to disclose your idea unless the manufacturer first agrees to keep the idea secret and to pay for the idea if it is used.

The manufacturer, on the other hand, is concerned about its reputation and its competitive position. The manufacturer does not want to do anything that would appear to take unfair advantage of you. At the same time, the manufacturer does not want to place itself in a position where it (1) has to pay for something that it already knows about or (2) has to pay for something that others can use freely.

Consequently, the manufacturer will rarely agree to review a disclosure on a confidential basis and of course no one can be expected to agree to pay for the use of an idea before knowing what the idea is. Most manufacturers have research and development departments in which new ideas are constantly being developed. Therefore, it is quite possible that the idea you submit and which *you* think is novel is one the manufacturer is familiar with and has perhaps already decided to introduce. If the manufacturer agreed to pay for the use of your idea before it even knew what the idea was, it could end up paying without having obtained any benefit from your submission. Alternatively, the idea may be new to the manufacturer but cannot be protected by means of a patent. The manufacturer's competitors can then copy the idea. Whatever advantage the manufacturer may have because of its opportunity to achieve first commercial benefit from the utilization of the idea, its return will be much less than would be the case if the idea were patentable.

A manufacturer will rarely agree to keep an idea secret. The main reason for this is that such an agreement could establish a confidential relationship between you and the manufacturer. This relationship not only requires the manufacturer to keep the idea secret, but also prohibits the manufacturer from using the idea in a manner that would make it public without your permission. This prohibition may apply even though the idea is known to others or is being used by others. Thus, a confidential relationship can also place the manufacturer at a competitive disadvantage.

The logical result of this need to balance the seemingly conflicting interests of the manufacturer and the submitter is that in most cases you will find it necessary to accept the manufacturer's standard terms in order for you to get the manufacturer to consider your idea. These terms can generally be summarized as follows:

First, no confidential relationship is created between you and the manufacturer by the submission of your idea and its consideration by the manufacturer.

Second, if the idea is *not* patentable but nevertheless is a new and original idea, and the manufacturer wishes to use the idea, the amount of money that you will be paid for the idea is completely up to the manufacturer; it may be only nominal.

Third, if a valid patent has been or can be obtained on the idea, and the manufacturer wishes to use the idea, then the manufacturer will negotiate with you for the right to make, use, and/or sell your idea.

From the above it is seen that the value of your idea depends greatly upon whether it is patentable. It may therefore be desirable and prudent, if your idea appears likely to be commercially attractive, to take steps to protect whatever patent rights there may be in your idea before you submit it to a manufacturer.

This means that as soon as possible after you have thought your idea through to the point where you have a plan as to how to carry out the idea, you should prepare a detailed description of the idea and your plan for accomplishing it. The description should be written in ink or typed. There should be no erasures, blotting out, or blank spaces. Where a correction is necessary, draw a line through the incorrect portion and continue on with the description. Each such lining out should be initialed and dated. If possible, make detailed sketches to help you in your description. At the end of the description and on each sketch, sign your name and date.

Immediately thereafter have at least two people who did not participate in the development of the idea read the description and examine the sketches. After you are sure that they fully understand both your idea and your plan for accomplishing it as disclosed in this material, have each of them initial and date each page of the description. In addition, at the end of the description and on each sketch have them write "Read and Understood" followed by their full name and the date. This material can then be used to help establish the date you conceived your idea.

Since an invention is not considered completed until either (1) a working model or other physical embodiment of the invention has been made and successfully operated, or (2) a patent application has been filed, you should pursue at least one of these two courses of action. However, before you do, you may want to have a search made of the patents that have already issued on the subject of your idea. Such a search, which is obtainable through a patent attorney, will show whether your idea is new and will provide a better basis for determining whether spending money for either the patent application or making the model or other physical embodiment is worthwhile.

If you decide to make a working model or other embodiment of your idea, it is important that you pursue it in a diligent manner. Plan to do some work on it each week and keep a notebook in which you briefly record in consecutive order what you do each time. Be sure to sign and date each entry. If you have to stop working on the model or other embodiment for more than a couple of weeks, you should record the reason. Delays caused in obtaining parts are acceptable. Delays caused by involvement in other projects are not.

Once the model or other physical embodiment has been completed, have its operation or testing witnessed by at least two people who are not coinventors. The witnesses should not only understand how the physical embodiment operates, but they should also be shown each of the individual parts. This means removing covers so that they can look inside any housings. If one of the witnesses helped to construct the model, it is all the better. After the witnesses understand the model and have observed its satisfactory operation, they should each write such a statement in your notebook and of course sign and date the statement.

This procedure establishes a provable date of invention and you can now submit your idea. To do this, first inform the manufacturer of your interest to submit an idea for its consideration. The manufacturer will then provide you with the terms under which it will receive your idea. You may wish to have these reviewed by a patent attorney. Generally, you will be asked to send an acceptance of these terms along with the description and sketches of your idea. It is best that the descriptive materials that you send not include any dates.

In filing a patent application, you will want to contact a patent attorney. He will prepare the patent application along with the other papers that must be filed with the application. If you have not built and successfully operated a working embodiment of your idea, your invention is not considered to be completed until the day that the application is filed in the Patent Office, and it is therefore important to file the application promptly.

Once the application is filed, a copy of the application can be submitted to a manufacturer for its consideration. It is recom-

mended, however, that you omit the claims of the application and that you do not provide the filing date or serial number of the application. If the patent has issued, a copy should be submitted to the manufacturer. At that point, the scope of your invention is clearly defined by the claims, and therefore the manufacturer can more easily determine whether it is of interest.

One note of caution. If you have not filed a patent application, you are running a risk if you or anyone else publishes anything about your idea, offers for sale a product incorporating your idea, or if you allow someone else to use it or use it yourself publicly except on a purely experimental basis. Your idea can become unpatentable and free to everyone one year from any one of these occurrences if a patent application has not been filed in the meantime. Furthermore, public disclosure of your idea even one day before the filing of a U.S. patent application may make it impossible to obtain valid patent rights in a good many foreign countries.

By following the above described procedures, you are more likely to have fully protected any patent rights that you have and you will be in the best possible position to exploit these rights. If a manufacturer should indicate an interest in your idea, it would be advisable for you to obtain the services of a patent attorney if you have not already done so. He can act in your behalf in the negotiations with the manufacturer.

Further information about patents may be obtained by ordering the pamphlets entitled "Patents and Inventions, an Information Aid for Inventors" and "General Information Concerning Patents" from the Superintendent of Documents, Washington, D.C. 20402. These pamphlets are available at a nominal charge.

BEWARE OF BEGINNINGS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. SYMMS. Mr. Speaker, one of the basic laws of a true free market economic system is that it is impossible for a monopoly and/or cartel to exist if it imposes artificially high prices. Without the help of Government to sustain the cartel it will soon crack. There has been much discussion about the international oil cartel, specifically OPEC. The current issue of Barron's the well-known business and financial newspaper, contains an editorial by Robert Bleiberg that discusses the OPEC cartel on the opening day of the Paris oil meetings. I commend Mr. Bleiberg's editorial to my colleagues in the Congress:

BEWARE OF BEGINNINGS—TODAY'S OIL MEETING IN PARIS IS A CASE IN POINT

As international conferences go—and they seem to come and go these days with mounting frequency—the one scheduled to start today in Paris looks like a relatively modest affair. Though ranging from A (Algeria) to Z (Zaire), the participants number barely a dozen. The U.S. delegation will be headed not by Secretary of State Henry A. Kissinger, but by Charles W. Robinson, Under Secretary of State for Economic Affairs, who may not be able to stay for the full week. For this is really a pre-conference conference, "preparatory and procedural" in nature, and boasting no agenda. Sole purpose is to decide who will be invited to the next conference—the great *global gathering* of petroleum producers and consumers—where it will be held and who will chair it. "Many spokesmen here and in Europe," so The Oil Daily told its readers last Thursday, "agree it may produce on more than a squabble over the shape of the table or the size of the room at the next meeting. But (it) is a beginning. . . ."

Beware, somebody very sensibly once said, of beginnings. While he never heard of the Organization of Petroleum Exporting Countries (OPEC) or of Secretary Kissinger, he might well have had them both in mind. For OPEC, to judge by a Solemn Declaration which it recently publicized, has grandiose ideas for the agenda, viz: "The Sovereigns and Heads of State agree in principle to holding an international conference. . . . They consider that (its) objective should be to make a significant advance in action designed to alleviate the major difficulties existing in the world economy. . . . Therefore, the agenda can in no case be confined to an examination of the question of energy; it evidently includes the questions of raw materials of the developing countries, reform of the international monetary system and international cooperation in favour of development. . . ." As to the U.S. Secretary of State, who once confessed that he neither knew nor cared about economics, he is prepared to urge producers and consumers alike to agree on a high fixed minimum price for oil.

A camel allegedly is a horse designed by a committee; what finally emerges from the forthcoming global confabs may be uglier. Strictly on their own, indeed, several of the western countries concerned already have succeeded in making asses of themselves. Thus, by seeking to impose prohibitive levies on North Sea crude, Her Majesty's Government has gone a long way to discourage its exploitation. Similarly, in Canada the powers-that-be, by decreeing excessive taxes on oil production, have triggered a slowdown in drilling and an exodus of rigs. The U.S.—as somehow seems to be the case in so many realms lately—has made every mistake in the book. Unlike Western Europe, it has curtailed consumption relatively little. It persists in keeping price ceilings on oil and natural gas. And the White House has just signed, albeit reluctantly, the aptly named Mickey Mouse tax bill, which, by liquidating the depletion allowance, effectively increases taxes on oil and gas producers—and decreases both their wherewithal and incentive to expand—by upwards of $1.5 billion per year.

Fortunately for the Western world, Arab potentates are equally subject to Murphy's Law (anything that can go wrong, will). Like nouveaux riches throughout history, they have launched upon a spending (and reckless investing) spree which has spread the wealth far and wide. As a consequence, estimates of OPEC capital accumulation, once mind-boggling, have been drastically scaled-down, while re-cycling of petro-dollars, even in the absence of a so-called oil facility, proceeds apace. (According to last Thursday's New York Times, four OPEC countries are now net borrowers of Western capital.) Meanwhile, despite repeated cutbacks, potential supply is running well ahead of actual demand; in the OPEC price structure, cracks are widening. Even as the statesmen draw up their agenda and debate the shape of the table, in short, buyers and sellers have begun to do their own thing. Like most diplomatic spectaculars—the highly touted World Food Conference in Rome last fall, just when scarcity nearly everywhere was giving way to glut, comes to mind—this one looks both ill-advised and ill-timed. And the corollary to Murphy's Law applies: if government can make things worse, it will.

A glance at the agenda proposed by both sides underscores the point. Besides oil, an issue which is hot enough, OPEC wishes to weigh (and presumably reach accord on) the long list of other commodities, from antimony to zinc, which play a major role in world trade. In addition, though Groups of Ten, Twenty (any number can play) for many months have failed to make progress on a monetary system to replace Bretton Woods, that question, too, has been thrown on the table. While sticking closer to the subject, consumer countries also have taken a far-ranging approach. They want to discuss a floor for crude, which, depending on who is pushing it, appears to run all the way from $8 a barrel to $3. And no such gathering can fail to address re-cycling, ambitious plans for which have yet to take effect.

To such questions, those sitting around the table, whatever its ultimate shape, aren't likely to come up with straight answers. On the contrary, to judge by the wisdom (or lack thereof) with which they have been setting petroleum policy at home, these not-so-innocents abroad will make matters worse. For OPEC—to quote Jay Nagdeman, president of Meridian Research Corp. investment management firm—has not been alone in its sheikhdown. To illustrate, in Canada "restrictive pricing and confiscatory tax policies have discouraged exploration to the point where the number of rigs in use around the Dominion had dropped by 25% as of the turn of the year. The situation has been aggravated by a row between Ottawa and the Provinces over who gets the lion's share of levies on natural resources." As to Great Britain, official proposals to exact 70% of the take, plus a 51% interest in all future offshore discoveries, have slowed development of North Sea oil, the Western world's greatest hope of breaking the OPEC cartel.

Perhaps the best friends the Arabs ever had, however, may be found not in Ottawa or London, but in Washington, D.C. Alone among Western governments, the U.S. persists in keeping ceilings on the price of natural gas, which sells in interstate commerce for one fourth to one eighth what it commands on the intrastate market (a contract calling for nearly $2 per thousand cubic feet was signed last week), as well as on that of so-called old crude, from wells in operation prior to Jan. 1, 1973. As a consequence, domestic petroleum output has been relentlessly on the wane. To make matters worse, the so-called Tax Reduction Act of 1975 (which, by abolishing the depletion allowance, raises taxes on oil companies by more than $1.5 billion) has just become the law of the land. Faced with the prospect of a sharp drop in earnings, one after another last week disclosed cutbacks in capital expenditures. Nor is that apt to be the full extent of the damage. Still pending—this is irrationality run riot—are bills to reimpose price lids on all oil, new or old, as well as to authorize a so-called oil excess profits tax.

If it were strictly up to Congress, then, OPEC's cartel would last forever. Luckily, however, the lawmakers may propose, but market forces dispose. On this score, whatever happens in Paris or elsewhere, the news is good. For openers, consider the OPEC surplus. Since last summer, when Robert McNamara's World Bank put it at a staggering $600 billion by 1980, estimates have been coming down. Current consensus is around $250 billion, and falling fast. Moreover, though the $25 billion oil recycling facility dreamed up by Washington has not yet been ratified, few countries seem to be having much trouble financing their imports of crude. Indeed, despite largesse to such dubious beneficiaries as blood-stained Burundi and Uganda, the International Monetary Fund has yet to exhaust the first $3.5 billion allocated for the purpose. As we have said before, doomsday will be a little late this year.

Indeed, if Congress would take a long recess, and Kissinger would come home to stay, it might be put off for keeps. Despite

the Solemn Declaration's bluff and bluster, the OPEC price structure is cracking. One widely used expedient is easier credit terms. British Petroleum Co., so Sir Eric Drake, chairman, told a news conference late last week, is getting two-to-three months to pay. "We suspect," he added, "that terms are lengthening substantially." Discounts in the form of the elimination of premiums for special qualities (like low sulphur content), concessions on transport costs and the like, also are growing apace. With the right tactics (notably, the resignation of the Secretary of State), crude prices, according to irrepressible Eliot Janeway, could be rolled back at least by half. Even with the team of losers which the U.S. continues to field, OPEC's days, in the view of other authorities, are numbered. From the jaws of victory, the State Department time and again has snatched defeat. This time may be harder.

ROBERT M. BLEIBERG.

ELECTIONS

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MARTIN. Mr. Speaker, it is always humbling to be reminded that one is not well known outside one's own district. This is at times the source of interesting correspondence as the following will attest, to the enjoyment of our colleagues.

In November 1974, the candidates of the Democratic Party in North Carolina won stunning victories, reestablishing the near monolithic dominance of bygone years. While the evaluation of that success depends upon one's point of view and registration, it is nevertheless instructive to note how zealously some seek to yield that advantage toward even greater glories. Mr. Gilmore is a member of the North Carolina House of Representatives.

The correspondence follows:

RALEIGH N.C., *April 1, 1975.*

Hon. JAMES G. MARTIN,
House Office Building,
Washington, D.C.

DEAR JIM: As you know, there is considerable sentiment in the General Assembly to move the date of our primary closer to the fall election. There is a school of thought that moving the primary closer to the fall election would greatly benefit the Democratic Party. The voters get turned off and become disinterested in the long campaigns which also become very expensive and many times divides our party.

I have enclosed information on primary elections in all states which was prepared by the State Board of Elections. You will note that we have one of the earliest primaries in the nation. There are at least twenty-seven (27) states which have their primary in either August or September or later.

I am convinced that we would have a Democratic Governor in North Carolina today if our primary had been held closer to the fall election in 1972. The question of when to hold the primary is a very serious one and it must be very carefully studied in order to insure that a wise decision is made. As a current leader in the Democratic Party and a candidate in past elections, I very much would like to know your opinions as to what you think is best for our party and our state. Jim, I would appreciate receiving from you any statement on this important decision as your opinion would be most helpful. I also will appreciate your completing the enclosed questionnaire and returning it to me by return mail. Thank you for your cooperation and your prompt reply.

Sincerely,

TOM GILMORE.

WASHINGTON, D.C., *April 9, 1975.*

Hon. TOM GILMORE,
State Legislative Building,
Raleigh, N.C.

DEAR MR. GILMORE: You were kind to advise me of your view that moving the date of the primary later in the year would have caused the election of a Democratic governor in 1972, and would be better for the Democratic Party in the future. Your suggestion that the long campaigns get voters "turned off . . . and divide" the Democratic Party is certainly an intriguing one. I appreciate your polling me as to what primary date would be best for the Democratic Party.

As a Republican, I feel we have had just about enough political tinkering with the electoral process. "The question of when to hold the primary is a very serious one and it must be very carefully studied in order to insure that a wise decision is made". It apalls me that a responsible elected official would admit that his party's campaigns turn off and divide the electorate. It does not surprise me that, having done so, he would inquire as to just what primary election date would be best on a purely partisan basis. What mystifies me is how he could wind up sending such a confession of Tammany Hall political manipulations to a member of the opposition party.

I fully realize you wrote me in error and assure you I have made no effort to conceal my registration. You may have wanted to retrieve your letter to me. As the next best thing to sending it back to you, I will simply refer you to its text to be published in the *Congressional Record* for April 10, 1975. There you and others will be able to read your letter to me, and htis response to you. It would be helpful if replies from other North Carolina officials would be similarly published.

Sincerely,

JAMES G. MARTIN,
Member of Congress.

WELCOME WDIF—MARION, OHIO

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BROWN of Ohio. Mr. Speaker, on February 27 of this year, the citizens of the Marion, Ohio, area began hearing a new radio voice as WDIF–FM, 94.3 Mh, went on the air for the first time to provide an additional voice for news, public affairs, advertising, and entertainment.

WDIF, with studios at 135 South Prospect Street, is licensed to Scantland Broadcasting Co., a partnership of George F. Scantland, III; his wife, Janice M. Scantland; and George F. Scantland, Jr.

Mr. Speaker, I am a strong and longtime advocate of the proliferation of media voices as one of America's best insurances of a strong democracy. This multiplicity of ideas and sources of information is important to our future as a free society. I would like to congratulate WDIF for expanding this vital public service to the citizens of the Marion area. I wish the station the best of success in the future, because of the importance of that success to the citizens of the Marion area as participants in a stronger democracy.

DR. ROBERT H. GODDARD, "THE MAN"

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. EARLY. Mr. Speaker, it is a matter of very special pride to me and all the people in my home area that the world famous Dr. Robert H. Goddard, the "Father of the Space Age," was born, studied, taught and conducted his original rocket testing experimentation in the communities of Worcester and Auburn, Mass., that lie within our Third Congressional District.

The universally recognized genius of this immortal scientist was additionally honored by leaders in the U.S. space effort, the academic world and State and National Government last March 16 during the dedication ceremony of the Dr. Robert H. Goddard-Dr. Harrison H. Schmitt, Bicentennial project at the Goddard Rocket and Space Museum of the Roswell Museum and Art Center in Roswell, N. Nex.

Among those present at the dedication ceremony were Dr. Mortimer H. Appley, president of Clark University in Worcester, Mass., where Dr. Goddard served as professor, Mrs. Milton Higgins, of the Clark University Board of Trustees, Mr. Milton Higgins, representing Worcester Polytechnic Institute where Dr. Goddard received his collegiate education and Mrs. Robert H. Goddard, the gracious widow of the eminent scientist.

In her eloquent remarks to the assembly Mrs. Goddard revealed many little known but deeply moving insights into the private life character and personality of Dr. Goddard, "the man" and I would like to include her address at this point because I earnestly believe it will be of immense and lasting interest to every student and adult in this country as well as all Members of this U.S. Congress.

THE HUMAN SIDE OF ROBERT H. GODDARD

There are many memorials, of many kinds, to honor my husband, but the Roswell Museum Memorial ranks high because it covers the exciting closing chapters of his researches.

My husband's work is so well known that today I am venturing to tell you something of him as a human being. Robert Goddard was almost completely a Massachusetts product, descended from early settlers in the Bay State, who took part in the early industrial development of Worcester. He was born in 1882 in the house where I still live. In a shed attached to his home was a tidy workshop, where he early learned to work with his hands. A set of Cassell's "Technical Educator" was on the bookshelves. He attended South High School, Worcester Polytechnic Institute, and Clark University, where he served as Professor of Physics for many years.

As a boy, he enjoyed playing with kites and watching the flight of birds. His father gave him a telescope, which he used for

years to observe distant hills, the moon, and the stars. Since he lived in the country, he could carry a sling-shot much of the time, and later he had a rifle, so that he became an excellent marksman, sometimes on the New Mexican prairie.

Like most boys, he played with chemicals, and had the usual mishaps with them. Once, when he was trying to make diamonds by chemical means, he had an explosion that upset and frightened the family; another time, he filled the house with billowing smoke. In the fall of 1899, when he was seventeen years old, he climbed a cherry tree behind the house to trim branches, and fell to dreaming about how wonderful it would be to make some device which had even the possibility of ascending to Mars, and how it would look on a small scale, if sent up from the meadow at his feet. In his diary he wrote that he was a different boy when he descended from the tree, "For existence at last seemed very purposive." All else was, as he said, a "poor second." The poet might have been speaking of him when he wrote:

He whom a dream hath possessed
Knoweth no more of roaming;
. . . For a dream sets surely the ultimate isles.

He read constantly, magazines for boys like the *Youth's Companion* and later the *Scientific American*. He answered advertisements that appeared in these magazines, offering various contraptions. He even had the courage to send in short articles for publication, but only one was accepted, on rapid transit. In the fall of 1907 when he was a senior at Worcester Tech, he sent an article to the magazine *Popular Astronomy*, entitled "On the Possibility of Navigating Interplanetary Space," in which he proposed for propulsion the disintegration of atoms by artificial means. In his rejection the editor wrote:

"The speculation . . . is interesting, but the impossibility of *ever* doing it is *so certain* that it is not practically useful. You have written well and clearly, but not helpfully to science, as I see it."

At high school, he found mathematics difficult, but he knew that if he wanted to invent something that would go higher than anything had gone before, he had to know algebra, geometry and much more. He led his class when he graduated, and continued to do so at the Worcester Tech. In his high-school graduation oration, he closed with the much-quoted line that "It has often proved true that the dream of yesterday is the hope of today and the reality of tomorrow." On his graduation from the Worcester Tech, he was described as follows:

"Bob Goddard was no timid recluse . . . but a sociable and witty person, with a host of friends. At the Institute, he was not only number one man in the class scholastically, but he was successively elected as its Vice-President, Secretary, and President . . . He was also Editor in Chief of the 1908 Aftermath. He was a member of Sigma Alpha Epsilon Fraternity, and one of the first Worcester men elected to Sigma Xi."

As a graduate student at Clark, he came under the spell of a great professor, Dr. Arthur Gordon Webster, who was trained in Berlin under Helmholtz. Dr. Webster gave him a sound basis for advanced theoretical and experimental work in Physics. He thereafter spent a year as a research fellow at Princeton University. It was at this time that he worked on the electrical properties of insulating materials, such as hard rubber. It would appear that at the time he developed an oscillator in order to obtain more definite readings in connection with insulating materials at high frequencies. In April 1912 he obtained a positive result using such an oscillator, and reported it at a meeting of the American Physical Society at Harvard. This tube and the patent covering it became the subject of a court suit in the mid-thirties, between Arthur A. Collins and the Radio Corporation, American Telephone Company and three other large companies, when it appeared that the Goddard patent might antedate De Forest and Armstrong. An out-of-court settlement required the large companies to open all their patents to licensing.

Overwork at Princeton brought on a severe physical breakdown; tuberculosis was a far more formidable enemy then than it is now. The doctors gave him two weeks to live. His nurse told me years later that when she found figures on bits of paper under his pillow, he refused to give them up, saying "I have to live to do this work." *And live he did*, for 32 years of the intellectual and physical discipline that only scientists can know.

