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Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, FIRST SESSION

SENATE—*Friday, November 16, 1973*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

"O Thou by whom we come to God—
The life, the truth, the way—
The path of prayer Thyself hast trod,
Lord, teach us how to pray."
—JAMES MONTGOMERY.

Direct us, O Lord, in all our doings, with Thy most gracious favor, and further us with Thy continual help; that in all our works begun, continued, and ended in Thee, we may glorify Thy holy name, and finally, by Thy mercy, obtain everlasting life; through Jesus Christ our Lord. Amen. [Common Prayer.]

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 15, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE YEAR OF EUROPE THAT WASN'T

Mr. MANSFIELD. Mr. President, one of the most qualified reporters in the Nation is Mr. Joseph R. L. Sterne, chief editorial writer of the Baltimore Sun.

Mr. Sterne spent a number of years in Europe on assignment as correspondent for that outstanding newspaper. If anyone knows the situation in Europe, Joe Sterne does. We differ on the question of troop withdrawals, I believe, but, nevertheless, I recognize a man of integrity and skill when I see one, especially when I know him.

Mr. President, I ask unanimous consent to have printed in the RECORD a commentary by Mr. Sterne entitled "The Year of Europe That Wasn't," published in the Baltimore Sun on November 16, 1973.

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

ATLANTIC RIFT WIDENS: THE YEAR OF EUROPE THAT WASN'T

(By Joseph R. L. Sterne)

At one o'clock in the morning of October 24, a reporter and a photographer from the Bremerhaven newspaper, *Nordseezeitung*, made an unexpected appearance in their hometown port.

Their goal was a picture-story on the loading of U.S. military hardware aboard an Israeli freighter. Instead, the newsmen were taken into custody by American M.P.'s who turned them over to German police a half hour later.

The result was a diplomatic uproar that chillingly illustrated the cleavage that developed between the United States and Western Europe on fundamental approaches to the Middle East crisis.

The Bonn government, in a position paper mistakenly issued as an official pronouncement, said it "could not allow delivery of arms from American depots in the federal republic to one of the belligerent parties."

Two days later, U.S. Defense Secretary James R. Schlesinger said this reaction in Bonn would cause Washington to question whether the Germans shared the view that U.S. forces were in their country "to enhance the readiness of their forces."

In the predictable patching-up efforts that followed, both governments tried to repair the special relationship that is crucial to both of them.

It was agreed that in the future ships or planes of a belligerent outside the NATO area would not be used for the transport of U.S. war materiel. It was also agreed that both Bonn and Washington had overreacted.

But had they?

American officials let it be known there was an unwritten understanding that the U.S. reserved to itself authority to move men and equipment from bases in Germany to any destination it wished.

German sources did not dispute or confirm this. They merely expressed a conviction that both sides would know better how to handle a matter of this kind in the future. Americans would be expected to be more discreet, to use their own carriers and to mesh any extraordinary transport operations into the very active normal routine.

As long ago as 1958, Konrad Adenauer protested the shifting of Germany-based U.S. troops to Lebanon. And during the "black September" conflict between Syria and Jordan in 1970, virtually the entire Seventh Army in Germany was put on a massive alert that just could not be disguised.

What this signifies is that U.S. forces in Europe really have two missions.

One is the overt mission, sanctified in the NATO treaty, to defend Western European nations from Soviet bloc attack. The other is an unwritten, uncodified mission to defend American interests in areas closer to Europe than to the continental United States.

The Middle East is the key target region for this second mission, but it is not the only one. Had the Congo situation precipitated a big-power confrontation in 1960, U.S. bases in Europe would have been highly important.

The dual purpose of U.S. forces assigned to NATO is not something western governments like to talk about even though the British, too, reserve the right to use their Army of the Rhine units in Northern Ireland.

To Western Europeans, as the latest crisis graphically illustrated, the second mission of U.S. forces carries with it the danger of involving London or Paris, Rome or the Hague, in U.S. conflicts where European interests dictate noninvolvement as the better course.

Yet, as is often the case in Atlantic relationships, there are ambiguities.

Europeans, for example, consider the U.S. Sixth Fleet in the Mediterranean vital to the defense of their southern flank even though they know its primary role is in the Middle East.

They profess support for the whole détente process but quaver when this leads to American-Soviet confrontations or accords that presume superpower life-and-death decisions on the fates of other countries.

These are the kinds of contradictions that have made a shambles of the much-heralded Nixon-Kissinger "Year of Europe."

It has been a "Year of Europe" all right, but hardly the one envisaged by the President or his Secretary of State last January.

The Kissinger "new Atlantic Charter" speech last April was widely received in Europe as a presumptuous U.S. attempt to make its continued military presence dependent on European cooperation in political and economic matters.

The Nixon-Brezhnev declaration on nuclear weapons last June was regarded as a sign that in basic strategic matters Washington would deal over European heads.

Then, finally, came the Mideast crisis. The United States, which still can survive without Arab oil, honored its commitment to Israel and expected that its allies, at the least, would not hinder this decision.

Western European nations, in contrast, decided they could not survive without Arab oil—and acted accordingly.

Even the Netherlands, which had suffered an Arab oil embargo in retaliation for its pro-Israeli sentiments, eagerly signed a European Community proclamation calling on Israel to give up all of the territory it took in 1967.

Next month, when NATO ministers assemble for their annual meeting in Brussels, efforts will be made to paper over the squabbles or to make them sound like a healthy airing of grievances.

Which, of course, will be so much poppycock.

NATO is in disarray, and will remain so no matter what sweet-talk communiques or lofty declarations may say.

It is in disarray moreover, because the alliance is still burdened by the rhetoric and assumptions of twenty years ago.

Europeans have not adjusted to the necessity of the Washington-Moscow strategic relationship just as Americans have not per-

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ceived new European political and economic necessities.

Until inevitable conflicts of interest between the United States and Europe are accepted as undeniable facts of life; until both routine and crisis-management policies recognize these realities; until the alliance is not constantly doomed to failure because of make-believe goals—until these and other adjustments are made the Atlantic Alliance will remain a troubled one.

THE ENERGY CRISIS

Mr. MANSFIELD. Mr. President, from an article in the Baltimore Sun, written by Adam Clymer, on its front page, entitled "Fuel Crisis Long Term, Nixon Says," I read the following:

President Nixon warned yesterday that there was nothing temporary about the energy crisis and that an end to the Arab oil embargo would not mean an end to the problem.

Saying it was serious before the Mideast crisis, he criticized Congress for not passing the legislation he had requested.

Incidentally, I do not think he should criticize Congress, because it has been the administration which has been derelict in its duty in facing up to this problem. Rhetoric will not cope with it. Legislation will. That is what Congress—especially the Senate—has been attempting to do down through the past year and more.

Continuing to read from the article:

The energy problem is even more serious now, he said, with the only long-term solution being an effort to achieve self-sufficiency in energy, which he said could be achieved by 1980.

Mr. President, the energy crisis which confronts the Nation today is the No. 1 domestic problem confronting us. First, let me say that I am disappointed that the Senate did not adopt the Haskell amendment on yesterday which would have paved the way for the introduction of rationing gasoline around the first of next year. We better face up to the fact that we are going to have rationing of gasoline whether we like it or not and, may I say in this respect that the President already has the authority to impose rationing of gasoline if he wants to. The alternative floating around is high prices on gasoline which are going to result under any circumstances or, as some of the administration people have been hinting, indicating, and stating, an increase in the Federal gas tax from 4 cents at present to 30 or 40 cents. This would be an outrageous way of handling a shortage because, once again, the imposition of a 30 to 40 cents increase per gallon added on to the 4 cents present gasoline tax now in existence would mean that the present national sales tax would be increased by anywhere from six to eight times if such a proposal is advanced. May I say that, in my opinion, Congress would not vote for such a tax.

Reducing the temperature to 68 degrees and reducing highway speed limits to 50 miles per hour are not the answer to the question confronting us. The real concern is that a shortage in fuel will bring about an economic slowdown of serious proportions. It will bring about shortages in other areas. It will bring about high prices. It will increase unemployment and will lay the groundwork for a recession next year.

Energy is of such vital significance that practically all industry will be affected by the shortage and it will mean major reductions and slowdowns in various businesses—automobiles, consumer goods, plastics, steel, and the like. And, I may say, it will affect the farm economy, as well.

Unless something is done now—not next week—not next month—not next year—prices are going to go up and, if they go up, labor will demand higher wages, and the result will be a significant increase beyond the 8-percent inflation which affects us in this calendar year. We are dilly-dallying while the economy burns.

Mr. HANSEN. Mr. President, I am privileged to be here, opposite my very good friend and nationally admired colleague from Montana, the distinguished majority leader (Mr. MANSFIELD).

Let me say, first of all, that the majority leader has not been alone in criticizing the administration. I think I have a pretty good record of doing the same thing myself. In many respects, I agree with him completely with respect to the inadequate answers and the failure on the part of the administration to take actions that, I think, could have been helpful long ago in resolving the energy crisis.

The fact is that the administration, all too often, has carried on in the tradition of the Kennedy administration and the Johnson administration in failing to take action to increase supplies. Despite all the rationing we may vote for in the Halls of Congress, despite the actions that may be taken by various Governors throughout the United States, the facts remain just as the distinguished majority leader has stated them. We are in deep trouble if we do not do something about energy. I am disturbed because we have not done more about energy than we have done.

With the exception of the Alaskan pipeline bill, which will be signed later this morning by the President of the United States, we really have not done very much about coming to grips with the problem of supply. Most of the measures that have been talked about here have been directed to rationing and, very properly, to conservation and eliminating waste and unnecessary uses of fuel. I am for converting to the use of fuels that are in plentiful supply, when we have them; and coal is certainly one fuel that is in plentiful supply.

I think the President is entirely right in ordering that all plants that can be converted from the use of natural gas to the use of coal should be converted and given the few qualifications that he has spelled out.

There is no question that prices will rise. The distinguished Senator from Montana, the majority leader, is precisely right. They are going to rise no matter what America does. The fact is that today, what little trickle of oil is still coming in by boat to American ports sells, on the average, for twice as much as American crude oil is selling.

For those who seek to point the finger of blame at the industry, I can only say, "Read the record and see what industry has been doing for the last half dozen years." I am not one to claim that industry is without blame, either; but I would say that neither Congress nor any other legislative body in this land—nor can any Governor in this land—long hold in abeyance the laws of supply and demand.

The fact is that this Nation is an energy incentive Nation, and our jobs depend upon energy more than is true in any other country on the surface of the earth.

So what we are faced with is precisely this fact. Rationing is not enough. I happen to be glad that the Haskell amendment was not agreed to, because had it been adopted yesterday, we would have been in this situation: We would have given the American people a false reason to believe that we had gone a long way in settling the problem, and we have not settled the problem. It is going to be severe and it is going to be critical this winter. There will be cold homes. Very likely, schools will be closed. There is no question that many plants that employ many, many Americans will be shut down.

So I say it is no answer at all to the problem by passing a law that will authorize the President to impose rationing.

I voted for the fuels allocation bills that have come before this body. I do not know how I will vote on this particular bill. But we are fooling ourselves if we think we are solving America's critical problem simply by trying to spread the misery around. There is altogether too much misery to spread around on that basis.

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

Mr. MANSFIELD. Mr. President, I will take only a short portion of the time allocated to me.

First, I want to say that I was very pleased to hear the remarks of the distinguished Senator from Wyoming, even though I disagree with him completely on the question of rationing. May I say, now that the manager of the bill, the distinguished Senator from Washington (Mr. JACKSON), is on the floor, that it is my understanding that the President has the right to impose rationing at this time if he so desires.

Is that correct?

Mr. JACKSON. The Senator is correct. Under the Defense Production Act of 1950, which is still the law, he can invoke it at any time. We have gone a step further to strengthen his hand, even though the amendment, which I thought was a wise one—the majority leader did, also—was voted down yesterday.

Mr. MANSFIELD. May I say that even though that amendment was voted down, the danger flags are waving. I would suggest to the administration that it take heed of his problem and that the President, in the meantime, use his power, the power he has under the Defense Production Act of 1950. He ought to start the presses rolling so far as coupons for rationing are concerned, and he ought to set up an embryo agency to carry out this most difficult of assignments.

Mr. President, one thing I did not mention in my earlier remarks is that if a gasoline tax of the kind advocated, mentioned, stated, implied by members of the administration is instituted—an increase of 30 to 40 cents over the present 4-cent Federal sales tax on gasoline the people who will be hit the hardest, as always, are those in the lowest income and, next, those in the middle income groups. So far as the rest of us are concerned, there will really be very little in the way of hardship. But it is the same old story: The people who have to shoulder the greatest burden and pay the most in cost are the people who get the least in the way of salaries and wages. There are no loopholes for them. They pay their taxes on the basis, usually, of what comes out of their monthly paychecks.

I agree with the distinguished Senator from Wyoming, that this is one instance, in my opinion, in which the oil companies are not to blame. They have to be blamed for many things which have occurred in the past, but I think they have been carrying on a good educational campaign, trying to point out to the people of this Nation and to this administration and to Congress the difficulties which confront us; but we have not eyes to see nor ears to hear. Now it is upon us.

May I say, Mr. President, that the important facts to remember are that it is going to mean a shutdown in industries, it is going to mean a curtailment of farm production, it is going to mean unemployment, it is going to mean demands for higher wages, and it is going to mean increased inflation. Unless something is done—mark my words—it will mean a recession in 1974.

Mr. HANSEN. Mr. President, let me seize this opportunity to join my good friend, the Senator from Montana, in saying that I will stand squarely with him in opposing the imposition of any additional tax on gasoline, gas, fuel oil, or anything else. The fact is that we do not need an extra tax on something that is in short supply.

I know that there are some in the administration—not everyone down there—who think we should have a tax. Herb Stein made clear yesterday that he opposes the tax. He says, and I agree with him, that what we need is to give industry the incentive and the encouragement to get out and spend more money to drill deeper wells, more costly wells, to catch up with the amount of fuel and energy we are consuming as we increase supply.

So I think the Senator from Montana is precisely right in railing against any tax on gasoline, on fuel oil, or an anything else. I agree with him 100 percent. I hope that, with what little assistance I can give him, we will be able to keep the Senate of the United States from authorizing any tax increase by the Federal Government in this sector.

The fact is that the independent oilmen, the kind of operators that Senator MANSFIELD and I know in our States of Montana and Wyoming, have not made the windfall profits most people attribute to everybdoy in the oil business. The year before last was not a very good year. Many properties were expropriated in the Middle East. So when an oil company, a major company, says that it has had an increase in profits in the proportion of a 91-percent increase from the year before, it sounds as though everybody is rolling in wealth.

Well, that is not necessarily so. It is not necessarily so because what really needs to be done is to look back at the previous year and see how well any one company did that year. Then, one is better able to frame an honest, objective judgment as to the excessiveness, if there be any, of profits by the oil companies.

But to refer again to the independent, the kind of man who does not have the money to go out and drill the wells, that man has to go out to a lot of different people to get the money to drill the well. The average well today is twice as deep as it was 10 or 15 years ago and it costs more per foot to drill. If we compare drilling activity in 1956 with the drilling activity in 1972, we find that there were roughly about one-half as many wells completed in 1972 as there were in 1956. At the same time, if we look at the consumption of energy in the United States, we find that for this same period it has practically doubled.

In effect what I am saying is that if we had kept up with the exploratory activity which is basic to our domestic petroleum and natural gas supplies in the United States, we would have been required to drill four times as many wells in 1972 as we did drill.

I agree with the Senator from Montana (Mr. MANSFIELD). We should not impose a tax on gasoline and petroleum products, but rather we should let some of that money go back into the industry so that the independents, the people who last year made on the average 3.5 to 6.5 percent on their overall investment, can get a little better break. Unless they have that bettter break, there will not be enough wells drilled and that is exactly where we are today. So I agree with my good friend, the majority leader. I will do everything I can to see that we do not impose a tax on gasoline or petroleum products of any kind.

Mr. MANSFIELD. May I say I hope the administration is getting the smoke signals which are emanating from the Senate today. I agree with the distinguished Senator from Wyoming relative to independent oil producers. If my memory serves me correctly, I think about 1 hole produces for every 13 holes drilled. That would not apply to the overseas oil companies which have on too many occasions used all the loopholes applicable and, in some instances, have been able to get out of paying their fair share of the taxes as are paid by people in the lower income groups and the middle income group, who have no loopholes, who have to pay through the nose, whose taxes to this Government keep it functioning. These are the people who will be hit the hardest if anything in the way of a tax increase on gasoline is put into effect.

So I hope this body will follow the lead of the distinguished Senator from Washington and face up to its responsibilities at this time and recognize the pitfalls and the dangers which lie ahead of us in cutdowns, slowdowns, unemployment, increased demands for wages, increased inflation, and a recession next year if something is not done.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 475 and Calendar Order No. 487.

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

JUDICIAL REVIEW OF DECISIONS OF THE INTERSTATE COMMERCE COMMISSION

The Senate proceeded to consider the bill (S. 663) to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes which had been reported from the Committee on the Judiciary with amendments on page 2, in line 5, after "(a)", strike out:

"(a) Except as otherwise provided by law, venue in any civil action to enforce, enjoin, or suspend, in whole or in part, an order of the Interstate Commerce Commission for the payment of money or the collection of fines, penalties, and forfeitures is in the judicial district in which the petitioner resides or has its principal office"; and insert "Except as otherwise provided by law, a civil action brought under section 1336(a) of this title shall be brought only in a judicial district in which any of the parties bringing the action resides or has its principal office";

On page 3, after line 4, strike out:

"SEC. 5. Section 2343 of title 28, United States Code, is amended to read:

" 'The venue of a proceeding under this chapter is in the judicial circuit in which the petitioner resides or has its principal office, or, except for a proceeding under paragraph (5) of section 2342 of this title, in the United States Court of Appeals for the District of Columbia Circuit.' "

At the beginning of line 12, change the section number from "6" to "5"; on page 4, after line 8, strike out:

"SEC. 7. Section 2324 of title 28, United States Code, is amended—

"(1) by striking after the word 'enjoin' the words 'set aside, annul', and

"(2) by inserting after the word 'Commission' the words 'for the payment of money or the collection of fines, penalties, and forfeitures.' "

At the beginning of line 16, change the section number from "8" to "6"; at the top of page 5, strike out:

"SEC. 9. Section 2325 of title 28, United States Code, is hereby repealed."

And, in lieu thereof, insert:

"SEC. 7. Sections 2324 and 2325 of title 28, United States Code, are hereby repealed."

At the beginning of line 5, change the section number from "10" to "8"; in the material following line 8, strike out "2324. Stay of Commission's order.."; at the beginning of line 9, change the section number from "11" to "9"; and at the beginning of line 18, change the section number from "12" to "10", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1336(a) of title 28, United States Code is amended to read as follows:

"(a) Except as otherwise provided by Act of Congress, the district courts shall have jurisdiction of any civil action to enforce, in whole or in part, any order of the Interstate Commerce Commission, and to enjoin or suspend, in whole or in part, any order of the Interstate Commerce Commission for the payment of money or the collection of fines, penalties, and forfeitures."

SEC. 2. 1398(a) of title 28, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by law, a civil action brought under section 1336 (a) of this title shall be brought only in a judicial district in which any of the parties bringing the action resides or has its principal office.

SEC. 3. Section 2341(3)(A) of title 28, United States Code, is amended by inserting following "Federal Maritime Commission," the words "the Interstate Commerce Commission,".

SEC. 4. Section 2342 of title 28, United States Code, is amended as follows:

(a) In the paragraph designated "(3)", following the semicolon, strike "and";

(b) In the paragraph designated "(4)", strike the period and insert in lieu thereof a semicolon followed by the word "and";

(c) Add a new paragraph "(5)" as follows:

"(5) all rules, regulations, or final orders of the Interstate Commerce Commission made reviewable by section 2321 of this title."

SEC. 5. Section 2321 of title 23, United States Code, is amended to read:

"§ 2321. Judicial review of Commission's orders and decisions; procedure generally; process

"(a) Except as otherwise provided by an Act of Congress, a proceeding to enjoin or suspend, in whole or in part, a rule, regulation, or order of the Interstate Commerce Commission shall be brought in the court of appeals as provided by and in the manner prescribed in chapter 158 of this title.

"(b) The procedure in the district courts in actions to enforce, in whole or in part, any order of the Interstate Commerce Commission other than for payment of money or the collection of fines, penalties and forfeitures, shall be as provided in this chapter.

"(c) The orders, writs, and process of the district courts may, in the cases specified in subsection (b) and in the cases and proceedings under section 20 of the Act of February 4, 1887, as amended (24 Stat. 386; 49 U.S.C. 20), section 23 of the Act of May 16, 1942, as amended (56 Stat. 301; 49 U.S.C. 23), and section 3 of the Act of February 19, 1903, as amended (32 Stat. 848; 49 U.S.C. 43) run, be served and be returnable anywhere in the United States."

SEC. 6. The first paragraph of section 2323 of title 28, United States Code, is amended to read as follows:

"The Attorney General shall represent the Government in the actions specified in section 2321 of this title and in actions under section 20 of the Act of February 4, 1887, as amended (24 Stat. 386; 49 U.S.C. 20), section 23 of the Act of May 16, 1942, as amended (56 Stat. 301; 49 U.S.C. 23), and section 3 of the Act of February 19, 1903, as amended (32 Stat. 848; 49 U.S.C. 43)."

SEC. 7. Sections 2324 and 2325 of title 28, United States Code, are hereby repealed.

SEC. 8. The table of sections of chapter 157 of title 28, United States Code, is amended to read:

"Chapter 157.—INTERSTATE COMMERCE COMMISSION ORDERS; ENFORCEMENT AND REVIEW

"Sec.

"2321. Judicial review of Commission's orders and decisions; procedure generally; process.

"2322. United States as party.

"2323. Duties of Attorney General; intervenors.

SEC. 9. The proviso in section 205(h) of the Motor Carrier Act, as amended (49 Stat. 550; 49 U.S.C. 305(g)), is amended by striking "file a bill of complaint with the appropriate District Court of the United States, convened under section 2284 of title 28" and inserting in lieu thereof "commence appropriate judicial proceedings in a court of the United States under those provisions of law applicable in the case of proceedings to enjoin or suspend rules, regulations, or orders of the Commission."

SEC. 10. This Act shall not apply to any action commenced on or before the last day of the first month beginning after the date of enactment. However, actions to enjoy or suspend orders of the Interstate Commerce Commission which are pending when this Act becomes effective shall not be affected thereby, but shall proceed to final disposition under the law existing on the date they were commenced.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER CARRIER BARGE MIXING RULE LEGISLATION OF 1973

The bill (S. 2267) to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Interstate Commerce Act as amended (49 U.S.C. 903(b)), is amended to read as follows:

"(b) Nothing in this part shall appy to the transportation by a water carrier of commodities in bulk. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. This subsection shall not apply to transportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended.".

SEC. 2. Sections 2 and 3 of the Act of December 28, 1970, (84 Stat. 1587) are hereby repealed.

AMENDMENT OF TITLE 38 OF THE UNITED STATES CODE—DISABILITY AND DEATH PENSIONS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9474.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 9474) to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes, which were in lieu of the matter proposed to be inserted by the Senate engrossed amendment to the text of the bill, insert:

That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $143. For each $1 of annual income in excess of $300 up to and including $800, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $800 up to and including $1,300, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,300 up to and including $1,600, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,600 up to and including $2,200, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,200 up to and including $2,500, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $2,500 up to and including $2,600, the monthly rate shall be reduced 8 cents. No pension shall be paid if annual income exceeds $2,600.".

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $154 for a veteran and one dependent, $159 for a veteran and two dependents, and $164 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $800, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $800 up to and including $2,600, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $2,600 up to and including $3,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $3,200 up to and including $3,700, the monthly rate shall be reduced 5 cents; and for each $1 of annual income in excess of $3,700 up to and including $3,800, the monthly rate shall be reduced 6 cents. No pension shall be paid if annual income exceeds $3,800.".

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $96. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cents; for each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,400 up to and including $2,600, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $2,600.".

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $700 or less, the monthly rate of pension shall be $114. For each $1 of annual income in excess of $700 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100

up to and including $2,500, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,500 up to and including $3,400, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800.".

SEC. 2. Section 541(d) of title 38, United States Code, is amended by striking "17" and substituting in lieu thereof "18".

SEC. 3. (a) Section 542(a) of title 38, United States Code, is amended by striking the figures "42" and "17" respectively, and substituting in lieu thereof the figures "44" and "18", respectively.

SEC. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $110. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,100 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,700, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,700 up to and including $2,000, the monthly rate shall be reduced 6 cents for each $1 for annual income in excess of $2,000 up to and including $2,300, the monthly rate shall be reduced 7 cents; and for each $1 annual income in excess of $2,300 up to and including $2,600, the monthly rate shall be reduced 8 cents. No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.".

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $77. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,400, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,400 up to and including $2,300, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,300 up to and including $2,600, the monthly rate shall be reduced 5 cents. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600.".

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $74. For each $1 of annual income in excess of $1,000 up to and including $1,200, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,200 up to and including $2,900, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,900 up to and including $3,800, the monthly rate shall be reduced 3 cents. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800.".

SEC. 5. Section 3203(a)(1) of title 38, United States Code, is amended by striking out "30" and inserting in lieu thereof "50".

SEC. 6. (a) Subsection (b) of section 3010 of title 38, United States Code, is amended by inserting "(1)" immediately after "(b)", and by adding at the end of said subsection the following new paragraph:

"(2) The effective date of an award of disability pension to a veteran shall be the date of application or the date on which the veteran became permanently and totally disabled, if an application therefor is received within one year from such date, whichever is to the advantage of the veteran.".

(b) Subsection (a) of this section shall apply to applications filed after its effective date, but in no event shall an award made thereafter be effective prior to such effective date.

SEC. 7. (a) Any veteran who was dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas, on August 13, 1906, and who was not subsequently ruled eligible for reenlistment in the Army by a special Army tribunal decision dated April 6, 1910, shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $25,000.

(b) Any unremarried widow of any veterans described in subsection (a) of this section shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $10,000 if such veteran died prior to the date of enactment of this Act or if such veterans failed to make application for payment under subsection (a) after such date of enactment and prior to his death.

(c) Payment authorized to be made under this section in the case of any veteran or widow shall be made by Secretary of the Army out of funds available for the payment of retired pay to Army personnel, upon certification by the Administrator of Veterans' Affairs of the entitlement of such veteran or widow to receive such payment. In no case may any payment be made to any veteran or widow under this section unless application for such payment is made within five years after the date of enactment of this Act.

SEC. 8. This Act shall take effect on January 1, 1974.

In lieu of matter proposed by the Senate amendment, insert: "An Act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemity compensation, and for other purposes."

Mr. HANSEN. Mr. President, this bill, H.R. 9474. passed the House of Representatives in July and was referred to the Senate Veterans' Affairs Committee where it was amended and passed the Senate on August 2, 1973, substituting the text of S. 275. Now the measure has been further amended by the House and referred to this body by action taken on November 13, 1973.

This veterans' pension measure, in its present form, does not do everything that some would desire, yet it will provide the necessary equity to offset problems created by the social security benefits increase of 1972. This bill will provide increases from 10 percent to 20 percent in pensions payments to both the veteran and his dependents.

Certainly H.R. 9474 is not a cure-all measure, nor should we consider it as such. We must continue to look carefully into these matters in the months ahead. This is particularly important, I believe, in light of the recent committee action to increase social security benefits.

I am advised that additional pension reform measures will be taken up early in the 2d session of the 93d Congress in 1974.

With this in mind, I support this bill and ask that my distinguished colleagues approve its passage.

Mr. THURMOND. Mr. President, I am pleased to rise in support of H.R. 9474, the veterans pension legislation of 1973.

At the outset, Mr. President, let me express my belief that the action which we take today is only a temporary solution for the millions of pensioners who seek relief in a time of increasing costs.

Essentially, this bill merely provides a cost-of-living increase for our veterans who must rely on pensions, and it also includes a provision for the payment of compensation to the last surviving member and survivors of the so-called Brownsville incident.

S. 275, in the nature of a substitute for H.R. 9474, differed sharply from the House bill. After 3½ months of discussions with the House, it became apparent that two differences would not be reconciled. First, the House insisted that a limitation be placed on the earned income of a veteran's spouse in computing income for pension purposes. Second, the Senate was insistent that its provision for a $400 increase in income limitations be included in the final version of the bill.

At the suggestion of Senator HARTKE, both provisions can be deferred for intensive study and consideration when the Senate committee considers pension reform in the next session. The House made a similar decision on Thursday, when it passed this legislation. In the spirit of making sure that Congress provides a necessary cost-of-living increase before the session ends, it is my hope that the Senate will pass this bill expeditiously, and that the President will see his way clear to sign it.

Mr. President, original efforts to write the pension bill which we are now considering began in the 92d Congress. At that time, I was pleased to join with Senator HARTKE, the Chairman, and other members of the Veterans' Affairs Committee in sponsoring S. 4006. S. 4006 passed the Senate unanimously on October 11, 1972, but the House was unable to act before adjournment. Therefore, on January 9, 1973, I was pleased to join again as cosponsor of the veterans' pension bill, S. 275, in the 93d Congress.

The amended version of the bill which passed the House on Thursday, and which is recommended to the Senate by

the Veterans' Affairs Committee, includes compromise language which reflects the problems which have arisen in the complex area of the pension law.

Mr. President, to be candid about the situation, our veterans will not be fully satisfied with this legislation. Neither will the budget analysts who seek ways to cut spending on various veterans' programs. The first year cost impact of this bill alone will be well over $240 million.

Second, I am not fully satisfied with this legislation, and I am sure I speak for my colleagues on the committee. However, we all recognize the limitations within which we must work before tackling the more complex issue of analyzing the entire pension system. At the same time, this bill represents an equitable cost of living increase for our pensioners and provides temporary relief.

All of us agree that our veterans pension system needs thorough study. As usual, differing views are set forth on the subject. However, the many complexities which we have encountered in working out a pension bill this year have reinforced my conviction that a full-fledged examination of the veterans pension program is necessary.

President Nixon has called for pension reform, and many others have called for changes in the pension system. I am therefore hopeful that Senate hearings on this matter will be a first order of business in the next session.

I look forward to hearing what the Administration witnesses propose, as well as to the recommendations of the various veterans' service organizations. Furthermore, I am hopeful that veterans themselves will write to us and let us know their thoughts on changes in the pension program.

Mr. President, I stated that I was not fully satisfied with this legislation, because it is not a panacea for the problems in the veterans pension law. I am encouraged, however, with it as a temporary solution, and am hopeful that it will prove to be a catalyst for prompt consideration of methods to improve the veterans pension system.

After all, all veterans programs exist for the benefit of the veteran, and it is his interest that we are charged with protecting.

Accordingly, Mr. President, I urge the Senate to pass this legislation, but with the full understanding that all aspects of pension legislation will be analyzed and considered by the Veterans' Affairs Committee in the next session.

Mr. HARTKE. Mr. President, I urge the Senate to support H.R. 9474, as amended, the compromise non-service-connected pension bill for veterans and their survivors. While I am disappointed that the amended bill before you does not contain all the provisions of S. 275, which the Senate approved without a dissenting voice earlier this year, I believe approval of H.R. 9474 by this body is warranted today, particularly in light of House, Senate, and administration commitments to general pension reform legislation in 1974.

Senators will recall that following hearings of the Subcommittee on Compensation and Pensions, so ably presided over by the senior Senator from Georgia (Mr. TALMADGE), the full Committee on Veterans' Affairs, of which I am privileged to be chairman, unanimously ordered my bill (S. 275) reported to the Senate. On August 2, the full Senate unanimously approved S. 275 as an amendment in the nature of a substitute to H.R. 9474 which three days prior to that time had cleared the House of Representatives.

As passed by the Senate, S. 275 provided first, for a 10-percent increase across the board in pension rates together with a $400 increase in the maximum annual income limitations for eligible veterans and their survivors. Second, a similar 10-percent increase in rates plus a $400 increase in maximum annual income limitations was provided to parents receiving dependency and indemnity compensation. Third, a $400 increase in the maximum annual income limitations was authorized for all "old law" pensioners. Fourth, the bill amended the law to provide an increase in the amount of pension paid to a veteran with neither wife nor child who is receiving hospital treatment from $30 to $50 a month. Fifth, the bill amended the law with respect to the effective dates of pension awards to provide that the effective date shall be the date of application or the date on which the veteran became totally and permanently disabled whichever is to the advantage of the veteran. Sixth, the bill provided for compensatory payments of $25,000 to any veteran or $10,000 to any unremarried widow of the Brownsville incident of 1906.

Following Senate action, extensive discussions were undertaken by the committees in an attempt to reconcile differences between the House and Senate versions of H.R. 9474. There was no dispute as to increased pensions for hospitalized veterans, or to new effective date provisions since both bills contained identical measures. Following resolution of jurisdictional questions, the House agreed to the Brownsville compensatory provisions of the Senate bill. The House also agreed basically with the Senate bill's 10 percent rate increase formula with some technical modifications which have been incorporated into the bill before you today.

Two major points of contention remained, however. These were the issues of increases in the maximum annual income limitations and a limitation on wives' earned income. Both have been the subject of extended discussions. With regard to maximum annual income limitations, the law currently provides that no pension will be paid if a single veteran's countable income exceeds $2,600, or if a married veteran's accountable income exceeds $3,800. My colleagues will recall that the Senate, consistent with past practice, increased the maximum annual income limitations by $400 which represented the approximate average of social security increases passed last year. A corresponding $400 increase was provided for "old law" pensioners. The House, which had not provided for any increase in the maximum annual income limitations remained quite adamant in its position that it did not believe, at least without further intensive study, that an increase in the maximum annual income limitations was presently warranted. Their position was perhaps best summed up in a letter to me from the distinguished chairman of the House Subcommittee on Compensation and Pensions, Mr. TEAGUE, who said:

> It is the position of the House that the present income limits are already so high as to reflect unfavorably when compared to the service-connected compensation program. A further increase would distort in an unacceptable fashion the relationship between non-service-connected pension and service-connected compensation.

He further added:

> We do not expect to alter the House position of the remaining areas of difference which relates to income limits.

This position was strongly supported by the administration. It was the position of the Senate committee that if pension rate increases were justified by increases in the cost of living then at a minimum it was logically consistent to increase the veteran's or his survivor's income ceiling to adjust for the effects of inflation. In our discussions we also could not fail to take cognizance of the strong sentiment expressed earlier this year by many Members of the House and Senate for a complete "passthrough" of social security benefits as it applies to veteran pensioners. The additional cost attributable to a $400 increase in income limits as originally provided for by the Senate would only have been $26.4 million for the first full fiscal year.

At the same time to the extent that the current pension system does contain a number of "inconsistencies, inequities, and anomalies" as the VA testified earlier this year, then it follows that any increase in annual income limitations or rates exaggerates and perpetuates those problems which do exist. Thus, it is understable that some Members of Congress would prefer to consider the issue of increased income ceilings in the context of overall pension reform legislation to be considered in 1974. Given the strong feeling of some House Members together with their positive assurances that they will consider this issue in the next session, the Senate committee reluctantly agreed to drop its provisions providing a $400 increase in the maximum annual income limitations.

The final issue in dispute concerned wives' earned income. Currently, in determining the pension to which a veteran may be entitled, his wife's earned income is not counted. In its budget submission this year, the administration proposed to count all such income in determining what, if any, pension would be paid to a veteran. The fiscal year 1974 budget estimated pension reduction of $225 million for the first year if this proposal were adopted. H.R. 9474 as originally passed by the House would have exempted wives' income up to $3,600 but would have counted any earned income in excess of that amount. Adoption of this proposal would have effected pension reductions of $43.3 million in the first full fiscal year.

While the Senate Committee is not philosophically opposed to a reasonable limitation on wives' earned income for the purposes of determining the amount

of pension to which a veteran is entitled, it was and continues to be the committee's position that it currently lacks sufficient information upon which to reach an equitable limitation. Adoption of any limitation on wives' earned income without adequate information as to its precise effect could work hardship on thousands of pension recipients. Given the foregoing, the Senate Committee believes that further study in the context of overall pension review in 1974 is called for. The House concurs and accordingly agreed to drop its provisions with the explicit understanding that the issue of wives' earned income would be considered together with the issue of increases in income limitations during overall pension review this coming year.