After more than a year of recuperation, he returned to Clark for part-time teaching. Flattering offers came, from Princeton and Columbia, but he regretfully refused, feeling that the teaching load in such large places would reduce the time available for his research—for by now, he had found the mathematical solution for his rocket, and needed time for endless experimentation. Thus, the dream of the cherry tree continued to impose choices that cut off, or postponed, material and professional rewards.

In 1919, when he dared publish his calculations and experiments as indicating the possibility of reaching the moon (with Yankee caution, he publicly mentioned only the moon as a goal), an avalanche of skepticism, ridicule, and even abuse descended upon him, especially in the Sunday supplements of newspapers. Had not mathematics, the Queen of Sciences, shown him so clearly the way, he would have been engulfed. As it was, it was not easy.

Eventually, skepticism and ridicule seemed to flow past him, leaving no bitter marks. For him, the vulgar simply ceased to exist. Most of the time, he did not know whether or not he had any money in the bank, or in his pocket. Fifteen minutes after dinner, he could not have told what he had eaten. Clark students told a story about his walking along a corridor in the main building, still holding an open umbrella over his head! He never used his illness as an excuse for idleness, seldom failing to do eight hours or more of conscientious work each day. It was the social and recreational side of his life that was curtailed.

He was profoundly aware of the beauties of nature, and on Sunday afternoon walks liked to photograph in color a lovely cloud, a colorful tree, a bursting milkweed pod. When time permitted, he painted in oils, usually landscapes—some in New Mexico. He played the piano by ear only, but with a physicist's precision in harmony, and could drift along for an hour, improvising. Most of his reading was, of course, of a technical nature, but he enjoyed early science fiction, such as H. G. Wells's "War of the Worlds," and an occasional adventure or detective story. When in his reading he found a kindred spirit, he read *all* of that author's work, if possible in chronological order, so that he might follow the writer's growth in philosophy and writing skill. This procedure I adopted, and can recommend.

It is small wonder that I came under the spell of his wonderful world, so well within a professor's modest salary. I can testify that, as one author has put it, "He taught me to speak the truth and despise lies and sham, and to love pictures and music and cathedrals and books and trees and all beautiful things."

It is well to remember that this kind of life was lived while he taught a full schedule at Clark, and carried his full share of committee work. His precious research was for late afternoons, weekends, academic vacations, and above all the summertime. After fifteen years of working, and waiting, and hoping, came the great adventure in New Mexico, commemorated here.

During the fruitful years of full-time experimentation, financed by the Guggenheim family, he was an extremely happy man, doing what he most wanted to do, with adequate funds in optimum surroundings. As Lessing has said, "The pursuit of truth is more precious than the attainment of it." But this does not mean that all was roses. Sometimes he worked against exasperating odds—tests aborted, materials faulty, fuels impure, weather uncooperative. But he persisted in his dialogue with nature, asking questions, making trials, listening for verdicts, and building upon them. Then one day there would come a perfect flight—that was Happiness indeed!

In 1926, my husband asked me to witness the first outdoor test at Auburn, Mass., using a motion-picture camera. I knew almost nothing about rockets, but did want to help. The flight was so beautiful, the jet so blindingly bright, that I was converted on the spot. But the camera was of French make, called "Sept" denoting that it ran for 7 seconds; the first flight had the same heart-stopping hesitation between ignition and liftoff that most rockets show, and my little camera used up all of its film before the flight began. After the test we took a *still* picture of my husband standing beside the launching frame—and he wrote on the back "The empty frame—after a long time!" This audience can, I am sure, understand the understatement here. Happily, a new camera enabled me to take pictures of all of the subsequent tests.

Some have said to me, "Wasn't the work sometimes discouraging?" Yes, there were trying and discouraging times, such as must come to us all, but I can only echo what a poet has beautifully said:

And shall we say Heaven is not Heaven
Since golden stairs are rugged and uneven?

My husband's dedication to one problem did not prevent his taking a part, as a citizen, in community life. He was brought up in the Episcopal Church, and attended it all his life. Many invitations to speak to church and service groups were accepted, as part of his duties to the community. And he was a happy member of the Rotary Club. Yet he was essentially a "loner," and the plight of those like him still worries the scientific and military world today. Each of the choices imposed by his shining goal brought one thing—unremitting work. As a modern novelist has written:

"I gradually learned that big shots mostly work twice as hard and are twice as thorough about dull detail, as the small fry. That's the big open secret—for every step up the ladder, there's more work and more attention to details and more chances to make a fool of yourself—being a big shot is first of all being a work horse."

Yes, Robert Goddard was a work horse, to the uninitiated observer. But I am sure this audience will understand that it was knowledge hard won, that lifted away the drudgery, and left only glorious fulfillment.

Such was the life that my husband chose to live. Whether or not such a life could be created today, when the pace is much swifter, is being debated. The key to the full life, which is time for quiet thinking, is more difficult to attain, but surely it is not unattainable, even now.

Some writers have tried to portray Robert Goddard as a martyr of sorts. This is far from being the case. His diaries record warm and friendly interest in his work from his peers who understood what he was trying to do. Among these, three men stand out—Dr. Charles G. Abbot, head of the Smithsonian Institution and his closest friend and confidant, Harry F. Guggenheim,

who also understood the problems of a pioneer, and Charles A. Lindbergh.

So shed no tears for Robert Goddard. He had chosen the field for his particular search for truth, and devoted his life unremittingly and joyfully to bringing his dream, through hope, into shining reality.

JOINT COMMITTEE ON ATOMIC ENERGY SUBCOMMITTEE TO REVIEW NATIONAL BREEDER REACTOR PROGRAM

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McCORMACK. Mr. Speaker, on March 19, 1975, the Joint Committee on Atomic Energy established an ad hoc subcommittee, which I am privileged to chair, to review the liquid metal fast breeder reactor program—LMFBR—and related programs of the Energy Research and Development Administration.

This is an undertaking of great importance to the Congress and the Nation. The LMFBR program has been singled out by the executive branch as our highest priority energy research and development program. The Congress has authorized and appropriated necessary funding. Substantial Federal funds have been expended for associated research, development, and demonstration. A management project has been established to construct the first LMFBR at the Clinch River site, near Oak Ridge, Tenn.

This review is timely. It comes at a time when a number of concerns have been expressed and questions raised within the Congress and outside by members of the public with respect to several fundamental issues such as the need for such a program, the potential benefits to be realized from it, and the attendant risks associated with ultimate widespread commercial use of this type of electrical generating station.

The subcommittee is enthusiastic in its approach to this review. We do not underestimate the size of the task. Its importance, however, well warrants the time and energy we intend to put into our assignment. We fully intend to conduct an indepth, "no-holds-barred" review, giving representatives of all points of view adequate opportunity to present their positions. We expect to visit breeder plants in other countries. We expect to work through the month of July, and have a report available by Labor Day. We envision the development of a comprehensive record, which—to the best of our ability—will be understandable by the lay public. All subcommittee hearings and briefings will be open to the public, and interested Members of Congress are specifically invited.

I intend to keep my colleagues in Congress apprised of the conduct of the subcommittee's meetings by insertions of summary reports of each briefing and hearing in this RECORD. Announcements of hearing schedules and invited witnesses will be made in a timely manner.

As a first step toward obtaining information and views from all sectors, I am dispatching letters at once seeking comments on the principal issues related to the breeder program and the LMFBR from selected agencies of Government, representatives of industry, public groups, and others. I include in this RECORD at the conclusion of these remarks a copy of the questions posed in this initial round of information gathering. The subcommittee will review the responses received.

Mr. Speaker, I reiterate, the subcommittee is enthusiastic in its pursuit of this important assignment. We will need the help of many. We seek the views of all who have seriously considered the LMFBR program and the related issues.

The material follows:

ISSUES TO BE ADDRESSED JCAE COMMITTEE REVIEW OF LMFBR PROGRAM

ENERGY TRENDS

1. What will be the total U.S. energy demand in 1985, 2000, and 2020? What will be the corresponding percentage growth rates in energy demand? How much do you expect that conservation of energy will reduce the energy growth rates?

2. What are the limits of energy conservation as an alternative to expanding energy facilities, and what would be the economic and other consequences of such conservation measures?

3. Of the total energy growth, what will be the electrical energy component in 1985, 2000, and 2020? What percentage growth rate do you expect for electrical energy? What are the implications for the long-term of the recent significant reduction in electrical energy growth rates?

ENERGY SOURCES FOR MEETING PROJECTED DEMANDS

4. How will the future energy and electrical energy demands for the United States be satisfied, i.e., what will be the mix of energy sources in 1985, 2000, and 2020?

5. What will be the major shifts in energy sources in the future in comparison with our present primary fuel supplies?

6. What are the principal limitations for each of the various potential future fuel supplies for conversion into electricity?

7. How much should the United States rely on energy resources imported from abroad for meeting its domestic needs in the future?

ROLE OF NUCLEAR POWER

8. With respect to nuclear power, what is the most realistic forecast for use of nuclear power in the future, and what are the likely nuclear generating capacities in 1985, 2000, and 2020?

9. What do you anticipate the mix of reactor types will be in 1985, 2000, and 2020 to provide the nuclear component? This should include consideration of the light water reactors (LWR), high temperature gas reactors (HTGR), the liquid metal fast breeder reactor (LMFBR), and other advanced converter and breeder reactors.

ROLE OF BREEDER

10. What is the best estimate of the nation's uranium and thorium resource base? What other major uncertainties are there concerning nuclear fuel supply (e.g., fuel costs, enrichment capacity, etc.)?

11. Considering the electrical energy projections, the status of LWR and HTGR technology, the potential role of non-nuclear energy resources, the uranium resource availability and other factors, is there a need for the breeder reactor, and if so, when?

ROLE OF LMFBR

12. If a breeder reactor is considered to be needed, should this country continue to put its major effort on the LMFBR? What level of effort should be devoted to alternate reactor concepts?

13. Are the overall LMFBR program objectives, content and approach correct? What steps can be taken to minimize the costs of the program, and improve performance with respect to program schedules? What further steps should be taken to increase industrial involvement in the program?

14. Should the U.S. proceed with construction of the Clinch River Demonstration plant at this plant until the Fast Flux Test Facility (FFTF) is completed?

15. What will be the total R&D costs for the LMFBR, and how will they be recovered? What is the predicted capital cost of commercial plants and what methods are available to provide that capital? What are the expected fuel cycle costs? Will the LMFBR be economically viable?

LMFBR SAFETY/ENVIRONMENTAL/SAFEGUARDS ISSUES

16. What are the major safety, environmental, and safeguards problems with respect to the LMFBR? Can these problems be satisfactorily resolved prior to the anticipated large scale commercial use of the LMFBR?

17. What actions are required to assure the safe handling and utilization of plutonium? What are the hazards of plutonium, as compared to other potentially dangerous substances used in our society?

QUARTERLY ADJUSTMENTS MEAN INCREASED MILK PRICES EVERY 3 MONTHS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. FINDLEY. Mr. Speaker, for both the House and Senate versions of the farm bill there is a provision which mandates "quarterly adjustments" of dairy price supports.

What does this mean?

I will tell you what it means.

It means higher prices for butter, cheese, and fluid milk every 3 months.

The word "adjustment" means "increase," because the bill ties dairy supports to parity and parity, being based on a 10-year formula can only go up in the next 12 months. It will be statistically and practically impossible to go down.

The U.S. Department of Agriculture has estimated the quarterly increases in the dairy support from the present level of $7.21 per hundredweight under the House version of the farm bill as follows:

House—80 percent

Apr. 1	7.45
July 1	7.51
Oct. 1	7.65
Jan. 1	7.71

Average $7.58 or 34 cents per cwt increase.

By the last quarter the costs of dairy products would increase 10 cents a pound on butter, 5 cents a pound on cheese, and 4 cents a gallon on milk under the House version.

Under the Senate version, of course, these consumer increases would double to 20 cents a pound on butter, 10 cents a pound on cheese, and 8 cents a gallon on milk.

Either way it goes, it looks like the dairy consumer is in *for higher* legislated prices.

PASSAGE OF THE OLDER AMERICANS ACT AMENDMENTS OF 1975

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. EARLY. Mr. Speaker, I want to congratulate my colleagues in the House on their overwhelming support for yesterday's passage of the Older Americans Act Amendments of 1975. Particularly, I commend the members of the Subcommittee on Select Education for their diligence in drafting this legislation, and the full committee for its bipartisan efforts and unanimous support for the amendments.

In a time when Federal programs and the agencies that administer them are under strict scrutiny by the Congress, the Executive, and the American people, when it is the exception, rather than the rule, to find a Federal program that actually serves the constituency it was intended to serve, and at reasonable and realistic cost, it is extremely encouraging to witness the success of the Older Americans Act of 1965 which has benefited millions of senior citizens and their communities throughout the Nation.

It is my opinion that the amendments now part of H.R. 3922 will enhance the act and provide, at judicial cost levels, necessary advances in the areas of community services, nutrition programs, employment and volunteer programs, and in home health care programs specifically designed to enable and encourage our elderly citizens to continue to lead independent, useful, and productive lives.

The new special service programs, in particular, are long-overdue additions. An emphasis on inhome services designed to assist the elderly to remain self-sufficient and avoid institutionalization, the provision of legal, tax, and other counseling services to those living in nursing homes, the special attention to the housing needs for the physically disabled elderly and to the transportation needs of the elderly, and the creation of a mortgage interest reduction and mortgage insurance program to encourage the conversion and renovation of housing for the elderly, all are wise, proper, and most necessary and needed programs. We are finally beginning to realize that the potential that lies in the nationwide community of the elderly can be best tapped by encouraging senior citizens to remain independent and productive people. For too long we functioned from the premise that the elderly should be filed away—that willing or not, they should be removed from the mainstream, prevented from making a continued contribution to our society. We found that that premise was a faulty one, and a very costly one indeed, in dollars, but more important, in human dignity.

The special service programs, the community service employment program, the extension of the programs for the elderly under the Adult Higher Education Act, together with the other amendments adopted to the Older Americans Act in yesterday's House action promise to continue the positive strides made in 1965 with the enactment of the original act. Again, my congratulations to the members of the select Education Subcommittee for their fine work on this legislation.

DR. HOWARD TANNER, DIRECTOR OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. VANDER JAGT. Mr. Speaker, several weeks ago it was my pleasure to appear on a speaker's platform with many others who had been brought together by the Michigan Natural Resources Commission to honor the new director of the Michigan Department of Natural Resources, Dr. Howard Tanner. I have known Howard Tanner for many years, and he is well known throughout the Nation as the father of the Great Lakes salmon program, probably the most exciting and successful innovation in sports fishing in this century. It has meant hundreds of millions of dollars of economic activity, to say nothing of the recreation thrills for thousands of people who have caught huge Coho and Chinook salmon in waters formerly void of anything but tiny alewives.

Many noted State and national leaders spoke in Dr. Tanner's behalf that evening. The auditorium rang with eloquence and much deserved praise. But there was one person, who more than any other, chose the words that captivated the audience, left them convinced, if there had ever been any doubts that, in fact, the Michigan Department of Natural Resources was now in the best possible hands. That speaker was Howard's mother.

This lovely woman, approaching four score years, made the kind of simple, loving speech the most gifted orator could not hope to emulate. I want to share these heartfelt words with you. These are Mrs. Tanner's words:

You are taking quite a chance—asking a mother to say a few words about her son! It is my favorite subject!

I thank you for inviting me to be a part of this delightful evening.

I thank you for honoring Howard here tonight. I am pleased that it is taking place in Antrim County where he was raised. Where he and his father fished, hunted, trapped and explored.

His father introduced him to trout fishing when he was five years old. Through his boyhood years he was taught a love of nature and the principles of conservation along with the knack of luring a trout with a muddler.

Howard loved it all. It was a compelling interest. It was his pleasure and it became his career.

Somewhere between the cedar tangle and the stars he caught a vision of the order and the wonder of it all. He still has it. It will guide him in this difficult and demanding job as Director of the Department of Natural Resources. He will give it his best effort.

You, who love Michigan and are concerned with the good management of its natural resources, please give him your cooperation, your encouragement and your blessing.

AMERICA NEEDS BUSINESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. COLLINS of Texas. Mr. Speaker, America today needs business to prosper. What is good for business is good for America.

An excellent editorial was written by our commonsense business editor of the Dallas Morning News. Al Altwegg speaks up for business in an excellent news article. Here are the key sections written by Altwegg in the Dallas Morning News:

AMERICA NEEDS BUSINESS

(By Al Altwegg)

Just a few weeks ago, one of our senators in Washington, who was talking when he might better have been thinking, raised an objection to what he called "obscene profits"—in that instance the profits of oil companies.

The time may not be far off when everyone in Washington is going to be concerned more about what they might be tempted to call, in their colorful way of expressing themselves, an obscene LACK of profits.

Because, with recession getting constantly worse, the profits of American corporate enterprise must already be getting steadily less.

And the truth, is, as every politician and every bureaucrat should know, a substantial part of the government's money comes from the profits of corporate enterprise. Not from the operations, but from the profits.

And what that means is: No profits, no taxes. It's really as simple as that.

Well, quite aside from the fact that this deriding of profits is essentially a Marxist idea and also aside from the fact that the potential for profit is really the incentive which fuels a system.

For years, I have been preaching that this need for profits in America ought to be pointed out constantly, by every businessman to every politician and every potential politician, so that no officeholder could ever vote a dollar of government spending without having the awareness in the back of his mind of where a great part of those dollars come from.

For as business slows down, the profits of American corporations are apt to slow down—even faster. And when profits go, an important part of government income goes with them.

They are talking about Washington spending us out of the recession. Ignoring for a second the fact that a government which has been piling up deficits from overspending in boom-time is going to have a hard time spending enough money more to turn around the very serious recession we now face, there is a bigger question.

Where are the people in Washington going to get the money?

With corporate profits down, Washington will have only three places to turn—to the individual taxpayer, to the money markets for borrowed money, and to the printing presses. And all of these avenues, right now, look unpromising, at best, and possibly disastrous.

The individual is already saddled with a heavy load, increased by inflation. Now they are going to squeeze him for a last drop?

But remember, many of those taxpayers are out of work. Growing numbers of them. And when they are not earning, they have neither taxes to pay nor dollars to pay with.

The money markets also look sorry. With the government growing increasingly desper-

ate for borrowing, who is going to want to lend it more and more?

And the printing presses have already been used too much. We have already depreciated the dollar till it's frightening. That route cannot go on, because that way lies bankruptcy.

NATIONAL HEALTH EDUCATION AND PROMOTION ACT OF 1975

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. CARTER. Mr. Speaker, when we consider the cluster of concerns that we commonly call our national health care crisis, we usually look to megaproposals which demand great expenditures of funds and major systems revisions, or to proposals that are so financially modest and lacking in substance as to be meaningless.

We find ourselves today struggling with various efforts at reorganization, rationalization, and regulation of health services, seeking improvements in financing mechanisms, pondering the problems associated with health manpower, and invariably ending up considering derivative proposals, or proposals which are variations of themes dating to the first decade of this century, as if they were bold, new, and imaginative.

We have sold our society on the wonders of modern medicine and we have created an insatiable demand for services. Only recently, Mr. Speaker, have we recognized that there are limits to the amount and kind of resources that we can allocate to health care.

We find ourselves with only a few possibilities. We can reduce demand by reinstating financial barriers to access, by imposing monetary limits on prices or overall expenditures, or by rationing available resources.

Mr. Speaker, we no longer have the option of unlimited spending for personal health services, and yet I do not believe that the American people will accept the reimposition of financial barriers as a legitimate way of controlling demand. Therefore, I am introducing a proposal that offers the alternative strategy of health education and health promotion.

I am also introducing this health education proposal to prod our collective memories. It seems that somehow we have forgotten, perhaps because we have been unduly and overly impressed by the sophistication and technology of modern medicine, that mechanisms for the delivery of health care are only one of the many ways of maintaining and improving health. Let me recall for you that, although much of our health progress stems from the remarkable advances in scientific medicine of the last and early part of the present century and their applications in the prevention and treatment of disease, our improved health status also reflects in considerable degree the improvement in general living conditions and improved sanitary measures as well. Better housing, nutrition, working conditions, and education enhance the health of our people just as certainly as better health services.

It is reassuring, then, to note the recent rekindling of interest in consumer health education, health promotion and preventive medicine. For example, mention was made in former President Nixon's health message of the need to moderate self-imposed risks and of the realization that each of us bears the major responsibility for our health. There has been a President's Committee on Health Education; Blue Cross and the American Hospital Association have endorsed the concept of patient health education; and, HEW's forward plan presents prevention as its first, major health planning theme. Also, the new National Health Planning and Resources Development Act considers prevention and health education national health priorities, as do the statutes creating health maintenance organizations, while in Canada, the Minister of Health and Welfare has produced a remarkable document which presents a new health promotion perspective which will be embodied in future Canadian health programs.

This interest in health education activities is not without a rationale. Health care costs have risen at an alarming rate. The data indicate that inflation of health care costs has occurred at a rate considerably in excess of the Nation's general inflation. Despite our huge outlays in dollars and resources our health indicators reveal that we are obviously not getting our money's worth. We have more physicians per capita than any other country in Europe or North America and yet, at each age from infancy through middle age and into the seventies, the rate of death of Americans is almost the highest in the developed world.

Why then have we gained so little health benefit from our tremendous investment in health services? Certainly, for a part of America the reason is lack of access to medical care of high quality, but for the majority of Americans the answer lies in the changing nature of disease. It is now the chronic diseases and the diseases of advanced civilization and changing lifestyles that concern us.

The principal causes of death in our country are owing to motor vehicle accidents, ischaemic heart disease, other accidents, respiratory diseases and lung cancer, and suicide. Please note, Mr. Speaker, that self-imposed risks and environmental factors are the principal or important underlying factors in each of the five major causes of death between the age of 1 and age 70. It is a safe conclusion that unless lifestyles and self-imposed risks are modified or the environment changed, the death rates will not be significantly improved.

If we momentarily review morbidity rates as collated from a study of illness requiring hospitalization, we have further proof of changing disease patterns. Diseases of the cardiovascular system are the principal cause of hospitalization. Fractures, head injuries, burns and all other causes arising from accidents or violence follow in scale. For such causes of hospitalizaton, individual behavior and carelessness are the principal or important underlying factors.

From Marc Lalonde's Canadian working document there appears this interesting litany, indicating some of our more destructive lifestyle habits and their consequences. For example, alcohol addiction, he writes, leads to cirrhosis of the liver, encephalopathy and malnutrition; abusing pharmaceuticals leads to drug dependence and drug reactions; addiction to psychotropic drugs leads to suicide, homicide, malnutrition, and accidents; overeating leads to obesity; high-fat intake possibly contributes to atherosclerosis and coronary artery disease; high carbohydrate intake contributes to dental caries; lack of recreation and lack of relief from other pressures are associated with stress diseases such as hypertension, coronary-artery disease and peptic ulcer; promiscuity leads to venereal disease; and careless driving, and failure to wear seatbelts, leads to accidents and resultant deaths and injuries.

If we turn to the social and physical environment, about which individuals can do little, we find that public health and governmental application is both imperfect and uneven. I speak of air, water and noise pollution and the failure of many communities to fluoridate their drinking water. Also, urbanization, crowding, adverse working conditions, and rapid social change all affect mental and physical health in ways we do not yet fully understand.

When you take such factors into consideration, Mr. Speaker, you may agree that health status cannot be equated with the organization, financing and delivery of health services alone. Outstanding though our health services are, there is no doubt that if we are to improve our level of health we must turn to a new strategy, one which will assist us to understand the nature and causes of self-imposed risks, adds to our knowledge of illness, educates patients and consumers about health maintenance and prevention, and improves the physical and social environment.