Finally, a question has been raised concerning the prospective increases in social security presently being considered by Congress to take effect sometime in 1974. The American Legion in a letter to me has expressed deep concern that the Veterans' Administration might depart from past practice and attempt to incorporate the prospective social security increases—assuming it knew the precise increase and effective date—in determining the amount of pension that a veteran or a survivor will receive during 1974. The Senate committee strongly believes that there should be no departure from the traditional interpretation of the end of the year rule contained in section 3012(b)(4) of title 38, United States Code, and the consistent past practice by the Veterans' Administration since that provision was enacted in 1968. Any departure from the standard interpretation would also seriously undermine assurances made on the floor of the House and the Senate during consideration of social security increases in July. It was our understanding then as it is now that any social security increases effective next year will not affect the amount of pension that a veteran or his survivor received during the 1974 calendar year.

In conclusion, the bill before you today does less than I had hoped. Nevertheless, it is important to remember that this is a temporary interim measure which we move forward to consider overall pension legislation in the coming session. During 1974, while we consider veterans' pension legislation, this legislation will provide an additional $239.6 million to the present pension budget of approximately $2.660 billion for some 2½ million pensioners.

As such, I would urge its immediate approval so that we may provide needed relief to our Nation's veterans and survivors as we proceed next year to consider more fundamental changes in the veterans' pension system.

Mr. President, I ask unanimous consent that a section-by-section analysis of the compromise bill together with representative tables showing current and new pension rates payable under this bill and detailed cost estimates be placed in the RECORD at this point.

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

SECTION-BY-SECTION ANALYSIS OF H.R. 9474, COMPROMISE VERSION

SECTION 1

Subsection (a) would increase the rates of pension and the annual income limitation for unmarried veterans under subsection 521(b). Currently, a veteran with no dependents receives a maximum monthly pension of $130 if his annual income is $300 or less, decreasing on a graduated basis to $22 with an annual income of $2,600. As amended, this subsection would provide a maximum monthly rate of $143 with an annual income of $300 or less, down to $28 for an annual income of $2,600.

Subsection (b) would increase the rates of pension and the annual income limitation for a married veteran under subsection 521(c). Currently, the maximum monthly pension payable to a veteran with one dependent is $140, with two dependents $145, and with three or more dependents $150, based on an annual income of $500 or less. This decreases on a graduated basis down to $33, $38, or $43, respectively, with an annual income of $3,800. As amended, this subsection would provide a veteran with one dependent $154, with two dependents $159, and with three or more dependents $164, based on an annual income of $500 or less, ranging down to $39, $44, or $49, respectively, with an annual income of $3,800.

Subsection (c) would increase the rates of pension and the annual income limitation for the widow without child under subsection 541(b). Currently, a widow without child receives a maximum monthly pension of $87 if her annual income is $300 or less, decreasing on a graduated basis to $17 with an annual income of $2,600. As amended, this subsection would provide a maximum monthly rate of $96 with an annual income of $300 or less, down to $21 with an annual income of $2,600.

Subsection (d) would increase the rates of pension and the annual income limitations for a widow with one child under subsection 541(c). Currently, a widow with one child receives a maximum monthly pension of $104 if her annual income is $600 or less, decreasing on a graduated basis to $42 with an annual income of $3,800. As amended, this subsection would provide a maximum monthly rate of $114 with an annual income of $700 or less, down to $44 with an annual income of $3,800.

SECTION 2

This section would increase the rates of pension payable to a widow with more than one child under subsection 541(d). Currently, a widow receives $17 per month for each additional child. As amended, this subsection would provide a monthly rate of $18.

SECTION 3

This section would increase the rates of pension for children alone receiving death pension under section 542(a). Currently, pension is paid at a rate of $42 per month for one child and $17 for each additional child. As amended, this subsection would provide a monthly rate of $44 for the first child and $18 for each additional child.

SECTION 4

Subsection (a) would increase the rates of dependency and indemnity compensation (DIC) and annual income limitations for a sole surviving parent under subsection 415(b). Currently, a sole surviving parent receives a maximum monthly DIC payment of $100 if his annual income is $800 or less, decreasing on a graduated basis to $10 with an annual income of $2,600. As amended, this subsection would provide for a maximum monthly rate of $110 with an annual income of $800 or less, down to $12 for an annual income of $2,600.

Subsection (b) would increase the rates of dependency and indemnity compensation and annual income limitations for two parents not living together under subsection 415(c). Currently, each of two parents who are not living together receives a maximum monthly DIC payment of $70 if annual income is $800 or less, decreasing on a graduated basis to $10 with an annual income of $2,600. As amended, this subsection would provide a maximum monthly rate of $77 with an annual income of $800 or less, down to $11 for an annual income of $2,600.

Subsection (c) would increase the rates of dependency and indemnity compensation and annual income limitations payable under subsection 415(d). Currently, if there are two parents who are living together, or if a parent is remarried and is living with his spouse, each parent receives a maximum monthly DIC payment of $67 if an annual income is $1,000 or less, decreasing on a graduated basis to $10 with an annual income of $3,800. This subsection would provide a maximum monthly rate of $74 with an annual income of $1,000 or less, down to $11 for an annual income of $3,800.

SECTION 5

This section would increase the amount of pension paid to a veteran, with neither wife nor child, who is being furnished hospital treatment, institutional, or domiciliary care by the Veterans' Administration under section 3203(a)(1). Currently, such a veteran may receive $30 per month. As amended, this subsection would provide a maximum of $50 per month.

SECTION 6

This section amends the law as to the effective dates for pension awards under subsection 3010(b). Currently, the effective date of pension awards is the date of application. As amended, this subsection would provide the effective date to be the date of application, or the date on which the veteran became totally and permanently disabled (if an application therefore is received within one year from the date of disability) whichever is to the advantage of the veteran.

SECTION 7

Subsection (a) provides for the payment of $25,000 upon application of any surviving veteran of the Brownsville incident of August 13, 1906 whose discharge was not subsequently ruled eligible for reenlistment by a special Army tribunal decision of April 6, 1910.

Subsection (b) provides for the payment of $25,000 upon application to the unremarried widow of any veteran so described in subsection (a). If following enactment a veteran makes application pursuant to subsection (a) but dies prior to payment, the widow or his estate shall be entitled to $25,000 rather than $10,000.

Subsection (c) directs that payment to the applicable veteran or widow shall be made by the Secretary of the Army upon certification by the Administrator of Veterans' Affairs of the entitlement of such veteran or widow to receive such payment.

SECTION 8

This section provides that the provisions of the bill shall be effective on January 1, 1974.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress) the Committee, based on information supplied by the Veterans' Administration estimates that the Fiscal Year 1974 cost to be $112.1 million increasing to $217.2 million at the end of five years. An itemized breakdown of the cost

of H.R. 9474 Compromise Version by categories of beneficiaries, and in total for the first five years is shown in the following table:

5-YEAR COST OF H.R. 9474 COMPROMISE VERSION

Year	Cases	Cost (millions)
I. Current law, 10-percent increase:		
1974	1,917,000	112.1
1975	2,020,000	221.1
1976	2,133,000	218.5
1977	2,250,000	212.6
1978	2,383,000	217.2
II. DIC parents, 10-percent increase:		
1974	71,665	2.4
1975	71,457	4.0
1976	71,249	4.0
1977	71,042	3.9
1978	70,834	3.9
III. Increase in children's rates:		
1974	321,000	4.2
1975	323,000	11.0
1976	318,000	10.8
1977	303,000	10.3
1978	278,000	9.4
IV. Increased assistance for hospitalized veteran:		
1974	18,500	1.4
1975	11,000	2.8
1976	11,000	2.8
1977	11,000	2.8
1978	11,000	2.8
V. Total cost:		
1974	1,995,173	120.1
1975	2,097,347	238.9
1976	2,209,580	236.1
1977	2,325,867	229.6
1978	2,458,201	233.3

Note: Jan. 1, 1974 effective date for all provisions.

VETERAN ALONE

	Current rate	H.R. 9474, compromise
Income not over—		
$300	$130	$143
$400	127	140
$500	124	137
$600	121	134
$700	118	131
$800	115	128
$900	112	124
$1,000	109	120
$1,100	105	116
$1,200	101	112
$1,300	97	108
$1,400	93	103
$1,500	89	98
$1,600	84	93
$1,700	79	87
$1,800	74	81
$1,900	68	75
$2,000	62	69
$2,100	56	63
$2,200	50	57
$2,300	43	50
$2,400	36	43
$2,500	29	36
$2,600	22	28

VETERAN WITH DEPENDENT

$300	$140	$154
$400	140	154
$500	140	154
$600	138	152
$700	136	150
$800	134	148
$900	132	145
$1,000	129	142
$1,100	126	139
$1,200	123	136
$1,300	120	133
$1,400	117	130
$1,500	114	127
$1,600	111	124
$1,700	108	121
$1,800	105	118
$1,900	102	115
$2,000	99	112
$2,100	96	109
$2,200	93	106
$2,300	90	103
$2,400	87	100
$2,500	84	97
$2,600	81	94
$2,700	78	90

VETERAN WITH DEPENDENT—Continued

	Current rate	H.R. 9474, compromise
$2,800	$75	$86
$2,900	72	82
$3,000	69	78
$3,100	66	74
$3,200	63	70
$3,300	58	65
$3,400	53	60
$3,500	48	55
$3,600	43	50
$3,700	38	45
$3,800	33	39

WIDOW ALONE

$300	$87	$96
$400	86	95
$500	85	94
$600	84	93
$700	81	90
$800	78	87
$900	75	84
$1,000	72	81
$1,100	69	78
$1,200	66	75
$1,300	63	72
$1,400	60	69
$1,500	57	65
$1,600	54	61
$1,700	51	57
$1,800	48	53
$1,900	45	49
$2,000	41	45
$2,100	37	41
$2,200	33	37
$2,300	29	33
$2,400	25	29
$2,500	21	25
$2,600	17	21

WIDOW WITH 1 DEPENDENT

$300	$104	$114
$400	104	114
$500	104	114
$600	104	114
$700	103	113
$800	102	112
$900	101	111
$1,000	100	110
$1,100	99	108
$1,200	98	106
$1,300	97	104
$1,400	96	102
$1,500	94	100
$1,600	92	98
$1,700	90	96
$1,800	88	94
$1,900	86	92
$2,000	84	90
$2,100	82	88
$2,200	80	86
$2,300	78	84
$2,400	76	82
$2,500	74	79
$2,600	72	76
$2,700	70	73
$2,800	67	70
$2,900	64	67
$3,000	61	64
$3,100	58	61
$3,200	55	58
$3,300	52	55
$3,400	49	51
$3,500	46	47
$3,600	43	44
$3,700	42	44
$3,800	42	44

1 PARENT

$800	$100	$110
$900	97	107
$1,000	94	104
$1,100	91	101
$1,200	88	97
$1,300	84	93
$1,400	80	89
$1,500	76	85
$1,600	72	80
$1,700	67	75
$1,800	62	69
$1,900	57	63
$2,000	51	57
$2,100	45	50
$2,200	38	43
$2,300	31	36
$2,400	24	28
$2,500	17	20
$2,600	10	12

2 PARENTS NOT TOGETHER

$800	$70	$77
$900	68	75
$1,000	66	73
$1,100	64	71
$1,200	61	68
$1,300	58	65
$1,400	55	62
$1,500	52	58
$1,600	49	54
$1,700	46	50
$1,800	42	46
$1,900	38	42
$2,000	34	38
$2,100	30	34
$2,200	26	30
$2,300	22	26
$2,400	18	21
$2,500	14	16
$2,600	10	11

2 PARENTS TOGETHER

$800	$67	$74
$900	67	74
$1,000	67	74
$1,100	66	73
$1,200	65	72
$1,300	64	70
$1,400	62	68
$1,500	60	66
$1,600	58	64
$1,700	56	62
$1,800	54	60
$1,900	52	58
$2,000	50	56
$2,100	48	54
$2,200	47	52
$2,300	44	50
$2,400	42	48
$2,500	40	46
$2,600	38	44
$2,700	36	42
$2,800	34	40
$2,900	32	38
$3,000	30	35
$3,100	28	32
$3,200	26	29
$3,300	24	26
$3,400	22	23
$3,500	19	20
$3,600	16	17
$3,700	13	14
$3,800	10	11

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1038. A bill to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave (Rept. No. 93–523).

By Mr. PELL, from the Committee on Labor and Public Welfare, with amendments:

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Sciences in 1976 (Rept. No. 93–521).

By Mr. CANNON, from the Committee on Rules and Administration:

S. Con. Res. 58. An original concurrent resolution authorizing the printing of additional copies of the Report of the Commission on the Bankruptcy Laws of the United States for the use of the Senate Committee on the Judiciary (Rept. No. 93–522).

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 6334. A bill to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System (Rept. No. 93–525).

By Mr. McGEE, from the Committee on

Post Office and Civil Service, with an amendment:

S. 2548. A bill to amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17, and GS-18 (Rept. No. 93-524).

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary, without amendment:

H.R. 10937. A bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia (Rept. No. 93-527).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 97. A bill for the relief of Jose A. Seradilla (Rept. No. 93-528);

S. 1673. A bill for the relief of Mrs. Zosima Telebanco Van Zanten (Rept. No. 93-259);

H.R. 1353. A bill for the relief of Toy Louie Lin Heong (Rept. No. 93-530);

H.R. 1356. A bill for the relief of Ann E. Shepherd (Rept. No. 93-531);

H.R. 1367. A bill for the relief of Bertha Alicia Sierra (Rept. No. 93-532);

H.R. 1463. A bill for the relief of Emilia Majowicz (Rept. No. 93-533);

H.R. 1696. A bill for the relief of Sun Hwa Koo Kim (Rept. No. 93-534);

H.R. 1955. A bill for the relief of Rosa Ines D'Elia (Rept. No. 93-535);

H.R. 2513. A bill for the relief of Jose Carlos Recalde Martorella (Rept. No. 93-536);

H.R. 2628. A bill for the relief of Anka Kosanovic (Rept. No. 93-537);

H.R. 3207. A bill for the relief of Mrs. Enid R. Pope (Rept. No. 93-538);

H.R. 3754. A bill for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni (Rept. No. 93-539);

H.R. 6828. A bill for the relief of Edith E. Carrera (Rept. No. 93-540); and

H.R. 6829. A bill for the relief of Mr. Jose Antonio Trias (Rept. No. 93-541).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1206. A bill for the relief of Concepcion Velasquez Rivas (Rept. No. 93-542);

H.R. 3334. A bill for the relief of Maria Lourdes Rios (Rept. No. 93-543); and

H.R. 3758. A bill for the relief of Isabel Eugenia Serrane Macias Ferrier (Rept. No. 93-544).

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

S. 2112. A bill for the relief of Vo Thi Suong (Nini Ann Hoyt) (Rept. No. 93-545); and

H.R. 2533. A bill for the relief of Raphael Johnson (Rept. No. 93-546).

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs, with amendments:

H.R. 10511. A bill to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements (Rept. No. 93-547).

REPORT ENTITLED "ANTITRUST AND MONOPOLY ACTIVITIES 1972"—REPORT OF A COMMITTEE—(S. REPT. NO. 93-520)

Mr. HART, from the Committee on the Judiciary, submitted, pursuant to Senate Resolution 256, section 4, 92d Congress, 2d session, a report entitled "Antitrust and Monopoly Activities 1972," which was ordered to be printed.

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. HART (for himself and Mr. COOK):

S. 2717. A bill to amend the Interstate Commerce Act to provide improved enforcement of motor carrier safety regulations; to protect motor carrier employees against discrimination for reporting violations of such regulations; and for other purposes. Referred to the Committee on Commerce.

By Mr. PELL:

S. 2718. A bill to provide for the financing of Federal election campaigns and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. McGOVERN:

S. 2719. A bill to direct the President to halt all exports of crude oil, gasoline, No. 2 fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; and

S. 2720. A bill to amend the Defense Production Act of 1950 to require certain Presidential certifications of need for the allocation of petroleum products to the Department of Defense. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MATHIAS:

S. 2721. A bill for the relief of Canicie Labbe; and

S. 2722. A bill for the relief of Pilar Hilario Tagala. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART (for himself and Mr. COOK):

S. 2717. A bill to amend the Interstate Commerce Act to provide improved enforcement of motor carrier safety regulations; to protect motor carrier employees against discrimination for reporting violations of such regulations; and for other purposes. Referred to the Committee on Commerce.

INTERSTATE CARRIER SAFETY ENFORCEMENT ACT OF 1973

Mr. HART. Mr. President, Senator COOK and I introduce the Interstate Carrier Safety Enforcement Act of 1973. This legislation would amend the Interstate Commerce Act to give the Department of Transportation authority to enforce existing safety regulations covering persons operating motor vehicles in interstate commerce. This act would also protect motor carrier employees from employer recrimination.

From 1935 until the Department of Transportation was established in 1967, the Interstate Commerce Commission regulated all operational phases of "common carriers by motor vehicles," including the "qualifications and maximum hours of service of employees, and safety of operation and equipment." In 1966, however, the Congress relieved the ICC of its authority as to "safety appliances methods and systems," as to "investigation of vehicle sizes, weights, and service of employees," and as to driver "qualifications, maximum hours of service, and safety operation and equipment." That authority was vested with the Secretary of Transportation, and is currently delegated to the Bureau of Motor Carrier Safety—BMCS. The transfer of functions, however, was not followed by a transfer of enforcement authority. In fact, the Secretary of Transportation was left with very limited authority.

Chief among these is the power to conduct investigations and to recommend to the Department of Justice that violators be prosecuted under 49 U.S.C. section 322(a), which makes it a crime "knowingly and willfully violate" is a safety regulation. While there is some judicial precedent for injunctive relief against parties perpetually violating the ICC's economic regulations, such relief has not been sought against violators of safety regulations. Further, as a practical matter, only a small handful of the violators are ever prosecuted because the burden of evidence is so great in criminal cases. For example, in 1971, the BMCS referred only 216 cases to Justice for prosecution; Justice declined to handle 10 cases and the courts have generally assessed guilty parties the minimum fine of $100 per count. Also there is the usual plea bargaining which results in dismissal of nearly half the counts filed against the violators. When considering these numbers, one should remember that approximately 3.5 million drivers and motor vehicles fall under BMCS's jurisdiction.

Another reason the number of cases brought to trial is small is because the BMCS has only 103 investigators on its staff of 203. By comparison, the Federal Aviation Administration, which performs a similar function for air transportation, has 52,000 employees.

BMCS has two other methods for penalizing violators of safety regulations. Under 49 U.S.C. section 322(h), it may assess up to $500 in civil forfeiture for a violation of various safety recordkeeping requirements, such as refusing to file accident reports and refusing to retain vehicle condition reports. If the party against whom civil forfeiture is sought refuses to pay, the BMCS may either negotiate a settlement or refer the case to Justice for collection through a judicial action. In 1971 the civil forfeiture authority was utilized in only 74 cases.

The other procedure involves an administrative hearing on a carrier's violations. In such a case, the hearing officer has the authority to issue a cease-and-desist order together with an order that affirmative action be undertaken to comply in the future. The hearing officer does not have any authority, however, to penalize the guilty party in any way.

There is still another reason why effective enforcement of the BMCS safety regulations is impossible. Virtually all economic incentives in the surface transportation industry favor violation of the regulations. Unlike the aviation industry, where pilots are paid a salary based upon the maximum number of hours in the air permitted by the FAA, drivers for interstate carriers are compensated on an hourly basis for the number of hours they work, together with a premium for the number of miles they drive. It is to a driver's advantage to spend as much time as he possibly can behind the wheel traveling as fast as he can. Since interstate carriers are exempt from the Fair Labor Standards Act and are not required to pay their drivers time and one-half for more than 8 hours worked in a day, or for more than 40 hours worked in a week, too

many carriers retain the smallest number of drivers on the payroll and push them the maximum number of hours permitted by the BMCS or beyond. The result has been that 40 percent of commercial drivers fatalities occur in "ran-off-roadway" accidents. Of those accidents in which the driver's physical condition was involved, an estimated 76 percent resulted from fatigue.

Another major factor in accidents involving interstate carriers is the condition of the vehicle. As DOT recently acknowledged, "the driver is one of the best sources of information about the mechanical performance of vehicles," yet carriers frequently "exhibit indifference to drivers' reports of unsafe mechanical conditions." The result has been a steady increase in the percent of vehicles which DOT officials have found to have serious defects during roadside inspections. In the first half of 1971, 24.2 percent of property-carrying vehicles inspected at various checkpoints were found to be so unsafe that they were declared out of service by the inspector. These vehicles could not even be driven to the nearest service station for repairs.

The National Safety Council has reported steadily declining accident rates for all motor vehicles over the past several years, and yet Department of Transportation statistics have shown the contrary for commercial vehicles. Between 1969 and 1970, while the accident rate for all vehicles dropped 2 percent, the rate for trucks increased 12.5 percent, and for buses, 14.3 percent. While the fatality rate per 100 million miles was 4.91 for all motor vehicles during 1970, it was 9.09 for buses and 11.10 for trucks. Also while the major interstate truck companies accounted for only 1 percent of the total milage driven by all motor vehicles during 1970, their vehicles were involved in 2.5 percent of all fatalities. These statistics indicate that DOT has been unable to enforce safety regulations effectively.

Unfortunately, the driver, DOT's natural ally, is frequently intimated by his employer into violating reguations or, at the very least, remaining silent and refusing to cooperate with Government investigators. When ordered to drive excessive hours or to operate unsafe equipment, the driver must choose between violating the DOT regulations or complying with the regulations and losing his job. Since the more immediate and serious financial threat is loss of employment, the driver in nearly every case complies with his employer's instructions, for even if he were prosecuted and fined, the loss would be vastly smaller than the loss of income. Moreover, on some occasions drivers have been unsuccessful in finding new employment after the circumstances of their discharge became known to other carriers. The result is that the driver may be exiled from his profession for complying with the law, and he has no legal protection against such recrimination.

Through the years, Congress has enacted bills making it unlawful for the employer to discriminate or discharge the employee for seeking enforcement of legislation or for cooperating with the Government. While one of those laws, the Occupational Safety and Health Act, appears to reach all working places and to protect all workers, it has not been applied to drivers for interstate carriers because another Federal agency—BMCS—is supposed to enforce the industry's safety regulations. As a result, drivers are denied the protection against employer recrimination for their attempts to secure safe working conditions. It remains with Congress to do so.

PROPOSED LEGISLATIVE SOLUTION

The bill we introduced seeks to correct these shortcomings:

It gives motor carrier employees the same right to request investigations of violations of DOT safety regulations that all other employees may presenting exercise under the Occupational Safety and Health Act;

It gives the DOT the authority to issue citations assessing civil forfeitures against violators following an investigation whether requested by an employee or conducted on its own initiative;

It requires the DOT to serve the citation upon the alleged violator who is given 15 days in which to notify the DOT of this intent to contest the citation;

It authorizes an administrative adjudicatory hearing before the National Transportation Safety Board in cases of contested citations;

It provides for judicial review and enforcement of National Transportation Safety Board decisions and orders.

It authorizes the DOT in extreme cases to order a carrier to cease and desist temporarily from engaging in all or a specified portion of its operations where no other means would be adequate to protect public safety.

It protects motor carrier employees from discharge or discrimination, because of their having filed complaints concerning violations of safety regulations or because of their refusing to violate the regulations by driving imminently dangerous equipment or by driving excessive hours.

Mr. President, I ask unanimous consent that the text of the proposed 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. 2717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That part II of the Interstate Commerce Act is amended by adding at the end thereof the following new section:

"SPECIAL PROVISIONS FOR ENFORCEMENT OF MOTOR CARRIER SAFETY REGULATIONS

"SEC. 229. (a) (1) Any employee, or employee representative, who believes that his employer or agent is violating, or has violated within the preceding thirty days, as a safety regulation issued under this part or under section 834 of title 18, United States Code, may request an investigation by giving notice to the Secretary of such violation. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee, or employee representative, and if the Secretary determines there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the employee, or employee representative, in writing of such determination. If, upon receipt of such notification, the Secretary determines there are reasonable grounds to believe that such violation exists or has occurred, he shall make a special investigation as soon as practicable and without notice to the alleged violator (unless such notice is deemed necessary by the Secretary), to determine if such violation exists or has occurred; the Secretary shall notify the employee or employee representative in writing of his disposition of the investigation.

"(2) If, upon investigation, conducted pursuant to this part or sections 834 and 835 of title 18, United States Code, the Secretary finds that a violation exists or has occurred, he shall with reasonable promptness issue a citation to the violator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the regulation alleged to have been violated. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety and with respect to violations where the Secretary determines the violation was isolated, was promptly corrected, and would be unlikely to recur. Each citation shall include an assessment of a civil penalty by the Secretary of not less than $250 nor more than $1,000 for the first violation and not less than $500 nor more than $2,500 for any subsequent violation. Each day of such violation shall constitute a separate offense. The Secretary may require the alleged violator to post any citation or notice issued by the Secretary under this paragraph at such place or places as the Secretary may deem appropriate to aid in the enforcement of the regulations.

"(3) If, after investigation, the Secretary issues a citation under this subsection, he shall with reasonable promptness serve a copy upon the violator either by certified or registered mail or by personal service, together with notice that he has fifteen working days within which to notify the Secretary that he wishes to contest the citation. If within fifteen working days from the receipt of the notice issued by the Secretary the violator fails to notify the Secretary that he intends to contest the citation, the citation shall be deemed a final order of the Secretary and not subject to review by any court or agency.

"(4) If a violator notifies the Secretary that he intends to contest a citation issued under this subsection, the Secretary shall immediately advise the National Transportation Safety Board (hereafter in this subsection referred to as the 'Board') of such notification, and the Board shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Board shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation, or directing other appropriate relief, and such order shall become final thirty days after its issuance. The rules of procedure prescribed by the Board shall provide affected employees or employee representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

"(5) Any person adversely affected or aggrieved by an order of the Board issued under this subsection may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the violator has his principal place of business, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within thirty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board and to the other parties, and thereupon the Board

shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it dems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Board and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Board. No objection that has not been urged before the Board shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, the court may order such additional evidence to be taken before the Board and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"The Secretary may also obtain enforcement of any final order of the Board or any uncontested citation by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the violator has its principal place of business. If no petition for review, as provided in paragraph 5 of this subsection, has been filed within thirty days of service of the Board's order, the Board's finding of fact or order shall be conclusive in connection with any petition for enforcement.

"(b) In carrying out the provisions of this part relating to qualifications and maximum hours of service of employees and safety of operation and equipment, and the provision of section 834 of title 18, United States Code, relating to regulations for the safe transportation of explosives and other dangerous articles, the Secretary may order any common, contract, or private carrier to cease and desist from engaging in all or a specified portion of its operation of motor vehicles in interstate commerce for not more than sixty days when the Secretary, for good cause, finds that the carrier's operations will create an unreasonable risk of accident, injury, or death to persons or damage to property. Before issuing a cease and desist order authorized by this subsection, the Secretary shall (1) determine that the application of other available sanctions would be impracticable, unduly time consuming, or inadequate to protect the public health and safety; and (2) give the carrier written notice of his intention to issue a cease and desist order, identifying the portion of the carrier's operations that would be affected by the order and setting forth the reasons why he intends to issue it. If the carrier is operating under a certificate or permit issued by the Commission, the Commission may, upon petition of the Secretary and after notice and hearing, revoke or further suspend the carrier's operating authority in whole or in part upon determining that revocation or further suspension will protect the public safety. An order of the Secretary issued under this subsection is reviewable in accordance with chapter 7 of title 5, United States Code. The provisions of title 28, United States Code, respecting three-judge district courts, do not apply to a proceeding to review an order of the Secretary issued under this subsection.

"(c)(1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to motor carrier safety regulations issued under this part, or under section 834 of title 18, United States Code, or has testified or is about to testify, or has participated in any way, in any such proceeding.

"(2) No person shall discharge or in any manner discriminate against any employee for refusing to operate equipment subject to motor carrier safety regulations issued under this part or under section 834 of title 18, United States Code, because of his apprehension of death or serious injury to himself or to the public due to the unsafe condition of such equipmenut. The unsafe condition causing the employee's apprehension of death or injury must be of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury. In order to qualify for protection under this paragraph, the employee must have sought from his employer, and been unable to obtain, a correction of the unsafe condition.

"(3) No person shall discharge or in any manner discriminate against any employee for refusing to operate equipment in violation of regulations issued under this part respecting hours of service.

"(4) Any employee who is discharged or discriminated against in violation of this subsection shall be entitled—

"(A) to reinstatement in his employment or employment status,

"(B) to be made whole for his losses due to such discharge or discrimination, including interest at the rate of 6 per centum from the date moneys would have been payable to the date of payment,

"(C) to exemplary damages in the amount of twice the sum of (B) above, and

"(D) to costs of suit and reasonable attorneys' fees.

"(5) Suits under this subsection may be brought in any court of competent jurisdiction including the United States district court for the district in which the defendant is located or any United States district court for the district within which the employee received notice of discharge. No suit may be instituted under this subsection more than six months after notice of discharge is received by the employee concerned, or after the discriminatory practices have been discontinued.

"(d) Nothing in this section shall be construed to limit the authority of the Secretary to conduct an investigation, on his own initiative, in connection with the issuance or enforcement of motor carrier safety regulations under this part or under section 834 of title 18, United States Code.

"(e) The foregoing provisions of this section shall be in addition to any other procedure available to the Secretary under this part, or under any other provision of law, for the enforcement of motor carrier safety regulations issued by him under this part or under section 834 of title 18, United States Code."

By Mr. PELL:

S. 2718. A bill to provide for the financing of Federal election campaigns and for other purposes. Referred to the Committee on Rules and Administration.

FEDERAL ELECTION FINANCING ACT

Mr. PELL. Mr. President, I introduce for appropriate reference a bill to provide for the public financing of Federal election campaigns.

The Subcommittee on Privileges and Elections, of the Committee on Rules and Administration, held hearings on various legislative proposals to finance Federal elections.

Those hearings, held on the 18th, 19th, 20th, and 21st of September of this year, elicited oral and written testimony from more than 40 witnesses who represent the White House, the Department of Justice, the Congress, the General Accounting Office, private industry, labor, political scientists, and others expert or knowledgeable in the field of Federal elections.

The testimony was overwhelmingly in favor of the public financing of elections. But there was no consensus concerning the offices which should be covered, or the elections, primary, runoff, and general, which should be included, or the manner in which public financing should be provided.

This bill represents my efforts, as chairman of the subcommittee, to consolidate many views and several proposals. The bill covers all Federal elective offices. It includes Presidential and congressional primary elections and general elections.

This proposal would require each candidate to demonstrate that he is a bonafide office seeker with substantial public support. Before becoming eligible for Federal matching funds, a candidate for the House would be required to raise $10,000; a candidate for the Senate must raise $25,000; and a candidate for the Presidency must raise $100,000. Those amounts must be raised from individual contributors who may not give more than $250 to any candidate for each election in which he is involved.

Once having reached the $10,000, $25,000 or $100,000 base amount, the candidate would be entitled to receive an equal amount from the Treasury, and thereafter for each dollar raised from private sources, the candidate would receive $3 from the Treasury up to the limitation imposed upon him by the bill.

The limitations are the same in this bill as those which were approved by the Senate when it passed S. 372, the Federal Elections Campaign Act Amendments of 1973. In a primary election, the candidate could spend an amount to be obtained by multiplying 10 cents by the voting age population of the geographic area in which the election is to be held, and for the general election, the candidate's limit would be the amount obtained by multiplying 15 cents by the voting age population.

Money would be raised for the Treasury by changing the Presidential Election Campaign Fund to a Federal Election Campaign Fund and increasing the amount of tax liability each taxpayer could designate for the election campaign fund from $1 to $2.

This bill retains the principal provisions of the Federal Election Campaign Act amendments as they appear in the bill, S. 372.

An independent Federal Election Commission would oversee the receipts and expenditures of each candidate. Central campaign committees and depositories would insure thorough and accurate accounts of both public and private funds. Detailed reports and statements of receipts and expenditures would be required by the Commission from every candidate.

Figures and provisions of this bill may be varied when the bill is studied in committee. I make no claim to perfection in this bill, but this proposal is an honest attempt to correlate the many different suggestions which have been offered during this session of the 93d Congress.

Mr. President, there can be no doubt of the need for basic revision of the manner in which Federal election campaigns are financed. The scandalous revelations during the past 12 months of gross abuses in the financing of the 1972 Presidential campaign cry out for reform. The public, with a steady diet of campaign financing abuses, is fed up and is demanding reform.

Public trust in the integrity of government must be restored. I can think of no action we in the Congress can take that would do more to restore public trust than to guarantee that elections will not be distorted or subverted by private political fund-raising activities.

As chairman of the Subcommittee on Privileges and Elections, I will make every effort to see that a sound, well-considered public campaign financing bill is presented to the Senate at the earliest possible time. Introduction of this bill today is a part of that effort.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2718

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 "Federal Election Financing Act".

SEC. 2. (a) The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new title:

"TITLE V—PUBLIC FINANCING OF FEDERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. When used in this title—

"(1) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, (B) received contributions or made expenditures, or (C) given his consent for any other person to receive contributions or make expenditures for the purpose of bringing about his nomination for election, or election, to such office;

"(2) 'Commission' means the Federal Election Commission established under section 502;

"(3) 'contribution'—

"(A) means a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of—

"(i) influencing the nomination for election, or election, of any person to Federal office or as a Presidential or Vice-Presidential elector; or

"(ii) influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

"(B) means a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

"(C) means a transfer of funds between political committees; and

"(D) means the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; but

"(E) does not include—

"(i) (except as provided in subparagraph (D)) the value of personal services rendered to or for the benefit of the candidate by an individual who receives no compensation for rendering any service to the candidate; or

"(ii) payments under section 511; "(4) 'expenditure' means—

(A) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of—

"(i) influencing the nomination for election, or election, of any person to Federal office, or as a Presidential and Vice-Presidential elector;

"(ii) influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President; or

"(iii) influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(B) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and

"(C) a transfer of funds between political committee; "(5) 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in the Congress of the United States;

"(6) 'general election' means any election, including special elections, held for the election of a candidate to Federal office;

"(7) 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office;

"(8) 'primary election' means (A) an election, including a run-off election, held for the nomination of a candidate for election to Federal office, (B) a convention or caucus of a political party held for the nomination of such a candidate, (C) an election held for the election of delegates to a national nominating convention of a political party, and (D) an election held for the expression of a preference for the nomination of persons for election to the office of President;

"(9) 'Representative' includes Delegates or Resident Commissioners to the Congress of the United States; and

"(10) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"FEDERAL ELECTION COMMISSION

"SEC. 502. (a) (1) There is established, as an independent establishment of the executive branch of the Government of the United States, a commission to be known as the Federal Election Commission.

"(2) The Commission shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. Of the seven members—

"(A) two shall be chosen from among individuals recommended by the President pro tempore of the Senate, upon the recommendations of the majority leader of the Senate and the minority leader of the Senate; and

"(B) two shall be chosen from among individuals recommended by the Speaker of the House of Representatives, upon the recommendations of the majority leader of the House and the minority leader of the House. The two members appointed under subparagraph (A) shall not be affiliated with the same political party; nor shall the two members appointed under subparagraph (B). Of the three members not appointed under such subparagraphs, two shall not be affiliated with the same political party.

"(3) Members of the Commission shall serve for terms of seven years, except that, of the members first appointed—

"(A) two of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for terms ending on the April thirtieth first occurring more than six months after the date on which they are appointed;

"(B) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending one year after the April thirtieth on which the term of the member referred to in subparagraph (A) of this paragraph ends;

"(C) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending two years thereafter;

"(D) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending three years thereafter;

"(E) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending four years thereafter; and

"(F) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending five years thereafter.

"(4) Members shall be chosen on the basis of their maturity, experience, integrity, impartiality, and good judgment. A member may be reappointed to the Commission only once.

"(5) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds. Any vacancy occurring in the office of member of the Commission shall be filled in the manner in which that office was originally filled.

"(6) The Commission shall elect a Chairman and a Vice Chairman from among its members for a term of two years. The Chairman and the Vice Chairman shall not be affiliated with the same political party. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers in any State.

"(f) The Commission shall appoint a General Counsel and an Executive Director to serve at the pleasure of the Commission. The General Counsel shall be the chief legal officer of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. The Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(g) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(h) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

"(i) The provisions of section 7324 of title 5, United States Code, shall apply to members of the Commission notwithstanding the provisions of subsection (d)(3) of such section.

"(j) (1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation requested by the Congress or by any Member of Congress to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"POWERS OF COMMISSION

"SEC. 503. (a) The Commission shall have the power—

"(1) to require, by special or general orders, any person to submit in writing reports and answers to questions the Commission may prescribe; and those reports and answers shall be submitted to the Commission within such reasonable period and under oath or otherwise as the Commission may determine;

"(2) to administer oaths;

"(3) to require by subpena, signed by the Chairman or the Vice Chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation to order testimony to be taken by deposition before any person designated by the Commission who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

"(6) to initiate, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the provisions of this title and of title III through its General Counsel; and

"(7) to delegate any of its functions or powers, other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission.

"(b) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

"(d) Upon application made by any individual holding Federal office, any candidate, or any political committee, the Commission, through its General Counsel, shall provide within a reasonable period of time an advisory opinion, with respect to any specific transaction or activity inquired of, as to whether such transaction or activity would constitute a violation of any provision of this title.

"CENTRAL CAMPAIGN COMMITTEES

"SEC. 504. (a) Each candidate shall designate one political committee as his central campaign committee. A candidate for the office of President, may also designate one political committee in each State in which he is a candidate as his State campaign committee for that State. The designation shall be made in writing, and a copy of the designation, together with any information the Commission may require, shall be filed with the Commission upon the designation of any such committee.

"(b) No political committee may be designated as the central campaign committee of more than one candidate. The central campaign committee, and each State campaign committee, designated by a candidate nominated by a political party for election to the office of President shall be the central campaign committee, and the State campaign committees, of the candidate nominated by that party for election to the office of Vice President.

"(c)(1) No political committee may accept contributions or make expenditures in connection with a campaign of a candidate unless that candidate designates that committee as one of his authorized political committees. The designtaion shall be made in writing and a copy of the designation, together with any information the Commission may require, shall be filed with the Commission at the time of such designation.

"(2) Any political committee authorized by a candidate to accept contributions or make expenditures in connection with his campaign for nomination for election, or for election, which is not a central campaign committee or a State campaign committee, shall furnish each report required of it under section 304 (other than reports required under the last sentence of section 304(a) and under section 505(b)) to that candidate's central campaign committee at the time it would, but for this subsection, be required to furnish that report to the Commission. Any report properly furnished to a central campaign committee under this subsection shall be, for purposes of title III and this title, held and considered to have been furnished to the Commission at the time at which it was furnished to such central campaign committee.

"(3) The Commission may, by regulation, require any political committee receiving contributions or making expenditures in a State on behalf of a candidate who, under subsection (a), has designated a State campaign committee for that State, to furnish its reports to that State campaign committee instead of furnishing such reports to the central campaign committee of that candidate.

"(4) The Commission may require any political committee to furnish any report directly to the Commission.

"(d) Each political committee which is a central campaign committee or a State campaign committee shall receive all reports filed with or furnished to it by other political committees, and consolidate and furnish the reports to the Commission, together with its own reports and statements, in accordance with the provisions of title III, this title, and regulations prescribed by the Commission.

"CAMPAIGN DEPOSITORIES

"SEC. 505. (a) (1) Except as provided in subsection (c), each candidate shall designate one National or State bank as his campaign depository. The candidate and his central campaign committee, and any other political committee authorized by him to receive contributions or to make expenditures on his behalf, shall maintain one checking account at the depository so designated by the candidate and shall deposit any contributions received by that candidate and such committees into that account. No expenditure may be made by any such candidate or committees on behalf of the candidate, or to influence his election, except by check drawn on that account upon written order of the candidate or the written order of another person authorized in writing by the candidate to make such expenditures, other than petty cash expenditures as provided in subsection (b).

"(2) The treasurer of each political committee (other than a political committee authorized by a candidate to receive contributions or to make expenditures on his behalf) shall designate one National or State bank as the campaign depository of that committee, and shall maintain one chceking account for the committee at that depository. All contributions received by that committee shall be deposited in that account. No expenditure may be made by that committee except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(b) A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 to any person in connection with a single purchase or transaction. A record of petty cash disbursements shall be kept in accordance with requirements established by the Commission. Statements and reports of petty cash disbursements shall be furnished to the Commission whenever they are requested by the Commission.

"(c) A candidate for the office of President may establish one campaign depository in each State, which shall be considered by his State campaign committee for that State and any other political committee authorized by him to receive contributions or to make expenditures on his behalf in that State, under regulations prescribed by the Commission, as his single campaign depository. The campaign depository of the candidate of a political party for election to the office of Vice President shall be the campaign depository designated by the candidate of that party for election to the office of President.

"ELIGIBILITY FOR PAYMENTS

"SEC. 506. (a) Every candidate shall—

"(1) agree to obtain and to furnish to the Commission any evidence it may request about his campaign expenses and contributions;

"(2) agree to keep and to furnish to the Commission any records, books, and other information it may request;

"(3) agree to an audit and examination by the Commission under section 512 and to pay any amounts required under section 512; and

"(4) agree to furnish statements of campaign expenses and proposed campaign expenses required under section 513. "(b) Every

candidate shall certify to the Commission that—

"(1) the candidate and his authorized committees will not incur campaign expenses greater than the limitations in section 508; and

"(2) no contributions greater than the limitations on individual contributions in section 509 have been or will be accepted by the candidate or his authorized committees.

"(c) To be eligible to receive any payments under section 511, a candidate must certify to the Commission that—

"(1) the candidate is seeking nomination for election, or election, to the House of Representatives and has a campaign fund of more than $10,000;

"(2) the candidate is seeking nomination for election, or election, to the Senate and has a campaign fund of more than $25,000 ($10,000 in any State from which only one Representative is elected); or

"(3) the candidate is seeking nomination for election, or election, to be President of the United States and has a campaign fund of more than $100,000, regardless of the number of primary elections for which he receives payments under section 511.

"(d) Agreements and certifications under this section shall be filed with the Commission before the date of the relevant election at the time required by the Commission.

"ENTITLEMENT TO PAYMENTS

"SEC. 507. (a) Every candidate who is eligible to receive payments under section 506 is entitled to payments under section 511 in an amount which is equal to the sum of—

"(1) the amount of the campaign fund the candidate is required to raise by contributions under section 506(c), and

"(2) an amount equal to three times the total amount of contributions received by that candidate in excess of the amount of the campaign fund required under section 506(c). "(b) Notwithstanding the provisions of subsection (a), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by him in connection with his campaign, exceed the amount of the expenditure limitation applicable to him for that campaign under section 508.

"EXPENDITURE LIMITATIONS

"SEC. 508. (a) (1) Except to the extent that such amounts are increased under subsection (d) (2), no candidate (other than a candidate for nomination for election to the office of President) may make expenditures in connection with his primary election campaign in excess of the greater of—

"(A) 10 cents multiplied by the voting age population (as certified under subsection (e)) of the geographical area in which the election for such nomination is held, or

"(B) (i) $125,000, if the Federal office sought is that of Senator, or Representative from a State which is entitled to only one Representative, or

"(ii) $90,000, if the Federal office sought is that of Representative for a State which is entitled to more than one Representative.

"(2) Except to the extent that such amounts are increased under subsection (d) (2), no candidate (other than a candidate for election to the office of President) may make expenditures in connection with his general election campaign in excess of the greater of—

"(A) 15 cents multiplied by the voting age population (as certified under subsection (e)) of the geographical area in which the election is held, or

"(B) (i) $175,000, if the Federal office sought is that of Senator, or Representative from a State which is entitled to only one Representative, or

"(ii) $90,000, if the Federal office sought is that of Representative from a State which is entitled to more than one Representative.

"(b) (1) No candidate for nomination for election to the office of President may make expenditures in any State in connection with his campaign for such nomination in excess of the amount which a candidate for nomination for election to the office of Senator from that State (or for nomination for election to the office of Delegate, in the case of the District of Columbia) may spend within the State in connection with his campaign for that nomination. For purposes of this subsection, an individual is a candidate for nomination for election to the office of President if he makes (or any other person makes on his behalf) an expenditure on behalf of his candidacy for any political party's nomination for election to the office of President.

"(2) No candidate for election to the office of President may make expenditures in any State in connection with his campaign for election to such office in excess of the amount which a candidate for election to the office of Senator (or for election to the office of Delegate, in the case of the District of Columbia) may spend within the State in connection with his campaign for election to that office.

"(c) A candidate who is unopposed in his primary election shall have an expenditure limitation which is ten percent of the limitation in subsections (a) (1) or (b) (1) of this section, as applicable.

"(d) (1) Expenditures made on behalf of any candidate shall, for the purpose of this section, be deemed to have been made by such candidate.

"(2) Expenditures made by or on behalf of any candidate for the office of Vice President of the United States shall, for the purpose of this section, be deemed to have been made by the candidate for the office of President of the United States with whom he is running.

"(3) For purposes of this subsection, an expenditure shall be held and considered to have been made on behalf of a candidate if it was made by—

"(A) an agent of the candidate for the purposes of making any campaign expenditure, or

"(B) any person authorized or requested by the candidate to make expenditures on his behalf.

"(e) (1) For purposes of paragraph (2)—

"(A) 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) 'base period' means the calendar year 1970.

"(2) At the beginning of each calendar year (commencing in 1974), as there become available necessary date from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the percentage difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a) shall be increased by such percentage difference. Each amount so increased shall be the amount in effect for such calendar year.

"(f) During the first week of January, 1974, and every subsequent year, the Secretary of Commerce shall certify to the Federal Election Commission and publish in the Federal Register an estimate of the voting age population of each State and congressional district as of the first day of July next preceding the date of certification.

"(g) The Federal Election Commission shall prescribe regulations under which any expenditure by a candidate for Presidential nomination for use in two or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such expenditure.

"INDIVIDUAL CONTRIBUTION LIMITATON

"SEC. 509. (a) No person may make a contribution on behalf of a candidate for use in connection with that candidate's campaign for nomination for election, or election, which, when added to all other contributions made by that person on behalf of the candidate during the twelve month period ending with the month during which the contribution is made, equals an amount in excess of $250. This $250 limitation applies separately to contributions made in connection with a campaign for nomination for election, a campaign for election, and any campaign made necessary by a run-off election.

"(b) No candidate may knowingly receive contributions from any person which, when added to all other contributions received from that person during the twelve month period ending with the month during which the contribution is received, equals an amount in excess of $250. This $250 limitation applies separately to contributions received in connection with a campaign for nomination for election, a campaign for election, and any campaign made necessary by a run-off election. For purposes of this subsection, a contribution received by any political committee which makes substantial expenditures in connection with a candidate's campaign for nomination for election, or for election, shall be considered to be received by that candidate.

"CERTIFICATIONS BY COMMISSION

"SEC. 510. (a) On the basis of the evidence, books, records, and information furnished by each candidate eligible, under section 506, to receive payments under section 511, and prior to examination and audit under section 512, the Commission shall certify from time to time to the Secretary of the Treasury for payment to each candidate under section 511 the amount to which that candidate is entitled under section 507.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by it under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 512 and judicial review under section 516.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 511. (a) There is established within the Treasury a trust fund to be known as the Federal Election Campaign Fund. There is authorized to be appropriated to the fund for each fiscal year an amount equal to the sum of the amounts designated for payment into the fund under section 6096 of the Internal Revenue Code of 1954 for taxable years ending during that fiscal year. The fund shall remain available without fiscal year limitation. Any money in the fund not needed for current operation shall be invested in bonds or other obligations of, or guaranteed by, the United States.

"(b) On the day after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the fund any moneys in the Presidential Election Campaign Fund established under section 9006 of the Internal Revenue Code of 1954.

"(c) Upon receipt of a certification from the Commission under section 510, the Secretary of the Treasury shall transfer from the fund to the account in the campaign depository, as designated by the candidate under section 505, the amount certified by the Commission.

"(d) (1) If the Secretary of the Treasury determines that the moneys in the fund are not, or may not be, sufficient to pay the full amount of entitlement to all candidates eligible under section 506 to receive payments, he shall reduce the amount to which each candidate is entitled under section 507 by a percentage equal to the percentage obtained by dividing (1) the amount of money remaining in the fund at the time of such determination by (2) the total amount

which all candidates eligible under section 506 to receive payments are entitled to receive under section 507. If additional candidates become eligible under section 506 after the Secretary determines there are insufficient moneys in the fund, he shall make such further reductions in the amounts payable to all eligible candidates as may be necessary to carry out the purposes of this subsection. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 507.

"(2) If, as a result of a reduction under this subsection in the amount to which an eligible candidate is entitled under section 507, payments have been made under this section in excess of the amount to which such candidate is entitled, that candidate is liable for repayment to the fund of the excess under such procedures as the Commission may prescribe by regulation.

"EXAMINATIONS AND AUDITS: REPAYMENTS

"SEC. 512. (a) After each Federal election, the Commission shall conduct a thorough examination and audit of the campaign expenses of all candidates for Federal office.

"(b)(1) If the Commission determines that any portion of the payments made to an eligible candidate under section 511 was in excess of the aggregate amount of the payments to which the candidate was entitled under section 507, it shall so notify that candidate, and he shall pay to the Secretary of the Treasury an amount equal to the excess amount.

"(2) If the Commission determines that any amount of any payment made to a candidate under section 511 was used for any purpose other than—

"(A) to defray campaign expenses, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray campaign expenses which were received and expended) which were used, to defray campaign expenses,

it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to such amount.

"(3) No payment shall be required from a candidate under this subsection in excess of the total amount of all payments received by the candidate under section 511 in connection with the campaign with respect to which the event occurred which caused the candidate to have to make a payment under this subsection.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a Federal election more than three years after the day of the election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the fund.

"INFORMATION ON PROPOSED EXPENSES

"SEC. 513. (a) Every candidate shall, from time to time as the Commission may require, furnish to the Commission a detailed statement, in the form the Commission may prescribe, of—

"(1) the campaign expenses incurred by him and his authorized committees prior to the date of the statement (whether or not evidence of campaign expenses has been furnished for purposes of section 510), and

"(2) the campaign expenses which he and his authorized committees propose to incur on or after the date of the statement.

The Commission shall require a statement under this subsection from each candidate at least once each week during the second, third, and fourth weeks preceding the day of any Federal election in which he is a candidate and at least twice during the week preceding election day.

"(b) The Commission shall, as soon as possible after it receives a statement under subsection (a), prepare and publish a summary of the statement, together with any other data or information which it deems advisable, in the Federal Register.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 514. (a) The Commission shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the campaign expenses incurred by each candidate, and his authorized committees, who received a payment under section 511 in connection with that election;

"(2) the amounts certified by it under section 510 for payment to that candidate; and

"(3) the amount of payments, if any, required from that candidate under section 512, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe rules and regulations, to conduct examinations and audits (in addition to the examinations and audits under sections 510 and 512), to conduct investigations, and to require the keeping and submission of any books, records, and information, necessary to carry out the functions and duties imposed on it by this title.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 515. The Commission may initiate civil proceedings in any district court of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of examination and audit made pursuant to section 513.

"JUDICIAL REVIEW

"SEC. 516. (a) Any agency action by the Commission made under the provisions of this title or title III shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the agency action by the Commission for which review is sought.

"(b) The Commission, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement any provision of this title.

"(c) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551 of title 5, United States Code, by the Commission.

"PENALTY FOR VIOLATIONS

"SEC. 517. Violation of any provision of this title is punishable by a fine of not more than $50,000, or imprisonment for not more than 5 years, or both.

"RELATIONSHIP TO OTHER FEDERAL ELECTION LAWS

"SEC. 518. The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and with other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination with the administration of those other laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 519. There are authorized to be appropriated to the Commission, for the purpose of carrying out its functions under this title, such funds as are necessary for the fiscal year ending July 30, 1974, and each fiscal year thereafter.".

(b) The Federal Election Campaign Act of 1971 is amended by—

(1) adding at the end of section 104 (a) (relating to limitations on expenditures for use of communications media) the following new paragraph:

"(8) All expenditures for use of communications media are subject to the campaign expenditure limitations in section 508.";

(2) striking out "Comptroller General" in sections 104 (a) (3), (4), and (5) and inserting "Federal Election Commission";

(3) striking out "Comptroller General" in section 105 and inserting "Federal Election Commission";

(4) amending section 301 (g) (relating to definitions) to read as follows:

"(g) 'Commission' means the Federal Election Commission;";

(5) striking out "supervisory officer" in section 302 (d) (relating to organization of political committees) and inserting "Commission";

(6) amending section 302 (f) by—

(A) striking out "appropriate supervisory officer" in the quoted matter appearing in paragraph (1) and inserting "Federal Election Commission";

(B) striking out "supervisory officer" in subparagraphs (A) and (B) of paragraph (2) and inserting "Commission"; and

(C) striking out "which has filed a report with him" in paragraph (2) (A) and inserting "which has filed a report with it";

(7) amending section 303 (relating to registration of political committees; statements) by—

(A) striking out "supervisory officer" each time it appears and inserting "Commission"; and

(B) striking out "he" in the second sentence of subsection (a) and inserting "it";

(8) amending section 304 (relating to reports by political committees and candidates) by—

(A) striking out "appropriate supervisory officer" and "him" in the first sentence of subsection (a), and inserting "Commission" and "it", respectively;

(B) striking out "supervisory officer" where it appears in the second sentence of subsection (a) and in paragraphs (12) and (13) of subsection (b), and inserting "Commission"; and

(C) striking out everything after "filing" in the second sentence of subsection (a) and inserting a period;

(9) striking out "supervisory officer" each place it appears in section 305 (relating to reports by other than political committees) and section 306 (relating to formal requirements respecting reports and statements) and inserting "Commission";

(10) striking out "Comptroller General of the United States" and "he" in section 307 (relating to reports on convention financing) and inserting "Federal Election Commission" and "it", respectively;

(11) striking out "SUPERVISORY OFFICER" in the caption of section 308 (relating to duties of the supervisory officer) and inserting "COMMISSION";

(12) striking out "supervisory officer" in the first sentences of subsections 308(a) and 308(b) and inserting "Commission";

(13) amending section 308(a) by—

(A) striking out "him" in paragraphs (1) and (4) and inserting "it"; and

(B) striking out "he" each place it appears in paragraphs (7) and (9) and inserting "it";

(14) amending subsection (c) of section 308 by—

(A) striking out "Comptroller General" each place it appears therein and inserting "Commission", and striking out "his" in the second sentence of such subsection and inserting "its"; and

(B) striking out the last sentence thereof;

(15) amending subsection (d)(1) of section 308 by—

(A) striking out "supervisory officer" each

place it appears therein and inserting "Commission";

(B) striking out "he" the first place it appears in the second sentence and inserting "it"; and

(C) striking out "The Attorney General on behalf of the United States" and inserting "The Commission or the Attorney General on behalf of the United States";

(16) striking out "a supervisory officer" in section 309 (relating to statements filed with State officers) and inserting "the Commission".

(c)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following paragraph:

"(60) Members, Federal Election Commission (7).";

(2) Section 5316 of such title is amended by redesignating the second paragraph (133) as (134), and by adding at the end thereof the following paragraphs:

"(135) General Counsel, Federal Election Commsision.

"(136) Executive Director, Federal Election Commission.".

(d) Until the appointment of all of the members of the Federal Election Commission and its General Counsel and until the transfer provided for in this subsection, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall continue to carry out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as those titles existed on the day before the date of enactment of this Act. Upon the appointment of all the members of the Commission and its General Counsel, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall meet with the Commission and arrange for the transfer, within thirty days after the date on which all such members are appointed, of all records, documents, memorandums, and other papers associated with carrying out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as it existed on the day before the date of enactment of this Act.

SEC. 3. Section 603 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on candidate contributions

"(a) No candidate for Federal office may make expenditures or contributions from his personal funds in connection with his campaign for nomination for election, or for election, in excess of $250.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of subsection (a).

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $50,000, or imprisonment not to exceed 5 years, or both.".

SEC. 4. (a) Section 6096 (a) of the Internal Revenue Code of 1954 (relating to designation of income tax payments to the Presidential Election Campaign Fund) is amended to read as follows:

"(a) In General.—Each individual (other than a nonresident alien) whose income tax liability for any taxable year is $2 or more shall, for purposes of section 511 of the Federal Election Campaign Act of 1971, be considered to have designated that $2 of his income tax is to be paid over to the Federal Election Campaign Fund unless he designates that no part of his tax is to be paid over to that Fund. In the case of a joint return of tax by a husband and wife whose income tax liability for any taxable year is $4 or more, each spouse shall be considered, for purposes of such section 511, to have designated that $2 of his tax is to be paid over to that Fund unless he designates that such amount is not to be paid over to the Fund.".

(b)(1) The caption of part VIII of subchapter A of chapter 61 of the Internal Revenue Code of 1954 is amended to read as follows:

"PART VIII.—DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND".

(2) The table of parts for subchapter A of chapter 61 of the Code is amended to read as follows:

"PART VIII. DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND.".

(c) Subtitle H (Financing of Presidential Election Campaigns) of the Internal Revenue Code of 1954 (relating to financing of Presidential election campaigns) is repealed.

(d) The amendments made by this section apply with respect to taxable years beginning December 31, 1973.

By Mr. McGOVERN:

S. 2719. A bill to direct the President to halt all exports of crude oil, gasoline, No. 2 fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; and

S. 2720. A bill to amend the Defense Production Act of 1950 to require certain Presidential certifications of need for the allocation of petroleum products to the Department of Defense. Referred to the Committee on Banking, Housing and Urban Affairs.

NO UNESSENTIAL MILITARY FUEL

Mr. McGOVERN. Mr. President, I introduce for appropriate reference two bills bearing on the current fuel emergency.

It has been well established in the past few months and particularly the last few days that our Nation is faced with an energy crisis of unprecedented proportions.

In his televised message to the country, the President outlined a number of steps the country can take to cut back on our consumption of valuable fuel products. Among these were lowered thermostats—in the oval office as well as in all Government offices—reduced speed limits, a return to daylight saving time, and a restructuring of the school year, to name a few.

I think Mr. Nixon is right. We must all share in the burden of cutting back on our energy use. His pledge to go beyond the earlier commitment he made to cut back on Government use by 7 percent is perhaps the most important step of all. If the Congress and the administration expect the people to pitch in and make some fairly substantial sacrifices in their style of life, it is only right that we should lead the way.

For that reason, I was somewhat distressed by a press release put out last week by the Department of Interior announcing that the Department of Defense has been accorded a special priority for the purchase of petroleum products from U.S. suppliers under the terms of the Defense Production Act of 1950. The Office of Oil and Gas is now authorized to issue written directives to suppliers requiring them, regardless of other existing contracts and orders, to furnish petroleum products specified by the Defense Fuels Supply Center of DOD.

The meaning of this ruling is undeniably clear. At a time when we are experiencing an estimated shortage of millions of barrels of oil per day—at a time when the rationing of oil products is being actively considered and everyone from the White House down to the households in rural America are hoping and praying for a mild winter—the Department of Defense is being handed a blank check that will allow military supply officials to approach any fuel supplier in the country and take whatever they need right off the top.

When the legislation I introduce today was being prepared, we had no idea that the provisions of the Defense Production Act would be put into effect in the near future. Yesterday it was announced that the military will be taking 300,000 barrels per day from our domestic supply. That is 1.7 percent of the total 17.9 million barrels of oil consumed daily in the United States. The current shortage is estimated to be in the area of 10 to 17 percent. Taking the low figure of 10 percent, that cuts down our actual daily supply to 16.1 million barrels of oil per day and increases the percentage taken by the military to 1.9 percent.

The picture becomes even more bleak in light of the importance Mr. Nixon placed on the reserves available at the Elk Hills Naval Reserve Field. During his address to the Nation, he singled out this reserve as a safety valve for depleted domestic supplies. Now there is a good chance that the oil from Elk Hills will all go to the military—a total of 167,000 barrels per day. That means we have lost our safety valve and still come up with the military taking 123,000 barrels per day from the domestic supply.

I have no disagreement with insuring that our military forces have the fuel they need to maintain a vigilant defense posture. But it is also essential that we convince every person in this country that the Federal Government will share the burden of necessary cutbacks across the board.

I have been approached countless times in recent months by South Dakotans expressing concern for the great amount of fuel consumed by the military. Young people fresh out of the Navy have confronted me with stories of how fighter planes based on large aircraft carriers must dump fuel from their tanks before landing. All too often that involves dumping better than 50 percent of their tank capacity. That sort of information is a little hard to swallow for someone who finds they may not be able to keep a small business open for the winter because of a fuel shortage. And that threat is very real to South Dakotans already. In the past few days alone, my office has handled a half a dozen hardship cases in South Dakota—a florist shop in Aberdeen that will close in 10 days without an additional supply of propane; an elderly lady in Cresbard who depends on a kerosene stove for heat and cannot find the kerosene; a manufacturing plant in Sioux Falls that will put 200 people out of work if they do not receive additional supplies of propane to back up their interruptible heating system. If this is the case in early November, it is a little frightening to think what it might be like in January and February.

I was also distressed by the recently published reports showing that the United States is exporting 53.3 million gallons of middle distillate fuel during

1973. That includes a considerable amount of No. 2 heating oil.

It has got to make some people wonder—particularly people who have been told that they cannot get as much No. 2 oil this winter as they did last winter. The entire country is in the midst of what can only be termed a crisis situation and yet we continue to export a product that we are known to be short of to the tune of over a million barrels per day.

More than anything else, Mr. President, we need to take every step we can to assure people that their Government is not wasting fuel during an energy shortage.

For that reason, I am today introducing two bills. The first is an amendment to the Defense Production Act of 1950. My amendment will not take away the priority status afforded the Department of Defense. Nor is it intended in any way to hamper the effectiveness of our defense forces. It will simply require that the President insure that the military be as prudent in their use of valuable fuel supplies as he has asked the rest of us to be.

The amendment calls on the President to certify that any excess quantity of fuel requisitioned under the provisions of the Defense Production Act must be absolutely essential for the security of the United States. He must further certify that such excess quantities are not to be used for training or testing programs that could be postponed or modified without affecting our defense capabilities, and, finally, that no other source of supply normally available to the Department of Defense is available to meet the need of such excess quantity.

The second bill simply directs the President to halt all exports of crude oil, gasoline, No. 2 heating oil, and propane gas until such time as he determines that a shortage no longer exists.

I ask unanimous consent that the text of the two bills be printed in the RECORD following my remarks.

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

S. 2719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that there is a national shortage of crude oil, gasoline, number 2 fuel oil, and propane gas in the United States and directs the President to halt all exports of crude oil, gasoline, number 2 fuel oil, and propane gas until such time as he determines that such a shortage no longer exists.

S. 2720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Defense Production Act is amended by adding at the end thereof the following new section:

"SEC. 105. The authority conferred by this title may not be exercised to make available to the Department of Defense a quantity of petroleum products in excess of that quantity of such products which is allocated to the Department of Defense under the Economic Stabilization Act of 1970 or under any other program for the allocation of petroleum products unless the President certifies—

"(1) that such excess quantity is absolutely essential for the security of the United States;

"(2) that the need for such excess quantity cannot be alleviated by the postponement or modification of training or testing programs being carried out by the Department of Defense; and

"(3) that no other source of supply normally available to the Department of Defense, including existing supplies maintained by the Department, is available to meet the need for such excess quantity."

ADDITIONAL COSPONSORS OF BILLS

S. 1326

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. DOLE), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of S. 1326, the Hemophilia Act of 1973.

S. 2062

At the request of Mr. HATFIELD, the Senator from Wyoming (Mr. MCGEE) and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 2062, the Nonreturnable Beverage Container Prohibition Act.

S. 2513

At the request of Mr. RIBICOFF, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

SENATE CONCURRENT RESOLUTION 58—ORIGINAL CONCURRENT RESOLUTION REPORTED AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

(Placed on calendar.)

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

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand additional copies each of parts I and II of the Report of the Commission on the Bankruptcy Laws of the United States (House Document 93-137).

NATIONAL ENERGY EMERGENCY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 678

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

Mr. RIBICOFF (for himself, Mr. KENNEDY, Mr. MCINTYRE, and Mr. WEICKER) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 679

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

Mr. TUNNEY (for himself, Mr. JAVITS, Mr. EAGLETON, Mr. HART, Mr. RIBICOFF, Mr. STEVENSON, Mr. CRANSTON, Mr. CASE, Mr. WEICKER, and Mr. KENNEDY) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

AMENDMENT NO. 680

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

Mr. CLARK (for himself and Mr. EAGLETON) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

AMENDMENT NO. 681

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

Mr. MCGOVERN submitted an amendment intended to be proposed by him to the bill (S. 2589), supra.

AMENDMENT NO. 682

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

Mr. HANSEN submitted an amendment intended to be proposed by him to the bill (S. 2589), supra.

AMENDMENT NO. 683

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

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 2589), supra.

AMENDMENT NO. 684

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

Mr. JACKSON submitted an amendment intended to be proposed by him to the bill (S. 2589), supra.

AMENDMENT NO. 685

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

Mr. JACKSON (for himself, Mr. HART, Mr. FANNIN, and Mr. BUCKLEY) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

AMENDMENT NO. 686

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

Mr. MATHIAS (for himself and Mr. ERVIN) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

AMENDMENT NO. 687

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

AMENDMENT TO S. 2589 TO REQUIRE EXPORT CONTROLS ON CERTAIN OIL PRODUCTS

Mr. HARTKE. Mr. President, the administration has called on the American people to conserve energy by asking millions to suffer inconvenience and economic distress in order to conserve energy sources. Americans understand that the Federal Government demands that our thermostats be turned down, that our cars be driven slower and less frequently, that our schools and factories and farms be operated shorter hours. What they do not understand is the fact that the Federal Government continues to permit the export of vital domestic supplies of fuel oil, coal, natural gas, and propane.

The amendment that I am offering today would correct this error of judgment on the part of our Government. The purpose of this legislation is to stop all unnecessary exports of No. 2 fuel and heating oil, coal, propane, and natural gas. I believe that there is no excuse for our Government permitting the export of

these scarce energy resources during a time of domestic energy shortage.

EXPORTS OF NO. 2 FUEL AND HEATING OIL

The Cost of Living Council projects that 53.3 million gallons or 1.5 million barrels of heating oil will be exported from the United States during 1973. This represents a 284-percent increase in heating oil exports over those of 1972.

Last month alone, exports of this heating oil increased by a whopping 350 percent over the previous month. Heating oil exports climbed from 200,000 barrels in August, to 642,000 barrels in September. The largest shipments during September were to Great Britain, The Netherlands, and Venezuela.

The 642,000 barrels exported in September received a payment of $7.28 per barrel. This represents a 158 percent increase in the average price per barrel over last year's price. If the heating oil had been sold domestically, it would have brought only $6.50 a barrel.

Apparently the lure of bigger profits abroad is persuading the major oil companies to export desperately needed heating oil despite the shortage.

EXPORTS OF COAL

While coal exports this year are just slightly less than in 1972, the significance of these exports now is much greater because we are now reconverting our electrical generating plants from oil to coal. This will mean increased American production of coal which is possible.

The problem is that most of our coal is already tied up in long-term export contracts with the Japanese and Canadian steel industries. The result will be a continued shortage of a commodity of which we have rich and plentiful sources, if we do not pass this export control legislation.

Bituminous coal accounted for 98 percent of total coal exports in 1972. In 1972, Japan and Canada received 64 percent of the total bituminous coal exports, and Canada received about 64 percent of the total anthracite coal exports.

EXPORTS OF NATURAL GAS AND PROPANE

In the first 10-month period of 1973, our exports of natural gas have increased almost 20 percent over the same period in 1972. By September 1973, we had already exported 67.2 billion cubic feet compared with 57 billion cubic feet for the same period in 1972.

Natural gas is the cleanest form of energy that the United States produces. I see no reason for shipping such large amounts abroad without some kind of surveillance which these controls would provide.

Canada, Mexico, and Japan are our major export markets for natural gas. Canada and Mexico received natural gas via pipeline transmission, while Japan, starting in 1969, received liquefied natural gas shipments from Alaska. Japan was our largest export market in 1972, receiving over 50 percent of our total natural gas exports.

The export of propane is also up over the 1972 figures. By September we had exported over 2.5 million barrels of this commodity which is in great demand in our country. Over the same period in 1972, we exported 2.3 million barrels.

The Midwest farmers are absolutely dependent upon this source of energy. If exports increase, we may have crop shortages. The American plywood industry has already begun to shut down many of its plants because it cannot get this precious commodity to dry its wood.

FLEXIBILITY OF THE HARTKE APPROACH

The export controls which I advocate would not disrupt the international market and therefore would not invite retaliation. They are designed, however, to protect our own national interests.

I would have the Secretary of Commerce estimate the domestic production of fuel oil, coal, propane, and natural gas quarterly, in case of emergencies or shortages. He would then determine those amounts necessary for domestic consumption in the United States including a reasonable amount for a carryover to build up U.S. stocks and the remainder would be allocated for export to foreign countries.

The Secretary of Commerce then would allocate such exports among countries on a quota system, based upon past exports and such other criteria as are necessary to produce a fair and equitable quota.

Based upon what is available for export, the Secretary would set up a system for the sale of export licenses through an auction system. Licenses would be sold to the highest responsible bidders with special exceptions for the developing countries. the fees collected would be used to set up a trust fund for the research and development of present and new sources of energy.

The Secretary would be able to lift this licensing system on any of the above energy fuels that he determines is produced in sufficient quantities to meet both U.S. demand and normal world requirements from the United States, without any quota system.

Exception to this quota system is any shipment of these energy fuels for temporary export for processing abroad and reshipment back to the United States. This is necessary because some high sulfur content fuel oil is sent abroad to be mixed with less polluting low sulfur oil and then shipped back to the United States.

CONCLUSION

In a time of nationwide emergency, we cannot countenance the export of these vital and essential energy resources. Without legislation these exports could increase. Their absolute amounts may not be gigantic, but they are in dire need in this country and should be utilized here in keeping our factories and schools in operation and our homes heated.

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

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

AMENDMENT No. 687

On page 26, between lines 19 and 20, insert the following:

TITLE III—EXPORT CONTROLS

SEC. 301. Definitions.—As used in this title—

(1) "Secretary" means the Secretary of Commerce; and

(2) "energy producing commodity" means coal, fuel oil number 2, propane gas, and methane gas.

SEC. 302. Determinations of Quality.—(a) At least quarterly during any period of nationwide energy emergency, and at least annually during any other period, the Secretary shall determine the quantity of each energy producing commodity, if any, that will be available for export during the succeeding quarter or year, as the case may be, and shall cause such determination to be published in the Federal Register.

(b) Such determination shall be made by estimating the total quantity of domestic production of each energy producing commodity and subtracting from each such quantity—

(1) the quantity of each such commodity the Secretary estimates will be necessary to meet domestic needs; and

(2) the quantity of each such commodity the Secretary estimates will be necessary for a reasonable carryover, taking into account any current or possible future national and international emergencies and the need to maintain adequate inventories.

The quantity of any such commodity which remains, if any, shall be the quantity available for export.

SEC. 303. Licensing and Allocation of Export Authority.—(a) No energy producing commodity may be exported to any foreign country unless the exporter has been issued a license by the Secretary for the export of a quantity of such commodity to such country, or unless such export is exempt under the provisions of section 306, or section 307 (3).

(b) The quantity of any commodity available for export shall be allocated among foreign countries by the Secretary on the basis of—

(1) the quantity of such commodity exported to such country during a representative base period; and

(2) such other factors as the Secretary determines to be fair, equitable, and sufficient to protect the interests of traditionally trading partners of the United States.