Let me pursue this point about patient education further. Consider the treatment for diabetes mellitus. What are the respective roles for the doctor and the patient? Ideally the disease should be discovered early. The physician makes a diagnosis and prescribes therapy. The patient must inject himself with the correct dosage of insulin every day, interpret his own urine samples and decide when a change is sufficient to warrant calling his physician. The patient must be motivated to lose weight, recognize and report side effects, learn proper techniques for foot and toenail care to avoid the devastating complication of infection and gangrene, recognize early symptoms of complications, and visit his physician when scheduled. The physician's role is essential to effective treatment; so too is the patient's. No amount of resources devoted to physician or hospital care can substantially reduce the cost of diabetes if the patient has not been adequately trained and motivated to do his part.

When such a patient education program is well thought out it has proved to be very successful. In the Los Angeles

County Medical Center diabetes education program, a telephone "hotline" was introduced for information, medical advice, and for obtaining prescription refills. Patients were educated to use this service through an aggressive campaign of pamphlets, posters, and counseling sessions by physicians and nurses. When the program was evaluated, it was found that the incidence of diabetic coma was reduced from 300 to 100, the number of emergency visits by the diabetic patients were reduced by half, and that 2,300 clinic visits were avoided. Over 2 years, total savings was estimated at more than $1.7 million.

Similar positive results were found with patient education programs for asthma, congestive heart failure, hypertension, hemophilia, and pain following surgery. But such physician and hospital initiatives are limited owing to lack of funds. Furthermore, we do not at this time understand fully the nature of health motivation and how individuals chose between health promoting and illness promoting behavior. We need more research; we need careful evaluation of health education programs to determine which are effective and which are not; and, we need to recognize that Government itself often inadvertently works to promote individual habits and exposures which promote disease.

So, Mr. Speaker, we have had presidential messages, task force and commission reports and the occasional statute and authorization for consumer health education programs. There is even a Bureau of Health Education in the Center for Disease Control in Atlanta, Ga., although very few know of this fact. But despite the study commissions and the activity in both the public and private sectors there is still no national program or adequate central force to stimulate and coordinate a comprehensive health education program. Our efforts are fragmented. The moneys we spend for health education, health promotion, and preventive medicine are miniscule. There is no informational exchange between those public and private agencies and organizations concerned with health education; there has been little evaluation of results among similar or related health education programs sponsored by different organizations; information about health education theory, programs and methods is not easily accessible; there is presently no agency, public or private, which is systematically reviewing the broad range of experience and theoretical experimentation in health education and related fields; and, there is no focal point to facilitate communication and cooperation among the significant health organizations in and out of Government which must work together if substantial improvement in health education is to be achieved.

Mr. Speaker, the needs, problems, and opportunities are so large, urgent, and complex that progress will depend upon a major long-term commitment by both the public and private sectors of society. To meld such efforts, provide a focal point for the Nation's multiple but disparate health education activities, improve the health status of Americans, design a mechanism by which we may establish a national health education, health promotion and preventive medicine strategy, I am now submitting for congressional action the National Health Education and Promotion Act of 1975.

I include a section-by-section analysis of my bill in the RECORD:

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL HEALTH EDUCATION AND PROMOTION ACT OF 1975

Section 1 states that the title of the Act is the National Health Education and Promotion Act of 1975.

TITLE I. NATIONAL CENTER FOR HEALTH EDUCATION AND PROMOTION

Section 101 establishes the National Center for Health Education and Promotion within the Department of Health, Education, and Welfare and declares that the Center shall be supervised by the Department's principal health officer and shall be organized with no less than the following four divisions:

(a) Research in health education and preventive medicine,

(b) Community health education programs,

(c) Communications in health education, and

(d) Federal programs.

Section 102 provides that the Secretary shall:

(1) formulate a national strategy and national goals with respect to health education, health promotion, and preventive medicine;

(2) develop an integrated and comprehensive perspective on national health education, health promotion, and preventive medicine needs and resources, and recommend appropriate educational and certifying policies for health education and preventive medicine manpower;

(3) incorporate appropriate health education components into every facet of our society, especially into all aspects of health care and educational programming;

(4) increase the application of health knowledge, skills, and practices by the general population in their patterns of daily living;

(5) increase the effectiveness and efficiency of health education and preventive medicine programs through improved planning, implementation of tested models, and evaluation of results;

(6) establish systematic processes for the exploration, development, demonstration, and evaluation of innovative health education concepts; and

(7) foster information exchanges and cooperation among health education providers, consumers, and supporters.

The Section also provides that the Secretary shall carry out this Title consistent with Title XV of the Public Health Service Act, which relates to health planning and development.

Section 103(a) provides that the Secretary, through the division of research in health education and preventive medicine, shall conduct and support research in health education, health promotion, and preventive medicine.

This Section also provides that the National Center for Health Statistics, which is established under Section 306 of the Public Health Service Act, shall make continuing surveys of the needs, interests, attitudes, knowledge, and behavior of the American public regarding health. The Secretary shall use the findings of these surveys together with the findings of surveys conducted by other organizations in formulating policy respecting health education and promotion, and preventive medicine. This section authorizes appropriations of $3,000,000 for fiscal year 1976, $4,000,000 for 1977, and $5,000,000 for 1978 for activities of the National Center for Health Statistics.

Section 103(b)(1) provides that the Secretary, acting through the division of community health education programs, shall support and encourage new and innovative programs in health education and preventive medicine.

Section 103(b)(2) provides that the Secretary may not approve any application of any health care facility for a grant under the Public Health Services Act or the Community Mental Health Centers Act in any fiscal year beginning after the passage of this act unless the facility includes consumer health education programs prescribed through regulations by the Secretary of Health, Education, and Welfare.

Section 103(b)(2) also provides that the consumer health education services must be offered by health care providers as a condition of eligibility for payments under Title XVIII of the Social Security Act and that the Secretary should enter into agreements with the States under which the States would require health care providers within their jurisdictions to provide consumer health education as a condition of payment under Title XIX of the Social Security Act. This provision would take effect in the calendar quarter beginning more than 90 days after the passage of this Act.

Section 103(c) provides that the Secretary, acting through the division of communications in health education shall establish liaison between the Center and providers of health education services and the communications media.

Section 103(d) provides that the Secretary, acting through the division of Federal programs shall:

(1) make recommendations to the Congress for the inclusion in appropriate legislation of provisions respecting health education and promotion;

(2) establish a liaison with other Federal agencies engaged in health education and promotion, including the Office of Education, the Consumer Product Safety Commission, the Department of Agriculture, the Environmental Protection Agency, the National Institute for Occupational Safety and Health, the Department of Transportation, and the Department of Defense; and

(3) identify Federal programs and actions which are not in the interest of public health and determine methods for reviewing and commenting on such programs and actions.

Section 104 establishes an Interdepartmental Committee on Health Education and Promotion to promote and maintain the effectiveness of Federal health education programs. The Secretary will chair the committee and the remainder of the committee shall be appointed by the President from among heads of Federal departments engaged in health education activities.

Section 105(a) establishes the Health Education and Promotion Advisory Council. The Council shall consist of 19 members appointed by the Secretary and the Secretary shall appoint from time to time the chairman of the council. This Section establishes the categories of representation on the council, the tenure of members, procedures for appointing members where a council member vacates his appointment prematurely, member pay entitlements for serving and for certain expenses, and matters related to the calling of meetings.

Section 105(b) provides that the council will advise the Secretary and make recommendations to him on matters of general policy with respect to the functions of the Center. The council shall make an annual report to the Secretary and to Congress relating to the performance of its functions and any recommendations it may have with respect thereto.

Section 105(c) authorizes the council to engage any technical assistance that may be required to carry out its functions and re-

quires the Secretary to make available to the council the necessary clerical, secretarial and administrative support, and to provide pertinent data available to the Department of Health, Education, and Welfare which the council might need to carry out its functions.

Section 106 prescribes the contents of the annual reports that must be submitted by the Secretary to the President and to Congress. The Secretary, acting through the Center, shall submit such reports not later than December 1 of each year.

Section 107 authorizes appropriations of $35,000,000 for fiscal year 1976, $40,000,000 for 1977, and $45,000,000 for 1978.

TITLE II. INSTITUTION FOR HEALTH EDUCATION AND PROMOTION

Section 201 states that the Congress finds and declares that:

(1) it is in the public interest to inform the public about health and about ways to best protect and improve personal health;

(2) the public must develop the ability to examine and weigh consequences of personal decisions respecting health;

(3) the public must be motivated to desire changes supportive of more healthful life-styles;

(4) impediments that inhibit the voluntary adoption and maintenance of more healthful practices by the public must be identified and mitigated or removed;

(5) to achieve these goals it is necessary for the Federal Government to complement, assist, and support a national policy that will advance the national health, reduce preventable illness, disability, and death, moderate self-imposed risks, and promote progress and scholarship in consumer health education and preventive medicine; and

(6) a private corporation should be created to facilitate the development of a health education and promotion strategy for the nation.

Section 202 establishes a not-for-profit corporation to be known as the Institution for Health Education and Promotion. The institution shall not be an agency or establishment of the United States Government.

Section 203(a) provides that the corporation shall have a twenty-five member board of directors appointed by the President with the advice and consent of the Senate.

Section 203(b) provides that the board shall have broad representation of the various regions of the country and of the various skills and experiences appropriate to the functions and responsibilities of the Institution.

Section 203(c) provides that the members of the initial board shall also serve as its incorporators and are charged with taking whatever actions are necessary to establish the Institution under the District of Columbia Nonprofit Corporation Act.

Section 203(d) establishes the terms of office for board members, procedures to be followed when a member leaves the board prematurely, and provisions for staggering the terms of office of the original board members. The Section provides that no board member shall serve for more than two consecutive terms.

Section 203(e) provides that any vacancy in the Board shall not effect its power, and the vacancy shall be filled in the same manner in which the original appointments were made.

Section 203(f) establishes procedures for the appointment of officers by the Board of Directors.

Section 203(g) provides that the members of the Board of Directors shall not be deemed Federal employees by reason of the membership on the Board, and provides for payment for their time and travel expenses related to Board meetings and other activities of the Board.

Section 204(a) provides that the Institution shall have a President and other officers that may be appointed by the Board. The Board will determine the terms and rates of compensation of those appointed. No officer, other than the Chairman, and vice chairman may receive any salary or other compensation from any source other than the Institution during their employment. The officers shall serve at the pleasure of the Board.

Section 204(b) provides that no political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Institution.

Section 205(a) provides that the Institution strategy for the nation, the Institution of stock or to declare or pay dividends.

Section 205(b) provides that no part of the income or assets of the Institution shall insure to the benefit of any director, officer, employee, or any other individual except as salary or other reasonable compensation for services.

Section 205(c) provides that the Institution may not contribute to or otherwise support any political party or candidate for elective office.

Section 206 states that to facilitate the development of a health education and promotion strategy for the nation, the Institution shall carry out the following functions:

(1) Establish communications with, provide a forum for the involvement of, and seek the advice and support of, organizations, agencies, and groups involved in health care, education, labor and business, social and civic organizations, consumer organizations, and communications. The Institution shall review and analyze the need, and resources available, for health education and promotion and the effect of alternative health education methods and procedures on health status to determine which methods and procedures offer the best opportunities for improving the nation's health.

(2) Coordinate and stimulate a variety of projects involving other organizations, agencies, and groups to develop such strategy designs or design components as are required to increase the appropriateness, acceptability, and effectiveness of health education efforts nationwide.

(3) Assist in stimulating, developing, implementing, and assessing a total communications program utilizing a full range of media available to reach diversified groups in order to increase national understanding and support for the value of health education and the role each citizen and every organization, institution, and agency can and should play to improve individual, community, and, ultimately, the national health through educational means.

(4) Assist in accelerating the incorporation of improved technology into health education practice by establishing a system of technical assistance and training and by making available the expertise of other cooperating organizations, as well as its own staff, in response to the needs of national, State, and local groups for assistance in improving the planning, implementation, and evaluation of their health education programs.

(5) Encourage the development and utilization of valid and acceptable research and evaluation methods for a wide variety of health education programs and technologies. It shall develop coalitions and consortium arrangements with other organizations and agencies for cooperative efforts in model design and testing and for joint sponsorship and exchange of information on comparable research and evaluation projects.

Section 207 provides that the Board shall appoint an advisory panel of 200 individuals with appropriate competencies and abilities. Its principal function will be to advise the Board. The panel shall also serve as a resource for appointments to special committees, task forces, and conferences. The advisory panel shall receive all Institution reports.

Section 208 requires the Institution to submit an annual report to the President for transmittal to Congress. The report shall include a detailed account of the activities of the Institution, its operations, financial condition and accomplishments. Additionally, it may include such recommendations as the Institution deems appropriate.

Section 209 authorizes appropriations for expenses of the Institution of $1,000,000 in fiscal year 1976, $3,000,000 in fiscal year 1977, and $5,000,000 in fiscal year 1978.

Section 210(a) provides that the accounts of the Institution shall be audited annually in accordance with generally accepted auditing standards by independent public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The Section also provides that the audit will occur at the place where the accounts of the Institution are normally kept.

Section 210(b) provides that the auditor's report shall be included in the annual report required by Section 208. This Section also describes the contents of the auditors' report as it would be displayed in the Institution's annual report required under Section 208.

MORE NUDITY AND SEX ON TV?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. GAYDOS. Mr. Speaker, I was disturbed to read an interview with TV Producer Quinn Martin, published in the Pittsburgh Press, in which he warned that we had better get ready for more nudity and sex on television.

Mr. Martin said:

I think that, five years from now, we'll have everything on TV that you see in the movies today—including nudity and X-rated movies.

Mr. Martin is no idle commentator. He is one of the top producers in television with several major shows currently on the networks, including "Barnaby Jones," "Streets of San Francisco," and the new "Caribe." He can be accredited with knowing what he talks about.

But I want to caution him and others in the TV field that sex and nudity will not be accepted easily. Neither is TV like the movies. Television is public property in large part—something conveyed into our homes over the public's airwaves—and thus not to be considered as a camp follower of the movies, certain to do in time what they now do.

We have a Federal Communications Commission with a responsibility to make sure that television is not used to unravel the Nation's morals, or to warp the impressionable minds of our youth. TV stations are under public license and subject to periodic review of their service to the people. So are the networks. The movies are in another category entirely.

Nevertheless, I take Mr. Martin's warning seriously and urge that the FCC prepare now to protect us from the flow of nudity, sex, and smut which Hollywood can be expected, on Mr. Martin's word, to push on to television. We can not allow this to happen.

DENVER: THE SOLAR ENERGY LABORATORY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mrs. SCHROEDER. Mr. Speaker, I believe that one of our most important priorities in the field of energy is the development of alternative energy sources. Solar energy is, of course, one of the best of these alternatives. It is about as inexhaustible as the universe and its impact upon the environment is about the same as a day at the beach. We believe that it can soon become commercially practicable on a large scale.

Mr. Speaker, I am happy to bring to the attention of my colleagues an article from the Denver Post for April 6, 1975, which relates to still another achievement in the solar energy field being carried out in my district, Denver, Colo. As you will note, the Solaron Corp. of Denver has developed its own mode of solar energy retrieval to such an extent that it is making installations in office buildings and apartment houses. And this is not all of it, for there are other Denver-based firms with like projects.

Denver may be the solar energy laboratory in which others may find proof that solar energy has a sunny future. The article is as follows:

[From The Denver Post, Apr. 6, 1975]

DENVER A LEADER IN SOLAR ENERGY USE

(By Don Lyle)

Denver has more homes using solar energy as a primary source of heat than all the rest of the nation combined, John Bayless, president of Solaron Corp. of Denver, told members of the Rocky Mountain Association of Geologists at their weekly meeting in the Petroleum Club.

And, he added, this fall there will be easily 100 building projects in Denver alone using solar heat.

Bayless also said that his firm had been visited by a half dozen major oil companies investigating possibilities of solar energy for heating.

"Imagine yourself a large petroleum company and not being able to keep up supplies," he said. "It pays to have an auxiliary source."

Solaron, he added, is the only company in the nation solely devoted to solar heating and cooling. Other firms have other interests with solar energy as sidelines.

He also said that the federal government, under its solar energy plans, will buy only complete solar systems, not components. "Now, we are the sole source for complete systems," Bayless said.

Another advantage of the Denver company, he continued, is that it is an integrated company "with the capability of giving bottom line information to builders."

Solar energy isn't new, he continued. Early research started in home heating in 1943. A house in Denver has been using solar heat since 1957 with no maintenance, he added.

He explained to the geologists that the Solaron system uses a flat plate collector painted black to collect heat and heat air to around 150 degrees.

That heat is ducted to the basement of a home or business when the heat isn't needed in the building and directly through heat ducts to the building when heat is needed.

Unused heat is stored in a box of river rocks. Bayless said that 50 pounds of rocks are needed for every square foot of collector area, normally around 10 tons of rocks for a house.

Cooler air, already used in heating the house, is ducted to the heat collector on the roof to be reheated.

An auxiliary heating unit is needed in almost every area for periods when the sun doesn't shine for a long period of time.

In the Denver area, he said, Solaron units are being installed in single-family homes, businesses, multi-family dwellings and in home clusters. The company hasn't released information on all its projects, he said, because of the owners' desire for privacy and because the company doesn't like to release information until the contracts are signed.

Noting the costs of solar energy, Bayless said that heating bills presently run about $350 a year in Denver, about the same amount that the installation of a solar heating system would add to the yearly mortgage payments. That is assuming that the home uses electrical heating.

But, he added, in a few years, the person with the solar heating plant still will be making the same payments while electrical prices have doubled.

Solar heating plants are maintenance free, he said. There is no need to wash the glass that covers the rooftop collector plates because the rain and snow takes care of the washing.

Even when they are dirty, he said, there is little loss of efficiency.

Most of the materials for the system are commonplace and inexpensive. Black highway paint is used for the collector, river rock for the storage area. Auxiliary heating units are the kind normally installed in homes.

The only special equipment required is the glass, which must be able to withstand variations in temperature as great as 265 degrees.

Solaron now is working out plans for retrofitting solar heating systems to existing homes, to mountain homes and to condominiums.

The firm's largest job to date is the solar heating system for the new Gump Glass Co. headquarters building in Denver. The system is used to heat office and showroom areas and consists of five solar collectors mounted on the roof.

It is the first, large commercial building to be heated with solar energy. Bayless said that the firm turned out the Gump job in 30 days.

Another project, he continued, is a cluster of buildings at 435 St. Paul St.

Scheduled in May is an office building at 115 Madison St. and later in the year, the firm plans the installation of the solar heating system on 20 homes in the Fort Collins area.

Although projects to date have been built with the solar collectors mounted at a 50-degree angle on the roof, one condominium project will have the collectors mounted vertically on the side of the building.

Soon, Bayless continued, his company will begin looking for a nationwide network of dealers to build the collection units and place them in homes, offices, apartments and other buildings across the nation.

Bayless also said that he approved of government controls on solar energy plants by the Department of Housing and Urban Development for any projects funded with federal money, including VA and FHA.

That will make sure that the manufacturers are honest in their claims and impose a set of standards that must be met for the systems.

He said that he thought there would be a lot more business started this year specializing in solar heating and cooling systems and he had heard that a national firm was planning to enter the business during the year.

THE BENEVOLENT BROKER

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. COTTER. Mr. Speaker, I have just learned of the death this afternoon of John M. Bailey, chairman of the Democratic Party in Connecticut for nearly 30 years and National Democratic Party chairman during the administrations of Presidents Kennedy and Johnson.

John Bailey's passing—though anticipated—still comes as a shock to those near and dear to him.

His contributions to Connecticut and the Nation will long be remembered and assure his place in history.

He was a remarkable man—one of a kind, a great political leader and, above all, a compassionate and decent man.

Connecticut has lost a statesman, and I have lost a close personal friend.

My heartfelt sympathies go out to his wife, Barbara, and their children.

I want to share with my colleagues a recent editorial in the Milford (Conn.) Citizen which I thought came very near to capturing the greatness of John Bailey:

THE BENEVOLENT BROKER

The Connecticut General Assembly, now in session, is the same but different in many ways.

One big difference is that John M. Bailey, because of illness, is not as visible as he has been in the past 30 years.

Nonetheless, we are told, his advice is sought, as it should be, because his talents are needed now, as they always will be.

John is unique among political leaders, present and past. He has no peer, no equal.

His career is unmatched in tenure and texture. For nearly 30 years he has been state chairman of the Democratic Party. The quality of his conduct as a gentleman and politician is above reproach. His accomplishments—legion.

He was, in no small degree, responsible for the election of some of our greatest—President John F. Kennedy, Senator Abe Ribicoff, former Governor Jack Dempsey, and now Governor Ella Grasso, to mention a few of the notables.

John has none of their prominent characteristics. He doesn't have the charisma of the 2 Jacks, nor the suave polish of Abe, nor the strong personal appeal of Ella.

But he is distinctive in his own way. He is not a charmer but he is warm, cordial, even with opponents.

He is enormously energetic and his knowledge of his game—politics and legislation—is unsurpassed.

John leads the political process that selected and then elected president, governors, senators, yet he never acted like they were his pawns.

Once in office, particularly in the case of the Governors—Bowles, Dempsey, Ribicoff—he did his best to lead the Legislature in the ways of their wishes. He will, no doubt, do the same for Ella.

For example, in the 1959 session he worked his special brand of wizardry to get the legislature to modernize archaic procedures in the courts, county and state government. These functions had not been materially changed since their origin in mid-17th Century.

How has John managed, all these years, to be out front in the game of politics that is so risky, so fickle, so effervescent?

The answers are that, once he decided politics was his cup of tea, he worked at it relentlessly. He constantly courted the concensus of others, especially the big city bosses.

John dealt with them, and others, not as their master, although he held the title, but as first among equals in selecting the best possible candidates and the best issues.

In persuading his fellow Democrats and legislators he pleaded, argued, coaxed, but he never demanded. His knowledge of the pros and cons of the issues and their impact upon the state—and the voters—is monumental. He makes it his business to know the score.

He—just look at the record—is especially astute and keenly analytical in candidate diagnosis.

His attitude is "go with the bird that can fly—not the pigeon who can't get off the ground."

He spares no time, no energy, no effort, to gauge the pulling power of candidates.

To him, victory at the polls is the payoff.

John made 1 attempt to be elected to public office. Defeated, he thereafter felt that he could not be elected, and never again tried.

He was keenly disappointed when he was not appointed U.S. Senator to fill a vacancy. That he never allowed this deep hurt to color his judgment or his relationship with others illustrates his self discipline.

For the good of the party, he often says, "you gotta do what you gotta do."

He is not a political boss in the image of Tweed or Hague. Rather he is a benevolent broker of men and ideas that has consistently won elections.

Equally important, he has lived in a clean house. He has been above even a rumor that he has had his hand in the public till in more than 30 years of being a practitioner of the art of politics.

That alone is a singular accomplishment.

SHREWSBURY, N.J., REGISTER SUPPORTS H.R. 15, THE PUBLIC DISCLOSURE OF LOBBYING ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. KASTENMEIER. Mr. Speaker, one of the major reform proposals before the 94th Congress is H.R. 15, the Public Disclosure of Lobbying Act which Congressman TOM RAILSBACK and I have introduced and which has been cosponsored by 122 of our colleagues.

This legislation which covers lobbying activities with the Congress and the executive branch requires the strict registration and the disclosure of lobbyists, along with their receipts and expenditures and the logging of outside contacts with executive branch agencies. The Federal Elections Commission is charged with enforcement of these requirements.

The Shrewsbury, N.J., Register, in a March 10 editorial, endorsed H.R. 15, and I commend this editorial to the attention of our colleagues:

LOBBYISTS' INFORMATION

A lobby disclosure bill introduced by Edward Kennedy, Charles Percy and four other senators and the similar bill introduced by Reps. Tom Railsback and Robert Kastenmeier are tough measures worthy of support. They would plug the holes in the 1946 disclosure law.

That act doesn't now apply to executive-branch lobbying. It doesn't cover persons who lobby in their job capacity as, say, corporate or trade association officers who are not hired specifically as lobbyists.

We favor the legislation not because we believe lobbying is wrong. Actually, it represents a perfectly constitutional way for an interest group to make its wishes known to lawmakers. With the ax they bring to grind, lobbyists also present useful, if sometimes skewed, facts and figures.