SEC. 304. Issuance of Licenses.—(a) Upon establishing allocations under section 303, the Secretary shall publicly announce such allocations, and shall announce the time, manner, and place for the submission of bids for the purchase of licenses to export specified quantities of such commodities to specified countries.

(b) Licenses shall be issued under this section to the highest responsible bidder unless the Secretary determines that no bid is sufficiently high or that there has been collusion among the bidders.

SEC. 305. Administrative Adjustments.—The Secretary may make adjustments in quantities determined under section 302 and of allocations determined under section 303 if he determines on the basis of new information that original determinations were erroneous.

SEC. 306. Exemptions.—(a) The Secretary may exempt from payment of any license fee an export which he determines involves—

(1) the export of an energy producing commodity to a developing foreign country with a serious need for such commodity; and

(2) such action would be in the best interests of the foreign relations of the United States and would not have an adverse effect on the energy needs of the United States and the program provided for under this title.

(b) The Secretary may exempt from the application of this title or any requirement under this title the export of any energy producing commodity which he determines—

(1) involves a temporary export for processing purposes to a foreign country and will result in a subsequent import of such commodity to the United States; or

(2) such export will be offset by a subsequent import of another energy producing commodity or other matter essential to the energy needs of the United States.

SEC. 307. Administration.—The Secretary is authorized to issue such rules and regu-

lations as may be necessary including rules and regulations—

(1) providing for the reduction, suspension, or termination of the allocation of any commodity made under this title to any foreign country if the Secretary finds that such country is reexporting all or any portion of such allocation under circumstances that tend to disrupt the regulatory program established under this title;

(2) limiting or prohibiting the sale or transfer after issuance of export licenses issued under this title if the Secretary finds such limitation or prohibition necessary to the orderly administration of the regulatory program established under this title; and

(3) exempting from application of this Act any commodity the domestic production of which the Secretary determines will equal or exceed domestic and foreign demand.

SEC. 308. Use of Funds.—Fees received by the Secretary under section 304 shall be deposited in a special account in the Treasury and shall be available without fiscal year limitation for the purpose of conducting research with respect to the more efficient use of existing energy sources and the development of new energy sources.

Redesignate title III as title IV, and redesignate sections 301 through 315 and all cross-references thereto in the bill as sections 401 through 415. Redesignate subsequent title and sections accordingly.

AMENDMENT NO. 689

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

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (S. 2589), supra.

AMENDMENTS NOS. 690 THROUGH NO. 693

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

Mr. FANNIN submitted four amendments intended to be proposed by him to the bill (S. 2589), supra.

AMENDMENT NO. 695

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

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (S. 2589), supra.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973—AMENDMENT

AMENDMENT NO. 688

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. HART (for himself, Mr. ERVIN, Mr. KENNEDY, Mr. BAYH, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. TUNNEY, and Mr. MATHIAS) submitted an amendment intended to be proposed by them to the bill (S. 2611) to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor.

YEAR-ROUND DAYLIGHT SAVING TIME—AMENDMENT

AMENDMENT NO. 694

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

Mr. DOLE (for himself, Mr. HELMS, Mr. THURMOND, and Mr. HUGH SCOTT) submitted an amendment intended to be proposed by them jointly to the bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 645

At the request of Mr. CRANSTON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of amendment 645 to H.R. 3153, to extend to certain recipients of annuity or pension under the Railroad Retirement Act the treatment accorded to certain social security recipients under section 249E of the Social Security Amendments of 1972, as amended.

AMENDMENT NO. 651

At the request of Mr. ROBERT C. BYRD, the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of amendment No. 651, intended to be proposed to the bill (H.R. 11104), to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

ANNOUNCEMENT OF HEARINGS ON ENERGY APPROPRIATIONS AND RELATED SUPPLEMENTAL BUDGET ESTIMATES

Mr. BIBLE. Mr. President, I wish to announce the Appropriations Subcommittee on the Department of the Interior and Related Agencies will hold hearings November 19 and 20 on a number of supplemental items, including energy programs. Hearings will begin at 10 a.m. Monday in room 1114 of the Dirksen Office Building.

Fiscal year 1974 supplemental budget estimates before the subcommittee to date total $77,307,000 in new budget authority. Additionally, the subcommittee will hear the full $7,100,000 budget request of the American Revolution Bicentennial Commission. This item was passed over in the regular appropriation for lack of authorization. Legislation authorizing a revamped American Revolution Bicentennial Administration is expected to pass Congress shortly.

The bulk of the supplemental estimates deals with accelerated energy research, development, and conservation. They involve the Alaska pipeline, coal research, fuel allocations, energy leasing, and new energy offices within the Department of the Interior.

Among other items is a request of nearly $7 million from the Forest Service to increase timber sales.

The hearings will begin with the Forest Service and go immediately to the energy items.

Mr. President, I ask unanimous consent to print in the RECORD at this point the subcommittee's hearing schedule, which will be subject to revision based on the progress of the hearings.

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

SUBCOMMITTEE ON THE DEPARTMENT OF INTERIOR AND RELATED AGENCIES

MONDAY, NOVEMBER 19

Forest Service: Forest Protection and Utilization; Forest Roads and Trails.

Office of the Secretary—Salaries and Expenses: Office of Energy Conservation; Office of Energy Data and Analysis; Office of Research and Development.

Geological Survey: Surveys, Investigations and Research.

Bureau of Mines: Mines and Minerals.

Office of Coal Research: Salaries and Expenses.

Office of Oil and Gas: Salaries and Expenses.

Bureau of Land Management: Management of Lands and Resources.

TUESDAY, NOVEMBER 20

Bureau of Sport Fisheries and Wildlife: Resource Management.

Office of the Secretary: Salaries and Expenses; Departmental Operations.

Office of Territories: Trust Territories of the Pacific Islands.

National Council on Indian Opportunity: Salaries and Expenses.

Pennsylvania Avenue Development Corporation: Salaries and Expenses.

American Revolution Bicentennial Commission: Salaries and Expenses.

ADDITIONAL STATEMENTS

THE JAPANESE SUPERSTATE

Mr. FANNIN. Mr. President, there are some experts who believe that the United States is in rapid decline and that Japan will be the dominant world power by the beginning of the next century.

It is amazing that the Japanese have been able to borrow so liberally from our technology, and use our own concepts to outproduce us in the world marketplace.

I do not believe it is inevitable that the United States lose its position as a superpower, but I do believe that it will happen if we do not have some change in the attitudes of Americans and American leaders in Government, labor, and industry.

Japan went to school on the United States and rose rapidly from the ashes of World War II to become a first-rank industrial power; now it is time for us to take a few lessons from Japan.

Recently I received a magazine, United States/Japan Outlook, which included an article by S. I. Hayakawa entitled, "2001: The Japanese Superstate?" I am especially interested in the description of labor-management relations in Japan as compared with the United States. This may well be the real key to survival—or destruction—of our economy.

Mr. President, I ask unanimous consent that this article be printed in the RECORD for the benefit of my colleagues who are concerned about this vital matter.

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

2001: THE JAPANESE SUPERSTATE?

(By S. I. Hayakawa)

Do you remember the feverish building of fallout shelters in 1961 in anticipation of a Soviet nuclear attack? Do you remember

people storing cases of food and bottled water?

Herman Kahn, who wrote his terrifying book, "Our Thermonuclear War," in 1960, contributed much to our panic of that period. He insisted on "thinking the unthinkable." What would war with hydrogen bombs actually be like? I denounced the book at the time, but in retrospect I must admit that someone had to write it.

Hence I am a little puzzled that Herman Kahn's book, "The Emerging Japanese Superstate: Challenge and Response" has created so little stir in the U.S. In it, Kahn predicts that by the year 2000 Japan will in all likelihood be the world's leading economic power, and that the 21st century will be the "Japanese century."

Since Japan decided in 1868 to open its doors to the world, the national goal of the Japanese people has been to catch up with the West. Having by this time caught up in most respects, their next goal is to surpass the West. How are they doing?

Well, Japan has recently surpassed England, France and Germany and is behind only the U.S. and the Soviet Union. Japanese technological capabilities are now fully competitive with those of the West and the objective of surpassing the West, says Kahn, is now in sight. By the end of this century or early in the next, Japan will be foremost, economically and technologically.

The reasons for this tremendous success since the devastation of World War II lie in the Japanese character, says Kahn. "The Japanese see themselves not as a society of individuals, but as a national family in which all people and all companies cooperate to make the nation stronger."

The key to "Japan, Inc." is growth. The keys to growth are unity and loyalty. The Japanese watch growth rates the way Americans watch baseball standings. In his comments on Japanese character, Kahn often sounds like Ruth Benedict, to whose great study of Japanese culture, "The Chrysanthemum and the Sword" (1946), he makes grateful acknowledgement.

In Japan no one would criticize such a statement as "What's good for General Motors is good for the country." What's good for Iwata Steel or Nissan Motors is assumed to be good for Japan, because it is Japan against the rest of the world. Everybody—management, labor and the general public—identifies the success of Japanese business with the success of the nation—and individual success.

This unity is revealed in the close cooperation which flows among Japanese firms. Of course, employees and executives try as hard as possible to further the interests of their own companies, but everyone takes pleasure in any Japanese success. Thus there exists a kind of open society within business circles in which competitors share information which would be considered secret in the West.

Members of Japan, Inc. are loyal. When a man signs a contract to work for a company it is like entering marriage. It is for life. There are rights and duties on each side to be honored. Employees know that they will never be fired. The company is a family which takes care of everyone, in return for devotion. It can afford to do so because high growth rates permit so much expansion that there is always a place for everyone.

Loyalty is not something to hide, but something to celebrate. Every morning, workers at Matsushita Electric, as in hundreds of other companies, sing their company song before beginning work. They sing with an enthusiasm and gusto which Americans would find embarrassing, if not ridiculous.

Even unions in Japan are loyal to business. They lobby and apply pressure to obtain demands they consider fair and reasonable. But they would never go so far as to let their companies be hurt. Most American unions assume an adversary relationship between employers and employees—and proceed on that assumption. Unions rarely work with corporations, but organize against them.

Because of the loyalty of Japanese workers, their unity and willingness to work long hours and to sacrifice present consumption in favor of capital investment, the Japanese economy is growing at a rate exceeding 10 per cent a year, or about twice that of U.S. economic growth. Moreover, the U.S. is increasingly finding itself clobbered in world markets.

I wonder if American union leadership worries about problems such as these? What good does it do to get wage increases for union members from $3 an hour to $7, from $7 to $15, from $15 to $22, if as a result the company transfers its operation to West Germany or Taiwan—or goes out of business altogether?

The question is not hypothetical. It's been happening for years. Herman Kahn is persuaded that Japan may very well come out the winner as a result.

LONG-RANGE STUDY AND HEARINGS ON FOREIGN INVESTMENT IN THE UNITED STATES

Mr. STEVENSON. Mr. President, dramatic changes are occurring in foreign investment in the United States. Its slow but steady growth over the last two decades has increased significanly during the past year, and it has begun to penetrate a wide spectrum of American industry. It now extends to mining, manufacturing, lumbering, and farming. All indications are that substantially accelerated expansion can be expected in the future.

Japanese interests recently bought almost 200 acres of land in New York for a steel mill. In California, they are assembling television sets and expanding into picture tube production. In Wisconsin, a major Japanese firm has just completed a $6 million soy sauce plant on a former cornfield. Japanese interests have acquired timberland in the West and coal mines in West Virginia and have made bids to acquire controlling interests in one of the Nation's largest industrial companies, American Metal Climax. Real estate speculation and land for farm production are being eyed with increasing interest.

The Japanese are far from alone. The British, who already account for the greatest proportion of foreign investment here, are expanding their U.S. investments rapidly. One indication is the recent takeover of Gimbels, a well-known department store, by the American branch of British American Tobacco. Earlier, another British company acquired Franklin Stores, a well-known discount house.

West German investment, already substantial, is also expanding rapidly. The French are close behind. Michelin is building two tire plants in South Carolina valued at more than $200 million. Volvo of Sweden has just announced plans to build an auto assembly plant in Virginia, and the Canadians have made a bid to take over the Texasgulf Co. Foreign banks, as well, are aggressively expanding their U.S. operations. The recent agreement of Britain's Floyd's Bank to acquire First Western Bank & Trust Co. of California is but one example.

The upshot is that foreign investment in the United States now stands at close to $15 billion. Just a little over 10 years ago it stood at only about half that level. Over the past two decades it has averaged a healthy 7-percent increase per year. Today, it is growing at an accelerating rate.

Many factors contribute to the trend. Large dollar holdings in Europe, Japan, and the oil-producing countries provide a ready pool of resources. The weakened state of the dollar makes it a less attractive currency to hold. A logical outlet is investment in the United States. At the same time, other currencies have increased in value against the dollar as a result of successive dollar devaluations. As a consequence, the deutsche mark, the yen, and other foreign currencies now go considerably further in the United States.

Declines in the stock market have stretched those currencies even further. Many U.S. stocks are now available at relatively low prices. Low U.S. price-earnings ratios contrast favorably with higher price-earnings ratios in Europe. Record high interest rates also increase the appeal of U.S. debt instruments.

Dollar devaluation also means that goods from abroad now cost more in the United States. Higher prices mean lower sales for foreign manufacturers. Foreign corporations see direct U.S. operations as a way to offset reduced sales.

Direct U.S. operations also eliminate transportation costs and put foreign competitors in closer touch with the huge American market. In addition, the traditional advantage of operations abroad due to lower labor costs is rapidly vanishing since European and Japanese wage rates have recently increased dramatically.

A further factor undoubtedly is a desire to develop protected sources of raw materials and other supplies. Food and energy shortages are a worldwide phenomenon, and aggressive attempts to acquire and control assured sources of supply can be expected. Agricultural land could well become a prime target.

At this point the dimensions of foreign investment in the United States are not well understood. The data base is sketchy at best and measurement presents difficult statistical problems. More important, little, if any, consensus exists on the long-range impact on vital U.S. interests.

From a balance-of-payments standpoint, the initial effect is favorable. Over time, the favorable effect will continue so long as inflows exceed outflows. Foreign direct investment can also result in increased job opportunities and produce fresh injections of new technology. In addition, new markets may be opened, old markets rejuvenated, and competition stimulated. All these are benefits to the American economy.

On the other hand, potentially adverse consequences cannot be ignored.

Foreign purchases of already scare resources increase the pressures on prices. Land costs in many areas are already at levels which put intolerable strains on housing costs. Increased prices for agricultural land will increase the cost of agricultural production and eventually the price of food. Foreign ownership of natural resources such as coal mines, timber, and farmlands may mean diversion of critically needed raw materials to foreign markets. Not to be overlooked is the possibility that control of U.S. corporations in essential industries such as steel, oil, coal, and electronics, to name but a few, may interfere with national and foreign policy on resource use and industrial development.

Monetary control, as well, may be affected. Expanded foreign bank operations here have an impact on the ability of the banking system to respond to changes in monetary policy. In addition, they may present serious competitive problems for U.S. banks which are geographically restricted in their operations while their foreign competitors are not.

Serious as these domestic consequences may be, they cannot be considered in isolation. Foreign investment in the United States has significant implications for the United States in the international community. Until now, for the United States, international investment has largely been a one-way street. Americans have traditionally looked upon the rest of the world as the arena for expansion. Now the advanced countries of the world are beginning to look on the United States in a similar light.

The United States can no longer think of itself as an economic fortress. If present trends continue, foreign direct investment here may grow to over $35 billion during the next 10 years—more than double its present level. Foreign companies may soon become as familiar here as American companies abroad. We will thus grow increasingly interdependent, and the attitude of the United States toward foreign investors will affect the attitude of the rest of the world toward U.S. investors.

To date, the United States has no coherent policy on foreign investment in this country. Indeed, except in some very limited instances such as restraints on foreign holdings in atomic energy projects, communications systems, and the use of public lands, the United States has no policy at all.

In the absence of a national policy, many States have acted. Most have aggressively sought foreign investment, but some have imposed restraints. In banking there have been several significant developments recently. The California Legislature has just considered a bill to prohibit further charters and new branches to foreign banks unless foreign countries grant reciprocal rights to California banks. A new Illinois law permits foreign banks to open downtown Chicago branches only if Chicago banks are accorded reciprocal rights. In these and other areas, further State efforts to deal with foreign commercial interests can be expected.

We cannot permit so serious a matter as this to be regulated by 50 different jurisdictions. We also cannot permit a national policy to develop by default. Other nations have long had controls on foreign investments, and many are taking further steps in light of worldwide shortages of essential productive sources. At this point we do not know whether we need controls or, if needed, what they might be.

More significant is the absence of any internationally agreed-upon rules relating to international investment. Trade and monetary matters have long been subject to international rules. In addition, through GATT and the International Monetary Fund, there is a forum for raising and resolving issues of common concern in these areas. Yet for foreign investment, each nation is left to develop its policies in isolation. The development of international rules and a forum to deal with common investment questions needs to be explored.

The benefit to U.S. companies investing and operating overseas can be significant. United States investment abroad far outstrips foreign investment in the United States. Yet, U.S. companies abroad face growing discrimination. United States companies, therefore, have much to gain from an international investment climate which favors reciprocity, as well as stability.

I believe we must take steps now to develop the facts and determine our policy objectives. We cannot wait until we are faced with a crisis of foreign control, interference with critical national interests, a web of inconsistent statutes and regulations, or a breakdown in the international investment climate. Nor can we act on a piecemeal basis.

Accordingly the Senate Subcommittee on International Finance is beginning a study of the nature and extent of foreign investment in this country and its implications for national policy. We need a firm understanding of the facts and a thorough appreciation of their implications. In the course of our study, we will explore the relation of U.S. policy to the prospects for U.S. investment abroad and the overall climate for international investment. In that context we will examine the prospects for multilateral arrangements to deal with common investment questions. Our objective is to identify the issues and explore all policy alternatives.

Initial hearings of the Subcommittee on International Finance will be held shortly after the first of the year. The exact dates will be announced in the near future. All interested persons should contact Stanley J. Marcuss, the International Finance Subcommittee Counsel, in room 5300, Dirksen Senate Office Building—225-7391.

LEGISLATIVE ACTIVITIES OF SENATOR HUGH SCOTT

Mr. HUGH SCOTT. Mr. President, over the years I have made it a practice to insert in the CONGRESSIONAL RECORD a categorical breakdown of my legislative activities. I ask unanimous consent to include in the RECORD at this point a further listing of my bills and votes.

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

LEGISLATIVE ACTIVITIES OF SENATOR HUGH SCOTT

AMERICAN BUSINESS—93D CONGRESS

Legislation

S. 804—To further improve federal assistance to small business concerns in financing, structural, operational or other changes to meet standards required pursuant to law.

S. 1415—To assist in the financing of small business concerns which are disadvantaged because of certain social or economic considerations not generally applicable to other business enterprises.

S. 2136—To extend the St. Lawrence Seaway—Great Lakes navigational season demonstration program for another 2½ years.

S. Con. Res. 11—To express a national policy with respect to support of the United States fishing industry.

Votes

Voted for the Energy Policy Act of 1973.

Voted for the Management Relations Act Amendments.

Voted for the Small Business Act Amendments.

Voted for the Emergency Petroleum Allocation Act of 1973.

92D CONGRESS

Legislation

S. 3452—To amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

S. 3708—To amend the tariff and trade laws of the U.S. and for other purposes.

S. 3891—To amend the Small Business Act to assist in the financing of small businesses which are disadvantaged because of certain social or economic considerations not generally applicable to other business enterprises.

Amend # 1392 to H.R. 15692—To amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

CIVIL RIGHTS—93D CONGRESS

Legislation

S.J. Res. 10—To provide for voluntary nondenominational prayer in public schools.

S.J. Res. 20—To designate January 15 of each year as "Martin Luther King Day."

92D CONGRESS

Legislation

S. 1664—To authorize additional appropriations for the U.S. Commission on Civil Rights.

S. 1769—To establish a Legal Services Corporation and for other purposes.

S. 2515—A bill to further promote equal employment opportunities for American workers.

S. 3025—To prohibit records of deeds from giving implicit recognition to racially restrictive covenants.

S. 3121—To extend the U.S. Commission on Civil Rights for five years, to expand jurisdiction of the Commission to include discrimination or because of sex, to authorize additional appropriations for the Commission.

S.J. Res. 7—To amend the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

S.J. Res. 79—To amend the Constitution of the United States, relative to equal rights for men and women.

Amend. to H.R. 9272—To restore the full

amount of the funds cut by the House from the fiscal year 1972 Budget for the Equal Employment Opportunity Commission.

Votes

Voted for the proposed constitutional amendment extending the right to vote to citizens aged 18 or older.

Voted for Emergency School Aid and Quality Integrated Education Act of 1971.

Voted to establish an independent Office of General Counsel within the Equal Employment Opportunity Commission.

Voted for the Equal Employment Opportunities Enforcement Act of 1972.

Voted for proposed constitutional amendment for equal rights for men and women.

Voted for Economic Opportunity Amendments of 1972.

91ST CONGRESS

Votes

Voted to prohibit assistance to school districts which transferred property or services to nonpublic schools practicing racial discrimination.

Voted for an additional $150 million for emergency school assistance for desegregating local educational agencies.

Voted to give the Equal Employment Opportunity Commission the power to issue cease-and-desist orders.

Voted for the Equal Employment Opportunities Enforcement Act of 1970.

Voted for the proposed constitutional amendment granting equal rights for men and women.

CONSUMER—93D CONGRESS

Legislation

S. 607—To strengthen the Lead Based Paint Poisoning Prevention Act.

S. 1082—To repeal the bread tax.

S. 1451—To require the disclosure of ingredients on the labels of all foods.

Votes

Voted for the State and Federal Meat and Poultry Inspection Act Amendments.

92D CONGRESS

Legislation

S. 4004—To prohibit the transportation or shipment within the U.S. of gas cylinders not inspected in the U.S.

Votes

Voted for Lead-Based Paint Poisoning Prevention Act Amendments of 1972.

Voted for Food, Drug, and Consumer Product Safety Act of 1972.

Voted to authorize continuation of consumer action and cooperative demonstration programs with O.E.O.

DEFENSE—93D CONGRESS

Legislation

S. 440—To make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

S. Res. 115—To pay tribute to members of the Armed Forces who are missing in action in Indochina.

S. Res. 117—To commemorate the loss and suffering of the dead and wounded members of the Armed Forces occasioned by the war in Vietnam.

92D CONGRESS

Legislation

S. 3416—To authorize members of the armed forces who are in a missing status to accumulate leave without limitations.

S. Res. 202—To revitalize the North Atlantic Treaty Organization and to seek mutual force reductions in Europe.

S.J. Res. 242—To approve the acceptance by the President for the U.S. of the interim agreement between the U.S. and the U.S.S.R. on certain measures with respect to the limitation of strategic offensive arms.

Votes

Voted for Seabed Arms Control Treaty.

Voted for a joint resolution to urge the President to seek a future strategic weapons limitation treaty which would not limit the U.S. to levels of intercontinental strategic forces inferior to limits provided for the Soviet Union.

EDUCATION—93D CONGRESS

Votes

Voted for the National Foundation on the Arts and the Humanities Amendment of 1973.

92D CONGRESS

Legislation

Amend. #923 to S. 659—To permit limited busing for legitimate, educational purposes.

Amend. #947 to S. 659—To prohibit a teacher-student assignment to overcome racial imbalance.

Votes

Voted for Education Amendments of 1972.

Voted for Comprehensive Headstart Child Development and Family Service Act of 1972.

ENVIRONMENT AND CONSERVATION—93D CONGRESS

Legislation

S. 173—To authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.

S.J. Res. 24—To ask the President to declare the fourth Saturday of each September as "National Hunting and Fishing Day."

Votes

Voted for the Convention with Japan for the Protection of Birds and their environment.

92D CONGRESS

Legislation

S. 3595—To authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.

S. 4112—To designate certain lands as wildernesses.

S.J. Res. 158—To declare a "Clean-up America Day," and urge the participation of all Americans.

Votes

Voted for Toxic Substances Control Act.

Voted for the withholding of the Land Use Policy and Assistance Funds from any state after 5 years if its program was not in compliance with certain Federal Pollution guidelines.

Voted to assure that public and private developments under the Land Use Policy and Planning Assistance Act would conform to the Clean Air Act and the Water Pollution Control Act.

Voted for the Environmental Noise Control Act of 1972.

FEDERAL ELECTIONS—93D CONGRESS

Legislation

S. 1094—To improve the regulation of Federal election campaign activities through the creation of an independent Federal Election Commission to monitor and enforce the law.

S. 1095—To suspend the "equal time" provision of the broadcasting law for all candidates for federal office.

S. 1096—To provide for a campaign mail privilege at reduced rates, for qualified candidates for Federal office.

S. 1097—To provide that political contribution are not subject to the gift tax.

S. 2297—To provide public financing of Senate and House elections, and to bar the option of private financing for major party candidates in all Federal elections.

S.J. Res. 110—To establish a nonpartisan commission of federal election reform.

Votes

Voted for the Federal Election Campaign Act Amendments of 1973.

Voted to create a nonpartisan commission on federal election reform.

92D CONGRESS

Legislation

S.J. Res. 245—To authorize the President to designate the calendar month of September 1972 as "National Voter Registration Month."

Votes

Voted to prohibit any political committee not authorized with respect to a candidate for President or Vice President from contributing more than $1,000 in his behalf.

Voted for Revenue Act of 1971 which included the financing of Presidential Elections through a check-off system for income taxes.

FOREIGN AFFAIRS—93D CONGRESS

Legislation

S. 440—To make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

Votes

Voted for the United States Information Agency Authorization Act of 1973.

92D CONGRESS

Legislation

S. 3708—The Fair International Trade Act of 1972.

S. 4012—To make additional visas available for immigrants from certain foreign countries.

S. Res. 202—To revitalize the North Atlantic Treaty Organization and to seek mutual force reductions in Europe.

S.J. Res. 242—A joint resolution approving the acceptance by the President for the U.S. of the interim agreement between the U.S.A. and the U.S.S.R. on certain measures with respect to the limitation of strategic offensive arms.

Votes

Voted for Equal Export Opportunity Act and International Economic Policy Act of 1972.

Voted for Interim agreement between the U.S. and the U.S.S.R. on limitation of strategic offensive weapons.

HEALTH—93D CONGRESS

Legislation

S. 667—To provide for the protection of the public health from unnecessary medical exposure to ionizing radiation.

S.J. Res. 80—To authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

Votes

Voted for the Public Health Service Act Extension of 1973.

Voted for Health Maintenance Organization and Resources Development Act of 1973.

Voted for Emergency Medical Services Systems Development Act of 1973.

92D CONGRESS

Legislation

S.J. Res. 180—To authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

S. 3136—To regulate the amount of lead and cadmium which may be released from glazed, ceramic, or enamel dinnerware.

Votes

Voted for Drug Abuse Office and Treatment Act of 1972.

Voted for medical research into causes and cure of sudden infant death syndrome.

Voted for Food, Drug and Consumer Product Safety Act of 1972.

Voted for Child Nutrition Act of 1972.

Voted for Narcotic Addict Rehabilitation Amendments of 1972.

Voted to make maintenance drugs available under Medicare.

Voted to require that States not reduce medical services they currently provide.

HUMAN NEEDS—93D CONGRESS

Legislation

S. 136—To authorize financial assistance for Opportunities Industrialization Centers.

S. 478—To provide for the striking of medals in commemoration of Roberto Clemente (proceeds from which to be used for recreation facilities for youth).

S. 753—To amend the Disaster Relief Act of 1970 with respect to eligibility for relocation assistance.

S. 798—To reduce the number of criminal repeaters by providing community-centered programs of supervision and services for persons charged with offenses against the United States.

S. 1144—To establish a national program of Federal insurance against catastrophic disasters (retroactive to cover Hurricane Agnes).

S. 1431—To provide for the continuation of programs authorized under the Vocational Rehabilitation Act.

S. 1434—To disregard children's benefits received by an individual under the Social Security Act in determining whether that individual is a dependent of a taxpayer.

Votes

Voted for the Flood Control Act of 1973.

Voted for Vocational Rehabilitation Act of 1972.

92D CONGRESS

Legislation

S. 3136—To regulate the amount of lead and cadmium which may be released from glazed ceramic, or enamel dinnerware.

S. 3142—To provide $85 million for assistance to Soviet Jewish refugees in Israel.

S. 3795.—To provide additional relief to victims of Hurricanes and Tropical Storm Agnes.

S. 3971—To exclude from gross income amounts of disaster relief loans cancelled pursuant to existing disaster aid laws.

S. 4001—To provide for the liberalization and automatic adjustment (in accordance with rising wage levels) of the earnings test under Social Security provisions which allow for deductions in monthly benefits on account of excess earnings.

S. 4050—To revise and simplify the Federal disaster relief program and to assure adequate funding for such programs.

S. Con. Res. 91—To designate "National Gospel Rescue Month."

S.J. Res. 126—To authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month."

S.J. Res. 246—To authorize the President to proclaim the first Sunday of December as "National Fellowship Day."

Amend. #923 to S. 659—To permit limited, legitimate busing of school children.

Amend. #1393 to H.R. 15692—To provide disaster aid to nonprofit educational institutions.

Amend. #1392 to H.R. 15692—To reduce the interest rate on Small Business Administration disaster loans.

Votes

Voted for Comprehensive Headstart, Child Development and Family Service Act of 1972.

Voted for Drug Abuse Office and Treatment Act of 1972.

Voted for Food, Drug, and Consumer Product Safety Act of 1972.

Voted for Child Nutrition Act.

Voted for Health Maintenance Organization and Resources Development Act of 1972.

Voted for maintenance drugs to be available under medicare.

Voted to require that States not reduce medical services they currently provide.

Voted to provide additional legal services for the elderly poor.

Voted for the Economic Opportunity Amendments of 1972.

Voted for the Older Americans Community Service Employment Act.

JOB OPPORTUNITIES AND REGIONAL DEVELOPMENT—93D CONGRESS

Legislation

S. 1475—To allow a double investment credit for certain property placed in service in rural areas which will assist in providing new employment opportunities.

Votes

Voted for the Public Works and Economic Development Act Amendments of 1973.

Voted for the Rural Electrification Act Amendments.

92D CONGRESS

Legislation

S. 2981—To provide for environmental improvements in Rural America.

S. 3497—To authorize an increase in land acquisition funds for the Delaware Water Gap National Recreation Area.

S. 3595—To authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.

S. 3651—To provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

S. 3795—To provide additional relief to victims of Hurricane and Tropical Storm Agnes.

Amend. to S. 4018—To authorize $2.4 million for Tamaqua Flood protection on Wabash Creek, Pa.

Votes

Voted to require that laborers employed in construction work financed from revenue-sharing funds be paid at prevailing wage rates.

Voted for State and Local Fiscal Assistance (Revenue Sharing) Act of 1972.

Voted to assure nondiscrimination on account of age in government employment.

Voted for Older Americans Community Service Employment Act.

LAW ENFORCEMENT—93D CONGRESS

Legislation

S. Res. 106—To urge the Attorney General to appoint a special prosecutor in connection with the Presidential election of 1972 (Watergate).

Votes

Voted for the Victims of Crime Act of 1973.

92D CONGRESS

Legislation

S. 3182—To implement the Convention on the Prevention and Punishment of the crime of Genocide.

S. 3833—To limit the use of the writ of habeas corpus.

S.J. Res. 228—To pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

Votes

Voted for Drug Abuse Office and Treatment Act of 1971.

Voted for ratification of Convention to Prevent and Punish Acts of Terrorism.

Voted for Handgun Control Act of 1972.

Voted for Omnibus Crime Control and Safe Streets Act Amendments.

Voted for Anti-Hijacking Act of 1972.

MONETARY AND FISCAL POLICY—93D CONGRESS

Votes

Voted for Economic Stabilization Act of 1973.

Voted for the Federal Impoundment Control Procedure Act (S. 373).

92D CONGRESS

Legislation

S. 1323—To impose a statutory limit on Federal expenditures and net lending during the fiscal year 1973.

S. 3651—To provide payments to localities for high-priority expenditures, to encourage States to supplement their revenue sources, and to authorize Federal collection of State individuals income taxes.

Votes

Voted to repeal the 10% manufacturers' excise tax on local transit system bases.

SENIOR CITIZENS—93D CONGRESS

Legislation

S. 582—To provide social services for the aged.

S. 1684—To provide that a finding of permanent and total disability under social security or railroad retirement will be considered as a finding of disability under any similar program.

Votes

Voted for Older Americans Comprehensive Services Amendments of 1973.

92D CONGRESS

Votes

Voted to allow persons 65 years of ago or older a phased, annual tax credit of up to $300 for property taxes or rent paid on residence.

Voted to increase from 20 to 30 percent across-the-board social security benefits.

TRANSPORTATION—93D CONGRESS

Legislation

S. 679—To improve the efficiency of the Nation's highway system by allowing States and localities more flexibility in utilizing highway funds.

S. 768—To provide improved high-speed rail passenger service between Boston and Washington, through Philadelphia, by 1976.

Amend. to S. 502—To designate Route I-70 in Pennsylvania as the Dwight D. Eisenhower Highway.

Votes

Voted for the Airport Development Acceleration Act of 1973.

Voted for the Aerial Hijacking Federal Aviation Act Amendments.

92D CONGRESS

Legislation

S. 3232—To provide more effective means for protecting the public in disputes involving the transportation industry.

S. 3782—To authorize Federal financial assistance to restore or replace essential railroad facilities and equipment lost or destroyed as the result of natural disasters which occurred during the month of June, 1972.

S. 3796—Highway Emergency Relief funds for Hurricane Agnes.

S. 3825—To improve the efficiency of the national highway system.

S.J. Res. 225—To prevent abandonment of railroad lines.

Amend. #1059 to S. 2760—To provide that any railroad employee eligible to receive free or reduced rate transportation by railroad will be eligible to receive free or reduced-rate transportation on any inter-city rail passenger service.

Votes

Voted for Airport Development Acceleration Act of 1972.

Voted to authorize subsidies for mass transportation operating expenses.

Voted for Anti-Hijacking Act of 1972.

VETERANS—93D CONGRESS

Legislation

S. 176—To provide for a special addition to the pension of veterans, widows and children of World War I.

Votes

Voted for the Veteran's Health Care Expansion Act of 1973.

Voted for the Veteran's Drug and Alcohol Treatment and Rehabilitation Act of 1973.

92D CONGRESS

S. 908—To exempt from induction and training under the Selective Service Act, the surviving sons of a family which has lost two or more members as the result of military services.

Votes

Voted for Vietnam Era Veterans Readjustment Assistant Act of 1972.

Supported amendment to give social security child benefits to veterans between ages 18 through 22.

NORTH CAROLINA HONORS SENATOR SAM J. ERVIN, JR.

Mr. ALLEN. Mr. President, on October 17, 1973, the North Carolina Awards Commission bestowed the North Carolina Award upon five North Carolinians. They were Helen Smith Bevington, who received a North Carolina Award in Literature for her notable career as poet and author; Ellis Brevier Cowling, who received a North Carolina Award in Science for his distinguished research at North Carolina State University in plant pathology; Burke Davis, who received a North Carolina Award in Literature as a native of North Carolina living in Virginia; Kenneth Ness, who received a North Carolina Award in the Fine Arts for his notable contributions as artist and teacher at the University of North Carolina at Chapel Hill; and our colleague, Senator SAM J. ERVIN, JR., who received a North Carolina Award for distinguished public service as State legislator, superior and supreme court judge, U.S. Congressman and Senator, champion of civil liberties and dedicated defender of the U.S. Constitution.

I ask unanimous consent that the citation accompanying the North Carolina Award to our colleague, Senator ERVIN, be printed at this point in the body of the RECORD.

There being no objection, the citation was ordered printed as follows:

NORTH CAROLINA HONORS SENATOR SAM J. ERVIN, JR.

"Sam J. Ervin receives a North Carolina Award for distinguished public service as state legislator, Superior and Supreme Court judge, U.S. Congressman and Senator, champion of civil liberties and dedicated defender of the United States Constitution. Born in Morganton in 1896, graduated from the University of North Carolina at Chapel Hill and the Harvard Law School, he combines erudition with wit, mountain independence and calvinist conviction with the love of hard work and rock-ribbed integrity. Twice wounded in World War I, twice cited for gallantry in action and awarded the French Fourragere, the Silver Star and the Distinguished Service Cross, he has risen to national and international eminence without once forgetting the Tar Heel motto: "To Be Rather Than To Seem." Endowed with the 18th Century Scotch-Irish settlers' love of "book learning", nourished on the King James Bible and full of the mountain storytelling genius of the Blue Ridge foothills, he has served his state with exceptional ability, then moved in mid-flight to the U.S. Congress where his qualities as scholar and stateman have pushed him to the forefront in a time of national crisis. The nation has discovered Senator Ervin in 1973, but his fellow Tar Heels remember his courage and wisdom from a long way back. As a young state representative from Burke County in 1925 he played a leadership role in helping defeat a "monkey bill" which would have made North Carolina's public schools a laughing stock. From the time of his appointment to the U.S. Senate when he became a member of an earlier select committee involving civil liberties to his more recent role as chairman of another select committee probing election politics and procedures, Senator Ervin has never forgotten the admonition of Thomas Jefferson that "no government ought to be without censors and where the press is free, no one ever will." His defense of constitutional principles has been consistently courageous, always more concerned with issues rather than individuals and everlastingly dedicated to the conviction that "in the end it is the individual—not society and not any group—that is the basic unit of value."

NEWS MEDIA AND THE PRESIDENT

Mr. FANNIN. Mr. President, after President Nixon dismissed Special Prosecutor Archibald Cox there was a flood of mail and telegrams calling for the resignation of or the impeachment of our President.

Much of this emotional response was created by the sound and fury employed by the news media in reporting the Cox dismissal.

Now the impeachment mail has subsided, and I am starting to receive messages from people who are greatly distressed by the manner in which the television networks and some of the national press have acted.

It has become very clear to the discerning citizen that certain elements of the media are carrying on a vendetta against President Nixon, and their hatred for President Nixon was masked very thinly during recent months.

Many people—including some of the most prominent people in journalism and publishing—are asking just what role and responsibilities the press has.

Does the press have the right to pass judgment on a President and then hound him out of office?

That, in my estimation, is exactly what some journalists in both the print and electronic media believe their job to be.

Certain reporters and columnists seem to be trying to set themselves up as a fourth branch of government, superior to the other three, with the power to judge, convict, and punish anyone in or out of government who contradicts their values. Dictatorship by the press is no more appealing to me than any other form of dictatorship.

Mr. President, I believe that the press have an important role in our society. My concern today is as much for the future of this precious institution as it is for the future of our President and our Nation.

Perhaps the best illustration I can give is to put in the RECORD a letter I received this week from a couple in Sun City, Ariz. I ask unanimous consent to have this letter printed at this point:

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

SUN CITY, ARIZ., *November 5, 1973.*

Hon. PAUL FANNIN,
U.S. Senator, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR FANNIN: We retired last year and have had time to listen to a few more television programs. We feel that the commentators, following speeches and press conferences are extremely biased against the President and do not give correct summations. We, with most of our neighbors, feel that this is a dangerous situation. It seems this is an inexcusable hurt to our President and should be corrected. He doesn't have a chance with such vicious actions.

We hope that some of the Arizona Congressmen will do something to make a balance of truth for the television audience, if it is not already too late.

The televised Watergate hearings were ridiculous and a great waste of tax payers money. It appeared to be just campaigning by the Congressmen involved.

We trust that you will help right this unnecessary wrong.

Sincerely,

Mr. and Mrs. K. N. KEMPER.

Mr. FANNIN. Mr. President, I offer the letter from Mr. and Mrs. Kemper because it states so clearly and simply how many Americans feel about the propagandizing that they are being subjected to on teleivsion news from Washington.

Another letter which may be of interest came to me from a woman who identifies herself as "An Outraged American Lady." I request that her letter and essay be printed in the RECORD at this time.

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

TEMPE, ARIZ., *November 7, 1973.*

To: All Members of the U.S. Senate.
All Members of the U.S. House of Representatives.

DEAR SIR: I am attempting to launch an appeal and plea to my fellow Americans and our representatives with the hope of curtailing the unorthodox behavior of our national networks and news media toward all of our elected officials.

This is also an appeal to the people to help strip away the gags imposed upon our representative bodies and grant them the freedom of speech they are entitled to, by law, without the threat of personal harassment by these news media so that they may function in their proper capacities.

I do not presume to set myself up as judge or jury but must allow my thoughts and hopes for our great country to be counted.

With these aims in mind, I shall continue to direct letters such as the one herewith enclosed for your perusal.

Thank you for your valuable time.
An outraged American lady.

HELEN F. DRAKE.

AMERICA, WAKE UP!

Shame on you, America, for allowing yourselves to become the pawns of the American Press, and in particular, the T.V. Networks. If this media has become so powerful as to be able to turn tens of millions of Americans against their duly elected President within a matter of weeks, it would seem, to this American, that possibly we are voting for the President of the wrong organization! Should we not, in fact, be voting for the President of the national networks and their board of directors? One would wonder if a similar amount of intensive investigation were directed toward these "gentlemen of the Press", and their motives, how well they would fare. Has anyone yet attempted to investigate the investigators?

Tell me, Mr. and Mrs. America, have you not listened night after night to the opening statement of your favorite newsman (and I quote) "It has been reported", or , "Reports from (this or that) agency", and don't forget, "according to reliable sources". These are the cliches of our guardians of the Press as they begin to sow the seeds of suspicion and doubt so as to hold your attention and keep the fever pitch high while, in reality, very little of what he has to report is factual, except the fact that it may have been said—but, by whom?—Where? And, are these people or agencies qualified to give out such information?

Moreover, why does the T.V. News Media assume the American people are so stupid that they are unable to evaluate or understand the message brought to us by our elected representatives? Why must we continue to endure commentary footnotes, quite frequently taken out of context and hurled into our homes like the onslaughts of a raging river by commentators whose only purpose is to startle and shock us enough to hold our attention until 6 o'clock tomorrow night when they will again appear at their respective work tables only to repeat the same procedure.

We have priests and ministers, movie stars and talk show hosts who have at their fingertips the privilege of the use of these T.V. networks. Surely these are not all qualified political advisors, and yet they are given the opportunity, hour after hour, to sway an enormous amount of public opinion politically. It is this American's opinion that they should stick to their own field.

Please, my fellow Americans, stop and *think* before you hasten to condemn!! Let us take a good strong look—and evaluate and equate for ourselves.

Can the T.V. and News Media of America deliberately and willfully destroy a President of these United States because of a personal vendetta, or for any other reason for that matter? For if we allow it done to one President, it can be done to any President, or company, or corporation, or individual, and God Help Us, our vote may become only as purposeful then as the networks will allow.

The outraged American lady.

HELEN F. DRAKE.

Mr. FANNIN. Mr. President, there are hundreds of good newspapers and thousands of good journalists in the United States.

A newspaper does not have to be gigantic to have publishers or editors or reporters who are perceptive and wise. The smallest daily newspaper in Arizona is put out in the border town of Nogales. The editorial which it carried last Monday is evidence of what I have just said. I ask unanimous consent that this editorial from the Nogales Herald be printed in the RECORD at this point.

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

MEDIA HOUNDS

Only one President in our history has taken the abuse that Richard Nixon has.

And he was Abraham Lincoln.

In Lincoln's Day, the Press bore down so hard that they even took his looks to task! Similar punishment is seen in today's Nixon editorial cartoons.

President Nixon is spared one thing, however. The Press hasn't gone after his wife, like they did against Mary Todd Lincoln.

President Nixon, even for his faults in naming aides that betrayed him, still has the respect and admiration of The Nogales Daily Herald.

If President Nixon did only one thing (and his successful efforts have been many) was to end the dreadful Vietnam war, which under President Kennedy and Johnson resulted in huge loss of life and which will have cost the nation an estimated $639 billion, when the last pensioned soldier dies sometime in the next century.

Have all forgotten the thrill of seeing the POW's return as President Nixon said: 'On their feet, not their knees."

President Nixon's opening up of vast new trade markets with China and Russia has eased world tensions.

His handling of the Middle East situation has been sparkling.

President Nixon should not—and will not resign.

To do so, would open the way for press abuse on future Presidents, "who should not be open game."

President Nixon has three years remaining in office.

The media hounds should be called off!

Mr. FANNIN. Mr. President, I might add that this editorial was brought to my attention by a citizen of Mexico who mailed it to me with notations indicating he thinks that President Nixon has been receiving pretty shabby treatment in our press.

Another article I received this week, and I believe many other Members of Congress received, is a reprint of a letter to the editor from a gentleman in Cincinnati who identified himself as a Democrat.

The notation on this reprint indicated that it appeared November 2, 1973, in the Cincinnati Enquirer. I unanimously ask consent that it be printed in the RECORD at this point:

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

TO ALL CONGRESSMEN: This Democrat knows whereof he speaks. His letter has given me a broader view of what is going on. You too can learn from it. James A. Gardner. Cincinnati, Ohio November 10, 1973.

READER'S VIEWS: THE MEDIA'S VENDETTA

TO THE EDITOR: For many months the national television networks—mainly National Broadcasting Co. (NBC) and Columbia Broadcasting System (CBS)—have waged all-out war against the person and office of President Richard Nixon. In recent weeks the attacks have become increasingly vituperative, shrill and personal.

Six years ago another U.S. President, Lyndon Johnson, was undergoing the same kind of assault by the same networks. Their efforts bore fruit: Lyndon Johnson was driven from the White House, and his political scalp hangs today among the trophies of NBC and CBS.

Just how, one might ask, could two men so dissimilar—the one a liberal Democrat, the other a conservative Republican—have aroused in equal measure the vengeful wrath of the mighty television medium? What did these Presidents have in common? Perhaps a review of recent history will yield an answer.

Lyndon Johnson, as President and commander in chief, used U.S. military power to block the Communist conquest of South Vietnam. Although he eventually accepted a kind of stalemate, he resisted all pressures from the networks, various journalists, politicians, etc., to withdraw U.S. troops and to concede victory to Hanoi.

President Nixon, who inherited this most unwelcome war from Mr. Johnson, tried to end it quickly and without dishonor to the United States, but was frustrated again and again by the intransigence and treachery of the Communists. He, too, rejected demands for a pullout of U.S. forces; and finally, amid the frantic screams of the networks, he used U.S. airpower to force North Vietnam to release American prisoners and to end the war.

The determined use of U.S. military strength to oppose Communist aggression in Vietnam is the common denominator shared by Lyndon Johnson and Richard Nixon. Their action was supported by many Americans, deplored by many others. But it brought upon both Presidents the eternal hatred of U.S. leftists of all hues from pink to blood red and, in my belief, the continuing vengeance of the networks whose demands both had disregarded. This, as I see it, is why Lyndon Johnson was attacked with such power and venom during the latter part of his presidency; and this, I think, is why Richard Nixon is now besieged, beleaguered and bedeviled to the very limits of human endurance. Some will scoff at this notion—some will cry "Watergate!"—but Lyndon Johnson had no Watergate, yet had to suffer the same crucifixion.

I have not arrived hastily at these disturbing conclusions. During 44 months in Vietnam as a civilian employee of the U.S. government (March, 1967 to November, 1970) I listened nightly to the NBC, CBS and other broadcasts and telecasts as relayed by the military network. Often, it seemed to me at that time, the broadcasts might have originated in Hanoi or Peking, rather than New York and Washington. I came to believe that the news of the Vietnam War, as selected and presented by the networks to the American people, was sure to produce the worst possible impression of the U.S. war effort. Every U.S. setback, blunder or misdeed, it appeared to me, was magnified and emphasized; U.S. and South Vietnamese successes were minimized; the daily atrocities of the Communist Viet Cong were largely ignored, and the deeds of gallantry and real heroism by U.S. soldiers—numbered in the thousands—were apparently not considered newsworthy. I formed the opinion then, which I still hold, that the gentlemen of NBC and CBS loved America less than they hated the President of the United States.

I am a lifelong Democract, and I do not regard Richard Nixon as either St. Anthony or Sir Galahad. I do see him as an extremely intelligent, tough-minded, realistic and competent chief of state, and what is more important, an absolutely loyal American. I see no one among his political rivals who can match his qualifications to be President. I hope and believe that when the news sources become less polluted, and truth more discernible, the majority of American citizens

will be able to judge this man objectively and honestly on the basis of his stewardship as chief executive of the United States.

TERENCE A. COYNE.

Mr. FANNIN. Mr. President, I also have just received a tearsheet from the October 28, 1973, Los Angeles Times. It was mailed to me by a constitutent in Mesa, Ariz. I ask unanimous consent that the text from this full-page advertisement be printed in the RECORD:

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

WE (A HUSBAND AND WIFE) WOULD LIKE TO SAY A FEW WORDS FOR THE PRESIDENT

HE IS GOVERNING OUR COUNTRY WELL

1. He has correctly assessed our primary problems of foreign policy and inflation.

2. In foreign affairs, he is succeeding nobly in crisis after crisis. None could do as well.

3. He and a group of the most able men in the field, with the cooperation of the Congress, are doing their best to control inflation. The results may seem dim, but none has offered a better solution.

4. Otherwise, life in these United States is good. We pursue our happiness in peace and safety. All the numerous branches of our government, except the special prosecutors branch of the Attorney General's office, are functioning well.

BUT THE MEDIA ARE A PAIR OF JACKALS AROUND HIM

They are: (1) controlling too much of his time, (2) Turning the American people against him, and (3) Degrading him and his high office.

(1) They control his time, by publicizing a stream of innuendos, rumors, reports, charges against him. If ignored, they attain, particularly in this Watergate setting, the force of fact, so he must constantly deal with them.

(2) They turn the country against him by constantly slanting the news. Recent example: The 9 A.M. October 23rd NBC summary of the then just concluded vital one-hour telecast of former Attorney General Richardson's news conference was completely one sided, mentioning not one of the several things there said in the President's favor. We submit that a major reason the conference did not take the heat off the President was because NBC *said* it didn't.

(3) They degrade him and his office in ways both subtle and obvious, too numerous to specify.

THEY HAVE IMMUNIZED THEMSELVES AGAINST ALL FEELINGS OF LOYALTY AND ARE SPREADING THE IMMUNITY

Every president's right to our loyalty is non-forfeitable. Whether we voted for him or not, he is entitled to it for as long as he discharges the awesome responsibility of that office, regardless of the charges against him. So, we say to NBC, CBS, ABC, and some of the radio stations and publications: Go see The Caine Mutiny again, for if there was ever anyone who deserved the scathing, contemptuous rebuke the Defense Attorney gave the junior officers as they were crowing about the broken captain they had destroyed, you deserve it.

IS THE POT CALLING THE KETTLE BLACK?

And what's it all about? The President's supporters illegally spied on the Democratic Headquarters. They obtained nothing of value and the incident had no bearing on the election. Then, they tried illegally to cover it up, influenced somewhat by a climate toward that for which the President, long ago, admitted responsibility. Yet, the same Media who insist on fanning and decrying this forever, claim the right to do the same themselves: To have spies in places of trust who dishonorably leak to their Reporters confidential information, with them covering up the source. They, with others, insist the President bare his confidential files and proceedings, yet refuse to bare their source of many reports they publish.

SO, HANG IN THERE, MR. PRESIDENT

You have already, with dignity, lasted more rounds than anyone should ask of you, and have suffered punishment far beyond that which would be reasonable for any mistakes you might have made. And remember, two of your highest and most vocal critics, Senators Kennedy and Muskie, did not even survive their opening bells. So who do they want for President—Daniel Ellsberg?

BERT AND MELBA LEWIS.

Those who agree please send your own thoughts, or a copy of this ad, to the President, your Senators and Congressman, and a few friends outside Los Angeles with a request that they do the same.

Mr. FANNIN. Mr. President, the final article which I would like to insert in the RECORD was mailed to me from Maryland. It is an article from the November 1, 1973, Maryland News/Monitor. I ask unanimous consent that it be printed in the RECORD at this point:

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

NATIONAL NEWS MEDIA AND CONGRESSIONAL LIBERALS CONTINUE TO HUNT THE AMERICAN PRESIDENT

National TV and some of the printed media along with the liberals in the Congress continue their hunt for the political destruction of President Nixon.

News favorable to Nixon is played down. News hostile to Nixon is played up, and some anti-Nixon news is even fabricated.

The great Washington Post in its Monday edition, after carrying a front page article the Kennedy-backer Cox was supporting Kennedy-friend Bayh's Bill for a new prosecutor apparently ran out of hot editorial copy adverse to the President and so produced a lead editorial demanding a change in the "Presidential style of life." While much of what the Post editorial advanced seems proper, the subject matters they complained of have been practiced by several recent Presidents and did not then or do not now seem to be high crimes leading to impeachment.

The Associated Press distributed the news that the impeachment protests have been small. However, none of the large metropolitan papers that we are able to read carried that news item which is next quoted as it appeared on the front page of the Frederick Post issue of Monday, October 29.

IMPEACHMENT PROTESTS SMALL

NEW YORK.—"Drives urging the impeachment of President Nixon have failed to arouse the massive protest displays that characterized the antiwar movement at its height when demonstrators numbered in the hundreds of thousands. Scattered anti-Nixon rallies that have taken place since special Watergate prosecutor Archibald Cox was fired rarely have drown more than a few hundred participants. The White House said Saturday it had received over 3,000 telegrams and thousands of telephone calls, most of them supporting the President, following Nixon's televised news conference on Friday."

The Associated Press report is as we find the local citizens sentiment for impeachment. Nearly 80% of the people we talked with or who talk to us are opposed to the announced purpose of the liberal Democrats, Mr. Meany, and the giant news media to impeach the President.

Mr. FANNIN. Mr. President, this is a sampling of some of the sentiment from across the Nation which has come into my office this week, all of it unsolicited and as far as I can tell not part of any organized campaign. Obviously, many people feel strongly that the President is being treated unfairly. It appears that those who seem so determined to totally destroy President Nixon's credibility are themselves losing credibility with a large segment of the American people.

MIKE HANCOCK, WASHINGTON REDSKIN

Mr. CHURCH. Mr. President, Washington, D.C., has a great number of transplants from Idaho. Some of us work in this town but take every opportunity to get back to our beloved State. Others are permanent residents who have found a chosen endeavor which brought them to the Nation's Capital. In either case, we Idahoans were delighted to learn earlier this year that the Washington Redskins had chosen its only rookie on the active roster from one of our universities. Mike Hancock, a graduate of Idaho State University, is a team member of last year's NFL championship team. He has already distinguished himself as a member of that team.

The Washington Post has run a feature article on Mike Hancock and I ask unanimous consent that the Post article appear at this point in the RECORD.

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

CLOSE UP, HANCOCK SCORES

(By Kenneth Denlinger)

If Mike Hancock is the youngest, lowest paid and least known of the 40 active Redskins, he also is among the most efficient. Two passes have been directed his way this season and he has caught both for touchdowns. Three for three will be tough.

"You get one and everyone figures it's luck," said Hancock, the other tight end in short-yardage and goal-line situations. "You get two and suddenly they take notice, 'Hey, maybe that guy might be a player.'

"I'm sure the other teams were so worried about Jerry Smith that they forgot about me. Both passes (for a total of three yards) were delays, where I sort of get lost among the blocking and then drift into the end zone."

Hancock was unguarded on each touchdown catch, although the plays were not the same, one calling for him to cut left, and the other right, after he cleared the line of scrimmage.

Film-watching Baltimore Colts undoubtedly have spied the man who wears No. 84 dashing downfield with the other special-teams headhunters in addition to an occasional stint with the offense. He was drafted on the eighth round this year, and is the Redskins' only first-year rookie active at this point in time.

Word of Redskin coach George Allen's distaste for rookies had not reached the Hancock household in Pocatello, Idaho, until a few hours after the draft.

"People would come up and say things like, 'What's it feel like to be drafted by someone who's gonna cut you right away?'" said Hancock, fair-skinned and more angular than the tight ends the NFL computers usually spew out.

"The reporters were the first ones who told me he didn't like rookies, and for three days I was a little worried. Then I figured I might as well get picked by a good team and that if I tried hard enough he'd see something he liked."

The coaches liked his hands and his flair on the special teams, and his stock shot skyward even quicker when Smith was seriously injured in the first exhibition game.

"I'd never really done much special-teams stuff and it's scary," he admitted. 'It's five

or six seconds of the roughest, fastest action you can imagine, people flying all around you while you're trying to find the guy who's supposed to block you and also the ball carrier, and also keeping an eye on that wedge."

Hancock was inactive, with a bruised foot, the four weeks after the season opener against San Diego. Then the week of the Cardinal rematch Allen summoned him and literally said there was some good news and some bad news.

The bad news was Alvin Reed's knee injury, the good news Hancock's reactivation. The rookie was so excited he went out and got himself a Lick of the Week, the distinction for the toughest hit in a game by a special-teams player. The reward is two cases of beer.

Hancock, who regularly sees duty on kickoff coverage and punt returns in addition to filling in when someone like Ted Vactor is injured, picked up "the knack" during the exhibition season. He blocked a punt against the Bears. But for every knack, there are a dozen knocks.

"On the first kickoff of the first exhibition (against the Lions), I got knocked sideways but got up before the wedge came," he said. "I thought about diving in, like you're supposed to do, but I saw this hole and waited for the runner. I got him, but he got me."

Hancock has been bounced regularly since, but the blocked punt against the Bears was an absolute gift. The snap was low and nobody touched him, Hancock said. What else is a guy to do but smother the ball?

CREATION OF OFFICE OF SPECIAL PROSECUTOR

Mr. COOK. Mr. President, on behalf of Senator PERCY, I ask unanimous consent to have printed in the RECORD certain materials relative to his testimony yesterday before the Senate Judiciary Committee. His appearance before the Judiciary Committee was in support of S. 2616. This legislation which provides for the creation of an independent Office of Special Prosecutor was introduced October 30 by Senator PERCY, and was cosponsored by Senators BAKER, BROCK, and myself.

As most Senators are well aware, there have been two approaches which have most often been advocated for the creation of an independent Office of Special Prosecutor. The first provides for the appointment of an independent special prosecutor by the Chief Judge of the U.S. District Court for the District of Columbia, pursuant to the so-called authority in article II, section 2 of the Constitution. The second approach, which I have been advocating along with Senator PERCY and other Senators, provides for the nomination of an independent special prosecutor by the President with the advice and consent of the Senate a necessary prerequisite for final confirmation. In addition, this approach calls for stringent limitations upon the power of the President to dismiss the special prosecutor.

Mr. President, since it appears that in the near future the Senate will be asked to decide which of these two proposals is most feasible, I would like to bring to the attention of my colleagues the last paragraph of yesterday's decision by U.S. District Court Judge Gerhart S. Gesell in which he declared the dismissal of Special Prosecutor Cox to be illegal. In addressing himself to the issue of a court-appointed special prosecutor, Judge Gesell said:

The Court recognizes that this case emanates in part from congressional concern as to how best prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States* v. *Marzano*, 149 F. 2d 923, 926 (1945): "Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

Mr. President, I would only add that, according to newspaper reports, Judge John J. Sirica, the individual who would be given the power of appointment of the special prosecutor under S. 2616, the Bayh-Hart bill, has endorsed Judge Gesell's position on this issue.

Mr. President, I ask unanimous consent that the testimony I mentioned earlier be printed in the RECORD.

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

PERCY TESTIMONY BEFORE SENATE JUDICIARY COMMITTEE ON S. 2612 TO ESTABLISH AN INDEPENDENT OFFICE FOR A SPECIAL PROSECUTOR

Mr. President, I had the privilege of testifying before the Senate Judiciary Committee yesterday on the legislation, S. 2616, which I introduced to create an independent office for a Special Prosecutor.

It is obvious that many members of the Committee are concerned about the section of my bill which limits the power of the President to dismiss the Special Prosecutor. Therefore, I would like to review, with appropriate references to the testimony of others who have appeared before the Committee, the legal background of Sections 12(a) and 12(b) of the legislation.

The *Myers* case has been severely limited by the subsequent cases of *Humphrey's* and *Wiener*. In those two later cases, where the need for *independence* was made clear by Congress, the Court affirmed the right of the Congress to limit the ability of the President to summarily dismiss even Executive branch employees. I note that Professor Cox, on page 138 of the hearings transcript, said that in those two cases—

"The Court stresses that where there was a particular need for independence from Executive pressures in the office, that then the Congress could put restrictions on the President's power to remove, and it seems to me that there is a clear need of justification of that kind here, and I would regard these cases as pretty plainly governing, although not always right on these questions."

This same point was made by Elliot Richardson on pages 493 and 494 of the hearings transcript:

"There may be some qualifications on the power to discharge where the officer exercises some function of an independent kind as later cases indicate with respect to members of regulatory missions, for example, and I think you can make an argument here that the independence of the role of the Special Prosecutor would justify some restrictions on the power of removal, and I think that some restrictions on the power of removal could be written into the statute creating the job and making it subject to confirmation."

He specifically commented on the *Myers* case in answer to a question of Senator Tunney's on page 537 of the transcript:

"Well, I would rely essentially on the authority of the case of *Humphrey's Executor*, which deals with the appointment of an FTC Commissioner for the proposition that there can be qualifications under the power of removal where there is a sufficiently strong basis for this . . . But, I would argue by analogy that where a Special Prosecutor is created in order to exercise independent authority to investigate actions of the Executive branch, including those of the President himself, that it is then appropriate for the Congress to attach some restrictions to his removal and that this is simply a practical result that the Constitution is flexible enough to accommodate.

In any event, the questions of the constitutionality of the removal provision would not affect the constitutionality of the actions of the individual. So any doubt on this constitutional issue does not create the same problems that doubts of the constitutionality of an appointment by the court would create.

"So besides that, if you put into the statute some restrictions on the power of removal, and they are not observed, then you would have, if not a legal issue affecting the tenure of the Special Prosecutor, you would have a very important public issue by which to judge the actions of the President. So it seems to me, therefore, a reasonable practical thing to put these limitations into the statute."

Professor Kurland, of the University of Chicago Law School, was also very emphatic on that point in a dialogue with Senator Fong on page 654 of the transcript where the Professor specifically said that Congress could limit the power of the President in discharging based on the *Humphrey's* and *Wiener* cases:

FONG. "If the Congress says that he is not to be discharged unless consented to by the Congress, would that be unconstitutional under the *Myers* case?"

KURLAND. "No, sir."

FONG. "It wouldn't be unconstitutional?"

KURLAND. "Not in the reading that has been given to the *Myers* case by the Supreme Court in *Humphrey's* and *Wiener*."

FONG. "You think then the Congress could limit the power of the President in discharging?"

KURLAND. "Yes, sir."

FONG. "You base that on the *Humphrey's* case?"

KURLAND. "*Humphrey's* and *Wiener*, yes . . . where Congress is specific as to the grounds for removal, they can bind the President to that specific grounds for removal."

Other pertinent parts of Professor Kurland's testimony are as follows:

"The important propositions that I derive as the guiding law from *Wiener* are three: First, where, as here, independence from the President is necessary to the proper performance of the Special Prosecutor's duties, the power of removal does not rest with the President. Second, that the question of the terms and conditions on which an appointee's tenure depends is within the power of Congress to define. Congress will have defined it in S. 2611 so as to remove any of the doubts that might have been derived from congressional silence as in the *Humphrey's* and *Wiener* cases. Third, even had Congress remained silent as to who should have the power of discharge, the necessity for independence would prohibit the President from discharging a Special Prosecutor whose office was created by Congress except on grounds specified in the law. (page 631)

The case (*Wiener*), puts to rest once and for all the broad reading of *Myers* that was

offered by the Chief Justice in the *Myers* case. And I think that quite clearly we have come much closer to Justice Holmes' and Mr. Justice Brandeis' dissent in that case as to the law. (page 635)

I would certainly have to be honest with you and say there is less question raised by the Presidential appointment subject to limited power of removal as in the *Humphrey's* case and the *Wiener* case than the court-appointed prosecutor." (page 659)

Professor Paul Freund of Harvard Law School gave his opinion that *Myers* was not applicable where, on page 684 of the transcript, he said that the *Myers* decision, "applies only to offices where Presidential supervision is appropriate. Where independence is appropriate, the provision for removal can be more flexible. This is the principle of the later cases dealing with removal of members of administrative commissions."

Professor Freund concluded, on page 686 of the transcript, that—

"The escape from (the *Myers* decision problems) is to take the position that the prosecutor is not a purely executive officer and that is my position. . . ."

So, I believe that the testimony before this Committee has already made it clear that the *Myers* case, when viewed in the light of *Humphrey's* and *Wiener* is no impediment to my legislation since the crux of my legislation is the need for the independence of the Special Prosecutor, and thus Congress can restrict the President's ability to remove him.

Mr. President, I ask unanimous consent that my testimony be printed in full at this point in the RECORD, and that the text of S. 2616 also be printed for the convenience of all of my colleagues.

TESTIMONY OF SENATOR CHARLES H. PERCY, BEFORE THE SENATE JUDICIARY COMMITTEE, NOVEMBER 14, 1973

Mr. Chairman and members of the Committee, I appreciate this opportunity to appear before you today to discuss the important question of legislation to establish the office of an Independent Special Prosecutor.

There can be little doubt that the vast majority of the American people want the Congress to act to establish an independent office of Special Prosecutor. I can say this as one who knows that some questioned the concept last May when I introduced the Senate Resolution which called upon the President to appoint a Special Prosecutor. Now, however, I think it fair to conclude that the people, and indeed the Congress, are nearly unanimous in their desire to achieve a common goal. Where the difficulties arise is *how* to do it. I submit that S.2616, the legislation that I introduced along with Senators Baker, Brock, and Cook achieve that goal in the most practical and effective manner.

In reviewing the testimony before this Committee, I note that it has dealt mainly with S. 2611, the Hart-Bayh bill which directs the Chief Judge of the District Court for the District of Columbia to appoint a Special Prosecutor. Despite the fact that it has 55 co-sponsors, some very serious constitutional questions have been raised about the bill. It is something over which reasonable men can and do differ. I will not review those questions for they have been thoroughly explored, and both sides of this complex issue have been persuasively presented to the Committee. Frankly, I do not know whether or not that bill is constitutional, and I dare say that none of us will know for certain unless and until the Supreme Court tells us.

The fact is that a court challenge is unavoidable if S. 2611 is enacted. The question it raises is a threshold question, and although you may decide to write into the legislation a provision similar to that in the Voting Rights Act of 1965 to allow an immediate court test, there is no guarantee that the issue could be resolved in anything less than several months. I do not believe it is wise to enact legislation which invites months of legal conflict over a collateral issue—an issue which would have little or no relevance to the ultimate questions we all want resolved as expeditiously as possible. I believe this would be an unnecessary and unwise exercise.

The President has already appointed Leon Jaworski to be Special Prosecutor. Mr. Jaworski has assumed the responsibility of Archibald Cox. While the validity of a judicially-appointed bill is being hammered out in the courts, he will probably already have obtained indictments, yet without the cloak of complete credibility he needs. Congress' efforts would appear to have contributed only to confusion and delay. I do not see what we would gain, in balance, by passing legislation that calls upon Judge Sirica to appoint a special prosecutor, with all the potential problems and delays that could entail, when there is perhaps a more efficient way of doing it.

I believe that my legislation, S. 2616, is a more appropriate vehicle than S. 2611. Whereas S. 2611 raises an immediate threshold question which will necessitate a court test, S. 2616 does not raise any threshold questions and thus avoids the built-in delays present in the Hart-Bayh bill. As soon as S. 2616 is enacted into law, the Special Prosecutor's work goes forward without everyone waiting for months to see if it is constitutional.

My legislation would direct the President to appoint a Special Prosecutor, within seven days of enactment, by and with the advice and consent of the Senate. Constitutionally, there is no doubt that Congress can create an office, direct the President to nominate the head of it, subject the nominee to the advice and consent procedure of the Senate, and assign this individual very specific duties.

However, there have been some questions raised by Section 12(a) and (b) of the legislation I have proposed. These sections provide that the Special Prosecutor can be dismissed by the President only for malfeasance in office, neglect of duty or violation of the statute which created the Special Prosecutor's office. Should the President determine that one or more of these causes existed, he would then notify the Congress of his intent to dismiss the Special Prosecutor. If neither House of Congress acted within 30 days, by passing a simple resolution of disapproval, then the dismissal would become effective. But, if either the House or the Senate passed such a resolution, then the Special Prosecutor's dismissal by the President would not become effective, and he would continue in office.

The first and most important objection raised to this dismissal section is the Supreme Court case of *Myers v. United States*, 272 U.S. 52 (1926). In that case, the Court affirmed the power of the President to summarily dismiss a postmaster from office, despite the fact that the statute in question stated that such officials could be removed from office only with the advice and consent of the Senate.

The opinion of Chief Justice Taft, himself a former President, sketched a very broad inherent constitutional power of the President to remove Executive branch employees, notwithstanding the limitations which Congress may have imposed regarding the nature of their tenure. However, even at the time of this decision, the wisdom of the approach was severely questioned. Justice Holmes, in dissent, declared that, "I have little trouble in accepting . . . (Congress') power to prolong the tenure of an incumbent until Congress or the Senate shall have assented to his removal." 272 U.S. at 177.

Justice Brandeis, also in dissent, discussed the President's power of removal, saying that, like the power of appointment, it comes immediately from Congress. "But the Constitution has confessedly granted to Congress the legislative power to create offices, and to prescribe the tenure thereof; and it has not in terms denied to Congress the power to control removals." 272 U.S. at 245.

Brandeis, however, was willing to draw a dividing line between those whom the President could dismiss at his whim, calling them "high political officers," and those whom Congress could statutorily protect from such groundless dismissal. 272 U.S. at 247.

The dissent in the *Myers* case was implicitly echoed by a majority of the Supreme Court in the later case of *Humphrey's Executor* v. *U.S.*, 295 U.S. 602 (1934). That case involved the dismissal for political reasons of a member of the Federal Trade Commission, despite the fact that Congress had limited the grounds on which a Commissioner could be dismissed. The Court specifically limited *Myers*, saying that "the necessary reach of the decision (in *Myers*) goes far enough to include all *purely executive officers*. It goes no farther . . ." 295 U.S. at 627–628 (emphasis added). Having so limited the *Myers* decision, the Court stated its holding:

"Whether the power of the President to remove an officer shall prevail over the authority of Congress to condition the power by fixing a definite term and precluding a removal except for causes, will depend upon *the character of the office*." (Emphasis added.)

In *Wiener* v. *U.S.*, 357 U.S. 349 (1958), though the members of the War Claims Commission were to serve on the Commission until it expired, and no removal power was given to the President by Congress, a member of the Commission was fired for political reasons. Justice Frankfurter, speaking for a unanimous Court, denied the power of the President to summarily remove the Commissioner, saying:

"The assumption was short-lived that the *Myers* case recognized the President's inherent constitutional power to remove officials, no matter what the relation of the executive to the discharge of their duties and no matter what restrictions Congress may have imposed regarding the nature of their tenure." 357 U.S. at 352.

Justice Frankfurter then went on to examine *Humphrey's*, saying that the ability of the President to fire at his whim, and the ability of Congress to restrict that power, "derives from the difference in functions between those whose tasks are part of the Executive establishment and those whose tasks require absolute freedom from Executive interference." He quoted two significant parts of the *Humphrey's* case:

"(*Humphrey's*) drew a sharp line of cleavage between officials who were a part of the Executive establishment and were thus removable by virtue of the President's constitutional power, and those who are members of a body *'to exercise its judgment without the leave or hindrance of any other official or any department of the government.'* 295 U.S. at 625–626. (Emphasis added.)

"For it is quite evident that one who holds his office only during the pleasure of another cannot be depended upon to maintain an attitude of independence against the latter's will." 295 U.S. at 629.

Thus, *Myers* was severely limited by the Supreme Court. The Court decided that whether or not an officer appointed by the President could be protected from Presidential removal depended on the *degree of independence necessary* to enable the officer to perform his duty as Congress intended. In the *Humphrey's* and *Wiener* cases, the officers were quasi-judicial in nature. However, I submit that these cases did not hinge on the quasi-judicial nature of their offices, but rather on the *need* for independence. That is the constant theme that runs through these decisions.