What's wrong with lobbying now is its secrecy. The public has a right to know who is attempting to influence what legislator and in what way. Hidden special interest money can be—indeed too often is—used to corrupt the public process. The suitcases full of cash revealed during the Watergate inquiries are illustrative but not unique.

The disclosure bills would require lobbyists to report who pays them and how much, to itemize what they spend, to reveal the names of persons in the Congress and the executive branch with whom they've gotten in touch and to identify the issues for which they've lobbied.

Lobbyists, furthermore, would have to reveal the names and activities of anyone lobbying on their behalf and disclose how much they gave or lent to public officials and what favors they extended.

Both bills appear to be on target. They would satisfy the right to know who's spending what. Citizens should know because, as Common Cause's chairman, John W. Gardner has said: "The price of their food, their heating bills, the safety of the toys their children play with and a great many other things may be affected" by what is now often secret lobbying.

A SALUTE TO PAPPY ABRAMSON

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. DE LUGO. Mr. Speaker, I would like to bring to the personal attention of my colleagues the recent 105th birthday celebration of Ignatius "Pappy" Abramson, St. Croix's oldest living citizen.

I am pleased to say that the elderly in the Virgin Islands are still treated with dignity and respect. I would like to share with you, as an example of these enlightened attitudes, the following article from the Virgin Island Daily News:

ST. CROIX RESIDENT CELEBRATES 105th YEAR

CHRISTIANSTED.—An unusual birthday was celebrated Sunday, at the Herbert Grigg Home in Kingshill when St. Croix's oldest citizen was feted by more than 200 well-wishers who payed homage to Ignatius "Pappy" Abramson who was born 105 years ago on March 23, 1870 in Spring Garden, Frederiksted.

Earlier that day, "Pappy" had attended mass at St. Patrick's Church in Frederiksted so after a nap he was able to greet his visitors individually but was not quite up to taking part in the dancing. He has attended church regularly at St. Patrick's for more than half a century.

His wife, Mary Magdalene "Miss Maggie" Williams, who has been ill for the past two months, joined him for his birthday party when she was brought to the Grigg home for the occasion from Ingeborg Nesbitt Clinic in Frederiksted.

Other members of his family who attended the party were his granddaughter Geraldine Abramson Armstrong, and two step-daughters, Clarice Mulgrav and Erla Krieger. Many notables attended the events, including St. Croix Administrator Stanley Farrelly, Senator Jean Romney, Alexander Moorhead Jr., Frits Lawaetz, John Bell, Claude Molloy, and Assistant Commissioner of Welfare, Mrs. Enid Hodge.

Champagne for the birthday toast and other drinks were donated by local merchants and supermarkets in what proved to be a genuine out-pouring of respect and admiration for St. Croix's oldest gentleman.

The Lion's Club gave a donation for the sumptuous birthday cake created by Mrs. Ingerborg Grigg and the American Legion Post Auxiliary 85 gave a donation for meat pates which were served with the delicious home cooked meal prepared by the cooks of the Herbert Grigg Home.

According to Verna Garcia, administrator of the home, it was one of the loveliest parties they have ever had and calls are still coming in to congratulate members of the staff. Members of the Senior Citizens Club, who brought a beautiful floral bouquet, as well as residents of the Whim Gardens Home for the Aged, all joined together to dance to the music of the Whim and Jamsey Scratch Bands.

"It was a fine community party for a very special occasion," she said.

MY RESPONSIBILITIES AS A U.S. CITIZEN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. DERWINSKI. Mr. Speaker, Randy Boone of Westchester, Ill., was the first place winner in the local Veterans of Foreign Wars 13th annual Voice of Democracy scholarship program. Randy, a senior at Proviso West High School in Illinois, expressed his ideas on his "Responsibilities as a Citizen," in an essay that was reprinted in the March 19 edition of the West Proviso Herald.

This program offers the students an opportunity to describe their views on the significance of freedom and democracy in their everyday lives and gives us a chance to ponder and reassess our own responsibilities as American citizens.

I am proud to insert into the RECORD Randy's outstanding winning essay:

MY RESPONSIBILITIES AS A U.S. CITIZEN

(By Randy Boone)

The Constitution of the United States contains what is known as the Bill of Rights. This Bill of Rights provides for the protection of fundamental individual liberties. Nowhere in this document is there found a corresponding list of responsibilities, so it is each American's duty to clearly define his personal obligations to the liberties granted to him by the Constitution. I consider my own obligations not as burdensome responsibilities, but as opportunities to willingly pay back part of the great debt I owe this country.

One of this country's greatest gifts to us is the right to choose our leaders by a ballot vote. A responsibility I have is to use my vote wisely by electing the official whom I believe will do the best job in office. By shirking this responsibility I so much as say, "I really don't care what happens to this country." I may even rob the future generations of the freedom I now enjoy, I believe every patriotic and self-respecting American should vote.

Elected representatives of the United States make the laws which govern the populace, and as an American, I have the responsibility of obeying both the letter and thought of the law. I believe my responsibility goes farther than that. I can do many things that are legal that I believe are wrong. The laws of America do not provide for a moral standard which each citizen must follow, so it is the individual's right to decide what to base his own personal standards upon.

My responsibility to myself and my country is to act in the manner I feel will be most pleasing toward God. I have the responsibility to obey the precepts of the Bible, as they provide me with a standard for living and a clear outlook on life in general. Parents, teachers, friends and other responsible persons also provide guidance on moral issues and I have the responsibility of obtaining their counsel and advice.

A precious right of all Americans is that of free speech. We have the right to speak as we wish, for or against an issue. As an American, I have an option and in this country it counts for something. If I hold back my convictions, they profit no one. It is my responsibility to present my opinions, whether they will be accepted or ridiculed. If I find myself with the incorrect point of view on an issue, I am benefitted by new knowledge and if I have a correct view, others may benefit from ideas that I present. I cannot lose and I may help others by speaking out.

Freedom of worship is a valuable gift because many different people pursue God in just as many ways. Americans are allowed to do so without government restriction, and though I may not be of the same faith as another American, I will defend his right to worship as he wishes, along with all his other rights, to the fullest extent.

The word "respect" is dying in this country. Authority is not held in the position of honor it once was. I have responsibilites in this area and will not hide from them. The presidential office is the highest office in this land, perhaps the most important in the entire world.

"The President, along with the U.S. Senate, House of Representatives and other branches of government are quite capable of making bad mistakes, yet I have the responsibility of respecting their office and position, and, as a Christian, of praying for them whether or not they request it.

When an official abuses his office, he shows his own irresponsibility and I need not respect him as an individual but the office itself will still retain its respect in my eyes. If the individual holding the office is corrupt, the American people have no one to blame but themselves; they chose him.

A seemingly minor issue has become a controversial one in the past few years, but my stand is firm. The United States flag is the symbol for my country and is not to be burned, spit upon or otherwise defaced! A person who has that little respect for this country should exercise his right to leave.

I regard my freedom as one of the most precious possessions I have and am willing to fight to preserve this freedom. It is hard to believe that there are people who are willing to have the freedom and not pay the price. I would gladly give my life for this country and what it stands for. I love this country and love is giving; not taking. Millions of lives have been given for this freedom I now possess and I would be very selfish not to be willing to lay my own life down if the need ever arose.

I am thankful for all this country has done for me and will do my best to be the citizen I know I ought to be.

PATENTS AND THE ENERGY PROBLEM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BOB WILSON. Mr. Speaker, while much of our attention currently is directed toward the state of the economy and recent foreign policy setbacks, I am sure that many Members would agree that the energy crisis is an area of paramount concern. Our Nation and our way of life depend on the development and application of technology to meet our future energy demands. I commend to my House colleagues a recent speech delivered by Commissioner of Patents and Trademarks C. Marshall Dann before the San Diego Chamber of Commerce and include Commissioner Dann's text as a portion of my remarks:

PATENTS AND THE ENERGY PROBLEM

It is always a pleasure to be in California, but it is a particular pleasure to have this chance to meet with the San Diego Chamber of Commerce. We bureaucrats from the Department of Commerce have a great interest in the future health of America's free enterprise economy, and it is pleasant to be with a group that shares this interest and is our ally in trying to keep the economy healthy.

You Californians are also leaders in promoting the nation's technological advancement. More patents were granted last year to residents of California than to any other state, by a fairly comfortable margin. While certainly we have problems that stem from our advanced technological situation—those related to the ecology and the environment come most readily to mind—it is equally certain that the solutions to many of our most pressing problems lie in further developments in technology.

Today I would like to talk with you about patents and the energy problem. Patents are, of course, my stock in trade. All of us, faced with striking increases in the price of gasoline, natural gas and fuel oil and with dwindling supplies of these materials, are very much concerned about the energy situation. There is more connection between these two parts of my topic than you might suppose.

Everyone knows in a general way about the patent system, but I find that many people who are not directly involved with it don't have a very clear idea of its details, and have a few misconceptions about it. To speak of patents and inventions conjures up the picture of Eli Whitney and his cotton gin, of Thomas Edison tirelessly inventing in his Menlo Park laboratory, or of the solitary attic or basement inventor. But how does the system really work today?

Let me give you a quick picture of our operation. Last year there were filed in our office 104,000 patent applications. We granted more than 70,000 patents. Each of these covered an invention which a patent examiner, after search and examination, concluded was new, useful and unobvious over what was known previously. These inventions cover a wide range of technology and range from extremely simple, gadget-like devices to the most sophisticated electronic apparatus or chemical processes. About one-third are in the chemical field, a somewhat smaller proportion in the electrical field, and the balance in the general or mechanical area.

Last year about one-third of the applications received came from foreign applicants. This percentage has increased steadily and accounts for most, though not all, of the increase in the total number of applications filed. Ten years ago, for example, 88,000 were filed of which only 22% came from foreigners.

In contrast to the era when the independent inventor made nearly all the inventions, slightly more than three-fourths of last year's were assigned to corporations. The independent inventors are still very much alive, however. While their ranks include a great many ordinary citizens with simple, though ingenious ideas, they also include such people as Chester Carlson, of Xerox fame, or Edwin Land who founded Polaroid. These two illustrate that successful inventions by independent inventors often provide the basis for a new company or even a new industry.

Our office is located in Arlington, Virginia, just across the Potomac from Washington. In fact, we still have a Washington mailing address. On January 2 of this year our name was changed by an Act of Congress from the Patent Office to the Patent and Trademark Office, to recognize our dual function. Trademarks have been handled in our office for as long as they have had official recognition—since 1870. Last year we received about 35,000 trademark applications and registered about 25,000 trademarks. Our total staff is about 2800, of whom 1200 either hold technical or law degrees or both.

Now for a moment let us review the fundamentals—what is a patent and why do we have them?

A patent is a grant by the United States Government of the right to exclude all others from practicing the patented invention for a period of seventeen years. In return, the inventor must make a full disclosure of his invention. As noted before, a patent is granted only when the invention is found to be new, useful and unobvious. The grant is made to the inventor but he may assign his rights to others, such as to his employer.

It is sometimes said that the reason we have patents is to reward inventors, but this is not really the case. The real reason is stated in the Constitution: "to promote the progress of the useful arts." Rewards to inventors are only the means to that end. It is conceived to be in the public interest to have a system which provides incentive for people to make inventions, to invest in research and development, to make new or improved products and processes available to the public, and finally to disclose their new inventions to the public instead of keeping them secret.

The system works and accomplishes its purposes so long as inventors and entrepreneurs have confidence in it, believing that it will give them the rewards and the protection that it is designed to give. This it does not always do. While less than 1% of all patents are ever litigated, only about half of these are held valid by the courts. The figure drops to around 30% when only the cases heard in the courts of appeals are considered.

Because of concern that our office is granting more invalid patents than it should—any number above zero is undesirable—and because of concern that applicants do not always make full disclosure in their applications, there have been attempts over the past nine years to pass a revision of our basic patent law. Some procedural change is needed, but there is danger of overreaction. To maintain incentives, the process of obtaining a patent must not be made so burdensome, hazardous and expensive that no one will embark on it. I am hoping that the 94th Congress will find it possible to enact a statute under which the Office can issue

reliable patents that will be respected in the courts, but that will not be so hard to get that incentives are destroyed.

With this birds-eye view of the patent system, let us turn to the other part of my topic, the energy situation. This situation, which reached crisis proportions so suddenly, is frightening in two ways, first because of its effect on the entire economy, and second, because of the realization finally brought home to us that the supply of the fuels we have depended on is not limitless.

Many factors have contributed to our current economic troubles, but clearly the most pervasive is the reorganization which the economy is going through because of the quadrupling of world crude oil prices. It is estimated that the increase of oil prices added five to eight per cent to our rate of inflation in 1974. The outflow of U.S. dollars to pay for our growing oil imports was about $25 billion in 1974 compared to about $3 billion in 1970. Secretary of Commerce Frederick Dent has said of the $25 billion outflow:

"The $25 billion that we paid for petroleum imports is a financial hemorrhage that we can ill afford . . . if it cost $25,000 of capital investment to create a job in America, the $25 billion worth of crude petroleum imports in 1974 have exported the capital required to create one million new jobs in America."

President Gerald Ford last month sent to the Congress an interrelated set of proposals for bolstering the economy and alleviating our energy problems. The program as to energy was divided into three parts: the near-term efforts for the next two years; the mid-term program covering the next ten years; and finally, actions whose effects are not expected to appear until 1985 or thereabouts.

For the near term, the program would aim at reducing demand by the imposition of taxes on crude oil, and stimulating domestic supply, by means of price decontrols. For the mid term, the thrust will continue toward increased domestic oil supply and energy conservation measures, and also toward substantial conversions from the use of oil and gas to that of coal and nuclear energy.

If the President's near-term and mid-term programs are implemented, we will have achieved the capacity for energy independence by 1985. This means 1985 imports of no more than three- to five-millions barrels of oil a day, with a strategic storage system adequate to cope with emergency situations. Obviously, this energy self-sufficiency can be attained only with some sacrifice. The next ten years will not see the cheap and abundant energy resources that we have taken for granted. Needless to say, if we do not have prompt action on some kind of energy program, the picture will be much darker.

Based on past experience with American ingenuity the prospects for the long term, beyond 1985, are brighter. If we follow policies conducive to the development of new technology, the United States can again take care of its own needs and help the rest of the world to achieve energy price stability—as the nation did prior to the 1960's when it was a major supplier of world oil.

The President's long-term energy program will largely utilize technology that has not yet been developed or commercialized. The new Energy Research and Development Administration (ERDA) was activated on January 19, 1975. ERDA will bring together in a single agency the major federal energy R. & D. programs. ERDA consolidates functions previously handled by the AEC, the Department of the Interior, the National Science Foundation, and the Environmental Protection Agency.

In the current fiscal year, the government has already greatly increased its funding for energy research and development programs. The President's 1976 budget continues to emphasize these accelerated programs. They include research and the development of technology for energy conservation and on all forms of energy, including the fossil fuels, nuclear fission and fusion, solar and geothermal.

In a nutshell, this is the President's program. There is always the possibility of some great technological breakthrough which can be effective in less than ten years, but the odds are against it.

Now if you had a problem to solve which required inventive technical solutions, you would think that in addition to supplying whatever funds were available and could sensibly be used for research programs, the one thing you would try to do would be to provide all the incentives possible to encourage persons and companies having technical ocmpetence to exert themselves to solve your problems. In spite of this almost self-evident proposition, there are strong voices in the Congress and elsewhere, though fortunately not speaking for the Administration in this regard, who are much more concerned with dividing up rights in whatever technology we have or may create than in providing the best climate for the creation of new technology.

They urge the following policies:

1. All inventions arising out of Governmentally funded research should belong to the Government, to the exclusion of the contractor.

But this tends to discourage participation in Government programs by the most competent organizations.

2. The Government should never grant an exclusive license under a patent which it owns.

But this will sometimes mean that the invention will be practiced by no one.

3. Anyone taking on a Government R. & D. contract must provide so-called background rights, i.e., licenses under his own privately developed patents and technology.

This tends to *insure* that the most competent and experienced firms will not seek the contract, since they have usually invested a great deal of money in acquiring their technology.

4. Patents held by private companies in the energy field must be subject to compulsory licensing to ensure that the benefits are available to all.

This provides a powerful disincentive for any private concern to do any research at all in the energy field.

On this fourth point, it should be mentioned that it has long been the law that the courts will not grant injunctions to prevent the public from using an invention essential to the public safety or welfare. This seems to me and to the Administration as large an exception as is needed to protect the public. To go farther will dilute incenitves and hamper our progress toward energy self-sufficiency.

Actually, if the patent system has any virtue and if it helps to achieve the Constitutional objective of promoting the progress of the useful arts, as has been supposed for 185 years, then it is needed in the energy situation. The more important the technological goal, whether it be energy, the environment, medicine or anything else, the more important become the incentives which patents provide.

To solve our energy problems, prompt national action is needed. The President's program is a comprehensive one, well calculated to meet the situation. What Congress may ultimately do is not yet known, but let us hope that whatever program is adopted will make full use of the incentives of the patent system.

CURRENT U.S. AID TO SAIGON TWICE ENEMY AID, MORE THAN EARLIER YEARS, PENTAGON SAYS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. LEGGETT. Mr. Speaker, a written response I have recently received from the Department of Defense should set to rest a number of myths concerning the level of U.S. military aid to Saigon.

First, it is not true that we are giving less than in previous years as a result of congressional "niggardliness." Total military aid deliveries in fiscal 1974 were $989.5 million. Total planned deliveries in the current fiscal year ending July 1, are planned to be slightly greater: $1 billion even. In addition, there is an additional $140 to $185 million Congress has appropriated but which the Pentagon has no plans to deliver. So let us not blame Congress for a reduction.

Second, the enemy forces have not received more outside support than the Saigon forces. On the contrary, in the past year we have given Saigon 2½ times as much as North Vietnam has received from the Soviet Union and China combined. These are not my figures; they are the Pentagon's.

Specifically: Total Soviet and Chinese military aid delivered to North Vietnam in calendar year 1974—this is 6 months earlier than fiscal 1975, but the difference is not significant, and in any case it is the best comparison the Pentagon can make—was $400 million. Total U.S. military aid delivered to Saigon for fiscal 1975 is, as I have said, $1 billion even.

We have heard how Saigon is running out of ammunition. But here, too, General Thieu is far better supplied than his enemy. According to the Pentagon figures, China and the Soviet Union delivered $170 million worth of ammunition to North Vietnam in 1974. During the comparable period, $268 million was available for ammunition to Saigon: 58 percent above the Communist figure. The Pentagon has not supplied me with a figure for U.S. ammunition deliveries, which would give us a more valid comparison with Communist deliveries.

But we do know that overall U.S. military deliveries to Saigon, which include some appropriations from prior years, have exceeded current appropriations by 30 percent. If ammunition deliveries have followed this pattern, and there is no reason to believe they have not, they have been $348 million: 105 percent above the Communist figure.

Third, military aid we have given has been dropped on the battlefield. Senator JACKSON estimates $1 billion worth of equipment was abandoned within 48 hours, while this estimate is higher than most, it is clear that at least $2 billion has been abandoned within the past 2 weeks. This exceeds our deliveries over the past 2 years. It exceeds the Soviet and Chinese deliveries to North Vietnam over the past 5 years combined. It exceeds the

annual gross national product of South Vietnam.

Abandoned military equipment includes more than small arms and ammunition, although a great deal of that was left to the enemy. It includes long-range, 155-millimeter artillery pieces with ammunition. It includes aircraft and helicopters with fuel, fully equipped and ready to fly.

This equipment was not destroyed in combat. It was not spiked by Saigon troops slowly retreating under fire. It simply left in place in a rout, unused, and fully operable for the enemy to use.

It is obvious nonsense to argue that more equipment would have saved the day. It is obvious that, if the Siagon forces had had ten times as much equipment, there would simply have been ten times as much equipment left on the field for the Communists to pick up.

In summary, we have been engaged in a program of military aid to North Vietnam, giving them free major pieces of military equipment that have never been fired and only dropped once. The administration says Congress is at fault for not doubling this program. I say the program may be a good deal for the North Vietnamese, but I cannot see it as a good deal for the American people.

FEDERAL REGULATORY AGENCIES SPUR INFLATION, STRANGLE ECONOMY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ASHBROOK. Mr. Speaker, the Federal regulatory agencies supposedly serve the public interest. In point of fact, however, many of these agencies are injuring the public.

All too often agency decisions have damaged our economic well-being. They have spurred inflation and strangled the economy.

It is estimated, for example, that Interstate Commerce Commission regulations have cost the consumer $5 billion to $10 billion a year in higher prices. Air fares mandated by the Civil Aeronautics Board are 40 percent to 70 percent higher than they would be without CAB interference. Experts say that in 1975 an American family of four will pay $264 in extra costs because of such Federal regulations.

The businessman is especially aware of the high cost of Government regulations. A study conducted by the American Enterprise Institute shows business spends over 130 million man-hours each year filling out forms from the Government.

It is time that the Congress reassessed the impact of the Federal regulatory agencies on our economy. In too many cases these agencies are not forwarding the public interest.

Following is the text of an article on the Federal regulatory agencies from the March 30, 1975, edition of the Mansfield, Ohio, News Journal:

SACRED COWS—PROTECTIVE REGULATIONS HARD TO CHANGE

(By Mike Feinsilber)

WASHINGTON.—This is the story of a herd of cows that will not die. Some people say these cows, unlike ordinary cows, milk people.

These "sacred cows," as economists call them, are the government agencies, rules, codes, standards and laws that have powerful friends and are hard to nudge toward change.

They are said to diminish competition, worsen inflation, reward inefficiency and shelter sloth. President Ford has denounced them but seems unable to do much more.

Those who hate the sacred cows like to cite fresh dressed chickens.

After the Supreme Court ruled that fresh dressed chickens are an agricultural commodity and exempt from regulation by the Interstate Commerce Commission, anyone was free to transport them. In the resulting competitive battle, shipping prices soon fell 33 per cent.

Among the sacred cows are rules that require trucks on certain occasions to travel empty, prohibit airlines from cutting fares, limit how much interest banks can pay depositors and forbid private companies to compete with the Postal Service in delivering first-class mail for a fee.

Prof. Hendrik S. Houthakker of Harvard, former member of the President's Council of Economic Advisers and an expert on the subject, has compiled a list of 45 sacred cows he would like to see sacrificed.

He told Congress late last year the government too often was responsible for lack of competition, which he blamed for the peculiar "stagflation" of 1974—simultaneous inflation and economic stagnation.

If competition were sufficiently widespread, he said, prices would have fallen, combatting inflation. Falling prices would have spurred consumer buying and helped overcome recession.

Yet, he charged, the government frequently either fails to intervene in the market to promote competition through strict enforcement of antitrust laws, or it intervenes to discourage competition through its maze of regulatory procedures.

"The list of industries where the government thwarts the beneficial action of market forces, usually at the behest of trade organizations or labor unions, is long indeed and still growing," he said.

In a speech Oct. 7, Lewis A. Engman, chairman of the Federal Trade Commission, accused his fellow federal regulators of raising costs unnecessarily.

"Most regulated industries have become protectorates, living in a cozy world of cost-plus, safely protected from the ugly specters of competition, efficiency and innovation," he said.

As examples, Engman Cited:

The Civil Aeronautics Board's failure to approve entry of any new trunk carriers in the market since 1938. He said it had rejected a British airline's application to fly regularly scheduled flights between New York and London for a little more than one-third the regular "economy" fare.

—The high costs resulting from the Interstate Commerce Commission's barriers against new entries in a market where rates are fixed by trucking groups with the ICC's blessing. He cited what happened to prices when shipment of fresh dressed poultry was freed of ICC regulation.

—The Jones Act, which bars foreign ships from carrying freight between U.S. ports.

—State laws against advertising the prices of eye-glasses or prescription drugs. In California, where eyeglass price advertising is prohibited, a pair of single-vision glasses with metal frames sells for $60. In Texas, where such ads are permitted, the same glasses sell for about $20.

A week after Engman's speech, President Ford made his "Whip Inflation Now" address before a joint session of Congress. In it, he asked Congress to establish a study commission to help "identify and eliminate existing federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The House did nothing. One Senate committee held hearings. Nothing was enacted.

One reason is that recession quickly bypassed inflation as Congress' chief preoccupation. But even if Congress had paid full attention, reform would not have been easy.

It raises far-reaching questions about the proper role of government in a capitalistic democracy. It also raises suspicions among liberals that conservatives, who favor a minimum of government interference anyway, might see regulatory reform as a chance to dismantle the institutions liberals have erected since the New Deal.

Then there is the coziness between many regulators, who operate independently of the President and Congress, and the industries they are supposed to regulate and from which they often hire their staffs.

"The wining and dining of regulatory 'watchdogs' by the interests they are obliged to control arouse the suspicion that at all times the consumer may not be the paramount subject of concern," said Sen. Robert Taft, Jr. (R-Ohio).

When reform is advocated, the issues tend to become more philosophical—and political.

Should farmers be required to meet federal standards for sheltering migratory strawberry pickers, even if that raises the price of strawberries? Are depositors whose savings earn interest at government-limited rates subsidizing homebuyers, who benefit by borrowing at lower interest rates than they otherwise would have to pay?

To try to establish the true price of regulation, Ford and Sen. Robert Dole (R-Kan.) want Congress to attach "inflation impact statements" to legislation it is considering. But such calculations are difficult to make and often disputed.

Murray Weidenbaum, former assistant treasury secretary in the Nixon administration, says federal safety and anti-pollution standards account for $319.51 of the price of a new car, or an extra $3 billion for the nine million persons who bought cars last year.

The Environmental Protection Agency says "measurable damages" from auto pollution cost $11.2 billion a year, more than double the amount spent to control it.

The government's Council on Environmental Quality says pollution controls "are not having and will not have a significant impact upon the rate of inflation."

Weidenbaum says the taxpayer "does not get a 'free lunch' by imposing public requirements on private industry" but actually pays a "hidden tax" in higher consumer prices to pay for them.

Those who would use regulation to shield themselves from competition seem to have as much clout in Congress as ever.

At the time Ford was advocating reform, Congress approved a bill that would have required 30 per cent of imported oil to be carried in American-owned tankers, and surely would have boosted soaring oil costs even higher. Ford vetoed it.

But there also is evidence of changing attitudes.

Although Ford's proposal for a national commission has died in Congress, two Sen-

ate committees plan to conduct their own $750,000 reform study, concentrating on transportation. Legislators are getting mail protesting CAB-fixed air fares, and the 87-year-old Interstate Commerce Commission is getting a lot of the blame for the railroads' demise.

Some regulators are taking notice.

The CAB recently withdrew proposed guidelines for minimum charter flight fares after the Justice Department said they amounted to illegal price fixing. The ICC shocked the rail industry by blocking a proposed seven per cent increase in freight rates, a move almost unheard of.

And Engman's FTC has begun to intervene in the public's behalf in matters governed by other regulatory agencies.

The sacred cows are on the defensive, if not on the run.

CLO HOOVER

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BELL. Mr. Speaker, on Friday, April 18, 1975, in the Miramar Hotel in Santa Monica, the honorable Clo Hoover, retiring mayor of Santa Monica, will be honored at an appreciation testimonial dinner sponsored by the Santa Monica Chamber of Commerce and 32 other community organizations.

A 20-year resident of Santa Monica, Mrs. Hoover has made an astonishing number of specific contributions in the service of her community. She is past president of the Santa Monica Breakfast Club, the Santa Monica Hospital Auxiliary, and the founder president of the Rehabilitation Service Guild. With the Santa Monica Chapter of the American National Red Cross, she has served as chairman of the nurses' aides, chairman of volunteers, and member, secretary, and vice-chairman of the board of directors. She has chaired the Bay Area Drives of the American Cancer Society, the Mothers' March of Dimes, the Community Chest, and the Santa Monica Sister City program. In addition, she serves on the Intergovernmental Committee of the National League of Cities, and this year is chairman of the 1975 Red Cross Fund Campaign.

A businesswoman of long-standing, Mrs. Hoover was cofounder and member of the board of directors of Ocean State Bank, and chairman of the board and treasurer of the 301 Ocean Avenue Corporation. She also serves on the Advisory Board of Directors for the Heritage-Wilshire Bank.

As early in her public career as 1956, Clo Hoover was named "Woman of the Year" of Santa Monica. She has received the achievement award of the Los Angeles County Medical Association, and was awarded an honorary fellowship by the American College of Hospital Administrators. She was appointed chairman of the American Hospital Association Council on Hospital Auxiliaries and Coordinating Council. She served 11 years on the Los Angeles County Hospital Advisory Commission. She was honored with a gold medallion and the "Sebradores of Armistad" certificate—Sowers of Friendship—by Mazatlan, Mexico. And just this year in January, Mrs. Hoover was awarded the DAR Hoover Medal.

First elected to the Santa Monica City Council in 1961, Clo Hoover was reelected three times, served as mayor pro-tempore two terms, and as mayor for the last 2 years. She will continue to serve on the Republican State Central Committee of California.

In addition to all of these achievements, Mrs. Hoover is the proud mother of five and grandmother of 19 grandchildren. She is one of the best liked and most respected members of her community, as her record attests. She has been a major force behind the health and prosperity of the citizens of Santa Monica, I am certain that no person, upon retiring from political office, ever took with her the good wishes of a large group of friends and associates.

For these reasons, Mr. Speaker, it is with special pleasure that I call attention to the dinner honoring Clo Hoover on April 18 when her friends will gather to recall old times and show her something of our profound admiration, gratitude, and respect.

OPEN HOUSE-SENATE CONFERENCES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, during our discussion of the Tax Reduction Act conference report just prior to the recess, the gentleman from Montana (Mr. BAUCUS), expressed his frustration at being denied access to the conference session in order that he might learn what was in the report. He noted that while he and even Ways and Means Committee members who were not conferees were prohibited from sitting in on the session, numerous bureaucrats were permitted to attend. He went on to raise the question, and I quote:

I am wondering if, the next time the joint conference committee meets between the Senate and the House, if the gentleman will urge the Senate to agree to open the meetings, because I think people in the country are a little bit concerned about backdoor, backroom politics, and they want full meetings as much as possible. I hope the gentleman will urge the Senate to open the meetings.

The chairman of the Ways and Means Committee, the gentleman from Oregon (Mr. ULLMAN), responded:

It has never been done. I am not going to be adverse to doing it. I think one can make an argument for doing it. The Senate has not passed rules that correspond to the House as of yet. If they would have, I am sure this conference would have been open.

Later, during that same debate, the gentleman from Illinois (Mr. MIKVA) said:

Let me say that I do not like closed conferences either. It is my intention as a member of the committee, as soon as we get back into the committee, to see what we can do about forcing the Senate to change its rules, even if that means in fact that we have to be as intransigent as they were during this conference.

Mr. Speaker, I think it's interesting to note that all manner of credit was given to the Democratic Caucus for pushing through a new House rule on "open conferences." That rule was adopted by the House on January 14 as part of our overall action on the rules of the 94th Congress. The new rule, authored by the gentleman from Florida (Mr. FASCELL) in caucus, is now clause 6 of House Rule XXVIII, and reads as follows:

Each conference committee meeting between the House and Senate shall be open to the public except when the managers of either the House or Senate, in open session, determine by a rollcall vote of a majority of those managers present, that all or part of the remainder of the meeting on the day of the vote shall be closed to the public: Provided, That this provision shall not become effective until a similar rule is adopted by the Senate.

Mr. Speaker, despite the fact that both the Democratic Caucus and Republican conference of the Senate have approved an identical rule, it has not yet been incorporated in the rules of the Senate. Thus, even the House rule is not now in effect since it is contingent on action by the Senate. But even if the Senate should incorporate such a provision in its rules, it still permits the other body to dictate whether a conference session shall be open or closed since a majority of conferees of either body may vote to close a conference session.

Mr. Speaker, prior to last year there were practically no open House-Senate conferences. Last year, according to a Congressional Quarterly survey—Congressional Quarterly, February 8, 1975, page 290—there were 12 conference committees which voluntarily opened their meetings to press and public, including one on the all-important strip mine bill. The article goes on to point out that those open conferences tended to disprove the claim that public scrutiny would disrupt the conference process. Nevertheless, only 12 open conferences out of a total of 180 conferences in 1974 is not exactly a sparkling track record—a mere 6.7 percent of the total.

Mr. Speaker, recognizing the continued resistance to open conferences from the other body and the deceptive nature of the open conference rule we adopted here last January 14, I introduced House Resolution 117 on January 29, 1975, a revised House rule XXVIII, clause 6, which would truly have the effect of opening all House-Senate conferences, without exception. My proposed rule reads as follows:

Each conference meeting between the House and Senate shall be open to the public. The explanatory statement accompanying each report made by a committee of conference shall include a statement affirming full compliance with this clause, and it shall not be in order to consider any report which does not include such a statement.

In other words, Mr. Speaker, our conferees would in effect be prohibited from participating in a closed conference meeting with the other body. If the con-

ferees do not confirm in their conference report's explanatory statement that all sessions were open, a point of order could be raised against the conference report on this ground alone. There is no provision in my proposed rule for a vote by the conferees to close any conference meeting. I think this is the only way we are going to insure that conference meetings shall be open. If the conferees from the other body recognize from the outset that their efforts will be in vain if they are conducted behind closed doors, I am sure that a new spirit of openness will prevail.

Mr. Speaker, since I first introduced House Resolution 117, I have reintroduced it on two occasions with cosponsors which now total 73. I would hope that the Rules Committee will give early consideration to this and the other eight "open house amendments" which I have introduced with a bipartisan group of over 100 cosponsors. On March 19, 1975, I wrote to the chairman of the Rules Committee (Mr. MADDEN) requesting hearings on these proposals. At this point in the RECORD I include the text of that letter. Following that, I include a list of the cosponsors of my open conference resolution, and an article from the Chicago Tribune on the subject of closed House-Senate conferences.

The articles follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1975.

Hon. RAY J. MADDEN,
Chairman, Committee on Rules, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of myself and a bipartisan group of over 100 cosponors to request that the Rules Committee hold hearings on nine "Open House Amendments of 1975," first introduced as H. Res. 110–117 and H.R. 2287. Seven of these resolutions would amend various portions of the House rules, another would provide for the broadcasting of House floor proceedings, and the bill would amend the 1970 Legislative Reorganization Act by providing a procedure for considering and amending the House rules at the beginning of a new Congress. All nine of these measures have been referred to the Rules Committee as a matter of original jurisdiction. A summary of each, along with the number of cosponsors and a list of the cosponsors, is included in the RECORD reprint attached to this letter. I think I should also point out that in addition to myself, four other Members of the Rules Committee have cosponsored these reforms.

I think the fact that nearly a quarter of the House membership has cosponsored further House reform through my "Open House" package is a clear indication that there is still substantial interest in and support for additional improvements in our procedures. I would hope the Rules Committee could respond to this strong interest in reform by scheduling hearings on the "Open House" amendments soon after the recess.

I look forward to receiving your response to this request.

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

COSPONSORS OF OPEN CONFERENCE RESOLUTION

James Abdnor (R-S. Dak.).
Bella S. Abzug (D-N.Y.).
Mark Andrews (R-N. Dak.).
William L. Armstrong (R-Colo.).
L. A. (Skip) Bafalis (R-Fla.).
Robert E. Bauman (R-Md.).
Alphonzo Bell (R-Calif.).
Edward G. Biester, Jr. (R-Pa.).
Clarence J. Brown (R-Ohio).
James T. Broyhill (R-N.C.).
Clair W. Burgener (R-Calif.).
James C. Cleveland (R-N.H.).
Thad Cochran (R-Miss.).
William S. Cohen (R-Maine).
Silvio O. Conte (R-Mass.).
Lawrence Coughlin (R-Pa.).
Samuel L. Devine (R-Ohio).
Pierre S. du Pont (R-Del.).
David F. Emery (R-Maine).
John N. Erlenborn (R-Ill.).
Edwin D. Eshleman (R-Pa.).
Millicent Fenwick (R-N.J.).
Hamilton Fish, Jr. (R-N.Y.).
Bill Frenzel (R-Minn.).
Louis Frey, Jr. (R-Fla.).
Sam Gibbons (D-Fla.).
Benjamin A. Gilman (R-N.Y.).
William F. Goodling (R-Pa.).
Charles E. Grassley (R-Iowa).
Gilbert Gude (R-Md.).
Tom Hagedorn (R-Minn.).
James F. Hastings (R-N.Y.).
Andrew J. Hinshaw (R-Calif.).
Frank Horton (R-N.Y.).
Marjorie S. Holt (R-Md.).
Henry J. Hyde (R-Ill.).
James M. Jeffords (R-Vt.).
James P. Johnson (R-Colo.).
Robert W. Kasten, Jr. (R-Wis.).
Richard Kelly (R-Fla.).
Jack F. Kemp (R-N.Y.).
Thomas N. Kindness (R-Ohio).
Robert J. Lagomarsino (R-Calif.).
Delbert L. Latta (R-Ohio).
Norman F. Lent (R-N.Y.).
Trent Lott (R-Miss.).
Manuel Lujan, Jr. (R-N. Mex.).
Robert McClory (R-Ill.).
Stewart B. McKinney (R-Conn.).
Andrew Maguire (D-N.Y.).
James G. Martin (R-N.Y.).
Spark M. Matsunaga (D-Hawaii).
Clarence E. Miller (R-Ohio).
Carlos J. Moorhead (R-Calif.).
Charles A. Mosher (R-Ohio).
George M. O'Brien (R-Ill.).
Peter A. Peyser (R-N.Y.).
Joel Pritchard (R-Wash.).
Ralph S. Regula (R-Ohio).
John J. Rhodes (R-Ariz.).
Philip E. Ruppe (R-Mich.).
Ronald A. Sarasin (R-Conn.).
Patricia Schroeder (D-Colo.).
Richard T. Schulze (R-Pa.).
Keith G. Sebelius (R-Kans.).
Garner E. Shriver (R-Kans.).
Stephen J. Solarz (D-N.Y.).
J. William Stanton (R-Ohio).
Fortney H. Stark (D-Calif.).
Alan Steelman (R-Tex.).
Charles Thone (R-Nebr.).
Larry Winn, Jr. (R-Kans.).

[From the Chicago Tribune, Mar. 31, 1975]

CONGRESSMAN FINDS WELCOME VETOED BY "PALS"

(By Arthur Siddon)

WASHINGTON.—Max Baucus stormed onto the House floor as mad as a fettered bull back on his family's Montana ranch.

The freshman Democrat had just been ousted from the House-Senate conference where the final touches were being put on what was to become the $22.8 billion tax cut bill.

"I was told to leave," Baucus complained incredulously to the first colleague he saw. "I'm a congressman! I've got to vote on that bill, and they kicked me out. Those guys are playing backdoor politics."

Baucus had just learned one of the facts of life on Capitol Hill—nobody, not even a member of Congress, is allowed to penetrate the secrecy of House-Senate conferences.

Often called the third body of Congress, conferences are where the concessions and compromises are hammered out between House and Senate versions of the same legislation—where the accommodations are made and deals struck.

"It's no wonder that so many people mistrust their government when they insist on secrecy in making such crucial decisions," complained Baucus.

Baucus said in the few minutes he was in the conference room he saw a lot more people than just the 10 senators and seven congressmen assigned to the conference.

There were, he said, "more than 100 congressional staff members" along with Treasury Secretary William Simon and his staff. Simon, it appeared to Baucus, was having more say on the tax cut bill than were most members of Congress.

What troubles Baucus and a growing number of others on Capitol Hill is that it is traditionally in conference that special interest amendments benefiting just a few persons but costing the taxpayers millions are added to bills.

These amendments often go unnoticed when the House and Senate give the bill final approval, but come back to haunt the congressmen at election time.

For example, last year a minor bill having to do with import duties for upholstery needles was decorated lavishly with special tax breaks while in conference.

"When a small handful of men make important decisions in secret, that in itself becomes an issue," said Sen. William Roth Jr. [R., Del.], a leading Senate advocate for opening conference meetings to the public.

Attempts to pierce the conference secrecy to prevent under-the-table deals date to 1789, but many reformers are more hopeful this year—partly as a result of the Baucus incident.

A House rule, pushed thru by the Democratic caucus in January, requires House conferees to ask for open sessions with the Senate. But, if the Senate refuses, they are closed.

Rep. Al Ullman [D., Ore.], chairman of the Ways and Means Committee, apologized to Baucus on the House floor for the treatment he received in the conference, but said there was nothing he could do.

Ullman said he has no objection to opening up conference meetings, but the tax cut conference was closed because the Senate insisted on it. However, Sen. Russell Long, chairman of the Senate Finance Committee, said it was Ullman who requested the closed session.

Two members who claimed to be outraged by the Baucus incident—Reps. Louis Frey [R., Fla.] and Abner Mikva [D., Ill.]—vowed to push for a new House rule preventing House members from even meeting in conference with the Senate if the meetings are closed.

Ullman and Rep. Dan Rostenkowski [D., Ill.], a member of the tax cut conference, both said they are willing to have open conferences. But there seemed to be a general agreement among most conferees privately that the tax cut bill was not the place to start.

The tax cut, considered emergency legislation, was complex and controversial, Rostenkowski said. Opening the meetings would have made it harder for some members to compromise and would have delayed passage of the bill.

"Sure, it's harder to come to an agreement when you have to do it in the full glare of publicity, but that's what a democracy is all about," said Mikva.

Congress had limited experience with open conferences last year when the House and Senate agreed to open the meetings on 12 different bills. In only one incident—the conference on the strip mining bill—was there any controversy.

In that case John McCormick, a lobbyist for the Coalition Against Strip Mining, said he was able to change a congressman's vote by reporting to the folks back home what the congressman said in conference.

There also is a difference of opinion on how much good opening conferences will accomplish.

Rep. Richard Bolling [D., Mo.], one of the strongest voices for reform in Congress, supports open conferences but still has his doubts.

"Sunshine laws kid the public," he claims. "They imply a total openness and there never will be."

Deals still will be made in secret, he fears.

"If we have to meet in our wives' boudoirs—if they still have such things—we will," he said.

"I know that," replied Mikva. "Ullman and Long still will go out to lunch together—as they did last Monday—and trade Park Place for Boardwalk, but that's no excuse for not opening up conference meetings."

PRO AMERICA RESOLUTIONS—PART II

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ROUSSELOT. Mr. Speaker, yesterday I inserted in the RECORD the first 5 resolutions—out of 20—that were adopted in April 1974, by the National Association of Pro America. I stated at that time that I would continue inserting these resolutions in subsequent RECORDS in order that my colleagues can be made aware of the views of this dedicated group of American women.

The full text of resolutions 6 through 11 follows:

[No. VI, 1974]

FOR CONTINUED U.S. OWNERSHIP OF THE PANAMA CANAL ZONE

Whereas Secretary of State Henry Kissinger has now completed Notes of Signatory to give away the Panama Canal Zone, in spite of the fact that the Panama Canal is the key strategic point in the Western Hemisphere and the greatest single symbol of United States prestige; and

Whereas surrender of the Canal to the pro-communist dictatorship of the most unstable country in Central America would accomplish the objectives of Marxist control of the Caribbean, leaving the Western Hemisphere and international shipping at the mercy of Russia via Cuba and Marxist allies, and would be of enormous help in communist Russia's relentless drive to dominate the waterways of the world; and

Whereas disgraceful concessions by officials of the State Department over the years have only resulted in increasing demands and threats of violence on the part of the radical, pro-communist Panamanians; and

Whereas consenting to blackmail in this instance, in addition to the irreparable damage to the security of the United States and the rest of the free world, might invite challenges to all other purchased lands such as the territory acquired in the Louisiana Purchase and the territories which became the States of Arizona and Alaska; and

Whereas contrary to the erroneous impressions created by Marxist propagandists and so-called "intellectuals" that the United States is guilty of colonialism and repression of the Panamanians, the United States legally purchased the land, paid every country and person involved, has borne every expense of building and maintaining the Canal since its acquisition through the Hay-Bunau-Varilla Treaty of 1903, has operated the Canal as an interoceanic public utility available to the maritime nations of the world at just and reasonable tolls, and is responsible for the fact that the people of Panama have the highest standard of living in Central America; and

Whereas power to dispose of territory or other property of the United States is vested by Article IV of the Constitution in Congress and not in the Senate alone through the process of treaty ratification, and this fact is well known by members of the House of Representatives; and

Whereas Congressman John Rarick has charged that Mr. Kissinger, in order to circumvent this provision of the Constitution and accomplish the surrender of the Canal Zone, and because he knows he would not have the support of the House, has invented a clever scheme of not actually "giving" away the Canal Zone, but just giving away sovereignty, control of the police force and administration of everything else involved in this multi-billion dollar operation; now, therefore,

Be it resolved That the National Association of Pro America oppose the surrender of any part of the sovereignty, control or administration of the Panama Canal Zone.

DOCUMENTATION

"Giveaway of the Panama Canal", *The Phyllis Schlafly Report*, Feb. 1974.

"Firm Stand in Panama Necessary", Rep. Daniel J. Flood, *DAR Magazine*, Feb. 1974.

"Panama May Fight If Congress Balks at Canal Agreement", *Houston Chronicle*, 2–10–74.

Rep. John Rarick, excerpts from talk at SAR George Washington dinner, Feb. 19, 1974, Houston, Texas.

"The Panama Canal: Stop the Sellout", James J. Kilpatrick, *Human Events*, 3–4–74.

"State Department Sell-out of Panama Canal . . . .", Robert S. Allen, *Inside Washington*, Jan. 28, 1974.

[No. VII, 1974]

LIMIT FEDERAL SPENDING

Whereas deficit spending by the federal government has been a plague on this nation for over a third of a century and both the Legislative and Executive branches have repeatedly demonstrated unwillingness to stand against political pressures to spend beyond United States means; and

Whereas a positive and constitutional method of limiting excessive federal spending has been proposed in the Liberty Amendment which would prohibit the federal government from engaging in any business in competition with private enterprise unless specifically authorized by the Constitution; and

Whereas the elimination of all unconstitutional spending, such as foreign aid, credit to foreign countries through the Export-Import Bank to finance trade, and federal dole (known as "welfare"), would drastically reduce federal expenditures, debts, and taxes; now, therefore,

Be it resolved, That the National Association of Pro America call upon Congress to restore fiscal sanity to the United States government through (1) elimination of all unconstitutional spending and reduction of the national debt on an annual basis and (2) support of the Liberty Amendment.

DOCUMENTATION

"Where The Money Went" by Willis Stone.

[No. VIII, 1974]

MISUSE OF TAXPAYER DOLLARS BY THE EXPORT-IMPORT BANK

Whereas the Export-Import Bank is a United States Government institution which loans money and guarantees loans at low interest rates to finance exports of United States products; and

Whereas the Export-Import Bank is in the process of lending or guaranteeing loans of millions of tax dollars of United States citizens to Communist Russia and the Arab countries to be used for oil exploration, drilling, pipelines, pumping stations, storage facilities and marine terminals; and

Whereas these loans and guarantees will further aid countries which are unfriendly to the United States, reduce this country's ability to develop its own facilities, increase its deficit spending and inflation, contribute to its balance of payments deficit and increase its dependence on communist controlled oil; and

Whereas the United States has enormous reserves waiting to be tapped but is suffering an extreme shortage of oil due to curtailment of production through government interference and controls; now, therefore,

Be it resolved That the National Association of Pro America demand that Congress prevent misuse of taxpayer money in the extension of low interest loans by the Export-Import Bank to finance Communist Russia and Arab oil production, distribution and storage.

DOCUMENTATION

"Ex-Im Bank to Finance Pipelines for Arabs"—Thos. J. Foley, Times Staff Writer—L. A. Times, Jan. 11, 1974.