In those instances where *independence* is absolutely required, *Humphrey's* and *Wiener* clearly limit *Myers* and allow Congress the power to put restrictions on the ability of the President to dismiss an Executive branch

employee whose function requires freedom from Executive interference, and thus who is not a "purely executive officer."

Therefore, just as Congress could limit the ability of the President to dismiss an FTC Commissioner for specific cause, (as made clear in *Humphrey's*), and just as Congress could prohibit the President from dismissing a War Claims Commissioner who had a set term of office, (as made clear in *Wiener*), then just as clearly can Congress restrict the power of the President to dismiss the Special Prosecutor to three grounds: *neglect of duty, malfeasance in office,* and *violation of the statute which created the office.* In all three cases, the need for insulating certain executive officers from political interference, and the absolute requirement of independence, is basic to the nature of the offices created.

That still leaves the question of Section 12(b) of the bill, which provides the procedure for Congress to stop a dismissal from becoming effective. In *Wiener,* Justice Frankfurter made it clear that the *intent* of Congress to insulate the Commissioner was to guide the Court. Since that intent was clear, and since Wiener's term of office was to be co-terminus with the life of the Commission, the Court said that the President could not remove Wiener. The Justice went on to say that, "if, as one must take for granted, the War Claims Act precluded the President from influencing the Commission in passing on a particular claim, *a fortiori* must it be inferred that Congress did not wish to have hung over the Commission the Damocles' sword of removal by the President for no reason other than that he preferred to have on that Commission men of his own choosing."

Once one concedes that the President does *not* have an absolute inherent power to fire everyone in the Executive branch of government, and once one concedes that Congress can give or refuse to give to the President whatever powers of dismissal it, in its own judgment, considers appropriate, then logic suggests the validity of providing a mechanism whereby the Congress can act to prevent a President from dismissing the Special Prosecutor if it feels that such dismissal was unwarranted.

Indeed the Congress seems to have gone even farther in creating the General Accounting Office and providing for a Comptroller General of the United States. 31 U.S.C. 42, 42a, 43. Under the statute, the President appoints the Comptroller General with the advice and consent of the Senate, but he can only be removed prior to the expiration of his term for specific causes and only by a joint resolution of the Congress, or by impeachment.

I suggest that we also examine the practicality of my legislation. As I said earlier, it raises no threshold legal question. As soon as it is estimated, and the Senate confirms the President's nominee, the work can continue, with no collateral attacks on the validity of the Special Prosecutor's authority. In fact, the only way that the validity of Section 12 can be raised is for the Special Prosecutor to be nominated by the President, confirmed by the Senate, and then dismissed by the President, with the Congress blocking the dismissal. I doubt that these series of events would ever occur taking into account the representations made by the President and the public reaction to the recent firing of the Special Prosecutor, and, therefore, it would most likely never be challenged. But, if it were, the resolution of that question would in no way affect the validity of the indictments the Special Prosecutor had obtained, or any convictions which may have resulted.

Realistically, I cannot imagine that the President would again risk perhaps his office itself by firing the Special Prosecutor. But if he did, he would do so in the knowledge that it would not necessarily be as final as his dismissal of Prosecutor Cox. He would know that in addition to the public outcry and the congressional reaction, he might be faced with yet another court suit as he tried to get rid of the Special Prosecutor. I think he would be reluctant to take that risk.

S. 2616 also avoids the problem of having a judicially-appointed Special Prosecutor competing with Mr. Jaworski. I feel certain that were this legislation enacted, the President would nominate Mr. Jaworski. Thus, we could avoid a needless institutional conflict, and we could work with the President, taking his nominee, subjecting him to Senate hearings on his confirmation, and if confirmed, then wrapping him in a cocoon of independence. I believe that this is the responsible and most effective way of avoiding more constitutional crises. It is a way of getting on with the prosecution of the Watergate-related crimes in a manner that would give the people confidence that Congress had acted to insure fair, full, and impartial justice.

Mr. Chairman, finally I would like to indicate that I intend to introduce two amendments to my own legislation. First, I would suggest that if the President did not appoint a Special Prosecutor within seven days, as provided in the legislation, then there would be a vacancy in the office, and the court should be allowed to appoint an interim Special Prosecutor, until such time as the President made his nomination. This would be along the lines of 28 U.S.C. 546 which permits the court to fill vacancies in the office of U.S. Attorney.

My second change would be for only the Senate to have the power of disapproving the dismissal of the Special Prosecutor. Not only would this be less cumbersome, but since the Senate would have originally confirmed the nominee, it is the body which should have the power to advise and consent to his dismissal.

Mr. Chairman, the President's statements concerning Mr. Jaworski's power, authority and jurisdiction have been most encouraging. However, they are no substitute for Senate confirmation and statutory independence.

His agreement that the Special Prosecutor would only be dismissed after the President had received the consensus of the congressional leaders is very similar in principle to my proposal. But I would suggest that this would be a matter not just for congressional leaders to agree upon. Instead, it would be a matter which the Congress, or at least the entire Senate, would need to consider and give its advice and consent to.

Mr. Chairman, I urge the members of this Committee, after weighing the many factors which have been set out by all of the witnesses, to act expeditiously and act decisively. We in the Congress have a responsibility to restore the faith of the American people in the viability of their governmental institutions. I believe that it would be a mistake to pass legislation which casts the shadow of continued court battles on collateral issues. The country should not be subjected indefinitely to a withering barrage of court tests between the Congress and the Executive while the national nightmare we call Watergate goes unresolved.

If we can pass legislation enabling the Senate to confirm a Special Prosecutor, and simultaneously protect him from arbitrary dismissal, then he can get on with his vital work, and the rest of us in government can get back to ours.

Because, today, realistically, the nation has only two alternatives. Either the prosecution of the Watergate will go forward under the jurisdiction of a prosceutor appointed unilaterally by the President, or the prosecution will halt while the courts determine the validity of legislation which poses instant, serious constitutional questions.

Perhaps the single most important quality of the legislation we offer is in its appeal for a compromise within the framework of the tradition of the Constitution.

S. 2616

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 Independent Special Prosecutor Act of 1973".

SEC. 2. The Congress hereby finds and declares—

(a) alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions in the minds of all Americans of whether a full and complete investigation and prosecution of those crimes will proceed absent any partisanship or favor;

(b) Although the Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, a significant doubt still remains as to whether the public need for the appearance as well as the fact of justice would be satisfied;

(c) the appointment of a Special Prosecution Force in the executive branch of Government on May 24, 1973, following upon the adoption of Senate Resolution 105, had begun the process of restoring the faith of the American people in the integrity of this administration and in particular in the belief that the ends of justice were to be served;

(d) the dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has plunged the country into a crisis of confidence in its Government and in those who have been elected to lead the Government;

(e) in order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be returned to an independent prosecutorial force.

SEC. 3. There is hereby established an Independent Special Prosecution Office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General designate on May 19, 1973.

SEC. 4. The President of the United States is hereby authorized and directed to appoint (within seven days of the enactment of this legislation) a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

SEC. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) offenses arising out of the unauthorized entry into Democratic National Committee headquarters at the Watergate;

(b) other offenses arising out of the 1972 Presidential election;

(c) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. 0.37, rescinded October 24, 1973); and

(e) offenses relating to or arising out of any such matters.

SEC. 6. The Special Prosecutor shall have full power and authority with respect to the matters set forth in section 5 of the Act—

(a) to conduct proceedings before grand

juries and other investigations he deems necessary;

(b) to review all documentary evidence available from any source;

(c) to determine whether or not to contest the assertion of executive privilege or any other testimonial privilege.

(d) to receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States; and

(g) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103(a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in section 5 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and grand jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 8. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation: *Provided*, That only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

SEC. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 10. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such request shall receive priority consideration by the Congress.

SEC. 11. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 12. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the President for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause.

(b) When the President believes such violations have occurred, he shall prepare a notice of dismissal. Such notice of dismissal shall be delivered to both Houses of Congress, stating the reasons for such. The dismissal shall become effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the notice is delivered to it unless between the date of transmittal and the end of the thirty-day period either House passed a resolution rejecting such dismissal.

(c) For the purpose of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) 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 thirty-day period.

SEC. 13. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

THE PRESIDENT AND THE NEWS MEDIA

Mr. ALLEN. Mr. President, on November 11, 1973, the lead editorial in the Birmingham News was an editorial written by James R. McAdory, Jr., editorial page editor of the News, entitled "Time To Move Ahead." This thought-provoking editorial carries words of wisdom which, if heeded by my colleagues, will benefit all of us but, more importantly, will be of inestimable benefit to the Nation.

Sometimes news media closer to the scene of events project a distorted view of the happenings and probable results of momentous events and make ill-advised recommendations as to the proper course to pursue, while news media "back home" are able to analyze the events and put them in better focus and sharper perspective and better predict the probable results of such happenings. Reports from the "grassroots" sometimes are at sharp variance with shrill analyses and demands of the national news media.

I ask unanimous consent that a copy of this editorial containing advice from the grassroots be inserted at this point in the RECORD.

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

TIME TO MOVE AHEAD

Two questions dominate the aftermath of the Watergate affair and assorted other charges and innuendoes which have been made against President Nixon:

(1) Should the President be impeached?

(2) Should he resign?

The answer, as seen from this perspective, is "No" to both questions.

To say that Mr. Nixon should be impeached is to say that proof exists that he is indictable for "treason, bribery or other high crimes and misdemeanors" as defined as grounds in the Constitution.

No such proof exists.

Admittedly, the President suffers a loss of credibility in some quarters and enjoys low political esteem in a considerable portion of the electorate.

But only one man has attempted to show that the President was directly connected with wrongdoing by his subordinates, and that testimony was replete with hearsay and conjecture. The investigation goes on. If in the future it is established that the President personally broke the law, then and only then would be an appropriate time to consider impeachment—but that time is not now.

The fault with Mr. Nixon's accusers—and the weakness of their case—is that the charges against him have never been defined. Unproved charges may be an effective political weapon to be used against the President. It is also easy enough to make vague innuendoes having to do with his "state of mind." But let a prosecutor use such tactics in court and see how fast his case gets thrown out.

It will be the task of the House Judiciary Committee to attempt to draw up a bill of particulars in considering resolutions of impeachment which have been offered. If it conducts its impeachment inquiry in the same loose manner in which statements have been bounced around by critics of the administration and the media, then it will have failed in its responsibility.

However unpopular the President may be to some people, unpopularity in itself is not an impeachable offense. It would be a dangerous precedent for an out-of-power majority in Congress to attempt to use its voting power to void a presidential election strictly because it has the votes to do so. The charges in an impeachment process must be solid and defined. So far the case against Mr. Nixon, even though strongly emotional, is undefined and soft as mush with unprovable assertions.

Some also have argued that Mr. Nixon ought to be thrown out of office on grounds that he has lost the ability to govern effectively. Such an argument—that he has lost the ability to govern—is highly subjective and impossible to prove one way or the other. But even if the argument could be made convincingly against Mr. Nixon, the mere loss of effectiveness, again, is not an impeachable offense.

It is obvious by now that the President was wrong in his selection of key staff members who, in turn, made further poor personnel choices. It might also be argued that if Mr. Nixon were a personnel manager of a corporation with such a record he would be fired. But Mr. Nixon is not a personnel manager. And error, again, is not grounds for impeachment.

An unsuccesful impeachment would needlessly drag the nation through more cliffhanging suspense about the future leadership of the country. It could in the end have the effect of vindicating the President and perhaps deflating some of the controversy. But it would be grievously damaging.

However much Mr. Nixon's enemies would like to see him thrown out of office, a successful impeachment attempt is only a remote possibility.

A lot of people—those who bitterly have opposed Mr. Nixon all along—would like nothing better than to see him resign.

Some may argue that the President, by resigning, would spare the country more painful division. But would the country rally around a Carl Albert or a Gerald Ford? Hardly. Congress would have a field day with a figurehead in office—but it would enjoy its power at the expense of the country's loss of presidential leadership.

People may argue all they want to about resignation, but that is one decision which is strictly up to the President himself. He has said emphatically that he has no intention of walking away from the office, an office he has spent the better part of a lifetime working to attain. And it would be out of character for him to resign, having refused to be swayed so far by constant criticism and even mass demonstrations against his policies.

The present situation is an unhappy one. Certainly the country has been hurt both at home and abroad by the scandal.

But it is a situation that Mr. Nixon's critics can help to ameliorate if they choose, if they have the foresight to see that impeachment is a very long shot at best and that absolutely no chance exists for his resignation, they could help begin the process of trying to put the national nightmare behind us.

The country has suffered long and agonizingly as a result of the sordid events of the 1972 campaign. But sooner or later there comes a time for congressional Democrats and the media to accept the election as final and to discontinue the rehashing of events. The sooner that time comes, the better for everyone.

CIVIC-MINDED INDUSTRIAL COMPANY

Mr. DOMENICI. Mr. President, I commend a far-sighted community in my good State of New Mexico and a civic-minded industrial company which found a way of helping a community while filling its own needs. The town of Carrizozo had been searching for some time for an industry to employ the unskilled and semiskilled people of Lincoln County. They found Scott Industries, Inc., a manufacturer of portable arc welders, formerly located in Irving, Tex. On Friday, November 30, there will be a dedication ceremony at the new Scott Industries plant in Carrizozo. This New Mexican owned company says its decision to move to Carrizozo was a direct result of the efforts by the town. In fact, the company is thanking the townspeople for bringing them back to New Mexico.

Mr. President, I am proud of the people of Carrizozo; I am proud of what they have done; and I am proud, most of all, of the spirit they displayed, a spirit which once characterized America and particularly the West. It is a spirit that says that we are not going to wait around for someone to help us when we have a problem. We can still help ourselves. That is what the people of Carrizozo did, and I think it could well serve as an example for many communities across this Nation. There is still the option of helping oneself.

NOMINATION OF WILLIAM H. DONALDSON TO BE UNDER SECRETARY OF STATE FOR COORDINATING SECURITY ASSISTANCE PROGRAMS

Mr. PELL. Mr. President, I am delighted that the name of Mr. William H. Donaldson, of New York, is before the Senate for confirmation as Under Secretary of State for Coordinating Security Assistance Programs. I warmly support his confirmation for a key position that is being enlarged to include important new responsibilities including energy and scientific matters.

I have the greatest respect and admiration for Mr. Donaldson, not only for his professional competence and innate ability, but also for his solid character traits of integrity, candor, and dedication to the public good. He will thus bring to the administration sorely needed qualities, the absence of which has been the cause of such unhappy events.

I am sure, too, that he will prove a valuable addition to the State Department team in support of the tireless and effective efforts of our new Secretary of State. Under Dr. Kissinger's leadership, the State Department is resuming its appropriate role in the conduct of foreign affairs, especially in seeking national security in the establishment of a peaceful world order. Mr. Donaldson, I am sure, will make a distinguished contribution to the accomplishment of these crucial tasks.

COURT-APPOINTED SPECIAL PROSECUTOR

Mr. HUGH SCOTT. Mr. President, for the information and interest of my colleagues, I ask unanimous consent that the text of a letter from John J. Sirica, chief judge of the U.S. district court to the distinguished Senator from Mississippi (Mr. EASTLAND) be printed at this point in the RECORD.

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

U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA,
November 15, 1973.

Hon. JAMES O. EASTLAND,
U.S. Senate, Committee on the Judiciary, Washington, D.C.
D.C.

DEAR SENATOR EASTLAND: I have received your letter dated November 15th concerning a question a quotation attributed to me in the *Washington Post* newspaper. I have read the *Post* article you referred to and find it substantially accurate insofar as it refers to my statements. Shortly after Judge Gesell of this Court released his opinion in the case of *Nader v. Bork*, I was visited in my chambers by several reporters who asked whether I agreed with the paragraph of that opinion in which Judge Gesell notes his opposition, and the reasons therefor, to a court-appointed special prosecutor. I responded that personally, I am in full agreement with Judge Gesell's statement. I also mentioned that I had been informed that several other active judges, members of this court, were of the same opinion.

I might mention that shortly before receiving your letter this afternoon, I had lunch with eight of our judges, each of whom remarked that he disapproves of a procedure that would require this court to appoint a special prosecutor.

Thank you for your letter and interest in this matter.

With kindest regards,
Sincerely yours,
JOHN J. SIRICA.

DWELLINGS BY DEFAULT

Mr. BIDEN. Mr. President, Writing in the September 29 issue of Barron's, a Dow-Jones publication, Eric Aiken painted a rosy picture of the future of investment and growth in the mobile home industry. He states:

Few, if any, manufacturing groups enjoy more favorable and well-defined prospects for the longer haul. Quite simply, mobile homes represent about the only source of reasonably priced shelter for low and moderate income families.

In his analysis, Mr. Aiken makes note of the rate of increase in profits—in excess of 20 percent in each of the past 5 years—which has tripled earnings in the business since 1968. It was that year that, acting on the President's imperative of "a decent home in a suitable environment for all American families," that this body passed the Housing and Urban Development Act of 1968, calling for construction of 26 million new or renovated structures to provide for the Nation's millions of victims of substandard housing within a decade. The fact of the boom in the fabrication and sales of mobile homes, catering as they primarily do to a market of marginally subsistent purchasers, is a profoundly unsatisfactory comment on the success of the Department of Housing and Urban Development in carrying out its Presidential and congressional mandate. The families least able to afford the payments on a safe home in a desirable location have, by virtue of the HUD moratorium on the construction of federally funded residences for lower- and middle-income households, and the skyrocketing ceiling rates on conventional mortgage interest charges with the consequent credit crunch, been left with two options, investing in a mobile home or "slumming it."

As Mr. Aiken notes:

With the median price of a new house (excluding land) near $27,000, mobile home makers, whose typical unit has a price tag of under $7,000 have come to dominate the low end (20,000 dollars and under) of the shelter market. Demographic trends are enlarging the mobile home makers key markets . . . a survey by the Department of Housing and Urban Development reveals that 20% of the heads of mobile home households are 55 or older. Fully half of the heads of households occupying mobile homes are 35 or younger. The 35 and under bracket is the fastest growing age group in the domestic population. Meanwhile, the ranks of the retired (55 and over) are being swelled by the people leaving their jobs earlier. Together these two age groups account for roughly 60% of the

mobile home demand. Even above the poverty level, more than 40% of all U.S. families and a far larger percentage of new households that are formed earn less than $8,000 a year. This income level effectively disqualifies them from purchasing a home costing much more than $20,000, or renting an apartment where the monthly outlay exceeds $150. As it happens, studies by the Census Bureau and the National Association of Real Estate Boards indicate that only 20% of the conventional housing starts and about 25% of existing houses and apartments coming back on the market in any given year meet these criteria. Mobile homes are virtually the only kind of low-cost housing that's available to the working poor.

Mr. President, the success of the mobile home industry in the last decade is incontestable. By 1980, the annual rate of trailer deliveries, excluding those sold directly to the Government at low profit for disaster relief purposes—more than 14,000 in 1972—will have gone from 576,000 units last year, worth over $4 billion, to 800,000 annually. This output accounted for an excess of 40 percent of the new single family dwellings sold and more than one-fifth of the total construction starts in 1972, a boom year for the housing industry.

Mr. Aiken catalogs one advantage of the mobile home:

Mobile homes in the main are taxed as personal, rather than real, property, and rate schedules are consideraly lower . . .

I quote from the concluding passages of Mr. Aiken's article:

With an unintended assist from the Federal government, the mobile home industry has come a long way from the scuffy trailer parks which blighted the landscape during and after World War II. While other sectors of the shelter business benefited from direct and indirect handouts, the unsubsidized mobile home makers profited from the mismanagement of the economy during the Vietnam war that put conventional housing beyond the reach of all but the relatively affluent.

In my own experience, as recently as 1 year ago as a county councilman in Delaware, a State with 26,000 substandard dwellings, I have seen first hand the problems created for citizen and government alike by the inaccessibility of conventional housing. But there are problems. Buyers of mobile homes see their investment decrease by 65–80 percent of its original value within 15 years of purchase, rather than appreciate with time as do most conventional dwellings. And local officials confront the difficulties inherent in planning for permanent and paced growth for a mode of shelter whose hallmark is its mobility, by throwing up their hands in all too many instances.

Mobile home residents may respond to social and economic discrimination arising from homeowners and local revenuers by flocking to unincorporated areas with insufficient environmental support for such a buildup, as exemplified by the unbounded growth in the coastal areas of Delaware's Atlantic shore.

At this point in my remarks, Mr. President, I ask unanimous consent that Eric Aiken's instructive article entitled "For the Long Haul Mobile Homes are the Likeliest Form of Middle-Income Shelter," be inserted in the RECORD at this point in my remarks:

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

FOR THE LONG HAUL MOBILE HOMES ARE THE LIKELIEST FORM OF MIDDLE-INCOME SHELTER

(By Eric Aiken)

When the Mobile Home Manufacturers Association closes the books on 1973, it may be tempted to borrow a phrase from Charles Dickens: ". . . the best of years . . . the worst of years." The industry will have recorded its usual annual gain in unit volume. But owing to high interest rates, volatile raw materials costs, consumerism, temporary excess capacity, ill-considered diversification and even inclement weather, only a handful of producers will show higher earnings.

Few, if any, manufacturing groups enjoy more favorable and well-defined prospects for the longer haul than mobile home makers. Quite simply, mobile homes represent about the only source of reasonably priced shelter for low- and moderate-income families. And the evidence suggests that such difficulties as exist for those in the business are strictly short-term.

NATIONAL GOALS

Beset by high mortgage rates, spiraling costs and shortages of skilled labor, conventional homebuilders will be hard put to meet the national goals set by the Housing and Urban Development Act of 1968. This omnibus bill calls for 26 million new or rehabilitated dwelling units in the U.S. by 1978. Achievement of this ambitious objective with site-built units would require new starts to average over 2.6 million annually—a level that was not approached even in the boom year 1972. Accordingly, mass-production techniques seem to offer the most promising and practical solution to the problem of assuring an adequate domestic housing stock.

Mobile home makers have stepped into this breach, and, like the Pilgrims, done well by doing good. Last year, 350 domestic manufacturers shipped about 576,000 units worth over $4 billion. In 1973, the industry confidently expects to chalk up its twelfth record year in the last 13, with deliveries in the neighborhood of 625,000 units. (The data do not include low-profit direct purchases by federal, state and local agencies, which use mobile homes to shelter victims of such natural disasters as floods and hurricanes. In 1972, over 14,000 units were bought for such purposes.) During the 1972–80 period, according to Commerce Department projections, mobile home shipments will grow by close to 5% a year. By the turn of the decade, it is expected the industry will be delivering over 800,000 units annually.

Last year, mobile homes accounted for over 40% of the new single-family dwellings sold in the U.S. and more than 20% of total housing starts. This remarkable market penetration is largely a matter of dollars and cents. Construction costs for conventional housing now average over $16 a square foot. Factory-built mobile homes, which include furniture, appliances and amenities like carpeting and drapes, can be turned out for just over $8 per square foot. With the median price of a new house (excluding land) near $27,000, mobile home markers, whose typical unit has a price tag of under $7,000, dominate the low end ($20,000 and under). Mobile homes' square-footage costs have been kept relatively stable in recent years by comparatively low labor expenses and mass-production techniques.

For his money, the average buyer gets 700 or more square feet of living space. Those whose requirements are greater can purchase so-called doublewides or other oversized and expandable models for commensurately higher prices, ranging up to $20,000 and over for deluxe units.

Periods when money is tight and/or dear do not exert as adverse an effect upon mobile homes as on conventional housing. Year-to-year gains in shipments do moderate, because dealers cannot afford to finance sizable inventories. Beyond the middlemen, however, there are no real difficulties. Most purchasers of mobile homes, financed with chattel mortgage loans—the kind offered car buyers. Effective interest rates of 12% to 18%, against a 9% top on conventional mortgages, plus generally short maturities, make mobile home paper attractive to lenders. Normally, a steady stream of funds is available in bad times as well as good.

INTEREST CEILINGS

As a result of the 1968 Housing Act, conventional mortgages insured by the Federal Housing Administration and Veterans Administration are theoretically available for commercial banks and savings and loan associations. But probably fewer than 20,000 government-backed loans are on the books, largely because federal insurance programs have interest ceilings.

Consumer-advocate groups like the Rural Housing Alliance and Ralph Nader's Center for Auto Safety make an issue of the high interest rates on mobile home loans. The fact of the matter is, however, that buyers don't seem to mind very much. Low- and middle-income customers are typically more concerned with the size of their monthly payment than their interest bill. In addition, many are attracted by the low (5% to 20%) down payment requirements.

At worst, a purchaser must shell out $1,500 for a $7,500 unit. The minimum down payment on standard housing is around 25% with conventional financing. Thus, a $20,000 dwelling would require a $5,000 ante. The differential can prove decisive to cash-strapped families looking for a home.

Mobile home owners monthly costs are generally lower than those of their conventionally housed counterparts. The average unit with a bit over 700 square feet of living space can be carried for about $150 a month: $75 for the loan, $50 for lot rental and $25 for utilities Depending on location, comparable quarters in an apartment or single-family dwelling runs upwards of $200 a month. There are tax advantages as well. Mobile homes in the main are taxed as personal, rather than real property, and rate schedules are considerably lower.

On the other side of the coin, mobile homes, unlike most houses, do not appreciate in value. After 6½ years, according to a study by the First National City Bank of New York, a mobile home has a market value only about half its original price. After 15 years, it may be sold for 20% to 35% of its original cost, generally as a second home in some rural areas or as a hunting or fishing cabin.

About eight million Americans currently live in the 3.4 million mobile homes that are used as primary year-round dwellings. While it's generally supposed the elderly and retired constitute the principal market, a survey by the Department of Housing and Urban Development reveals that barely 20% of the heads of mobile home households are 55 or older. Fully half the heads of households occupying new mobile homes are 35 or younger. Another study notes that, aside from cost considerations, mobile home dwellers prefer the life style of such units in much the same way other individuals prefer apartments to houses. And according to an Owens Corning report, two-thirds of the young marrieds who originally bought mobile homes as a stop gap measure until they could afford conventional housing indicate they'll spend the rest of their lives in such units.

EARNINGS OF SELECTED MOBILE HOME MAKERS

Company (fiscal year ends)	Per share			Interim results through
	Fiscal, 1972–73	1973	1972	
Champion Home Builders (Feb. 28, 1973)	$0.47	$0.23	$0.28	August.
Commodore Corp. (June 30, 1973)	.35	.42	.19	September.
Conchemco (Oct. 31, 1972)	1.53	1.15	.90	July.
Fleetwood Enterprises (Apr. 30, 1973)	1.21	.31	.38	July.
Mobile Home Industries (Aug. 31, 1973)	1.15	.26	.38	August.
Redman Industries (Mar. 31, 1973)	$1.21	$0.36	$0.43	June.
Shelter Resources (Dec. 31, 1972)	1.03	.58	.42	June.
Skyline Corp. (May 31, 1973)	1.59	.32	.56	August.
Town & Country (Oct. 31, 1972)	.66	.30	.36	July.
Zimmer Homes (Dec. 31, 1972)	.30	.32	.22	September

KEY MARKETS

Demographic trends are enlarging mobile home makers' key markets. To illustrate, the 35 and under bracket is the fastest growing age group in the domestic population. Meanwhile the ranks of the retired (55 and over) are being swelled by people leaving their jobs earlier with far better pension and Social Security benefits than their predecessors. Together, these two age groups account for roughly 60% of mobile home demand.

Even above the poverty level, more than 40% of all U.S. families and a far larger percentage of the new households that are formed earn less than $8,000 a year. This income level effectively disqualifies them from purchasing a home costing much more than $20,000 or renting an apartment where the monthly outlay exceeds $150. As it happens, studies by the Census Bureau and the National Association of Real Estate Boards indicate that only 20% of all conventional housing starts and about 25% of existing homes and apartments coming back on the market in any given year meet these criteria. Mobile homes are virtually the only kind of low-cost housing that's readily available to the working poor.

Over the past five years, the mobile home business has grown at a better than 20% annual clip. While it's unlikely this pace can be matched during the period ahead, owing to the now sizable sales base, the industry can reasonably be expected to sustain revenues growth approximately 10% a year in the foreseeable future. The fresh sales and earnings gains compiled by mobile home makers have lured many large concerns into the field. Among them: Boise Cascade Corp., City Investing Co., Fuqua Industries Inc., Kaufman & Broad Inc., National Gypsum Co., National Homes Corp., U.S. Industries Inc. and Wickes Corp.

Mobile home operations do not generally make or break the performance of the diversified giants. But they loom large in the fortunes of the publicly-held independents. Their ranks include Champion Home Builders Co., Conchemco Inc., Commodore Corp., Fleetwood Enterprises Inc., Mobile Home Industries Inc., Redman Industries Inc., Skyline Corp., Shelter Resources Corp., Town & Country Mobile Homes Inc., and Zimmer Homes Corp.

As can be seen in the accompanying table, the industry's earnings picture is well scrambled. Champion, for example, though highly integrated has been caught in at least a temporary cost-price squeeze; it must hustle to exceed last year's net of 47 cents a share. Conchemco, by contrast, probably netted a record $1.95 a share in the fiscal year ended October 31. The company, which derives about 60% of its revenues from mobile homes (the rest comes from paints and industrial lines), could achieve roughly a 20% earnings gain in the fiscal year just getting under way. Commodore, however, which had been making a nice comeback, fell deeply into the red during the first quarter of fiscal '74. Although some stringent remedial measures have been taken, the company will do well to break even this year.

Fleetwood got off to a poor start in fiscal '73. Moreover, it faces a nonrecurring charge of 21 cents a share against income in the October quarter as a result of real estate writeoffs. Chances are, therefore, an eight-year skein of earnings gains will be broken. All things considered, the company's net could dip below $1 per share. Back on the sunny side of the street. Mobile Homes Industries, primarily a retailer of its own and other producers' units, eked out its seventh earnings gain in a row in the fiscal year ended August 31. Though fourth-quarter results were below year-earlier levels, full-year profits were $1.15 a share, against $1.12 in fiscal '72. Earnings could rise to $1.40 a share this year. Operationally, Redman Industries is in pretty fair shape so far as mobile homes and recreational vehicles are concerned. But its fans are sweating out a sizable deficit resulting from real estate activities in the September quarter. For the full year, earnings could wind up below $1 a share.

Skyline Corp., the leading producer of mobile homes, recently suffered its fourth consecutive down quarter, at least partly because it has voluntarily sought third-party inspection of its output in response to mounting pressures by consumer groups. The company is in a better spot than most to weather any industry storms, but fiscal 1972 looks like another off year, with earnings estimated at around $1.30 a share for its part. Shelter Resources is enjoying its second straight good year after incurring a sizable deficit in 1971. For all of '73 the company, which has built up a network of 50 retail centers which generate close to 20% of total revenues, could net $1.40 a share. Further gains are likely in 1974.

STORMY WEATHER

Another company building up a string of retail lots, Town & Country, ran into difficulties in getting two storm-damaged plants back into production. As a result, fiscal 1973 earnings probably fell a nickel or so below a year earlier results. A recovery to 75 cents per share appears in sight for fiscal year 1974. So far this year, Zimmer Homes has enjoyed an excellent recovery. The company, which also is active in vacation retreats and development of mobile home communities, could net 40 cents or more a share in 1973.

With an unintended assist from the federal government, the mobile home industry has come a long way from the scruffy trailer parks which blighted the landscape during and after World War II. While other sectors of the shelter business benefited from direct and indirect handouts, unsubsidized mobile home makers profited from the mismanagement of the economy during the Vietnam War that put conventional housing beyond the reach of all but the relatively affluent. Through the five years ending in 1972, producers were able to approximately triple their sales volume.

Meanwhile, output of bigger units with lusher margins rises apace. In 1972, for example, units with 14-foot widths (as opposed to the standard 12) captured an 18% share of market, up from 16% in '71. Thirty-six states now permits the so-called 14-wides to be trucked on their highways; more are expected to follow suit. Expandables and double-wide (mobile homes with two sections combined horizontally at a site which retain their individual chassis for possible future movement and use) also are coming on strong. The former category doubled its share of market last year to 2%; the other moved up from 12% to 15%. Additional gains are being scored this year; the growing popularity of the jumbos strongly suggests that mobile homes may be poaching further on the preserves of conventional housing.

EXCESS ENTHUSIASM

In an excess of enthusiasm for their prospects, mobile home makers have been on an expansion binge. Industry capacity now stands at around 750,000 units—well above this year's anticipated delivery level. At the same time, manufacturers' margins have been crimped by rising prices for such raw materials as lumber, plywood, plastics, steel and aluminum siding. There's little doubt that demand sooner or later will overtake supply, and the industry has become demonstrably more circumspect about adding facilities. Indeed, Commodore suspended operations at three plants after its first-quarter loss. Owing to cutbacks in conventional housing, lumber and plywood quotes have come down sharply, easing the cost-price squeeze.

Additional, if unwelcome, evidence of maturity as an industry is attention from Ralph Nader, self-styled saviour of consumer interests. His Center for Auto Safety later this year will issue what's heralded as a sharp critique of mobile homes. As it happens, however, manufacturers and trade groups have beaten Nader to the punch. State legislatures have been encouraged to adopt stiff safety codes; 36 have legislated the requirements of the American National Standard Institute.

Most mobile home makers support pending federal legislation that would establish national construction and safety standards. Skyline has gone so far as to complete Underwriters' Laboratories certification of its mobile homes and recreational vehicles on a national basis. The program, which involved some nonrecurring costs and disruption of production schedules, reportedly is proving a sales success. Along similar lines, Champion has extended its warranties from 90 days to one year from date of delivery to the retail purchaser. Others are following suit.

The mobile home business is unique among big-ticket industries in that manufacturers for the most part have not established exclusive dealership networks.

"It's easier to sell two units each to 10 dealers than to push 20 on one guy when times are tough," explains one sales executive. "When things are going well, everyone will take whatever you can turn out." Another marketing man points out that mobile home buyers are now shopping price as well as quality. "So you want your units on as many lots as possible," he says. While manufacturers are relieved of such burdens as advertising, service financing and insurance, which are traditionally handled by or through dealers, there are certain disadvantages in the free-wheeling relationship. The big risk is that during periods when money is tight, dealers routinely cut back on their inventories to avoid onerous carrying charges.

PARKING LOTS

Perhaps half of all the mobile homes in use are located on individually owned property in rural or small-town areas. But the big new

market lies in and around urban or suburban areas. Zoning and planning officials have banished mobile homes to the outskirts on the grounds residents would overburden municipal services without contributing commensurately to the tax base. Court cases and the efforts of manufacturers and others in mobile home community development have eased the situation to a great extent. Commodore, Fleetwood, Mobile Home Industries, Redman and Zimmer all have dabbled in real estate with varying degrees of success. Redman and Fleetwood, among the majors, came a cropper, writing off huge sums and leaving the field.

Many mobile home manufacturers have diversified into such allied fields as modular housing and recreational vehicles. Modular housing looked great on paper, but that's about as far as it went. A welter of local building codes and production snags made profits elusive; most participants have bowed gracefully out of the business with greater damage to their egos than their pocketbooks.

Rec vehicles, notably motor homes and travel trailers, are another story. Champion, Commodore, Fleetwood, Redman and Skyline, among other mobile home makers, are committed to their manufacture. Once again, this was a business that looked like an endless summer. But the industry, which racked up a compound annual growth rate of better than 30% in the seven years through 1972, has come back to earth. This year's gain may be 15% to 20%; over the longer run, producers are expected to sustain growth on the order of 10% to 15% a year.

The reasons for the braking of this once heady pace are several. For one thing, the ubiquitous Ralph Nader has made rec vehicles a target. For another, consumers seem to be deferring purchases until fears of a gasoline shortage are allayed. Finally, the industry, which had concentrated its output in the luxury range ($12,000 and over), is adjusting to the realities of the marketplace and producing models with more popular prices.

In the final analysis, there's far more right than wrong with the mobile home industry. Mobile homes have become as noted, the nation's principal source of low-cost shelter. As the industry matures, a substantial replacement market, currently estimated at 100,000 units a year, is building up. Moreover, there are still some untapped outlets. As zoning barriers are broken and local governments appreciate the advantages of mobile home living, it seems probable that more low income groups will be housed in such units. Mobile homes also are being used increasingly as second or vacation homes, a trend which promises to gather momentum in the years ahead.

AD HOC ADVISORY GROUP ON PUERTO RICO

Mr. COOK. Mr. President, I have the great honor of serving as cochairman of the Ad Hoc Advisory Group on Puerto Rico. The advisory group, appointed by President Richard M. Nixon and Gov. Rafael Hernandez Colon, held its first public meeting at the Capitol Building of the Commonwealth, in San Juan, P.R., on November 11, 1973. The seven Puerto Rican members submitted a proposal concerning the main objectives to be served. That proposal, reproduced here in full, was received and accepted by the whole group as its first working paper and basic agenda. Public hearings on the specific items included in the proposal will be held in Puerto Rico during the next meeting of the committee on December 7, 8, and 9, 1973.

I ask unanimous consent that the proposal submitted by the Puerto Rican members of the advisory group be included in the RECORD.

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

PUERTO RICO'S PROPOSAL

The Joint Advisory Group on the further development of Commonwealth status, appointed by President Richard M. Nixon and Governor Rafael Hernandez Colón, held its first public meeting at the Capitol Building of the Commonwealth, in San Juan, Puerto Rico, on November 11, 1973. The seven Puerto Rican members submitted a proposal concerning the main objectives to be served. That proposal, reproduced here in full, was received and accepted by the whole Group as its first working paper and basic agenda. Public hearings on the specific items included in the proposal will be held in Puerto Rico during the next meeting of the Committee on December 7, 8 and 9, 1973.

The Puerto Rican members of this Advisory Group wish to identify for their United States colleagues the matters they feel deserve the main attention of the Joint Advisory Committee. It is hoped that once a consensus on such matters has been reached—both as to their nature and as to the general perspective—we may jointly agree on an expeditious and satisfactory *modus operandi* to guide our deliberations, studies, and recommendations.

The Charter of this Committee declares that:

The President of the United States and the Governor of Puerto Rico, "in order to implement the will of the people of Puerto Rico freely expressed in the plebiscite of 1967" appointed seven (7) members each to constitute the Advisory Group. That plebiscite held on July 23, 1967, pursuant to P. R. Law No. 1, December 23, 1966 submitted to the Puerto Rican electorate the status alternatives of Commonwealth, Statehood and Independence, the electorate decided, "to develop the Commonwealth in accordance to its fundamental principles to a maximum of self-government and self-determination within the framework of Commonwealth."

The Commonwealth slot in the ballot defined the framework of association or union between Puerto Rico and the United States as: "a common defense, a common market, a common currency, and the indissoluble link of United States citizenship."

Notice that the Charter of the Ad Hoc Committee reproduces the exact language of the plebiscitary mandate. The recommendation on holding a plebiscite to determine the will of the Puerto Rican people has historic roots in our tradition. It was originally proposed — unsuccessfully — to adjudicate the questions resulting from the Hispanic American War raised by Article 9 of the Treaty of Paris: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Before and after the ratification of the Treaty, Eugenio María de Hostos, an illustrious Puerto Rican patriot, recommended a plebiscite on status to President McKinley. The Unionist Party, the dominant Puerto Rican party from 1904 to 1924, adopted a plebiscite resolution on September 1914. The Speaker of the Puerto Rico House of Delegates, José de Diego, was its leading proponent. The plebiscite proposal remained dormant after the Organic Act of 1917 and De Diego's death in 1918.

Following an extensive process of democratic consultation Commonwealth status for Puerto Rico was established on the 25th July 1952. That process involved on Puerto Rico's side the status program submitted in the general elections of 1948 by the Popular Party, a referendum in 1951 approving Public Law No. 600, the election of a Constitutional Convention and the final ratification of the Constitution and of the whole process in a second referendum. On the Federal side it included two congressional enactments, both of them subject upon approval by Puerto Rico, so as to take effect.

However, the subsistence in the Puerto Rican Federal Relations Act of what were called "colonial vestiges" and the continued claim of minority groups for Statehood and for Independence led the then Governor of Puerto Rico, Luis Muñoz Marin and the late President John F. Kennedy "both as a matter of fairness to all concerned and of establishing an unequivocal record" to recommend a further examination of the United States-Commonwealth relationship. The final outcome of that interchange was the creation of the U.S.-Puerto Rico Commission on the Status of Puerto Rico. This Commission also arises on the basis of legislation approved parallel in Congress and the Legislature of the Commonwealth. (Public Law 88-271, February 20, 1964 and Law No. 9, April 13, 1964.)

After two years of extensive studies, researches and hearings the Status Commission renewed the plebiscite recommendation reporting that—

"The Commission's major conclusion is that all three forms of political status—the Commonwealth, Statehood, and Independence—are valid and confer upon the people of Puerto Rico equal dignity with equality of status and of national citizenship. Any choice among them is to be made by the people of Puerto Rico, and the economic, social, cultural, and security arrangements which would need to be made under each of the three status alternatives will require the mutual agreement and full cooperation of the Government of the United States. A first step toward any change in political status must be taken by the Puerto Rican people acting through constitutional processes."

Its final recommendation followed:

"If the people of Puerto Rico should by plebiscite indicate their desire for Statehood or Independence, a joint advisory group or groups would be constituted to consider appropriate transition measures. If the people of Puerto Rico should maintain their desire for the further growth of the Commonwealth along the lines of the Commonwealth Legislative Assembly's Resolution No. 1 of December 2, 1962, or through other measures that may be conducive to Commonwealth growth, a joint advisory group or groups would be convened to consider these proposals."

II.

In the light of the above summary as well as of the terms of its own Charter, the task of this Advisory Group centers on the further development of Commonwealth. *The Estado Libre Asociado de Puerto Rico*, to use the Spanish designation which seems more precise for our present purposes reflects a creative effort to establish a free permanent relationship voluntarily entered into between Puerto Rico and the United States that is mutually satisfactory and whereby the social and political freedoms inherent in the fundamental values of democracy, citizenship and the cultural identity of Puerto Rico can be effectively enjoyed by our people. The Preamble of the Constitution of the Free Associated State summarizes its purposes:

"We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete employment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

"In so doing, we declare:

"The democratic system is fundamental to the life of the Puerto Rican community:

"We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured:

"We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles."

Article I of the Constitution entitled "Commonwealth" reads:

"Section 1. The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

"Section 2. The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution, shall be equally subordinate to the sovereignty of the people of Puerto Rico."

The plebiscite mandate of 1967 reaffirms the existence of a distinct body politic—The Free Associated State of Puerto Rico.

This mandate and the considerations expressed above call for the following criteria to serve as guiding principles in our task.

1. Commonwealth status should be developed within its own framework to the maximum of self-government and self-determination compatible with a common defense, a common market, a common currency, and the indissoluble link of United States citizenship.

2. The government of the United States should exercise with reference to Puerto Rico such powers as are essential to the basic elements of the permanent union between the United States and Puerto Rico.

3. As respects such powers as will be exercised by the United States under (2) above, alternate forms of participation in federal decisions affecting Puerto Rico ought to be considered together with the Presidential Vote recommended by the first Ad Hoc Advisory Group.

4. The principles of self-determination, self-government and government by specific consent of the governed.

The Puerto Rico Federal Relations Act and related legislation are not an adequate embodiment of the constitutional relationship between Puerto Rico and the United States. Together with very many desirable and essential provisions pertaining to the meaning and purposes of The Free Associated State, the Federal Relations Act retains anachronic, deleterious, and confusing expressions held over from the Foraker Act of 1900 and the Jones Act of 1917, as amended. Such expressions have no place in a declaration of permanent union or association.

In order to reduce the proposals under consideration to the bare minimum, Public Law 600 limited itself to preserve the basic scheme of relationship via retaining the old section numbers under the new generic title *Puerto Rico Federal Relations Act*. Under this arrangement several indispensable provisions remain intertwined with thoroughly objectionable expressions.

A few instances serve to illustrate the point:

The Puerto Rico Federal Relations Act retains the initial clause of the Organic Act of 1917. It declares: "That the provisions of this Act shall apply to the island of Puerto Rico and to the adjacent islands *belonging to the United States*, and waters of those islands." The underscored clause is, of course, objectionable and has been used over and over again at the United Nations and elsewhere to argue that Puerto Rico "is a colony of the United States".

Section 10 provides, "That all judicial processes shall run in the name of United States of America, as, the President of the United States." This provision completely lacks use or justification.

Other provisions go beyond questions of form. Outstanding among them is Section 9, which includes a double negative which has been the source of many legal perplexities and confusions. It provides, "That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws." Besides engendering a multiplicity of doubts concerning which of the statutory laws of the United States are actually in force in Puerto Rico and to what extent; it is essentially incompatible with the norm pertaining to a maximum of self-government.

In keeping with the charge that, "The Advisory Group will inquire into and report and recommend on the extent to which of the statuory laws . . . of the United States should apply in Puerto Rico", it will be indispensable for the whole Puerto Rico Federal Relations Act to be reexamined and rewritten. This will be necessary not only to strike out surplusages and to bring it up to date, but also to clarify the basic nature of the relationship between Puerto Rico and the United States.

This involves the elimination of provisions that impinge on self-government as well as the inclusion of such language as may be necessary to safeguard the basic framework of the Free Associated State relationship. It will be necessary also to explore diverse ways of participation on matters pertaining to that basic framework of union with the United States as defined both in the plebiscite and in the Charter of the Committee. In short, that the Federal Relations Act in its present form does not constitute a truly organic body of law governing the terms of Puerto Rico's free association to the United States. On the contrary, there are many other provisions of law governing such relationship. The Act must be revised so that, at least, the basic outline of the relationship be established in a single and coherent statute that replaces the Federal Relations Act and related legislation in harmony with present realities, and the plebiscitary mandate.

The end result of this task will naturally have to reflect recommendations obtained in connection with other matters which the Advisory Group from time to time may decide to consider. Initially, we recommend among other matters it ought to examine the following:

1. Revision of the Federal Relations Statute.
2. Acquisition, retention and disposition of federal property in Puerto Rico.
3. Common defense.
4. Ways in which Puerto Rico may participate in federal decisions affecting the Island and the applicability of federal laws to Puerto Rico.
5. Immigration of aliens.
6. Navigable waters.
7. Coastwise shipping laws.
8. Minimum wage and other labor matters.
9. Tariff policy and external trade matters.
10. Financial laws.
11. Laws relating to ecological matters.
12. Laws relating to planning.
13. Laws relating to communications.
14. Transportation matters.
15. New forms of federalism or association. Participation of the Associated Free State of Puerto Rico in international affairs in ways compatible with its permanent union or association to the United States.

San Juan, Puerto Rico, November 11, 1973.

Hon. Luis Muñoz Marín, former Governor of Puerto Rico, Co-Chairman.

Hon. Jaime Benítez, Resident Commissioner from Puerto Rico to the United States.

Hon. Juan Cancel Ríos, President of the Senate of Puerto Rico.

Hon. Justo Méndez, Member of the Senate of Puerto Rico.

Hon. Víctor M. Pons, Jr., Secretary of State for Puerto Rico.

Hon. Luis Ernesto Ramos Yordán, Speaker of the House of Representatives of Puerto Rico.

Mr. Angel Rivera, President of Banco Crédito y Ahorro Ponceño.

COMMUNITY COLLEGE SOCIAL SCIENCE ASSOCIATION

Mr. GRAVEL. Mr. President, I recently had the honor of addressing the third annual convention of the Community College Social Science Association, and I want to take this opportunity to commend the noble purpose and lofty achievements of this organization to the attention of the Senate. An effective voice for educational reform, the Community College Social Science Association has led the fight for quality education in America. Inspired by high ideals and selfless dedication, it has pioneered innovations at the college level. Founded 3 years ago, it has made great strides in upgrading the quality of community college instruction. Moreover, it has given renewed hope to the promise of America's schools. Thanks to the visionary efforts of its leaders, Profs. Gerald Baydo, Don Shannon, Jim Peters, D. Lee Roper, and Jeffrey M. Elliott, it has rekindled the flame of reform, and demonstrated to the Nation, the importance of the community college movement.

GOLD AND ARTHUR BURNS

Mr. PERCY. Mr. President, earlier this week, Arthur Burns, Chairman of the Federal Reserve Board, announced that the United States and six other major Western countries have agreed to end the two-tier gold system. This means that the United States will be able to sell gold at world market prices, rather than an artificially low-pegged price.

The two-tier gold system came into existence in March 1968, when speculators were buying gold in massive amounts from central banks in anticipation of weakness of the dollar forcing a devaluation of the dollar in the form of an increase in gold's official price. At that time, central banks agreed that they would no longer sell gold in the open market, but would deal among themselves at the official price of gold. Only private gold holdings would be allowed to be bought and sold at free-market prices.

In announcing the decision, Arthur Burns explained that conditions have changed dramatically since 1968. Among other things, the U.S. balance of payments is improving substantially and the U.S. dollar is much stronger on world currency markets. Thus, Mr. Burns thinks it is a good time for "a decent burial" for the two-tier gold system.

One of the expected results of this decision is heavy downward pressure on the price of gold, since central banks are now free to sell large amounts of gold in world markets. Further, it may add strength to the dollar in world currency

markets as speculators moving out of gold may move into dollars.

Mr. President, on June 6 of this year, in a floor colloquy with Senator JAVITS, I suggested that the United States should sell some of its gold stock at world prices in the free market. As I said at that time:

> But could anyone imagine that the free price would stay at $120 an ounce for more than a couple of minutes if it were anticipated that the United States might sell any part of its gold in the free market? . . . We should break the backs of the gold speculators by selling some of our gold stock. These need be only small amounts, because the free gold market is so thin and volatile.

Mr. President, I agree with Arthur Burns in this decision and agree with him that the 1968 agreement "no longer has any relevance to the actual world." This step means that we have increased our range of policy options. We can sell our gold, if we choose, in such amounts as we wish, and without violating the two-tier agreement. The expectation that we may sell gold has already had the market effect many of us anticipated. This step also means that we have placed a realistic value on our own gold reserves. I applaud this decision as another sign that the U.S. position in world monetary markets is improving and that we are taking the steps to reflect these improvements. I ask unanimous consent that an article in the November 14 Wall Street Journal describing the new agreement be printed in the RECORD at this point.

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

GOLD CUT LOOSE FROM AGREEMENT ON TWO-TIER PRICING—MAJOR CENTRAL BANKS DROP 1968 PACT, FREEING THEM TO SELL METAL ON OPEN MARKET

WASHINGTON.—Arthur Burns, Federal Reserve Board chairman, said major central banks agreed to terminate the March 1968 two-tier gold agreement, leaving the banks free to sell gold on the open market.

The action, expected to have major repercussions in free-market gold trading, officially terminates the two-tier system under which central banks dealt in gold at the "official" price, currently $42.22 an ounce, while supply and demand forces determined the free-market price. Recently, the free-market price of gold has been about $100 an ounce. The metal hit a record $127 an ounce on the London market last July 6.

Mr. Burns, stating the U.S. view of the termination of the agreement, said the U.S. doesn't intend to buy gold on the open market but "we consider ourselves free to sell gold."

He refused to discuss "whether, when, in what amounts or in what ways" gold might be sold by the U.S. The government's actual sales policy will be determined later, he said.

The fact that the central banks of seven major nations are free to sell gold on the open market is expected to put heavy downward pressure on the metal's price, because speculators face possible massive sales by the banks.

While the decision is expected to be a depressant on the price of gold, it may add further strength to the dollar in foreign-exchange trading. Historically, gold's price has soared when the dollar has sustained speculative weakness; now, speculators moving out of gold may rush to buy dollars instead.

The U.S. has a gold stockpile of $11.65 billion, an amount that was recently raised $1.1 billion when the government formally took into account the 10% dollar devaluation of last February that boosted the official gold price to $42.22 an ounce from $38.

Mr. Burns, in disclosing the action late last evening at Federal Reserve headquarters, issued this one-sentence statement:

"The governors of the central banks of Belgium, Germany, Italy, the Netherlands, Switzerland, the United Kingdom and the U.S., at the November meeting held in Basel, Switzerland, discussed the agreement with regard to official gold transactions reached in Washington on March 17, 1968, and decided that that agreement should be terminated."

The March 1968 gold agreement was born amid crisis in the Federal Reserve headquarters building where Mr. Burns last night conducted what he called "a decent burial" for it. Officials of seven nations that had been trying to stabilize gold's market price at about the then-official price of $35 an ounce met in Washington to find some solution to the speculative upward pressure on the metal's price.

Speculators were rushing to buy gold from the central banks in the belief that weakness in the dollar might produce a devaluation in the form of an increase in gold's official price. The central bankers met that crisis by declaring that, henceforth, they would stop selling gold in the open market and deal among themselves at the official price. The free-market price was left to rise or fall without government intervention.

Explaining the decision, Mr. Burns noted that the economic and monetary conditions that prompted the central banks to ban gold sales in 1968 have changed sharply. He said that in 1968 there was "great uncertainty" over deterioration in the U.S. balance of payments, "gold was flowing out to the private market in massive volume and central bankers felt that their reserves were being depleted." And, he added, the 1968 agreement was intended to "lock up gold."

The 1968 agreement "no longer has any relevance to the actual world," Mr. Burns said. He noted that, in effect, the "official" market for gold ended on Aug. 15, 1971, when the U.S. suspended the convertibility of the dollar into gold.

The termination of the gold agreement "isn't intended by the U.S. or by any other of the central banks to prejudice any ultimate decisions concerning international monetary reform," Mr. Burns stressed. He said the central bankers didn't intend to prejudge the ultimate decision on the role gold will play in the restructured international monetary system, which is being negotiated in the International Monetary Fund.

Mr. Burns declined to speculate on how the action will affect the free-market price of gold. He also said he couldn't speak for the European central banks as to their intent to buy or sell gold in light of the ban's termination.

The Fed chairman also said that the central banks' decision doesn't affect in any way the U.S. law that prohibits private citizens from buying, selling or holding gold as an investment.

UNITED NATIONS ROLE IN MIDEAST

Mr. McGEE. Mr. President, as we prepare to debate S. 1868, a bill which would place the United States back in compliance with United Nations sanctions against Southern Rhodesia, I believe it particularly noteworthy to offer an objective assessment of the role the U.N. played in the current Middle East crisis.

In yesterday's, November 15, edition of the Washington Post, there appeared an excellent analytical piece by Anthony Astrachan. Mr. Astrachan opened his article with the following quote:

> "You can't do much to stop a war using the United Nations," said a neutral diplomat, "but you can't do anything without it."

I believe this to be the predominant view of the international community. The role the U.N. has played in the latest Middle East crisis is ample evidence of this fact.

Regrettably, the debate on the Rhodesian chrome issue will be an attempt on the part of opponents of the U.N. to obscure the real issues involved in this question. I am prepared to respond in a positive manner. However, if there is a feeling within this body that somehow we lack sufficient information about the U.N., I would point out such information does exist in the form of hearings on authorization and appropriations requests to fund our participation in the United Nations. At least I have followed these hearings very closely and have made it a special point to study the hearing record and the committee reports. It is on the basis of the wealth of information available to me, and a close and continuous scrutiny of this information, that I judge not only the United Nations, but also the need for our participation in that organization. I also make it a point to attend hearings and to express my views on the U.N. I believe these hearings also offer me the opportunity to ask questions about our participation in the U.N. which trouble me from time to time. I find I am in no way restricted either in my attendance at the hearings or my access to any information concerning the United Nations.

Mr. President, what I am suggesting is this: The opportunity to debate the merits and all aspects of the U.N. is continually present.

However, I would like to get back to the issue at hand. In assessing the performance of the U.N. during the latest Middle East crisis, I believe the following developments to be particularly noteworthy.

First. For the first time in the history of the U.N., the United States and the Soviet Union cosponsored a resolution calling for the cessation of hostilities in a major conflict in the world.

Second. As noted in Mr. Astrachan's article, the eight nonalined members of the Security Council produced the idea of a U.N. Emergency Force to be sent to the Middle East. Mr. Astrachan wrote:

> They wanted both to enforce the cease-fire and to make it harder for the greater powers to act alone in the Middle East.

I find the decision to be a particularly wise one—and all this from nations who were not among the original 51 signatories of the Charter.

Third. For the first time in the 25-year history of the Israeli-Arab confrontation, a truce agreement under the auspices of the United Nations was signed.

What would have happened had we not had the United Nations when we needed it? We would have had a United States-Soviet confrontation in the Middle East which could have led to a nuclear confrontation. Our experience in Vietnam is also ample evidence of the tremendous price a major power pays, both in monetary and human terms, when forced to act unilaterally. Therefore, it is only sensible to conclude that the role the

U.N. played—and continues to play—in the Middle East has paid for our 28-year investment in that organization many times over.

I would hope the opponents of the U.N. did not want to see a United States-Soviet showdown in the Middle East because their dream of dismantling the U.N. was a reality. From the remarks which have appeared from time to time in the RECORD, I think it is all too clear the opponents of the U.N. have nothing to offer in its place. I wonder where they would have had us turn during this latest crisis?

At the same time, I do not want to minimize the role Secretary of State Henry Kissinger and the administration played in this crisis. In my estimation, Dr. Kissinger was brilliant in his exercise of diplomacy, skillfully blending bilateral negotiations with multilateral action. Dr. Kissinger fully realizes the strengths and weaknesses of the U.N. system; but, as a man who has assumed a position of vital responsibility for the welfare of this Nation, he wisely chose to exploit the strengths of the U.N.—and herein lies a major difference: Dr. Kissinger and the President have to bear the responsibility for their decisions.

It would seem the Congress would have a special appreciation for the United Nations since both bodies are similar in many ways. The distinguished senior Senator from Kansas (Mr. PEARSON) and I noted this fact in our report to the Foreign Relations Committee on our service as delegates to the 27th General Assembly. Much of what is said at the U.N. is done for the benefit of a particular constituency back home. Many times the rhetoric is irresponsible because of this fact. Thus, both the Congress and the U.N. are alike in this regard.

There is an additional issue I would like to touch upon briefly. I take considerable pride in our system of government and the ideals for which our Nation has represented throughout its history. I do not particularly care what nation does, or does not, pay its assessment to the U.N. I do not particularly care what nation does, or does not, allow covert violations of the sanctions. I do not believe our Founding Fathers conceived of a system of government which would be measured by the standards of other nations. I do not believe our traditions have been based upon this assumption. I believe too strongly in what the United States represents to denigrate our Nation by urging that our standard of behavior be set by other nations. Maybe it is the old-fashioned patriotism coming out in me. We have always held ourselves to higher standards than other nations in the world. This requires us to exercise a higher responsibility than other nations. If we do things better than other nations, then this is consistent with our heritage. Yet, we are being asked to accept a lower standard—a standard set by other nations based upon their values, not upon our own. I would hope my colleagues would give serious thought to this issue. I would hope they would choose the higher standard consistent with our heritage and our tradition. To do less would do violence to our ideals.

I ask unanimous consent that Mr. Astrachan's article be printed in the RECORD.

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

[From the Washington Post, Nov. 15, 1973]

A LOOK AT U.N. ROLE IN MIDEAST

(By Anthony Astrachan)

UNITED NATIONS, Nov. 14.—"You can't do much to stop a war using the United Nations," said a neutral diplomat "but you can't do anything without it."

His comment summed up both the importance and the limits of the U.N. role in ending the Middle East war.

Even the troubles implementing the cease-fire agreement on the Cairo-Suez road showed that importance and those limits. "Suppose," he said, "it had been Egyptians and Israelis quarreling instead of U.N. Finns and Israelis. Rat-a-tat-tat!" He moved his hands in a machine gun gesture.

In the first week of the war, the Security Council met four times and did nothing because neither the great powers nor the combatants were ready to have it act.

By the third week of fighting, the great powers and at least one combatant, Egypt, invoked U.N. procedures. On one level, they wanted a cease-fire that would be politically acceptable to everyone. On another level, they wanted to add the color of U.N. legitimacy to their own purposes.

The United Nations may have surprised them by making it possible to realize other purposes as well.

The eight nonaligned members of the Security Council, for instance, produced the idea of a U.N. Emergency Force. They wanted both to enforce the cease-fire and to make it harder for the greater powers to act alone in the Middle East.

Originally Washington and Moscow mistrusted the idea just because they thought it might inhibit their dominance.

Overnight on Oct. 24–25, while President Nixon and Soviet leader Brezhnev were exchanging "firm" notes, the United States realized that the proposal for UNEF, if amended to bar the five permanent council members from participating, would become a device to keep Soviet troops out of the Middle East. The United States embraced the idea of a modified UNEF and the council adopted it.

In private Security Council consultations, the United States defeated Soviet efforts to change a few words and phrases in a report by Secretary General Kurt Waldheim and give the Security Council—where Moscow has a veto—tighter control over peacekeeping operations.

But the Soviets won the contest over Warsaw Pact membership in UNEF: Poland is sharing the logistics function with the Canadians despite U.S. efforts to exclude it.

Nonaligned demands for equitable geographical representation helped make this possible, so it could be said that the U.N. machinery enabled the world to prevent first the Soviets and then the Americans from achieving a policy goal.

To make peace the fighting has to stop first. The Security Council decisions did that with the help of the first contingents of UNEF.

U.N. Under Secretary Roberto Guyer is trying to win some agreements between Israel and Syria in these areas. Waldheim and Maj. Gen. Ensio Silasvuo, the Finnish commander of UNEF, tried to do the same between Egypt and Israel and failed for lack of political leverage.

Secretary of State Henry Kissinger stepped into the breach and achieved a cease-fire agreement deliberately cloaked in ambiguity because one that was too explicit would not have been accepted. He still needed UNEF to be what one U.N. official called "the executing agent" of the agreement.

Silasvuo arranged the Egyptian-Israeli signing of the agreement Sunday. He also played a role in getting the Israelis to allow the establishment of U.S. checkpoints on the Cairo-Suez road.

But the cease-fire agreement was deliberately framed to omit any mention of the long-range peace talks that the Security Council had said should be "immediate and concurrent" with the cease-fire.

This seemed to diplomats here to exclude the United Nations from anything more than a symbolic "umbrella" role in the long-range negotiations.

That would be consistent with the historic function of the United Nations in the Middle East. In 1949, in 1956 and in 1967 it arranged cease-fires, but it never got real peace talks moving. The parties weren't ready.

CHICAGO

Mr. PERCY. Mr. President, the October issue of Trans World Airlines' magazine, Ambassador, is devoted to a subject close to my heart—the glories of the city of Chicago.

I read recently that Americans take Chicago for granted; that it often does not seem special, but rather like a second home for everyone. There is certainly truth in that statement, but there is much more to the story than just that. If Chicago seems like a second home to all Americans, the familiarity one feels toward it does not in any way diminish its appeal.

Sandburg called it the city of the big shoulders, and indelibly described its vitality. Although the physical characteristics of Chicago have changed since Sandburg's time, the spirit he described has not. Chicago has life. The sense of strength embodied in the city and the undercurrent of urgency in everything the city does are as clear to the convention visitor as they are to the city's residents.

Chicago has a sense of humor about itself and about life in general. Chicagoans recognize problems, but they are not defeated by them. True, there are no fewer issues to tackle in Chicago than there are in other major cities, but what marks the difference is the feeling one has that Chicago and Chicagoans can lick the problems. Nothing is insurmountable: in these times of flight to the suburbs, Chicago is determined to make itself more appealing.

The "Magnificent Mile," Michigan Avenue, is growing more beautiful every year with the addition of new stores and sidewalk gardens. In a time of deteriorating community spirit, the old neighborhoods of Chicago are bastions of friendship and genuine neighborliness. You can still count on your neighbors in Chicago and you can respect diversity, as well.

I think hardly a day goes by without some kind of parade through the Loop. People from nearly every imaginable ethnic background celebrate something from their past, and, at the same time, contribute to the community feeling by inviting others to remember that while their backgrounds are different, their futures lie in their common dedication to improving American life.

Mr. President, I know that every Member of this body feels a special affection for his home State. Our roots are in our respective cities and States; we know the

particular strengths of our native soil. But even acknowledging that, I stand here unabashedly before you and say that Chicago is special. People do not live in Chicago; they are Chicago. And they are proud of it. Chicago is not a second-rate anything. It sprang up out of the prairie on its own strength and merit. One of its great charms is that it emulates nothing.

The Ambassador magazine has focused on two of the things that capture the essential spirit of Chicago—its continuing growth as symbolized by the new, giant Sears Tower, and another true Chicago landmark, Irving Kupcinet, the famous "Kup," columnist and television host extraordinaire.

Mr. President, I ask unanimous consent that these selections from Ambassador magazine be included in the RECORD at this point so that my colleagues can also enjoy them.

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

SUPER STRUCTURE: THE SEARS TOWER, STANDING IN AT 1,454 FEET, IS THE NEW CHAMPION IN THE TALL BUILDING SWEEPSTAKES

(By Joe Soucheray)

When top management officials of Sears, Roebuck and Company set out in 1967 to plan new corporate headquarters for their giant merchandising firm, they really didn't intend to end up with the world's tallest building.

It just happened.

And corporate managers didn't really know that their building, the recently topped-out 110-story Sears Tower, would become the show-stopper of the Chicago, Illinois, loop. That, too, just happened.

Sears needed a building befitting the world's largest retailer. Height, they insisted, was always secondary to safety, comfort and convenience. They wanted and got a building that resists fire, withstands wind and moves people fast and safely through all 110 floors.

Bringing the world's tallest building championship from New York to Chicago is an honor that some Chicagoans consider dubious at best. But Sears points with pride to their new edifice, and hails it as the finest chunk of mechanical and architectural splendor since Frank Lloyd Wright picked up a pencil and slide rule and baffled people with his futuristic but highly utilitarian homes and buildings.

The "Tower," as it has become known to Chicago residents, now dwarfs the deposed kings of Chicago's skyline—Big John (John Hancock Building) and Big Stan (Standard Oil Building, officially the Amoco Building). The Sears Tower stands a dizzying 1,454 feet, straight up. Its closest in-town rival, the 100-story Hancock Building, rises only 1,127 feet but it has additional height from twin TV antennas. Big Stan goes 1,136 feet. Sears also tops the twin towers of New York's 110-story, 1,350-foot World Trade Center.

The Empire State Building, for decades the sky-high benchmark, suddenly has been lost in the upward shuffle, hanging in there at 1,250 feet.

Future superscraper builders will have to go some to top the Sears Tower, not only in height, but in statistical magnitude. The building's master plan resembles that of a medium-sized city more than a single office building. Before the more-than-$150 million Tower could even begin its ascent, some 180,000 cubic yards of earth had to be carted from the worksite to create a 100-foot-deep hole for the foundation. The building and its plaza are supported by nearly 200 caissons.

As the world's largest private office complex, the structure contains 4.5 million square feet, or 101 acres, of floor space. Only the Pentagon, with 6.5 million square feet, has more office space within a single structure. The base of the Sears Tower spreads over three acres of prime downtown Chicago real estate bounded by Adams and Franklin Streets, Jackson Boulevard and Wacker Drive. Above the street, all the way up to the Tower's 103rd-floor observation level, the view of Lake Michigan and environs is commanding.

The Tower's structural steel frame (enough steel to make 50,000 automobiles) is clad in a black aluminum skin and bronze-tinted, glare-reducing glass. Below the Tower's granite-surfaced plaza are three full levels that include a 150-car parking garage, tenant storage space and a loading dock that can handle 17 large trucks simultaneously. Concourse levels of the Tower will contain commercial areas and restaurants.

Inside the massive Tower, people will work in the tallest all-electrical structure in the world. A unique heat-salvage system has been designed to utilize by-product heat, and to use that heat to circulate enough water to service about 1,000 average-sized homes. More than 17,200 tons of refrigeration keep the premises at a year-round 72 degrees. There is enough electrical wiring in the Tower to stretch a power line to New York and back again. The Tower also boasts a utility transmission substation with four 50,000-kilowatt transformers installed in below-ground levels of the building—enough electrical oomph to strengthen the electrical system now feeding the city's central area.

Visitors in search of a public telephone in the Tower can keep this in mind: The Tower will have 350 pay telephones, as many pay telephones as Downers Grove, Illinois.

When finally open to tenants early in 1974, the Sears Tower will be the sixth Chicago location for the firm. The company has been a Chicago tradition since 1887, when Richard W. Sears moved his retail watch business to the city from Minnesota.

The company first located on Dearborn Street, then moved to other rented locations as the firm grew. In 1906, firmly entrenched in the Chicago business community, Sears moved to its own headquarters on the city's west side. As Sears expanded, so did the west-side facilities.

Clearly, the company has outgrown all existing space available to it in its present headquarters. In July 1970, Sears announced its intentions to build new headquarters to house national staff employees now scattered in nine locations in the Chicago area.

Sidewalk environmentalists attacked the Tower, saying it would add to the congestion of Chicago's loop. "Why does it have to be *that* big?" they cried.

Here's why: The interior space planning firm of Saphier, Lerner, Schindler, Inc., confirmed to Sears management that by the year 2000 Sears would need that gargantuan 4.5 million square feet to house national buying and staff departments. The Tower, like all Sears buildings throughout the country, was designed from the inside out.

Further studies indicated that an urban location was best. And urban building sites usually mean upward construction, not outward. A suburban location would have increased transportation problems for employees. The urban location provides easy access to all forms of Chicago transportation. Projected plans even call for a subway station on the Franklin Street side.

One of the early plans for the new headquarters called for a building only 60 stories high with 70,000 square feet per floor, or 70 stories high with 60,000 square feet per floor. But real-estate consultants warned Sears that it would virtually be impossible to rent such large barn-sized floor areas to prospective tenants. In order to provide more accommodating office areas, the Tower's architects, Skidmore, Owings and Merrill, pushed space upwards with a resulting "bundled tube" look that gives the Tower its visual dominance.

From the Tower's plaza through the 49th floor, the basic structure consists of nine column-free squares. At the 50th floor, the northwest and southeast column-free squares stop, creating the building's first step-back as the Tower rises in a "Z" floor arrangement through the 65th floor. The second step-back occurs at the 66th floor, when the northeast and southwest column-free squares end. The Tower rises to the 89th floor in a "cruciform" floor arrangement. A 20-story rectangular tower tops off the building.

The step-backs will help reduce wind sway in the Tower by breaking the flow of wind against the superscraper. Skidmore, Owings and Merrill designed the building to withstand 36 inches of lateral sway at the top.

Because of the size of the Tower, and because of increasingly alarming reports about trouble in other giant skyscrapers (window breakage from wind, fires, sway), Sears insisted on the building being equipped with the finest life-safety system ever designed.

Major safety features include:

More than 40,000 sprinkler heads throughout the building.

A computer-operated system that detects smoke anywhere in the building, cuts off the flow of fresh air to that area and signals an exhaust system to discharge smoke out of the building.

A complete communications system for emergency messages.

An around-the-clock computerized security system to guard against internal and external dangers.

A complete high-speed elevator system that is as much safety as necessary. There are 103 elevator cabs, 14 double-deck cabs and a freight elevator reserved for fire-fighting equipment. It takes only 45 seconds for an express elevator at the 103rd observation floor to reach street level. All elevators can be controlled from the security control system on the 33rd floor.

Auxiliary generators provide the Tower its own source of energy in emergencies.

The population of this city-within-a-city will be 16,500—including 7,000 Sears employees, 8,000 tenants and 1,500 commercial, public or building service employees. Among the corporate tenants already in the fold are Goldman, Sachs and Company, Northwest Industries and Schiff, Hardin, Waite, Dorschel & Britton, one of the nation's leading law firms.

Sears people will occupy the first 50 floors of their new home. There appears to be plenty of room—until the year 2000 at least.

KUP—EX-QUARTERBACK AND EX-SPORTSWRITER IRVING KUPCINET REIGNS AS CHICAGO'S TOP COLUMNIST/TV HOST

Chicago landmarks?

Let's see . . . there's the new Sears Tower. The twin cones of Marina City. Big John, the John Hancock Center. Big Stan, the Amoco Building. Mayor Richard J. Daley. *Playboy's* Hugh Hefner. The Water Tower.

And Kup.