[No. IX, 1974]

OPPOSE FEDERAL LAND CONTROL

Whereas federal land use policy and planning legislation would seriously undermine a fundamental concept of the United States Constitution, namely the private ownership of land; and

Whereas under the broad terms of such legislation, the federal government will be able to assume authority over the disposition of land throughout the country, imposing guidelines on States and local communities and overturning local zoning decisions; and

Whereas such legislation proposes, among other things, (1) enormous federal grants for controlling land use and development in "areas of critical environmental concern" (as defined by bureaucrats), (2) requirement that builders in undeveloped areas be forced to buy and preserve open spaces to insulate them from further building, and (3) federal government take-over of private land at the discretion of the Secretary of the Interior (price to be determined by the courts), upon the owner's death; and

Whereas such legislation, by putting all community land planning under federal bureaucratic control, would have a disastrous effect on local property taxes vital for support of public services, and upon residential development and industrial expansion; and

Whereas the Founders of this country believed that God bestowed their rights to life, liberty and property and that governments were instituted among men to protect those rights, and they incorporated these beliefs in the United States Constitution; and

Whereas the Communist Manifesto lists as its first step into a Socialist State "Abolition of property in land and application of all rents to public purposes"; now, therefore,

Be it resolved That the National Association of Pro America alert its members to the inherent dangers of federal land use policy and planning legislation and urge continued opposition to such radical legislation.

DOCUMENTATION

Tax Fax No. 132, from *The Independent American*.

Santa Ana Register, 1–27–74, "How EPA Hopes to Win."

Santa Ana Register, 1–20–74, "All Construction To Be Regulated."

"Beware Government Land Control", reprint from *Review of the News*, 8–22–73.

Network of Patriotic Letter Writers, 6–21–73.

"Big Brother and the Land", *Don Bell Reports*, 1–12–73.

[No. X, 1974]

OPPOSE LEGALIZATION OF MARIJUANA

Whereas reputable physicians and psychiatrists after five years of observation and clinical experience now consider marijuana to be extremely dangerous; and

Whereas most physicians and psychiatrists now agree (1) that the effects of marijuana are cumulative, (2) that the habitual use of marijuana leads to lack of coherence and increased pathological thinking processes, and (3) that prolonged use induces character change similar to that seen in organic brain disease; and

Whereas subversive forces are at work in this land which have as their objective the destruction of American youth, families and the nation (a chief spokesman for the Communist party has said, "We will destroy a generation of your youth and you will have no one to defend you"); and

Whereas marijuana could well be a major tool chosen for the destruction of American youth; now, therefore,

Be it resolved That the National Association of Pro America undertake an extensive campaign to publicize the recent findings of reputable physicians and psychiatrists as to the dire effects upon health, mental processes and personality caused by the use of marijuana; and

Be it further resolved That the National Association of Pro America oppose the legalization of marijuana and make every effort to expose the forces responsible for encouraging the use of marijuana by American youth.

[No. XI, 1974]

OPPOSE SEABED TREATY

Whereas the proposed Seabed Treaty would give the resources of the seabed beyond the depth of 200 meters to an international regime under the direction of the United Nations, thereby making the United Nations financially completely independent in its drive toward world government; and

Whereas the African States already wield tremendous control in the General Assembly and will have some twenty-five votes alone on the Seabed Committee, and the voting make-up of a ninety-one-nation Seabed Committee will clearly place economic control in the hands of the Communist bloc and the underdeveloped states; and

Whereas the United States would lose vast reserves of oil and natural gas plus a wealth of strategic mineral deposits including manganese, cobalt and nickel, essential in the production of steel, as well as a host of other metals necessary in industrial production; and

Whereas the United States now is purchasing these strategic materials largely from Communist bloc nations; and

Whereas the United States government has adopted and is pursuing with taxpayer's dollars the "new ocean policy" (announced by the President on September 5, 1970) which declares that the "resources of the seabed beyond a depth of 200 meters are the common heritage of mankind"; and

Whereas the United States has the technology to develop the greatest natural resource in the world, which, according to mineral and mining experts, would make possible the harvesting and processing of enough "manganese nodules" to make the United States self sufficient in the production of steel; and

Whereas in the interest of national security the United States must develop independent sources of minerals free of international control, while ratification of this treaty would put the industrialized nations of the world, including the United States, under the complete control of the United Nations; now, therefore,

Be it resolved That the National Association of Pro America strongly oppose the ratification of any Seabed Treaty which would surrender to the United Nations the resources of the seabeds, and urge the Senate to resist all pressure to ratify any such treaty.

DOCUMENTATION

"From Pole to Pole: Nations Race to Grab Sea's Riches"—U.S. News and World Report, Aug. 13, 1973.

Congressman John Rarick in "Review of the News"—8-8-73.

THE MADRID PACT—ANOTHER CASE OF U.S. INTERVENTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BROWN of California. Mr. Speaker, in 1953 the United States committed itself, in the form of an executive agreement, to the joint development of naval and air facilities in territory under Spanish sovereignty. This agreement is known as the Madrid Pact and has been renewed every 5 years since its inception.

In 1970, Senator J. W. Fulbright, realizing that "a commitment which requires the spending of money and results in the stationing of our troops on foreign soil contains the prospect that sometime in the future it might require the spending of American lives" and an executive agreement of this type is a classic example of the ability of the Executive to expand serious U.S. commitments without approval of the Senate, stated publicly that he was going to demand that this pact be rewritten in the form of a treaty that would require Senate confirmation.

To prevent this action, the United States and Spanish Governments quickly signed the 1970 renewal. By doing so, the United States is now committed to a pact that states that—

Each Government will support the defense system of the other and make such contributions as are deemed necessary and appropriate to achieve the greatest possible effectiveness of those systems, subject to the terms and conditions set forth hereinafter.

Under this agreement, we have poured billions of dollars in cash and military equipment into Spain.

In the light of the internal turmoil that is increasing daily in Spain, as various forces seeking a more democratic form of government, spurred on by recent events in Portugal and Greece, protest more strongly against the dictatorship of the Franco regime, this Madrid pact can only be interpreted as a support for the authoritarian system that General Franco has maintained for 35 years. We could easily find ourselves involved in a civil war on behalf of the far-right—a war that is none of our business. Such an involvement could lead to a catastrophe on the scale of Chile's recent bloody coup or even another Vietnam.

The newly elected president of the California Democratic Council has provided me with a copy of a resolution agreed to by the State convention of that body which addresses this problem and its urgency. Since the Madrid Pact is due to come up for renewal in August 1975, I feel that this is the appropriate time to call attention to this resolution. I ask my colleagues to read its contents and then to acknowledge our moral responsibility to commit the United States to a position of complete nonintervention in the internal affairs of Spain.

RESOLUTION ON THE MADRID PACT

Whereas, The relations between the U.S. and the Franco dictatorship of Spain are governed by the Madrid Pact (Spanish Base Agreement), which comes up for renewal in August 1975; and

Whereas, The Madrid Pact is very costly; Since the initiation of the Madrid Pact, the U.S. has poured over $4,000,000 into economic and military aid;

The U.S. has established a huge nuclear complex in Spain;

The U.S. has some 20,000 military personnel and dependents in Spain:

The U.S. has conducted joint military counterinsurgency exercises with the Spanish Army to put down a "threatened Republican attack"; and

Whereas The Madrid Pact is fraught with danger to the U.S.: Article 30 of that agreement commits the U.S. to "support the defense system" of Spain.

The only real threat to that defense system is the Spanish people, whose opposition to the dictatorship is internal in nature and now embraces all sections of the population;

The agreement contains other secret clauses which the State Department has refused to make available to the Senate Foreign Relations Committee:

Sen. J. William Fulbright speaking on the Spanish Bases Agreement to the U.S. Senate on Aug. 3, 1970 said, "We should have learned from the tragic war in Vietnam. . . . A commitment today which requires the spending of money and results in the stationing of our troops on foreign soil contains the prospect that sometime in the future it might require the spending of American lives"; and

Whereas, The Madrid Pact is clearly unconstitutional:

Such a commitment on the basis of an executive agreement, in secret, without the knowledge or approval of the Congress is an abuse of executive power in foreign policy and a negation of the role of the Senate and, through it, of the American people in the making of commitments with foreign countries;

Therefore be it resolved, That the state Convention of the Democratic Party of California go on record calling for a full and open discussion of the Madrid Pact in the U.S. Congress and call for the "advice and consent" of the Senate: and

Be it further resolved, That we call upon the National Committee of the Democratic Party to adopt a similar stand and so advise every Democratic member of the Congress.

LEWISTON, MAINE, JOURNAL ENDORSES H.R. 15, THE PUBLIC DISCLOSURE OF LOBBYING ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues the endorsement given by the Lewiston, Maine, Journal, in a March 11 editorial, to the Public Disclosure of Lobbying Act.

[From the Lewiston (Maine) Journal, Mar. 11, 1975]

LOBBYING LEGISLATION

The word "lobbyist" like the word "politician" often is used in a derogatory manner. This is unfortunate because the functioning of a democracy such as ours demands political activity, and sound political judgment can be assisted on numerous occasions through lobbying.

Lobbyists who operate within the boundaries of respect for the truth and honest conviction serve a useful purpose. In some instances when they approach state or federal legislators on a particular matter they will represent two sides of the question, thereby giving the lawmakers additional insight into the pros and cons of the proposed legislation.

Unfortunately there is considerable lobbying done which isn't fitting. Some lobbyists are guilty of attempting "influence peddling" through generous gifts to those they believe can help them. The recipients of varying forms of largesse from lobbyists are, of course, as guilty as the would-be persuaders.

It has been evident for many years, but especially apparent in recent years what with disclosures made about certain lobbyists, that the 1946 Federal Regulation of Lobbying Act needs strengthening. This Congress hopefully is going to do something about it. At least more than 100 members are co-sponsoring legislation to close some of the loopholes in the act. It is pleasing to note Maine's two congressmen, William Cohen and David Emery, are among this group.

Common Cause is vehemently behind such legislation, noting that it is lobbying actively to encourage passage of a measure which would provide needed enforcement power and which would impose stringent reporting requirements on all lobbyists. John W. Gardner, chairman of Common Cause, made these observations about lobbying:

"Lobbying is not wrong in itself. In fact, it can serve useful purposes. It is a constitutional right. But it is wrong to lobby secretly, wrong to deceive the public, wrong to use money in ways that corrupt the public process. And that is what is going on today."

He also added the following to the foregoing remarks: "The citizens of this land have a right to know about any individual or group that is spending money secretly to manipulate the political process. They must know because the price of their food, their heating bills, the safety of the toys their children play with, and a great many other things may be profoundly affected by such activity. Every citizen, every consumer, every taxpayer is directly affected." These observations are impressive, because the illustrations given by Gardner as to the kind of impact lobbying can have probably is not and has not been realized by the average citizen.

Lobbying efforts do affect the lives of all of us. It is the duty of the Congress to see to it that all reasonable requirements be imposed upon lobbyists to divulge for whom they are working and for what specific objectives.

CHERRY BLOSSOM FESTIVAL QUEEN

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BEARD of Rhode Island. Mr. Speaker, last week saw the crowning of a young lady from Rhode Island as Queen of the 1975 Cherry Blossom Festival. I had the privilege of escorting Denise Heroux during her stay in the Nation's Capital and I wish to pay a tribute to this young lady's poise, her charm and her warm and gracious personality.

Miss Heroux is a sophomore at Villanova University in Pennsylvania, where she is majoring in political science. She is no stranger to the political scene: her father, Edward T. Heroux, was for 10 years the administrative assistant for the late Congressman Aime J. Forand of Rhode Island, one of the great legislative innovators in the field of health.

I congratulate Denise and her parents, Ed and Lucille Heroux, on this regal occasion and I convey the warm greetings of all Rhode Islanders to a young lady who will serve as Cherry Blossom Queen with grace and dignity.

FREEDOM VERSUS DEPRESSION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McDONALD of Georgia. Mr. Speaker, many people still believe that depressions are an inherent result of the operation of a free market economy, and that Government interference in and manipulation of the economy are necessary to prevent periodic depressions.

In fact, the exact opposite is true.

The Great Depression of the 1930's was caused by Government interference into the economy, particularly the expansionary credit policies of the Federal Reserve, and prolonged by the Keynesian policies of Roosevelt's "New Deal."

An excellent review of the Government interventions and manipulations that led to and prolonged the Great Depression is provided by Prof. Hans F. Sennholz in the following article which first appeared in the October 1969 issue of the Freeman and was just reprinted in that publication's April 1975 issue.

It is crucial for us to grasp Dr. Sennholz's message now. For we are faced with the following choice: First, to return to a free economy, allowing the market to adjust and stabilize; or second, to continue the Government interference which has led to our present economic troubles and which will inevitably lead us to the disaster of another great depression.

There is still time to pursue the former and save us from the latter.

The article follows:

THE GREAT DEPRESSION

(By Hans F. Sennholz)

Although the Great Depression engulfed the world economy some 40 years ago, it lives on as a nightmare for individuals old enough to remember and as a frightening specter in the textbooks of our youth. Some 13 million Americans were unemployed, "not wanted" in the production process. One worker out of every four was walking the streets in want and despair. Thousands of banks, hundreds of thousands of businesses, and millions of farmers fell into bankruptcy or ceased operations entirely. Nearly everyone suffered painful losses of wealth and income.

Many Americans are convinced that the Great Depression reflected the breakdown of an old economic order built on unhampered markets, unbridled competition, speculation, property rights, and the profit motive. According to them, the Great Depression proved the inevitability of a new order built on government intervention, political and bureaucratic control, human rights, and government welfare. Such persons, under the influence of Keynes, blame businessmen for precipitating depressions by their selfish refusal to spend enough money to maintain or improve the people's purchasing power. This is why they advocate vast governmental expenditures and deficit spending—resulting in an age of money inflation and credit expansion.

Classical economists learned a different lesson. In their view, the Great Depression consisted of four consecutive depressions rolled into one. The causes of each phase differed, but the consequences were all the same: business stagnation and unemployment.

THE BUSINESS CYCLE

The first phase was a period of boom and bust, like the business cycles that had plagued the American economy in 1819–20, 1839–43, 1857–60, 1873–78, 1893–97, and 1920–21. In each case, government had generated a boom through easy money and credit, which was soon followed by the inevitable bust.

The spectacular crash of 1929 followed five years of reckless credit expansion by the Federal Reserve System under the Coolidge Administration. In 1924, after a sharp decline in business, the Reserve banks suddenly created some $500 million in new credit, which led to a bank credit expansion of over $4 billion in less than one year. While the immediate effects of this new powerful expansion of the nation's money and credit were seemingly beneficial, initiating a new economic boom and effacing the 1924 decline, the ultimate outcome was most disastrous. It was the beginning of a monetary policy that led to the stock market crash in 1929 and the following depression. In fact, the expansion of Federal Reserve credit in 1924 constituted what Benjamin Anderson in his great treatise on recent economic history (*Economics and the Public Welfare*, D. Van Nostrand, 1949) called "the beginning of the New Deal."

The Federal Reserve credit expansion in 1924 also was designed to assist the Bank of England in its professed desire to maintain prewar exchange rates. The strong U.S. dollar and the weak British pound were to be readjusted to prewar conditions through a policy of inflation in the U.S. and deflation in Great Britain.

The Federal Reserve System launched a further burst of inflation in 1927, the result being that total currency outside banks plus demand and time deposits in the United States increased from $44.51 billion at the end of June, 1924, to $55.17 billion in 1929. The volume of farm and urban mortgages expanded from $16.8 billion in 1921 to $27.1 billion in 1929. Similar increases occurred in industrial, financial, and state and local government indebtedness.

This expansion of money and credit was accompanied by rapidly rising real estate and stock prices. Prices for industrial securities, according to Standard & Poor's common stock index, rose from 59.4 in June of 1922 to 195.2 in September of 1929. Railroad stock climbed from 189.2 to 446.0, while public utilities rose from 82.0 to 375.1.

A SERIES OF FALSE SIGNALS

The vast money and credit expansion by the Coolidge Administration made 1929 inevitable. Inflation and credit expansion always precipitate business maladjustments and malinvestments that must later be liquidated. The expansion artificially reduces and thus falsifies interest rates, and thereby misguides businessmen in their investment decisions. In the belief that declining rates indicate growing supplies of capital savings,

they embark upon new production projects. The creation of money gives rise to an economic boom. It causes prices to rise, especially prices of capital goods used for business expansion. But these prices constitute business costs. They soar until business is no longer profitable, at which time the decline begins. In order to prolong the boom, the monetary authorities may continue to inject new money until finally frightened by the prospects of a run-away inflation. The boom that was built on the quicksand of inflation then comes to a sudden end.

The ensuing recession is a period of repair and readjustment. Prices and costs adjust anew to consumer choices and preferences.

And above all, interest rates readjust to reflect once more the actual supply of and demand for genuine savings. Poor business investments are abandoned or written down. Business costs, especially labor costs, are reduced through greater labor productivity and managerial efficiency, until business can once more be profitably conducted, capital investments earn interest, and the market economy function smoothly again.

After an abortive attempt at stabilization in the first half of 1928, the Federal Reserve System finally abandoned its easy money policy at the beginning of 1929. It sold government securities and thereby halted the bank credit expansion. It raised its discount rate to 6 per cent in August, 1929. Time-money rates rose to 8 per cent, commercial paper rates to 6 per cent, and call rates to the panic figures of 15 per cent and 20 per cent. The American economy was beginning to readjust. In June, 1929, business activity began to recede. Commodity prices began their retreat in July.

The security market reached its high on September 19 and then, under the pressure of early selling, slowly began to decline. For five more weeks the public nevertheless bought heavily on the way down. More than 100 million shares were traded at the New York Stock Exchange in September. Finally it dawned upon more and more stockholders that the trend had changed. Beginning with October 24, 1929, thousands stampeded to sell their holdings immediately and at any price. Avalanches of selling by the public swamped the ticker tape. Prices broke spectacularly.

LIQUIDATION AND ADJUSTMENT

The stock market break signaled the beginning of a readjustment long overdue. It should have been an orderly liquidation and adjustment followed by a normal revival. After all, the financial structure of business was very strong. Fixed costs were low as business had refunded a good many bond issues and had reduced debts to banks with the proceeds of the sale of stock. In the following months, most business earnings made a reasonable showing. Unemployment in 1930 averaged under 4 million, or 7.8 per cent of labor force.

In modern terminology, the American economy of 1930 had fallen into a mild recession. In the absence of any new causes for depression, the following year should have brought recovery as in previous depressions. In 1921–22 the American economy recovered fully in less than a year. What, then, precipitated the abysmal collapse after 1929? What prevented the price and cost adjustments and thus led to the second phase of the Great Depression?

DISINTEGRATION OF THE WORLD ECONOMY

The Hoover Administration opposed any readjustment. Under the influence of "the new economics" of government planning, the President urged businessmen *not* to cut prices and reduce wages, but rather to increase capital outlay, wages, and other spending in order to maintain purchasing power. He embarked upon deficit spending and called upon municipalities to increase their borrowing for more public works. Through the Farm Board which Hoover had organized in the autumn of 1929, the Federal government tried strenuously to uphold the prices of wheat, cotton, and other farm products. The GOP tradition was further invoked to curtail foreign imports.

The Hawley-Smoot Tariff Act of June, 1930, raised American tariffs to unprecedented levels, which practically closed our borders to foreign goods. According to most economic historians, this was the crowning folly of the whole period from 1920 to 1933 and the beginning of the real depression. "Once we raised our tariffs," wrote Benjamin Anderson, "an irresistible movement all over the world to raise tariffs and to erect other trade barriers, including quotas, began. Protectionism ran wild over the world. Markets were cut off. Trade lines were narrowed. Unemployment in the export industries all over the world grew with great rapidity. Farm prices in the United States dropped sharply through the whole of 1930, but the most rapid rate of decline came following the passage of the tariff bill." When President Hoover announced he would sign the bill into law, industrial stocks broke 20 points in one day. The stock market correctly anticipated the depression.

The protectionists have never learned that curtailment of imports inevitably hampers exports. Even if foreign countries do not immediately retaliate for trade restrictions injuring them, their foreign purchases are circumscribed by their ability to sell abroad. This is why the Hawley-Smoot Tariff Act which closed our borders to foreign products also closed foreign markets to our products. American exports fell from $5.5 billion in 1929 to $1.7 billion in 1932. American agriculture customarily had exported over 20 per cent of its wheat, 55 per cent of its cotton, 40 per cent of its tobacco and lard, and many other products. When international trade and commerce were disrupted, American farming collapsed. In fact, the rapidly growing trade restrictions, including tariffs, quotas, foreign exchange controls, and other devices were generating a world-wide depression.

Agricultural commodity prices, which had been well above the 1926 base before the crisis, dropped to a low of 47 in the summer of 1932. Such prices as $2.50 a hundredweight for hogs, $3.28 for beef cattle, and 32¢ a bushel for wheat, plunged hundreds of thousands of farmers into bankruptcy. Farm mortgages were foreclosed until various states passed moratoria laws, thus shifting the bankruptcy to countless creditors.

RURAL BANKS IN TROUBLE

The main creditors of American farmers were, of course, the rural banks. When agriculture collapsed, the banks closed their doors. Some 2,000 banks, with deposit liabilities of over $1.5 billion, suspended between August, 1931, and February, 1932. Those banks that remained open were forced to curtail their operations sharply. They liquidated customers' loans on securities, contracted real estate loans, pressed for the payment of old loans, and refused to make new ones. Finally, they dumped their most marketable bond holdings on an already depressed market. The panic that had engulfed American agriculture also gripped the banking system and its millions of customers.

The American banking crisis was aggravated by a series of events involving Europe. When the world economy began to disintegrate and economic nationalism ran rampant, European debtor countries were cast in precarious payment situations. Austria and Germany ceased to make foreign payments and froze large English and American credits; when England finally suspended gold payments in September, 1931, the crisis spread to the U.S. The fall in foreign bond values set off a collapse of the general bond market, which hit American banks at their weakest point—their investment portfolios.

DEPRESSION COMPOUNDED

1931 was a tragic year. The whole nation, in fact, the whole world, fell into the cataclysm of despair and depression. American unemployment jumped to more than 8 million and continued to rise. The Hoover Administration, summarily rejecting the thought that it had caused the disaster, labored diligently to place the blame on American businessmen and speculators. President Hoover called together the nation's industrial leaders and pledged them to adopt his program to maintain wage rates and expand construction. He sent a telegram to all the governors, urging cooperative expansion of all public works programs. He expanded Federal public works and granted subsidies to ship construction. And for the benefit of the suffering farmers, a host of Federal agencies embarked upon price stabilization policies that generated ever larger crops and surpluses which in turn depressed product prices even further. Economic conditions went from bad to worse and unemployment in 1932 averaged 12.4 million.

In this dark hour of human want and suffering, the Federal government struck a final blow. The Revenue Act of 1932 doubled the income tax, the sharpest increase in the Federal tax burden in American history. Exemptions were lowered, "earned income credit" was eliminated. Normal tax rates were raised from a range of 1½ to 5 per cent to a range of 4 to 8 per cent, surtax rates from 20 per cent to a maximum of 55 per cent. Corporation tax rates were boosted from 12 per cent to 13¾ and 14½ per cent. Estate taxes were raised. Gift taxes were imposed with rates from ¾ to 33½ per cent. A 1¢ gasoline tax was imposed, a 3 per cent automobile tax, a telegraph and telephone tax, a 2¢ check tax, and many other excise taxes. And finally, postal rates were increased substantially.

When state and local governments faced shrinking revenues, they, too, joined the Federal government in imposing new levies. The rate schedules of existing taxes on income and business were increased and new taxes imposed on business income, property, sales, tobacco, liquor, and other products.

Murray Rothbard, in his authoritative work on *America's Great Depression* (Van Nostrand, 1963), estimates that the fiscal burden of Federal, state, and local governments nearly doubled during the period, rising from 16 per cent of net private product to 29 per cent. This blow, alone, would bring any economy to its knees, and shatters the silly contention that the Great Depression was a consequence of economic freedom.

THE NEW DEAL OF NRA AND AAA

One of the great attributes of the private-property market system is its inherent ability to overcome almost any obstacle. Through price and cost readjustment, managerial efficiency and labor productivity, new savings and investments, the market economy tends to regain its equilibrium and resume its service to consumers. It doubtless would have recovered in short order from the Hoover interventions had there been no further tampering.

However, when President Franklin Delano Roosevelt assumed the Presidency, he, too, fought the economy all the way. In his first 100 days, he swung hard at the profit order. Instead of clearing away the prosperity barriers erected by his predecessor, he built new ones of his own. He struck in every known way at the integrity of the U.S. dollar through quantitative increases and qualitative deterioration. He seized the people's gold holdings and subsequently devalued the dollar by 40 per cent.

With some third of industrial workers unemployed, President Roosevelt embarked upon sweeping industrial reorganization. He persuaded Congress to pass the National Industrial Act (NIRA), which set up the National Recovery Administration (NRA). Its

purpose was to get business to regulate itself, ignoring the antitrust laws and developing fair codes of prices, wages, hours, and working conditions. The President's Re-employment Agreement called for a minimum wage of 40¢ an hour ($12 to $15 a week in smaller communities), a 35-hour work week for industrial workers and 40 hours for white collar workers, and a ban on all youth labor.

This was a naive attempt at "increasing purchasing power" by increasing payrolls. But, the immense increase in business costs through shorter hours and higher wage rates worked naturally as an *antirevival* measure. After passage of the Act, unemployment rose to nearly 13 million. The South, especially, suffered severely from the minimum wage provisions. The Act forced 500,000 Negroes out of work.

Nor did President Roosevelt ignore the disaster that had befallen American agriculture. He attacked the problem by passage of the Farm Relief and Inflation Act, popularly known as the First Agricultural Adjustment Act. The objective was to raise farm income by cutting the acreages planted or destroying the crops in the field, paying the farmers *not* to plant anything, and organizing marketing agreements to improve distribution. The program soon covered not only cotton, but also all basic cereal and meat production as well as principal cash crops. The expenses of the program were to be covered by a new "processing tax" levied on an already depressed industry.

NRA codes and AAA processing taxes came in July and August of which had flurried briefly before the deadlines, sharply turned downward. The Federal Reserve index dropped from 100 in July to 72 in November of 1933.

PUMP-PRIMING MEASURES

When the economic planners saw their plans go wrong, they simply prescribed additional doses of Federal pump priming. In his January 1934 Budget Message, Mr. Roosevelt promised expenditures of $10 billion while revenues were at $3 billion. Yet, the economy failed to revive; the business index rose to 86 in May of 1934, and then turned down again to 71 by September. Furthermore, the spending program caused a panic in the bond market which cast new doubts on American money and banking.

Revenue legislation in 1933 sharply raised income tax rates in the higher brackets and imposed a 5 per cent withholding tax on corporate dividends. Tax rates were raised again in 1934. Federal estate taxes were brought to the highest levels in the world. In 1935, Federal estate and income taxes were raised once more, although the additional revenue yield was insignificant. The rates seemed clearly aimed at the redistribution of wealth.

According to Benjamin Anderson, "the impact of all these multitudinous measures—industrial, agricultural, financial, monetary and other—upon a bewildered industrial and financial community was extraordinarily heavy. We must add the effect of continuing disquieting utterances by the President. He had castigated the bankers in his inaugural speech. He had made a slurring comparison of British and American bankers in a speech in the summer of 1934. . . . That private enterprise could survive and rally in the midst of so great a disorder is an amazing demonstration of the vitality of private enterprise."

Then came relief from unexpected quarters. The "nine old men" of the Supreme Court, by unanimous decision, outlawed NRA in 1935 and AAA in 1936. The Court maintained that the Federal legislative power had been unconstitutionally delegated and states' rights violated.

These two decisions removed some fearful handicaps under which the economy was laboring. NRA, in particular, was a nightmare with continuously changing rules and regulations by a host of government bureaus. Above all, voidance of the act immediately reduced labor costs and raised productivity as it permitted labor markets to adjust. The death of AAA reduced the tax burden of agriculture and halted the shocking destruction of crops. Unemployment began to decline. In 1935 it dropped to 9.5 million, or 18.4 per cent of the labor force, and in 1936 to only 7.6 million, or 14.5 per cent.

A NEW DEAL FOR LABOR

The third phase of the Great Depression was thus drawing to a close. But there was little time to rejoice, for the scene was being set for another collapse in 1937 and a lingering depression that lasted until the day of Pearl Harbor. More than 10 million Americans were unemployed in 1938, and more than 9 million in 1939.

The relief granted by the Supreme Court was merely temporary. The Washington planners could not leave the economy alone; they had to earn the support of organized labor, which was vital for re-election.

The Wagner Act of July 5, 1935, earned the lasting gratitude of labor. This law revolutionized American labor relations. It took labor disputes out of the courts of law and brought them under a newly created Federal agency, the National Labor Relations Board, which became prosecutor, judge, and jury, all in one. Labor union sympathizers on the Board further perverted the law that already afforded legal immunities and privileges to labor unions. The U.S. thereby abandoned a great achievement of Western civilization, equality under the law.

The Wagner Act, or National Labor Relations Act, was passed in reaction to the Supreme Court's voidence of NRA and its labor codes. It aimed at crushing all employer resistance to labor unions. Anything an employer might do in self-defense became an "unfair labor practice" punishable by the Board. The law not only obliged employers to deal and bargain with the unions designated as the employees' representative; later Board decisions also made it unlawful to resist the demands of labor union leaders.

Following the election of 1936, the labor unions began to make ample use of their new powers. Through threats, boycotts, strikes, seizures of plants, and outright violence committed in legal sanctity, they forced millions of workers into membership. Consequently, labor productivity declined and wages were forced upward. Labor strife and disturbance ran wild. Ugly sitdown strikes idled hundreds of plants. In the ensuing months economic activity began to decline and unemployment again rose above the ten million mark.

But the Wagner Act was not the only source of crisis in 1937. President Roosevelt's shocking attempt at packing the Supreme Court, had it been successful, would have subordinated the Judiciary to the Executive. In the U.S. Congress the President's power was unchallenged. Heavy Democratic majorities in both houses, perplexed and frightened by the Great Depression, blindly followed their leader. But when the President strove to assume control over the Judiciary, the American nation rallied against him, and he lost his first political fight in the halls of Congress.

There was also his attempt at controlling the stock market through an ever-increasing number of regulations and investigations by the Securities and Exchange Commission. "Insider" trading was barred, high and inflexible margin requirements imposed and short selling restricted, mainly to prevent repetition of the 1929 stock market crash. Nevertheless the market fell nearly 50 per cent from August of 1937 to March of 1938. The American economy again underwent dreadful punishment.

OTHER TAXES AND CONTROLS

Yet other factors contributed to this new and fastest slump in U.S. history. The Undistributed Profits Tax of 1936 struck a heavy blow at profits retained for use in business. Not content with destroying the wealth of the rich through confiscatory income and estate taxation, the administration meant to force the distribution of corporate savings as dividends subject to the high income tax rates. Though the top rate finally imposed on undistributed profits was "only" 27 per cent, the new tax succeeded in diverting corporate savings from employment and production to dividend income.

Amidst the new stagnation and unemployment, the President and Congress adopted yet another dangerous piece of New Deal legislation: the Wages and Hours Act or Fair Labor Standards Act of 1938. The law raised minimum wages and reduced the work week in stages to 44, 42, and 40 hours. It provided for time-and-a-half pay for all work over 40 hours per week and regulated other labor conditions. Again, the Federal government thus reduced labor productivity and increased labor costs—ample grounds for further depression and unemployment.

Throughout this period, the Federal government, through its monetary arm, the Federal Reserve System, endeavored to reinflate the economy. Monetary expansion from 1934 to 1941 reached astonishing proportions. The monetary gold of Europe sought refuge from the gathering clouds of political upheaval, boosting American bank reserves to unaccustomed levels. Reserve balances rose from $2.9 billion in January, 1934, to $14.4 billion in January of 1941. And with this growth of member bank reserves, interest rates declined to fantastically low levels. Commercial paper often yielded less than 1 per cent, bankers' acceptances from ⅛ per cent to ¼ per cent. Treasury bill rates fell to 1/10 of 1 per cent and Treasury bonds to some 2 per cent. Call loans were pegged at 1 per cent and prime customers' loans at 1½ per cent. The money market was flooded and interest rates could hardly go lower.

DEEP-ROOTED CAUSES

The American economy simply could not recover from these successive onslaughts by first the Republican and then the Democratic Administrations. Individual enterprise, the mainspring of unprecedented income and wealth, didn't have a chance.

The calamity of the Great Depression finally gave way to the holocaust of World War II. When more than 10 million able-bodied men had been drafted into the armed services, unemployment ceased to be an economic problem. And when the purchasing power of the dollar had been cut in half through vast budget deficits and currency inflation, American business managed to adjust to the oppressive costs of the Hoover-Roosevelt Deals. The radical inflation in fact reduced the real costs of labor and thus generated new employment in the postwar period.

Nothing would be more foolish than to single out the men who led us in those baleful years and condemn them for all the evil that befell us. The ultimate roots of the Great Depression were growing in the hearts and minds of the American people. It is true, they abhored the painful symptoms of the great dilemma. But the large majority favored and voted for the very policies that made the disaster inevitable: inflation and credit expansion, protective tariffs, labor laws that raised wages and farm laws that raised prices, ever higher taxes on the rich and distribution of their wealth. The seeds for the Great Depression were sown by scholars and teachers during the 1920's and earlier when social and economic ideologies that were hostile toward our traditional order of private property and individual enterprise conquered our colleges and universities. The professors of earlier years were as guilty as the political leaders of the 1930's.

Social and economic decline is facilitated by moral decay. Surely, the Great Depression would be inconceivable *without the* growth of covetousness and envy of great personal

wealth and income, the mounting desire for public assistance and favors. It would be inconceivable without an ominous decline of individual independence and self-reliance, and above all, the burning desire to be free from man's bondage and to be responsible to God alone.

Can it happen again? Inexorable economic law ascertains that it must happen again whenever we repeat the dreadful errors that generated the Great Depression.

THE INCREASE IN IMPORT CAR SALES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. GAYDOS. Mr. Speaker, the "Beetles" are continuing to wing their way into this country in growing numbers. So are the "Rabbits," the Datsuns, the Toyotas, and all the rest of the foreign car line.

This increase in imports, I need not point out, is taking place while U.S.-made car sales remain in serious slump and as Detroit struggles to get smaller, better gas mileage models into production to meet the increasing competition.

Time magazine reports that foreign car sales here are running more than 20 percent above the 1974 rate and, at last count, had taken over 21 percent of the American market, up 5 percentage points from a year ago. For example, Volkswagen sold 32,190 cars in this country in March compared to 31,420 in the same month last year. U.S. car sales, meanwhile, dropped 19 percent.

These figures are of deep concern to me. My district produces a large part of the steel which goes into the manufacture of American cars and also has a body stamping plant and other components of the great U.S. car-making complex. We now are seeing the effects of this deeper foreign penetration in a softening of overall steel demand. Jobs of Americans thus are at stake.

I had hoped the dollar devaluations of 1971 and the import surtax, regretful as they might have been from other standpoints, would contain the import problem by forcing up foreign car prices to a noncompetitive level here. I also believed the good-mileage U.S. compacts already on the market—the Pintos, Vegas, Gremlins, et cetera—would prove popular enough to keep up with our overseas rivals. I was wrong on both counts as the Time statistics show. The imports are rising.

What, then, can be done? The Government, of course, has the responsibility of policing the market to the point where no foreign car can be "dumped" here at a subsidized below-cost price. I am told there is evidence of this happening in some cases. But beyond this governmental duty, the problem rests largely with Detroit itself.

Our automakers must turn out cars of service and quality to match at least the reputation of foreign competitors. I have talked to several foreign car owners and have been impressed by their stated beliefs that the imports outlast the U.S. product. They not only cite mechanical durability but claim the bodies go years longer before rust sets in. Has the charge of planned obsolescence so often made against Detroit been substantiated in this comparison? If so, then corrections certainly are due and we, in government, have a right to demand them in the national interest.

I call special attention to the rust problem—the "cancer" which appears too often in American car bodies. Any parking lot these days shows a high quota of U.S. autos, some not too old in years, with rusting fenders, erosion creeping out from under the chrome, holes eaten through door panels, et cetera. The condition is worse now, I am informed, than back in the pre-World War II days and the conclusion, therefore, must be that a thinner gauge of less-bonded steel now is being used. This may have much to do with the rising import problem and needs to be looked into because the remedy is apparent.

No amount of governmental concern can sustain a subquality product against foreign competition. For this reason, I am calling upon our automakers to bear down not only on the job of turning out smaller and more fuel-efficient cars, but also on cars whose bodies will stand the test of winter-salted streets and of time itself. I am sure a U.S.-produced car of high quality and durability, in head-on competition with imports, would be much preferred by all Americans.

THE EQUAL RIGHTS AMENDMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. FRASER. Mr. Speaker, the equal rights amendment, needs only the approval of four States in order to become part of our Constitution, yet it remains the center of controversy.

An article, written by Ruth Bader Ginsburg, professor of law, Columbia University, which appeared in the April 7 Washington Post calls attention to serious misconceptions people have about this amendment. Because this article points out the true impact of the equal rights amendment, I include it into the RECORD at this point:

THE FEAR OF THE EQUAL RIGHTS AMENDMENT

(By Ruth Bader Ginsburg)

The idea expressed in the Equal Rights Amendment should be irresistible to a society that values the worth of the individual. ERA prohibits government from steering woman or man into a predetermined role on account of sex. It requires government to respect the right of each man and woman to develop his or her personal talent. Action to add ERA to our fundamental instrument of government has been taken by legislatiors representing the vast majority of the nation's population. But opponents continue a campaign appealing to our insecurity. The campaign theme is fear, fear of unsettling familiar and, for many men and women, comfortable patterns; fear of change, engendering counsel that we should not deviate from current arrangements, because we cannot fully forecast what an equal opportunity society would be like. (Had similar counsel prevailed two centuries ago, we would not be preparing this year for our bicentennial.)

The substantive section of ERA reads: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Like other basic constitutional guarantees, ERA is drafted as general principle, the appropriate form for a text designed to govern through the ages. Similarly, Section 2 of ERA conforms to the constitutional pattern. It tracks the language of the 13th, 14th, 15th, 19th, 23rd, 24th, and 26th amendments.

ERA did not spring on the political scene in the 1970s. It has been with us for over a century. At an 1848 convention in Seneca Falls, N.Y., brave women, denied even the franchise by that day's society, proclaimed their abiding conviction. "We hold these truths to be self evident. That all men and women are created equal." In 1923, three years after the 19th Amendment ended the total political silence imposed on women, the National Woman's Party placed before Congress an Equal Rights Amendment. Reading the debates on ERA in the law journals of the 1920s is an enlightening experience. Objections still voiced in 1975 were solidly answered then. Neither the parade of "horribles," nor the reasoned response to it, has changed significantly over the decades.

First horrible. ERA will destroy woman-protective labor laws. If this herring was ever pink, it is now deep red. Impelled by federal and state equal employment opportunity directives, legislatures and employers are dismantling systems that, in operation, often protected men's jobs against women's competition. In place of disingenuous protection for some women, genuine protection for all workers is becoming the objective of unions and the command of statutory law. As explained in 1926 by Burnita Shelton Matthews, then counsel to the National Woman's Party, now in her 26th year as U.S. district judge for the District of Columbia, law setting safety and health standards "should be enacted for all workers. Legislation that includes women but exempts men limits the woman worker's scope of activity by barring her from economic opportunity. Moreover, restrictive conditions for women but not for men fortify the harmful assumption that labor for pay is primarily the prerogative of the male."

Second horrible. ERA will deny homemakers the right to support. Beyond question, ERA does *not* command loss of any rights homemakers now have. That would occur only if our elected representatives and jurists act capriciously, spitefully, without regard for public welfare, and in flagrant disregard of the design of the Amendment. ERA circumscribes choice for the legislature in only one respect. It requires functional description in lieu of lump gender classification. As reports of the Association of the Bar of the City of New York explain, laws according rights and benefits to homemakers should be preserved, indeed they may be enlarged, but the statutes should refer to the function performed, not to the gender of the performed. Conveniently overlooked by the fearmongers is the fact that in a growing number of states, ERA will occasion no change in current family law, for the alteration from gender pigeonholing to functional description has already occurred.

Maintenance or support under the equality principle would be determined by the couple's circumstances. If one spouse is breadwinner, the other homemaker, the breadwinning spouse would be required to maintain the spouse who works within and for the family unit. Underlying the amendment is the premise that a person who works at home should do so because she, or

he, wants to, not out of an unarticulated sense that there is no choice.

Third horrible. ERA will require unisex restrooms in public places, Again, emphatically not so. Separate places to disrobe, sleep, perform personal bodily functions are permitted, in some situations required, by regard for individual privacy. Individual privacy, a right of constitutional dimension, is appropriately harmonized with the equality principle. But the "potty issue" is likely to remain one of those ultimate questions never pressed to final solution. (Who would bring the testing lawsuit—women who seek access to men's WCs, or men who seek access to women's?) What the amendment would proscribe is extension of separation from an area where it protects privacy without implying inferiority to an area where the privacy principle is not in point, but equal opportunity is. For example, ERA would require provision of public sanitary facilities for both sexes when the presence of such facilities is related to the exercise of some other right, such as the right to be free from discrimination in employment.

Some opponents of the amendment suggest pursuit of alternate routes: test case litigation under the equal protection guarantee and particularized legislation in Congress and the states. Only those who have failed to learn the lessons of the past could accept that counsel.

State and federal equal protection guarantees were not drafted with women in mind. This historical reality continues to impede dynamic judicial interpretation. (Yes, the Supreme Court, a century ago, acknowledged that women are persons within the meaning of the 14th Amendment. But it noted in the same opinion, so are children.) Three times during the 1973–74 Supreme Court term, the Department of Justice told the Supreme Court, "'the appropriate method to accomplish [equal rights for men and women under the law] is by constitutional amendment . . . not by abrupt judicial departure from long-applied constitutional principles." Five of our Supreme Court Justices appear to subscribe to this view. Three of them spoke to the point explicitly in 1973. The Supreme Court, they said, should not "assume a decisional responsibility at the very time when state legislatures, functioning within the traditional democratic process, are debating the [Equal Rights] Amendment."

On the legislative side, inertia keeps discriminatory laws on the books despite advice of ERA opponents that removal or revision of these laws is "the way." A Department of Justice computer print-out has turned up over 800 sections of the U.S. Code that contain sex-based references. Given the press of other business, the necessary changes are placed on a back burner. It is not a weakness, but a strength of ERA that it will force prompt consideration of legislative revision long overdue.

Sarah Grimke, noted abolitionist and equal rights advocate, said 150 years ago, "I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks." What ERA does is make government officials take their feet off women's necks. That development should attract the full support of persons committed to individual liberty and equal justice under law.

GENERAL WESTMORELAND: CAPTAIN QUEEG REVISITED

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. LEGGETT. Mr. Speaker, during the recess our former commander of forces in Vietnam, Gen. William C. Westmoreland, commented upon what he saw as the sad state of morality in America today, saying:

For the life of me, I can't understand why the people of the United States are not incensed about Congress and the mockery Hanoi has made of the Paris peace accords, why we Americans don't see our moral obligations.

Commenting further on the failure of the American people to be worthy of the Vietnam involvement, he delivered himself of the opinion that

We never have committed enough force in this war—

And—

The use of several small-yield nuclear weapons at some early point conceivably could put an end to the whole thing and caused less suffering.

His reasoning is that the North Vietnamese are "the Prussians of the Orient" and that:

Force is the only thing these people understand.

General Westmoreland is also shown, in a current motion picture, telling the world that Asians do not value human life the way normal people do.

For connoisseurs of the bizarre, I insert in the RECORD an account of General Westmoreland's remarks, as reported in the New York Times of March 28, 1975:

WESTMORELAND URGES AID TO VIETNAM

(By B. Drumond Ayres, Jr.)

CHARLESTON, S.C., March 28.—Gen. William C. Westmoreland, the former commander of United States Forces in South Vietnam, said today that the American people had incurred a "moral obligation" to see the Indochina war through to the end, though he called United States involvement the "inevitable" result of an "overextended" policy of containment.

The 61 year old general, who retired here in 1973 and now is recovering from a mild heart attack, said Congress should authorize the shipment of more military material to the hard-pressed Saigon Government so that the Current North Vietnamese assault could be repulsed.

As a military man, he said, he believed the country should finish its fight and honor its commitments. But then, seemingly tempering some of his noted hawkishness, he added:

"Since World War II, we have stuck tenaciously to a strategy of containment of expansionism by others that has caused us to overextend ourselves politically, psychologically and militarily.

"After Korea, we should have reappraised, figured out some priorities. There should have been some wise men who said, 'Stop! We're overextended.' The Kennedy years were the worst."

Was American involvement in Indochina part of the overextension?

THE END OF THE ERA

The general, who is writing a book about his tour in Vietnam during the 1965 to 1968 build-up, answered: "Vietnam was inevitable, given the policy. And Vietnam was the end of the era. It's turned around now."

General Westmoreland added that in implementing the containment policy, the United States fell into a pattern of "small wars, gradualism, creeping escalation and other partial commitments that were militarily unsound." He said that this would be continued and the United States would lose the confidence of its allies if more aid were not sent to Southeast Asia soon.

"Such niggardly refusal marks a low point in the conduct of our affairs," he declared during a lengthy conversation in his home in Charleston's historic old section.

"For the life of me, I can't understand why the people of the United States are not incensed about Congress and the mockery Hanoi has made of the Paris peace accords, why we Americans don't see our moral obligation."

Both the House and the Senate have refused to grant a White House request for more than $500-million in assistance for South Vietnam and Cambodia.

The general said it was "regrettable" that President Ford could not order American planes to resume the bombing of the North Vietnamese, whom he labeled "international outlaws" and "the Prussians of the Orient."

"It's moot to talk about recommitment now that Congress has swung the pendulum back too far and hamstrung White House initiative," he said. "But we never have committed enough force in this war, and that's the only thing those people understand.

END THE WHOLE THING

"I never recommended it when I was involved, but who knows, when the total history is written it might show that the use of several small-yield nuclear weapons at some early point conceivably could have put an end to the whole thing and caused less suffering in the short run than subsequently was caused in the long run."

The general, who served a tour as Army Chief of Staff before retiring, said that the South Vietnamese retreat from the Central Highlands and down the coast of the South China Sea, was a "strategic necessity" because the Saigon high command did not have enough ammunition or equipment to hold those areas.

"Besides," he continued, "those areas contain only about 30 per cent of South Vietnam's people and wealth."

General Westmoreland said he had been "frankly disappointed" at the ragged manner in which the withdrawal was carried out, but he hastened to add:

"A withdrawal maneuver is the most difficult of all military moves. Done correctly, it requires great tactical ability and smooth handling of the psychological affects on the men involved. It becomes even more difficult when the army carrying it out is as young as the South Vietnamese Army."

The general also said that the withdrawal order had not been issued soon enough or with enough advance warning. He called the delay inexcusable because the presence of an overwhelming enemy force had been common knowledge.

As for the long-term outlook, the general said he was optimistic that Congress would eventually authorize more aid and that the South Vietnamese would be able to use it to halt the enemy in an arc above Saigon.

"At that point," he added, "The North Vietnamese supply lines will be greatly extended and vulnerable. The South Vietnamese should start exacting their toll. And if it is high enough, perhaps some new agreement can be reached between the two sides though it probably will involve a smaller South Vietnam."

SOUTHERN EXPOSURE: FOCUS ON THE MEDIA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. YOUNG of Georgia. Mr. Speaker, "Southern Exposure" is a quarterly published by the Institute for Southern Studies, which is based in Atlanta.

In its latest issue, the publication focused on media in the South. As usual, this journal contains a number of informative and provocative articles. I submit for the RECORD an editorial introduction to this issue. Those who are interested in this publication may contact its editorial offices at Southern Exposure, P.O. Box 230, Chapel Hill, N.C. 27514.

[From Southern Exposure, Vol. II, No. 4]

EDITORIAL

The South has a remarkable record of producing more than its share of talented writers. Names like Faulkner, O'Connor, Wolfe, Warren, Welty, readily come to mind. Less noticed, however, is the region's equally distinguished contribution in the field of journalism. Among national broadcasters, editors and writers who started in the South are Tom Wicker, Walter Cronkite, David Brinkley, Clifton Daniel, Willie Morris, Robert Sherill, Nelson Benton, Charles Kuralt, Larry King, Marshall Frady, Frank McGee.

Why has the South produced so many creative journalists—and why would so many go North? We can't be sure. But a couple of thoughts come to mind. First, Southerners do seem to have a certain romance with the written and spoken word. There is a relish for sounds, unique expressions, and the embellished story. Reporting—like conversation—has always demanded more than the exchange of a few facts, and many of our brethren have been only too willing to turn their preoccupation with language and penchant for irrelevant detail into successful careers.

The paucity of career options for such clever characters must also be recognized. Which brings us to a second point. For beyond their interests in aesthetics, these writers invariably promoted a message which asserted their guilt for being white in the racist South. Where else could such secular moralists go except into journalism. We lack a tradition of unions, civic associations, socially-active churches, foundations, or universities which give voice to dissidents in the community. Instead, for years, the family-owned (or occasionally, outside-controlled) newspapers has been about the only institution independent enough to offer even a modicum of critical reflection on a town's life. When this generation grew up, editors like Ralph McGill, Virginius Dabney, Jonathan Daniels, Julian Harris and Barry Bingham typified the tradition, so many a young turk entered the newspaper business—and eventually got chased out of it or the region.

Such a view of journalism highlights the positive and negative aspects of southern culture. And that, in case you haven't guessed by now, is one of the purposes of *Southern Exposure*. This region has its share of problems, but rather than moralize about them, we'd like to identify them and help people engineer their removal. On the other hand, there is much in our culture that could be expanded, refined, deepened—and we'd like to illuminate these features, whether historical or current, so they can be celebrated, enjoyed, and used. To put it plainly, we appreciate and boast about our culture insofar as it is based on community, on personal relations, and we despise it insofar as it is defined and manipulated by the power of money.

Our interest in reordering the South and the nation pushes us beyond traditional liberal journalism to a more activist role. In the time not consumed by *Southern Exposure*, we work on two other programs of the Institute of Southern Studies. First, since our beginning in 1970, we have provided what we call "strategic research" to organizations attempting to change the economic institutions that affect their lives. Last year, for example, we spent considerable energies investigating the weaknesses of the Duke Power Company so miners in Harlan County, Kentucky, and rate-payers in the Carolinas could mount an effective campaign for better working conditions and lower light bills. Secondly, through the use of oral history, we are reviving earlier traditions of resistance that may provide guidance and encouragement to today's generation of Southerners. One result of this project was the book-length collection of interviews on progressive struggles during the Depression which was published as an issue of *Southern Exposure* under the title of "No More Moanin'."

Like the journal, these two programs aim to give roots to those who seek more freedom in our region, to strengthen their abilities to formulate strategies for change and understand the larger historical and cultural framework of their frustrations, desires and efforts. The two poles of this work are detailed research and personalized interviews, and that's why you will continue to find both in our journal. We don't expect you to agree with everything in *Southern Exposure*. None of us do either. But we would rather preserve some flexibility, allowing for new insights and interpretations, rather than confine ourselves to narrow perspectives. That's one reason we focus in this issue less on the definitive analysis of media's unique role in society than on the plurality of ways people are talking and listening and entertaining one another, including such non-journalists as Minnie Pearl and Robert Coles.

In the coming months, we plan an issue on the southern black writer and artist, with poetry, fiction, graphics and criticism; next, a photographic review of the region in cooperation with Atlanta's Nexus Gallery (see notice on page 22); and finally, a double issue like the recent "Our Promised Land" devoted to the southern worker.

Needless to say, a great number of people in and out of the Institute help produce each issue of *Southern Exposure*, from contributing articles and photographs, to helping with proof-reading and distribution. What we lack in money, we make up for through reliance on a community of supporters—and that after all is the basis upon which we like to do things. You are invited to be among that group, to give us feedback, to send us reviews and articles, to share the journal with others, to help shape future issues. In fact, *Southern Exposure* is organized to depend on a network of loyal and interested readers who tell others about things they like. You know the people who should be getting *Southern Exposure*. So the first concrete thing you can do to help us is turn to the clipout at the end of this issue and send us the names of six people who we can contact directly. You can also spread the word yourself. If you want to help with placing *Southern Exposure* in book stores in your area, or with writing articles, just drop us a line. We always like to hear what readers are up to and what they like or dislike about the journal. Join us in a new style of southern journalism.

AGREEMENT CONCERNING USES OF THE SEA

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. AuCOIN. Mr. Speaker, at a time when the House of Representatives is holding hearings concerning legislation to extend the U.S. fishing zone to 200 miles, and when the Law of the Sea Conference is meeting in Geneva to attempt once again to reach an international agreement concerning the uses of the sea, I believe it is necessary that we pay close attention to the views of those who are closest to the issue—those who make their living from the sea. While Congressmen and diplomats are concerned with the international repercussions of the extension of fishing zones, the men and women who catch the fish and who work in the canneries and who market the fish are concerned only with the continuing depletion of the natural resource which is their livelihood.

These are the men and women who have the most to lose if an agreement is not reached. All they ask is that this vital resource be protected and preserved to the best of our ability. Don Holm of the Portland Oregonian has written an article which I believe reflects the viewpoint of these men and women very well, and I would like to share it with my colleagues by entering the full text of the piece at this point in the RECORD.

USES OF THE SEA

You stand on Oregon's spectacular rock-bound and surf lashed shore and look westward over the wide Pacific stretching to the horizon, and you see space, emptiness, and raw marine beauty.

If you could see just over that horizon (which in most vantage points would be about 10 or 12 miles offshore), you would frequently see a fleet of rust-stained, hulking ships flying the red flag with the hammer and sickle.

It is not an invasion fleet, or the start of World War III (although the fleet usually includes Soviet "spy" vessels bristling with electronic gear).

Moreover, it would not be the only foreign vessel, as you might even see the distant waters fleets of Japan, Poland, East Germany and perhaps by this summer, those of Spain, Korea and who knows what.

They are the sophisticated, government subsidized mother-ship fishing fleets which range the oceans of the world and scoop up in their sonar and television-guided midwater and bottom trawls, the diminishing resources of the seas.

Until recently, not even U.S. fishery agencies were convinced these fleets were depleting the seas—even after the Soviet fleet wiped out Oregon's ocean perch industry in one season. A former director of the Oregon Fish Commission, in 1971 was quoted in an interview as saying that the Russians "only took enough salmon for the captain's table."

Now, not only U.S. agencies, but even U.S. commercial fishermen are alarmed to the point of panic—especially over the status of salmon stocks.

A couple years ago I had an opportunity to witness the capture of four Japanese high seas gillnet ships, with their 10-mile monofilament nets and their holds full of salmon, steelhead and marine mammals taken indiscriminately. On the same trip, with Coast Guard and NMFS agents, I boarded a Soviet trawler in the Bering Sea.

Last summer one spokesman in the perennial Columbia River sportsman-gillnetter issue, Ross Lindstrom, was chosen to represent the industry on an inspection of a Soviet trawler off the coast here. He was accompanied by commercial fishermen, Nick Marincovich, Joe Tarabaochia, Sr., Les Clark; and Clarence Demase.

According to their report in the Columbia River Gillnetter publication, the men were taken out on the Coast Guard cutter Modoc, to the 270-foot trawler, Uzhnomorsk and transferred by lifeboat. They were treated to an excellent Russian movie, to lunch with

authentic dark bread and cheeses (as I was) and allowed to inspect the operation, but not to take pictures.

During one trawl of four minutes, seven tons of hake and two red snappers were netted.

Reported Lindstrom: "The effectiveness of the gear, left little doubt . . . that we (gillnetters) could quickly figure out a way to harvest large numbers of salmon. The Soviets say they are not catching large numbers of salmon and I have no proof they are, but feel if they chose to, they certainly could."

The observers were not allowed to inspect the catch in detail, as the cod end of the trawl was quickly brought in and dropped through a hole in the deck to the processing room where the fish are cleaned and frozen "while still wiggling."

As I also discovered, it is virtually impossible to identify the species as the cod end is hauled aboard and emptied into the hold. Aerial surveillance and photography would have to be singularly timely and lucky to capture such proof. Moreover, along the Northwest's often foggy coast, these foreign ships violate at will the present 12-mile contiguous fisheries zone, in a zone teeming with salmon feeding much of the year.

On the Brigadir, which we boarded up in the Bering, we found even this smaller SMRT class trawler, completely self-sufficient for long periods at sea. The crew told me that a supply ship rendezvoused with them once a month, taking off processed fish and bringing out food, supplies and fresh movies. They stayed on station about ten months a year, from their home base of Vladivostok. The crew, which included some women, received pay comparable to U.S. wages.

We found no salmon aboard either, but the one operation conducted during the three hours we were aboard, was a perfunctory one, bringing up on a few miscellaneous species of bottom life.

U.S. fisheries and Coast Guard surveillance personnel, however, told of watching Soviet trawlers on radar in dense fog, sneaking in almost to the beach, inside the three-mile territorial limit, dropping their trawls and steaming straight out at 10 knots, thereby eluding interception until they reach the high seas.

CESAR CHAVEZ CALLS FOR SECRET BALLOT ELECTION TO RESOLVE DISPUTE

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. YOUNG of Georgia. Mr. Speaker, for almost 2 years the United Farm Workers of America, AFL–CIO, have been on strike against the Gallo Wine Co., California. The UFW has also urged a boycott of Gallo wines.

Cesar Chavez, president of the union, recently stated the UFW position in his dispute and proposed what seems to me a reasonable and just way of settling it: a secret ballot election of the Gallo workers to determine who shall represent them.

There is great nationwide interest and concern about this matter, so I am submitting the statement by Mr. Chavez for the RECORD.

CESAR CHAVEZ CALLS FOR A BOYCOTT OF ALL GALLO WINES UNTIL ELECTIONS ARE HELD

One issue in our struggle with Gallo is more important than all others: What do Gallo's workers want? Our contract with Gallo expired on April 18, 1973. We had represented Gallo farm workers for six years. During negotiations in April-May-June 1973 Gallo assured us that there was no doubt that UFW represented Gallo's farm workers. Now, because of their need to fight the boycott, they have created their own version of history: Gallo claims that on April 18, 1973 the workers were unhappy with UFW and on June 25, 1973, the Teamsters presented signatures from Gallo workers and demanded recognition for collective bargaining purposes. What did Gallo's regular workers really want on April 18, 1973 and on June 25, 1973? Did they want the Teamsters to represent them or did they want the UFW? Gallo says they wanted the Teamsters. That claim is unbelievable on its face because Gallo workers were our members for six years. The UFW negotiating committee in 1973 was elected by Gallo's workers. These workers were partisans in our movement. But if Gallo doubts what we know then we ask again for a secret ballot election to settle this question once and for all. We asked for such an election in 1973 but Gallo and the Teamsters refused. Will Gallo agree now to such an election?

Ernest Gallo says that elections are impossible until legislation is passed. He is not well informed. Elections have been held in agriculture and can be held today, e.g., in 1966 the American Arbitration Association (Am.AA) held a secret ballot election at DiGiorgio's ranches in California. The "UFW"—the "Teamsters" and "NO Union" were on the ballot. All parties agreed to the supervision and to the rules and procedures for the elections. Ronald Haughton of the Am.AA testified before the U.S. Congress that: "On July 14, 1966, in the absence of applicable law, I recommended, among other matters the scheduling of an election under the auspices of the Am.AA. A copy of my July 14 recommendation is attached . . . The 22 points of this document, upon formal acceptance by the two unions involved, and by the DiGiorgio Corporation, became enforceable in court as a contract, and became the basic charter for all subsequent procedures up to and including negotiations and arbitration of a complete contract. The important point here is that in the absence of law these three parties decided to establish a private law which basically followed the provisions of the NLRA." (Testimony before the Senate Subcommittee on Migratory Labor, July 11, 1967) The United Farm Workers won that August 30, 1966 DiGiorgio election overwhelmingly. The Teamsters have not agreed to an election with us since that date.

I repeat: We want an election at Gallo now! It is possible! It is a way of resolving this long dispute! If Gallo and the Teamsters refuse—as they have, to date—then we ask fairminded people to boycott all Gallo Wines until elections are held (also non-UFW grapes and head lettuce).

Ernest Gallo says that his company "made every attempt to renew its contract with the UFW." Our union was trying to re-negotiate the table grape contracts in the Coachella Valley in the early months of 1973. The UFW negotiating committee—Gallo workers and Dave Burciaga, UFW's chief negotiator—met with Gallo management on March 22, 1973 (a date that Ernest Gallo has apparently forgotten). Dave Burciaga asked the company on that date to extend the contract a day-at-a-time if negotiations continued past April 18, 1973. Bob Deatrick, representing Gallo, refused! On April 18, Burciaga called Deatrick and again requested an extension of the contract while negotiations continued. This time Deatrick refused by phone and in writing. From that date Gallo maintained union wage rates but all other protections of the UFW contract were eliminated. On May 8, in the third session of negotiations, Gallo proposed that the farm workers give up basic protections they had enjoyed for six years, including: job security, hiring hall, health & safety, seniority grievance procedures, discharge, etc.

In other parts of the state the Teamsters were, at that time, publicly proclaiming their willingness to surrender these same clauses to the growers. Teamster organizers began appearing in Gallo fields on April 24. They were seen with Gallo supervisors, Heuer, Berhardi and Cardenas. UFW organizers were not allowed in the fields after the contract expired April 18.

In May and June Gallo fired 5 workers for union activity; one of those fired was a duly elected member of the Gallo Ranch Committee. By these deeds and others Gallo made it very clear to us that they were planning to sign with the Teamsters unless our Union gave up the most fundamental protections of the contract. (In April, May, June 1973 table grape growers throughout the state were signing with the Teamsters without consulting their workers. In all of those situations the Teamsters first appeared in the fields with company assistance, UFW negotiations bogged down on the issues of the hiring hall, pesticides, seniority, job security, etc. In the end all of the grape growers, but two, signed sweetheart contracts with the Teamsters.)

Ernest Gallo says that the Teamsters presented evidence that they represented Gallo's workers and that Gallo verified the evidence: But Gallo has never been willing to let an independent third party examine this Teamster "evidence." In fact, Gallo's regular workers went on strike June 27, 1973 when the company announced its intention to negotiate with the Teamsters. More than 135 Gallo workers with established seniority were on the picket line while Gallo was talking with the Teamsters in late June and early July 1973. Ernest Gallo has admitted to Ron Taylor of the FRESNO BEE, . . . "That the striking workers were notified they would be fired if they did not return to work. He (Gallo) said they were then discharged and new workers recruited. This second group of workers ratified the Teamsters contract. Gallo said those workers who went out on strike had no voice in the matter." (National Catholic Reporter, January 10, 1975)

This Gallo procedure in 1973 contrasts sharply with their actions in 1967. On Aug. 7, 1967, the California State Conciliation came in at the request of Gallo and the UFW and verified the workers' signatures for UFW; this election led to the first UFW-Gallo contract in 1967. In terms of 1973, we have in our possession signed authorization cards from 173 Gallo workers who were employed on the day the contract expired (April 18, 1973). We will present those cards for inspection and verification whenever Ernest Gallo is willing to present his "evidence" of Teamster representation.

Ernest Gallo says that his workers were unhappy with UFW: If this were so, why did the majority of Gallo's regular workers go on strike, June 27, 1973? Gallo now says that there was no such strike on June 27th! But at the time Robert Gallo admitted publicly that the strike was effective (Modesto Bee, June 28, 1973). On July 3, 1973 the company fired their regular workers who were on strike. Several days later Gallo began eviction proceedings against that group of strikers who lived in Gallo's labor camps (many strikers lived in their own housing). These evictions make a lie out of Gallo's claims that the Teamsters represented their workers. On the one hand the company was trying to evict 74 strikers and their families from their homes and at the same time they were announcing to the public that 158 of 159 workers had ratified the Teamster contract (Los Angeles Times, July 11, 1973).

Ernest Gallo is disturbed about the "rights of the workers" under a UFW contract: It is a strange concern coming from an employer who has turned his workers over to a

Teamsters Union in which farm workers have no meetings, elect no representatives, have no say about dues policies, have no contract enforcement committee, no seniority, no job security, no health and safety committee, no rights!

Mr. Gallo may not like the internal workings of the UFW but he should face the fact that it is not his business. It is the business of the workers! Duly elected farm worker delegates adopted the UFW Constitution which establishes guidelines within which farm workers run their own affairs in their own union. Sections XVI–XXI of our Constitution define the rights and responsibilities of members including the procedures for discipline and appeal to the UFW Board and, if necessary, to a Public Review Board. Gallo complains about UFW discipline of members but what he does not understand is that the "Union" does not discipline workers. Gallo workers do the electing and disciplining of their fellow members in their own meetings and under the provisions of their own Constitution.

Ernest Gallo has many specific complaints about the hiring hall: As Mr. Gallo well knows the UFW Constitutional Convention revised the dues structure so that workers pay dues only when they are working. Ernest Gallo also knows that our hiring halls dispatch workers to their job on the basis of ranch seniority, contrary to his complaint. The hiring hall does follow a seniority system so that regular Gallo workers who bring cousins and uncles to the hiring hall may be separated from their relatives because the new workers cannot be dispatched ahead of employees who have more seniority. Mr. Gallo knows, but does not say, that the workers set up these seniority rules for their own protection—to protect them from Gallo's unfair hiring practices, including favoritism, nepotism, and cronyism. Ernest Gallo's real complaint is not visible in his public statements. Like other growers, the Gallos want to maintain the unilateral power to hire and fire workers. The hiring hall takes away that power. The Teamsters have handed that power back to the Gallo family.

Ernest Gallo mentions a federally supervised election on April 1, 1973 that was lost by UFW: There was no such election in April of 1973 supervised by the Federal Conciliation Service or anyone else that we know of. Mr. Gallo may be thinking of the Nov. 27, 1974 election in Arizona at the Cook lettuce ranch supervised by the Arizona Labor Relations Board. UFW was not on the ballot because we are challenging the constitutionality of the Arizona Farm Labor Law. At the request of UFW members, the workers voted 43 against the Teamsters and only 2 for the Teamsters.

Ernest Gallo is apparently impressed with the Teamster medical and pension plans: Unfortunately these plans are designed to serve year-round workers and do not effectively serve the majority of Gallo's workers who are seasonal, migratory and most in need. Teamster pension administrator Michael Thomacello described the Teamster pension plan in the way: "(It) was designed for permanent employees, not seasonal workers. The short term guy pays for the long term guy." (Ramparts, Dec. '74–January 1975) "Perhaps this is why the Teamster Pension Plan is so rich with money and scandals." (Reader's Digest, December '74.)

The Teamster medical plan requires that a worker have 80 hours in January to get benefits in February, 80 hours in February to get benefits in March, etc. The result is that seasonal workers do not get benefits during the non-work season—the time when they have the most sickness and the least money. The UFW's RFK medical plan is specifically designed to protect seasonal workers even when they are not working (e.g., the winter months). Under the UFW plan a worker can build up 150 hours of work during the harvest season that will then provide medical benefits for the next 9 months. As our Union grows in strength the UFW medical plan and pension plan will also grow—but in our case the decisions about benefit levels and eligibility requirements will be made by farm workers elected by their fellow workers.

Ernest Gallo is upset that our Union delayed the negotiations in the early months of 1973: Negotiations were not delayed by the UFW. We could have finished negotiations in late March or mid-April 1973 if the company had not tried to take away the most important protections the workers won in 1967 and 1970. This assertion is proved by the fact that negotiations between Gallo and UFW were concluded in three days in April 1970. (The Teamsters were not available for sweetheart contracts in April 1970.)

Ernest Gallo's view of what happened in the California legislature in 1973 is somewhat muddled: Most of the farm labor bills he supported died in the California Assembly, not the Senate. None of them got out of committee. None of them protected the right of farm workers to have elections during that work season when most farm workers are on the job. None of them were supported by farm workers even though the legislation was supposed "to protect" farm workers. On the other hand AB–3370, authored by Richard Alatorre was supported by our Union, the AFL–CIO and the major Protestant, Catholic and Jewish religious bodies in California. Farm workers actively lobbied for its passage. AB–3370 was a secret ballot election bill that would ensure that seasonal workers have a chance to vote. It was the only election bill to come out of committee and pass the California Assembly; it was defeated in Senate by the Teamsters and the growers, including Gallo.

Ernest Gallo is very vocal about the need for legislation: Thoughtful people should ask why he is suddenly so enthusiastic about legislation. Was he sending mass mailings about the NLRA two years ago? 10 years ago? The boycott has converted Mr. Gallo to the general theme of legislation. He would like people to work on legislation instead of working on the Gallo boycott. But if people are diverted from the boycott by Mr. Gallo's appeal, if the boycott is weakened by his efforts, would Gallo's active, expensive concern for legislation continue? Farm workers have waited 40 years for collective bargaining legislation. They cannot wait for legislative bodies to do what is right and just—especially when farm workers have little direct say about what happens in Sacramento and Washington. Farm workers will use the non-violent tools that are in their hands—the strike and the boycott—to gain the justice they seek. At the same time they will work for legislation that truly protects farm workers' rights and does not take away their only means of non-violent struggle. If fair legislation does not succeed, then in time the strike and boycott will bring about elections and contracts.

Ernest Gallo claims that he is not like the other growers: The Gallo Wine Company is certainly larger than most growers. They own more than 10,000 acres of farm land. According to TIME MAGAZINE, Gallo's before-tax profits in 1971 were approximately $40 million on sales of $250 million. They produce 45% of all California wines and 37% of all U.S. wines. Gallo is also unlike other growers in the sense that the company is spending more money than anyone else to maintain the Teamster-grower alliance and to destroy the UFW.

Gallo may be more paternalistic than some growers and the company may have slicker public relations personnel but Gallo is united with the non-UFW lettuce and grape growers on the issue that matters most to farm workers: Gallo wants to destroy the UFW hiring hall so they can hire and fire who they want, when they want; they want to be able to hire illegals and children if necessary; they want the freedom to fire active union "sympathizers" at will; they want to be able to fire older workers who cannot run through the fields as fast as 20 year-olds—even when the older workers have seniority. They want to continue the practice of giving machine and supervisional jobs to whites—even when blacks and browns have seniority. They want to hold onto these "management rights" and they are willing to make deals with the Teamsters, fire their own workers, evict them from their homes and lie to the American people in order to maintain them.

We are willing to test the will of the Gallo workers in a secret ballot election: If we lose we will call off the Gallo strike and boycott. We will make the agreement in advance; we will execute it in writing in a form that can be enforced in court. We will put up a performance bond to remove any doubts about our intentions. If Gallo refuses to have an election, then we ask our friends and supporters to continue and intensify the boycott of all Gallo Wines! (All wines made in Modesto, Ca. are Gallo Wines.)

HOUSE OF REPRESENTATIVES—*Monday, April 14, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

Therefore, my beloved children, be ye steadfast, unmoveable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord.—I Corinthians 15: 58.

Eternal God, amid the shadows of Earth Thou art the one Spirit who canst lead us through the hours of these disturbing and demanding days. In the stillness of our hearts we pray for the guidance of Thy Holy Spirit. Lead, Kindly Light, lead Thou us on and give us wisdom to walk in Thy ways.

Grant unto us the grace to make wise decisions and take sound action for the good of our people, for the good of the nations of the world, and particularly for the good of those who live in Southeast Asia.

Keep us moving in the direction of what is right and true, and with integrity and courage may we take our stand, cast our vote, and live our lives. Through Jesus Christ, our Lord. 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.