Kup, of course, is Irving Kupcinet, popularly known as "Mr. Chicago," the respected journalist and television host whose column is carried in 90 newspapers and whose TV show is seen in 13 markets, including New York. Kup has been Chicago's most prominent eyewitness for more than three decades.

The only thing that's been a local landmark longer than Kup is the Water Tower, which survived the Chicago Fire of 1871.

"Mr. Chicago" could easily be called "The Last Buffalo," or "Irving The Invincible."

"Irving the Invincible," because the Windy City's three other newspapers have never been able to eclipse the popularity of the *Chicago Sun-Times'* most celebrated staffer. In the last decade alone they've thrown 10 contenders at him. Their names,

faded in journalistic memory, have become little more than Who, What, Where, When, and Whatever-Became-Of.

"The Last Buffalo," because Kup is one of the few survivors of a vanishing breed—the nationally syndicated gossip columnist.

To understand who Kup is and what he is, one must first understand a little about how the role of Town Crier has changed in the last 30 years, and how Kup implemented many of those changes.

The late Walter Winchell was the first three-dot columnist, taking short, snappy items and putting them in a daily column separated by three (. . .) dots. In those early days, a three-dot columnist was the royalty of the Fourth Estate, often ruling like a feudal lord. His coat of arms was an Eye Peering Through a Keyhole on a Field of Rumors.

"Kup's Column," inaugurated in 1943, was one of the first to change that image. For openers, Kup preferred to celebrate accomplishment rather than the latest mishaps of Hollywood stars and starlets. He stressed achievement, and skipped innuendo.

A writer for *Holiday* magazine once described Kup as a "gossip columnist who . . . doesn't make sneak attacks, indulge in grudges or print things he knows to be untrue.

"He runs probably the fewest press-agent handouts of any daily itemizer . . . the quaint habit of digging for news and checking handouts remains unbreakable with him."

Kup became the first to give the three-dot form more scope, making his column a cornucopia of capsule bulletins starring the day's news-makers.

"When I started in the field," explains the veterans scribe, "my instinct was to develop Washington sources, and broaden the column so it wouldn't be limited just to show business. I wanted to cover sports and broadcasting and business and politics as well, and give it a much wider range."

Today, of the early three-dottists, a handful of columnists of national consequence remain—writers such as Earl Wilson, Leonard Lyons and Ed Sullivan out of New York, and San Francisco's inimitable Herb Caen. Practitioners of a nearly bygone art, they enjoy as much celebrity status as many of those they write about.

Part of Kup's influence stems from his television program, "Kup's Show," whose impact extends far beyond the borders of the Windy City. A weekly gabfest somewhat in the same entertainment mold as the Johnny Carson, Dick Cavett and Jack Paar shows, "Kup's Show" also demonstrates the news-making ability of a *Meet the Press* or *Face the Nation*. Format of the 2½-hour program is divided between show-biz personalities and powerbrokers, and the latter divulge scoops of worldwide interest.

For instance, it was on "Kup's Show" that President Harry S. Truman first explained why he canned General Douglas MacArthur, adding: "I wish I had fired him two years earlier!"

Vice President Hubert Humphrey also opened up, letting slip that there was fighting along the Russo-Chinese border. Revolutionary Malcolm X admitted, just a few weeks before his murder, that he knew he was going to be killed.

And Vice President Spiro Agnew used the show as a forum for his controversial suggestion that government officials maybe should start interviewing newscasters!

Impressive as these headline-making stories were, it has been the show's consistent high quality that has garnered citations, including 11 local Emmys and a prestigious Peabody Award for "distinguished achievement." Now in its 15th year, and the longest continually running program with a talk-show format, "Kup's Show" uses 10 guests per program, ranging from authors to politicians to celebs to educators to whoever-is-in-the-news. The topics covered are equally wide-ranging. Lively discussion flows in abundance.

The show and the column means a 16-hour workday, seven days a week. Each is more than a full-time job. Combined, they're Kup's way of life.

"I spend about 60 per cent of the time on the column," says Kup, who starts tracking down items at 8:30 every morning in his newspaper office. Two phones are constantly busy, serving as his pipelines to the world.

After selecting the best stories from the calls, his notes from the night before, and the morning's mail, he completes the 1,000-word column by 1 p.m. Then it's time for lunch at the Pump Room, or Maxim's, Mike Fish's, Club on 39, or any of a half-dozen other spots.

The afternoons are spent chasing more items, checking proofs on the column and making last-minute changes and additions, consulting with his TV producer, Paul Frumkin, about winnowing the week's 10 guests from the 500 offered, and discussing subjects to be covered. On Thursday or Friday nights, and always on Saturday nights, Kup tapes his TV program for Sunday-night showing.

At 6:30 on other nights, it's usually dinner at home with his attractive wife of 34 years, Essee (the former Esther Solomon). They are often joined by close personal friends, or their son, Jerry, 28, a commercial photographer and stage manager at WLS-TV (ABC), his wife, Sue, and the grandchild, Karyn Ann, 2. (Irv and Essee also had a daughter, Karyn, who was strangled in her Hollywood apartment 10 years ago. The murder was never solved.)

By 10, Kup is ready to leave his posh high-rise apartment on Lake Shore Drive to make the rounds—hitting night-club-opening nights, civic affairs, charity gatherings, the "in" spas—anywhere and everywhere he can dig for news. Essee usually accompanies him. And, since Essee thinks Irv is a lousy driver, she drives.

Kup usually returns home by 1:30 a.m., with dozens of notes taken, and having made enough phone calls to make Ma Bell tingle with delight. Then it's an hour of reading, catching up on magazines and books.

At 6:30 a.m., Kup rises, and his schedule starts all over again.

Irving Kupcinet always has been used to little sleep and lots of work. "I got my stamina from my parents," says the 6-1, 208-pound Boswell-of-Chicago. "Good peasant stock." He was born 61 years ago, the last of Max and Anna Kupcinet's four children. His father was a bakery truck driver.

Kup attended Northwestern University for two years, then transferred to the University of North Dakota, starring in football, and graduating in 1934. He played on the 1935 College All-Star team, and turned pro later that year, quarterbacking the Philadelphia Eagles. A broken shoulder in an early game ended his athletic career.

He immediately joined the Chicago Times (later the Sun-Times) as a copy reader on the sports desk. He quickly moved up to sportswriting, and then became a sports columnist, and finally launched "Kup's Column."

Initially, there was a they-laughed-when-I-sat-down-at-the-piano reaction. Kup sat at a typewriter, not a piano, but it did seem a little silly—an ex-footballer trying to be a gossip-columnist, a snitch and a snoop.

Under Kup's direction, the three-dot column has never been the same since, and people stopped laughing long ago.

Which is as it should be . . . when you're a landmark.

TOLL-FREE GOVERNMENT PHONE NUMBERS FOR DELAWAREANS

Mr. BIDEN. Mr. President, as our country and our Government continues to increase in size, there have been questions raised concerning the ability of our Government agencies to positively interact with the people of our Nation. It is, therefore, encouraging to note that several agencies of the Federal Government have established toll-free telephone numbers in order to be more responsive to the wants and needs of our citizens.

Under the new procedure, anyone in the State of Delaware is able to call a participating agency free of charge and register complaints or ask questions concerning the Government-administered programs. By simply calling the toll-free number, Delawareans are guaranteed an immediate response to their inquiry from the agencies' personnel.

As the toll-free system is enlarged, it seems apparent that the communication level between Government agencies and American citizens will improve considerably. The General Service Administration and the Federal Information Center should be commended for instituting the toll-free telephone numbers, and I hope that many other Federal agencies will quickly enter the program.

Mr. President, I am pleased with this display of governmental responsibility, and I ask unanimous consent that a listing of the toll-free numbers for Delawareans be printed in the RECORD, at this point in my remarks:

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

TOLL-FREE GOVERNMENT NUMBERS—TELEPHONE NUMBERS FOR DELAWARE RESIDENTS

Civil Service Commission: In Wilmington, 658-6911, extension 540. In all other locations, 1-800-292-9560; Federal jobs—what is available, qualifications, and how to apply

Action: 1-800-424-8580; information on Foster Grandparents, etc.

HUD: 1-800-424-8590; to report housing discrimination.

Air Force Recruiting: 1-800-447-4700; recruiting information.

Air Force Reserve Recruiting: 1-800-525-9984; reserve recruiting information.

Center for Disease Control: "Operation Venus" 1-800-523-1885; confidential information concerning venereal disease.

Justice Dept.: "Heroin Hotline" 1-800-368-5363; where people can call to anonymously report drug pushers/abusers.

Internal Revenue Service: In Wilmington, 652-3411. In all other locations, 1-800-292-9575; Federal Income Tax information

LATVIAN INDEPENDENCE

Mr. PERCY. Mr. President, the 55th anniversary of Latvian independence will be observed on November 18, 1973, providing an opportunity for us all to reflect on the state of the world in which fundamental human rights and freedom are denied to so many people. It is an occasion on which we should rededicate ourselves to the proposition that all peoples should be free to govern themselves and to determine their own destinies.

During an observance of Latvian Independence Day 2 years ago, Dr. Anatol Dinbergs, the Latvian Chargé d'Affaires in Washington, said:

The desire for a free and independent existence has always been a cherished ideal of our people, and is even more so today. I therefore believe that . . . commemorating

Latvia's Independence Day, as well as similar events throughout this country and elsewhere in the free world, will serve as a source of strength and encouragement to the Latvian people at home.

Dr. Dinbergs' remarks were carried on the Voice of America to assure the people of Latvia that their interests and aspirations are not forgotten in the West. In my own State, the Chicago Latvian Association, led by Viktors Kiksnins, and the United Latvian Associations of Chicago, led by Rolands Kirsteins, work continuously to keep this message alive and to rally public support for the legitimate cause of all the Baltic States.

On this occasion, I would like to share with my colleagues in the U.S. Senate the words of the Latvian national anthem, deep with meaning and emotionally proclaiming the free spirit of the Latvian people, as follows:

God, bless free Latvian Land,
Guard well my Fatherland,
Thus pray my heart and mind;
God, save Latvia!

Let there sound free my voice,
Daughters and sons rejoice!
Let there be a happy choice!
God, bless Latvia!

May all who revere the heart and mind and spirit of free Latvia know that we share their long-held aspirations for freedom, security, and peace.

TRAFFIC SAFETY, ENERGY CONSERVATION, AND ENVIRONMENTAL PROTECTION

Mr. RIBICOFFF. Mr. President, the growing national concern for environmental protection and energy conservation have helped cause an increase in the demand for smaller cars. This year compacts, subcompacts, and imports have captured almost 40 percent of the new car market. By 1980, industry and Government analysts predict this figure may reach 50 percent.

These cars require fewer raw materials and consume less fuel than larger cars. Today's standard-size American car weighs about 4,400 pounds and gets about 11 to 12 miles per gallon. But the average foreign car weighs only about 3,000 pounds less and gets nearly 18 miles per gallon.

The Environmental Protection Agency has found that weight is the single most important factor in determining miles per gallon, and a U.S. Army study estimated that fuel consumption could be reduced 30 percent by a shift to smaller size cars.

But how safe are these smaller cars? Last year, the Insurance Institute for Highway Safety staged a series of 40- to 50-miles-per-hour collisions between standard-size American cars and domestic subcompacts such as the Pinto and Vega. Life-size dummies were placed in all cars to determine potential injuries. In every crash the subcompact suffered much more severe damage than the standard-size cars. The institute concluded that the occupants of the subcompact cars would have been seriously injured or killed in the crashes.

Another study, conducted by the New York State Department of Motor Vehicles, found that the chances of avoiding death or serious injury are twice as great in a standard-size car as in a subcompact.

These results do not mean that vehicle safety must be sacrificed for environmental protection and energy conservation. But they do show that both Government and industry must make greater efforts to improve the safety of small cars. For there will be no national benefit in saving our natural resources at a cost of increased deaths and injuries on our highways.

The small car safety problem can be solved. Calspan Corp.—formerly the highly respected Cornell Aeronautical Laboratory—has conducted experiments with modified Vegas and Datsuns which have shown that major gains in crash safety are possible and practical. In addition, Volkswagen has demonstrated a safety vehicle which is virtually injury proof in a 50-mile-per-hour frontal collision.

We have the technology to improve occupant protection through better seatbelt restraint systems, fire resistant gas tanks and collapsible front suspensions which will dissipate crash energy before it can cause serious injury. This equipment can substantially reduce the number of deaths and injuries from highway accidents.

Environmental protection and energy conservation are important national goals. But we also have a commitment to improve traffic safety. Progress on one front must not be made by retreating in other areas. Advances in all three can go hand-in-hand. It is the responsibility of the Government and the auto industry to assure that this is achieved.

HON. CHARLES H. SILVER'S ADDRESS TO THE ANNUAL ALFRED E. SMITH MEMORIAL FOUNDATION DINNER

Mr. BUCKLEY. Mr. President, one of the great occurrences on the New York City calendar is the Annual Alfred E. Smith Memorial Foundation Dinner. Over the years, the foundation's chairman, the Honorable Charles H. Silver, has delivered remarks notable for their wisdom and brevity.

I ask unanimous consent that Mr. Silver's remarks at this year's dinner be printed in the RECORD.

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

ADDRESS DELIVERED BY THE HON. CHARLES H. SILVER

In looking forward to this 28th Annual Dinner, it was impossible to resist the temptation of also looking back over those historic years of constant devotion to a cause so dear to the heart of our beloved guide and inspired leader, His Eminence Terence Cardinal Cooke.

He has continued the compassionate and humanitarian pattern of sacred purposes first charted by their inspired architect, Francis Cardinal Spellman.

In these uneasy hours, so bereft of faith, so burdened with distrust, it is good to join with such notable men and women as those who enhance our dais and fill this room.

Our Chief of State—unable to be with us in these times of international stress—has paid us the supreme compliment of dispatching one of the world's most charming ministers "without portfolio" . . . his beautiful daughter Mrs. Edward Cox.

To serve as chairman of this magnificent dinner is an extremely responsible task—but it has a number of gratifying rewards.

One of these that I most enjoy is the privilege of working closely with our deeply cherished friend His Eminence Cardinal Cooke.

I think you know how much it means to me to do my share on behalf of this remarkable charity with which I have had the honor of being affiliated for nearly three decades.

Today, my pleasure is vastly increased by the presence of the distinguished member of Congress—who served brilliantly for eight years as minority leader in the House of Representatives.

He has been called, with considerable popular acclaim, to fill the second highest federal office in our land. We greet—among our many esteemed guests—the Vice-Presidential designate, Gerald R. Ford.

In this good company we can rejoice that our heritage of valor and wisdom as a great people will ultimately overcome the forces of despair.

Democracy is its own most powerful weapon.

It has served us well . . . and it always will.

We will be led in this struggle by the presence of such servants of God and of man as His Eminence—by the example of ideals and courage which is the legacy of that "happy warrior" in whose honored memory we meet—and by such apostles of justice as that profound scholar, teacher and living symbol of law, our honored guest tonight, Judge William Hughes Mulligan.

Not everything we view from the tall intellectual watchtower of this convocation inspires confidence in our legal process or in human judgement.

Even on the highest levels of Constitutional law, I find it incredible for any court to determine that this nation should seek to legislate God out of the minds and hearts of our children!

And can you believe that we could decree such cruelty as to heartlessly deprive parochial school children of millions of dollars worth of classroom supplies and instructional equipment? These are tools of learning they desperately need.

I think it is time we put a stop to such petty politics on the pretext that a touch of faith might contaminate our schools.

How can we ruthlessly tear out of the hands of these children the help without which their education will not be.

And this should be plain and obvious: If the schools do not survive—nothing else will. . . .

The man whose memory means so much to us had a favorite phrase: "Let's look at the record". But just looking is not enough. We need doers and dreamers who will turn tarnished yesterdays into a better tomorrow. We need movers and changers who will fight to keep democracy alive today.

We need men and women of integrity and devotion—resolved to set the record right—to inscribe upon the pages of the future such words as these of His Eminence—I quote our Cardinal:

"This day is precisely the kind of moment in history that calls for the faith and courage which was found in the lives of our dedicated forebears.

"We see gravely threatened an institution which has contributed immeasurably to the strength of this nation and to the quality of life . . . a spirit that goes beyond the natural, that goes beyond the purely

secular and rings out with the very principles our forefathers enshrined."

Those are the words of our honored host, that prince of the church and guardian of the conscience of mankind.

They are words by which to steer our ship of state.

They are words to save it. . . .

They ring with the same majesty as that immortal phrase—"In God We Trust"—which was the guiding precept of those who established this republic in an inspired yesterday.

We could use a little more of trust—today—and a lot more of God.

I am no moralist, no sage and certainly no soothsayer—but I am aware of the horror in the daily headlines—the widening gap in our homes—and the crime in our streets.

In my own simple terms, I am trying to say what I know must be in the hearts of all whose love and loyalty give strength to this Foundation.

I call upon you to gaze again at that "Great Seal" of our republic with its mystic unfinished pyramid representing our ever growing union.

Note, that at its peak, the all-seeing eye of God probes the innermost heart of all mankind.

If it is, indeed, "In God We Trust", let us bring honor and order to the ages yet to come and to all our national endeavor.

Perhaps, then, with the faith and hope and truth which has created and preserved us . . . and with that great sense of glory which moves all men who place their trust in God . . . we may make ourselves worthy enough to restore His trust in us.

NAVY DESTROYER POWERED WITH OIL FROM COAL IS SUCCESSFUL—SENATOR RANDOLPH FLEW IN AIRPLANE FUELED WITH GASOLINE FROM COAL 30 YEARS AGO

Mr. HOLLINGS. Mr. President, the present shortage of fuel supplies has sharpened our awareness of the need to develop new sources of energy. The crisis situation that exists also is stimulating a resurgence of research and development efforts to provide new fuels in quantity and at a reasonable cost.

The Armed Forces of the United States have a significant stake in the availability of fuels. Recently the Navy has been involved in the development of alternative fuel sources, including the conversion of coal to oil. An important test of the feasibility of this practice was carried out yesterday when the Navy sent a World War II destroyer to sea powered by oil made from coal. The preliminary indications are that the test was successful and that this fuel can be a viable alternative to oil from traditional sources.

The cruise yesterday came just over 30 years after a similar demonstration showed that airplanes can be operated on gasoline made from coal. Our colleague, Senator JENNINGS RANDOLPH, recently recalled the anniversary of that flight when he flew from Morgantown, W. Va., to Washington in a plane fueled by gasoline extracted from coal. The pilot on that journey was Arthur C. Hyde. This fall the anniversary of that historic 175-mile flight, was observed in a ceremony at the Morgantown airport. At that time, a plaque was erected at the airport which read:

In commemoration of the flight by Jennings Randolph, Member of Congress, and Arthur C. Hyde, pilot, on November 6, 1943, from Morgantown, West Virginia to Washington, D.C., in the first U.S. airplane powered by gasoline made from coal.

Both the airplane flight on November 6, 1943, and the destroyer cruise of November 15, 1973, are evidence that our most abundant domestic fuel source can be adapted to meet a variety of contemporary needs. Accelerated research and development programs can lead to the commercial application of technology permitting coal to make up the deficits we face in other fuels.

Mr. President, I ask unanimous consent that a New York Times article on the Navy experiment be printed in the RECORD.

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

[From the New York Times, Nov. 16, 1973]

NAVY TESTS DESTROYER POWERED BY A LIQUID DERIVED FROM COAL

(By Wayne King)

PHILADELPHIA, November 15.—A World War II Navy destroyer, the U.S.S. Johnston, steamed out of port here today to become the first ship in history to use coal-derived oil to power its engines.

Beyond its historical import, the short one-day cruise of the Johnston, both military and civilian officials said, will likely have great practical significance to an increasingly fuel-starved nation.

Initial impressions indicated that the pilot test of the fuel to fire the steam generating boilers of the Johnston was a success, although a detailed analysis has yet be completed. More important, Government officials predicted that, with Congressional approval of the large outlays needed for construction of coal-conversion plants to produce the fuel, fairly widespread use of it as a petroleum substitute may be only a few years away.

For more than a year, the Navy has been working with the Department of the Interior to develop a clean-burning, economical substitute for the petroleum-based fuels that the Navy consumes at the rate of 42 million gallons a year.

If all goes as planned, the coal-derived oil will begin replacing petroleum fuels in Navy vessels in about three years, and will ultimately—within a decade—account for about half of the fleet's total consumption.

Beyond that, the Department of the Interior's Office of Coal Research—an agency that began 12 years ago with a relatively meager $1-million budget and will spend $122-million this year—already has in operation a pilot coal liquefication plant in Princeton, N.J., with another under construction in Tacoma, Wash. Two pilot plants to convert coal to gas are also in operation, with a third being built.

COAL-CONVERSION PLANTS

Within a decade, said Paul R. Jordan of the Office of Coal Research, the Interior Department hopes to have assisted in development of a number of privately owned and operated coal conversion plants, each capable of producing 250 million cubic feet of gas a day—enough for a city of a half a million people—and 60,000 to 100,000 barrels of synthetic fuel oil a day.

Although the Navy today became the first to make use of the new fuel, both naval and other officials said its development was keyed heavily to civilian use.

Though the coal gasification and liquidification propect has been under way for almost 10 years, the recently developed fuel crisis has given it new and accelerated emphasis.

The Navy, according to Rear Adm. Randolph W. King, who answered questions at a news conference at the Philadelphia Naval Base prior to the sailing of the Johnston, is interested in the coal liquidification process as a means of guaranteeing an uninterrupted fuel supply regardless of the political situation in the Middle East or other oil-producing areas.

At present, he said, coal supplies in the United States are adequate for at least another 100 years. Other estimates have ranged up to 500 years and more.

Moreover, both Admiral King and the Interior Department sources said the ultimate projected cost of producing of the synthetic fuel oil would average $4.50 to $5 a barrel, compared to $5.25 a barrel for the fuel now used. This estimate, however, takes into consideration the selling of byproducts from the liquidification process to reduce the over-all cost.

Moreover, Mr. Jordan of the Coal Research Office projected capital outlays for construction of coal conversion plants at $5-billion over the next decade or so. Present plans call for a joint effort by the Federal Government and private industry, with the process ultimately to become entirely private enterprise.

Actual plant construction beyond the pilot stage, however, would require Congressional appropriations.

Both naval and Interior Department officials were optimistic about the prospects for large-scale coal conversion in the relatively near future, however. Although officials could not come up with a specific figure, the coal derived fuel that powered the Johnston without incident today ferrying newsmen on the first leg of her pilot cruise, cost many times the $4 to $5 figure that the Government ultimately hopes to attain for coal-derived fuel oil—which can be used in almost identical form to heat homes and a somewhat more refined version to fuel jet aircraft.

The economic success of the project rests on the economies of extremely large-scale production in plants that were estimated to cost from one-third to three-quarters of a billion dollars each to construct.

It was not made clear whether the Government's per-barrel cost estimates for the synthetic fuel included the initial costs of plant construction.

The coal-derived fuel itself should be acceptable to environmentalists, officials said, as it is of very low sulphur content, and will burn cleaner than the fuels used now by the Navy.

It is also possible to distill the synthetic oil in much the same manner as petroleum crude oil and thus convert it to higher grades, including gasoline.

CONVERSION PROCESS

The synthetic oil is obtained by a process called pyrolsis, in which the coal is crushed and then decomposed by use of heat, pressure and catalysts. This is followed by hydrogen treatment that alters the substance chemically to produce a snythetic oil-like fuel.

The process requires roughly a ton of coal to produce one barrel of oil. However, also produced is some 12,000 pounds of char, which can be further processed for extraction of fuels, and over 8,000 cubic feet of gas.

In general, officials at the news conference said, the coal fields of the Midwest and West produce the best type of coal for this process, a fact that is not expected to gain a warm reception in coal-rich Eastern states like Pennsylvania and West Virginia that are searching for ways to again utilize largely abandoned coal fields.

Renewed efforts to make extensive use of coal is expected to run into stiff resistence by environmentalists who oppose the ravages of strip mining, still the most economic method of mining coal in most cases.

Samples of the coal-derived fuel oil passed out to reporters appeared roughly the color and consistency of crankcase motor oil at about the time it badly needs changing. Its odor was somewhat sweetish, with the rather sharp, astringent cast of a disinfectant.

Early tests, indicated a strong coal-tar odor when the substance was burned, suggesting it might prove too offensive for boiler room personnel.

A seaman in the engine room today said, however, that the odor was acceptable and that the fuel seemed to perform in a manner indistinguishable from the usual petroleum oil, except for what appeared to be a slightly brighter flame.

The fuel is thicker than others used by the Navy, however, and cannot be poured at temperatures below 60 degrees Fahrenheit, a problem in some situations. Further processing may improve this, however, officials said.

THE ROLE OF LABOR IN POLITICS

Mr. BAYH. Mr. President, one of the lessons of Watergate, and the whole range of scandals that have rocked Washington in recent months, is the insidious influence of big money in politics. That influence is obviously at its worse when it is used to buy access to the political system and when there is a quid pro quo associated with a campaign contribution.

One approach to solving this problem would be the public financing of all campaigns. This would remove the potential for serious abuse by large contributors, as would other proposals to limit the size of campaign contributions.

However we deal with the question of campaign financing, we should also seek another solution in encouraging and welcoming wider public participation in the political process.

Joseph A. Beirne, the president of the Communication Workers of America and a respected national labor leader, has written an insightful article on this subject for the Washington Post. President Beirne makes a number of points well worth the attention and consideration of the Senate and I request unanimous consent to include the article by Mr. Beirne in the RECORD at this point.

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

THE ROLE OF LABOR IN POLITICS

(By Joseph A. Beirne)

If there is one positive contribution to the American way of life that the current administration has made, it has been to focus our attention on money in politics with crystal clarity.

Never before have we been treated to such a blatant exhibition of governmental favoritism to those who came up with the money at the right time. Corporate antitrust problems can apparently be solved by doling out a little cash. The only problem is that the assessments are being made by political parties in the form of contributions and not by courts in the form of fines. Ambassadorships also have taken a more dominant position in the marketplace. The most disgusting aspect of this practice is that in the eyes of the world we reduce our highest ranking diplomatic envoys to little more than a pack of rich kids. They may not know much about world affairs, but rest assured that they won't be caught eating steak with their salad fork at state dinners.

So, in the light of Watergate and related money-oriented scandals, Congress is beginning to discuss some type of reform of our campaign and election practices. The natural goal of any such reform would be to end the concept of "politicians for rent to the highest contributor," as AFL-CIO Legislative Director Andrew Biemiller put it in recent testimony before the Senate Privileges and Elections Subcommittee. To do this, we must commit ourselves to a system of publicly financed elections. Anything else would continue to perpetuate the election of wealthy candidates at the expense of truly representative legislative bodies.

Reform must go beyond giving a reasonable opportunity to all who wish to run for public office. The amount of money spent on political campaign is virtually out of control. In 1972, the amount spent by candidates seeking office is estimated in the neighborhood of $400 million. There is little hope to bring this spending under control through our current system. CWA Secretary-Treasurer, Glenn E. Watts, said out in testimony before the aforementioned Subcommittee that "at the current rate of inflation and with the built-in increases in campaign costs, campaign spending by the year 1984 could reach an estimated $1 billion." If $400 million can get us Watergate, $1 billion should be sufficient to guarantee the repeal of the Bill of Rights. In the midst of all reform talk there are healthy doses of finger pointing and hand washing. Just as I think the primary villains have been the corporate campaign financiers, others cite labor's political contributions. If you are expecting me to say that we don't contribute, forget it. We most definitely contribute voluntary dollars to candidates who support the views of millions of working men and women. There is an important difference here and it involves people.

Labor unions are about the only major organizations that represent large numbers of working people and are in a position to speak out on their behalf. Whether it be in regard to legislation or political contributions, labor must view itself as a spokesman for these workers and as an alternative sounding board to corporate interest and their trade associations. In the contribution of political funds, the AFL-CIO has long depended on the Committee on Political Education (COPE). The money that COPE dispenses goes to candidates of labor's choosing, who are supportive of the views of working people. There are no "bag men" for COPE money, and there are no Mexican laundromats necessary. Our contributions are above board, and they are made with the consent of our membership.

Within CWA, we have taken steps to insure full membership participation in dispensing of political contributions. Advice from lower echelon officials is sought before contributions are made which would effect the political status in their districts or states. Only if we operate in a democratic manner internally can we hope that our efforts will insure the democratic process externally.

The participation of our membership in political matters is crucial. Recent legislative failures have demonstrated that. If our political contributions are so effective, why couldn't labor muster enough support to guarantee a new minimum wage bill. Why couldn't we swing enough support to disaster relief and health care. Our answer lies in increasing membership activity in politics. Quite simply, we are committed to the inclusion of people in politics—not only dollars. These initiatives are paying off. In the recent Democratic Telethon II, a request for volunteers brought over 10,000 CWA members to answer telephones throughout the country. And I don't believe that will be their final effort.

In the future, when reform does come to campaigning, I for one will be happy to see labor conform to all money control regulations. But labor's members, the people, will never abandon participation in the political process. They will always be active and their voice will always be heard. Failure to keep people involved would result in turning campaigns back over to money barons and thus leave our democratic system twisting slowly . . . slowly in the wind.

PROTECTING THE SPECIAL PROSECUTOR

Mr. TAFT. Mr. President, an editorial in this morning's Washington Post provides an interesting analysis of an opinion handed down by Judge Gesell of the U.S. District Court for the District of Columbia this week. Judge Gesell's opinion, as many Senators are aware, suggested that it would be unwise to enact legislation authorizing the appointment of a special prosecutor in the judiciary. While I am not certain that I agree with all of the Post's interpretations regarding limitations on the President's removal power, I do believe the editorial does contain extremely sound advice with regard to enactment of special prosecutor legislation. The Post states it is neither necessary nor desirable for the Congress to adopt legislation that would permit appointment of a special prosecutor by the judiciary. As I stated yesterday on the floor, I am hopeful that many of my colleagues currently supporting the court appointment approach will reconsider their position in light of the Gesell opinion and carefully examine this issue anew. It also must be emphasized that not only has Judge Gesell stated objections to the court appointment approach, but Chief Judge John J. Sirica of the U.S. District Court for the District of Columbia, has also stated similar concerns. Considering these objections by judges of the very court that would be authorized to appoint such a special prosecutor, Senators must question whether the U.S. District Court for the District of Columbia would exercise such power even if the Bayh-Hart approach were enacted. I think that the answer may be that they would not, as judges like Senators take an oath to uphold the Constitution and such an approach would, in my opinion, clearly violate this oath of office.

I ask unanimous consent that the editorial entitled, "Protecting the Special Prosecutor," from the Washington Post of November 16, 1973, be inserted in the RECORD.

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

PROTECTING THE SPECIAL PROSECUTOR

"Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted

to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court."

The quotation comes from U.S. District Judge Gerhard A. Gesell's memorandum explaining his decision in an important Watergate-related case the other day. Judge Gesell made his observation in the course of declaring that Acting Attorney General Robert H. Bork had acted illegally in firing Special Watergate Prosecutor Archibald Cox on October 20. Taken together Judge Gesell's admonitions concerning the proper role of the courts and his interpretation of the law as it concerns the Special Prosecutor's tenure seem to us to argue forcefully against legislation now pending that would authorize the appointment of a Special Prosecutor by the U.S. District Court. The question is whether such legislation is either necessary or desirable, and we believe the answer on each count is, no.

The purpose of the congressmen and senators who are supporting the creation of a court-appointed prosecutor is admirable: it is to guarantee an independent, impartial, pressure-free prosecutor's office, one that is not subject to the will, whim or threat of those under investigation. And, not incidentally, it is to assure that the appearance of all this will be equal to the reality, so that people will be able to have confidence in the integrity of the prosecutor's office. However, we believe that this purpose would best be satisfied by other means—specifically by the enactment of legislation requiring Senate confirmation of the administration-appointed Special Prosecutor and also giving even firmer statutory basis to the office of the Special Prosecutor.

Judge Gesell's reading of the law is relevant here. He did not find that Acting Attorney General Bork had acted illegally in firing Mr. Cox by reason of any breach of the commitments given the Senate by Elliot Richardson concerning Mr. Cox's position. Those commitments, Judge Gesell said—whatever the "moral or political" implications of abandoning them—"had no legal effect." Rather, he found the illegality to reside in Mr. Bork's violation of a Justice Department regulation authorized by statute and setting forth the conditions governing the Special Prosecutor's job. Those conditions, as Judge Gesell observed, included the following: "He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.' "

What is particularly interesting and apt about this judgment is that the Justice Department regulation, which Judge Gesell sees as having had "the force and effect of law" and which he also sees as preventing the President himself from dismissing a Special Prosecutor, is back in effect. In other words, its terms extend to and protect Leon Jaworski, the new Special Prosecutor who has just been named to the job by Acting Attorney General Bork. It seems to us that an administration-appointed Special Prosecutor whose views and purposes had been examined by the Senate in confirmation hearings, whose subsequent confirmation made him in some appreciable degree answerable to Congress and whose job security had been enhanced by strengthening of the statutory basis of his office would be as free of administration pressure and dictation as could be guaranteed by any process—including the process of having him appointed by and answerable to the U.S. District Court.

We would argue that such a prosecutor would have another special advantage: it is the likelihood that any findings he made or charges he brought against the President of the United States would be credited by the public. Here we find ourselves taking an entirely opposite view from those who hold that a court-appointed prosecutor would enjoy more public confidence than anyone—Mr. Jaworski included—who owed his appointment to the Nixon administration. On the contrary, it seems to us that his appointment by the administration would at once oblige him to demonstrate his prosecutorial independence and give particular force to his position, especially as he pursued investigations of those intimately connected with the administration. It is important now that people believe in the integrity of the Special Prosecutor. But it is not nearly as important as it will be if and when the Prosecutor comes into direct conflict with Mr. Nixon, as Mr. Cox did, or actually implicates him in criminal activites.

These are essentially political considerations, and it seems to us that they weigh equally in the scale when you are thinking about the Special Prosecutor's freedom to pursue the work Mr. Cox began. High among those considerations we would list a new political restraint on Mr. Nixon: at what cost could he repeat his performance of the weekend of October 20? The President is only now recovering—and just barely—from the repercussions of that event and to the extent that he is recovering at all, he owes everything to a hasty retreat from his position on releasing the subpoenaed tapes and on abolishing Mr. Cox's office along with Mr. Cox's appointment.

What with the Ervin Committee, the House Judiciary Committee and the Special Prosecutor's office already in existence, it seems to us that the addition of a court-appointed prosecutor would only dissipate energy and promote confusion in the task of bringing the Watergate offenses to light and the Watergate offenders to justice. There is, in fact, too much confusion, distraction and overlap now. We think the center of action should be the Special Prosecutor's office. And we think the tools are at hand for Congress to guarantee that this is so.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, virtually every day the Senate was in session during the past 5 years, I have urged this body to take action on ratification of the genocide and other human rights conventions. With respect to the Genocide Convention, there has been widespread support for ratification in this administration, in previous administrations, among many of the most prominent members of the bar, among the press, and among many of my constituents.

In March of this year, a subcommittee of the Committee on Foreign Relations again reported favorably on ratification of the Genocide Convention. Indeed, much of the original opposition to the Genocide Convention has abated in the last 20 years.

I genuinely believe that this lessening of resistance is attributable to the broader and deeper understanding of the provisions of this convention. It is a tribute to our deliberations in the Senate that an exhaustive analysis has been made of the many questions and issues raised by the convention. Eminent scholars, members of the bar, officials of the administration, and representatives from the United Nations have all demonstrated that those questions should be resolved in favor of ratification.

Mr. President, I urge this body to act on ratification during the current Congress.

PRESIDENT SHOULD NOT RESIGN; NO GROUNDS TO DATE FOR IMPEACHMENT

Mr. FONG. Mr. President, throughout the Watergate revelations, I have seldom spoken out publicly.

My position from the beginning has been that it is my duty as a U.S. Senator not to make any final judgment until all the evidence is in.

Judges and juries do not render a verdict until after the prosecution and the defense complete their cases.

As a Member of the U.S. Congress, I believe the only fair and the only responsible course for me is to do the same.

After reading some 500 communications I have received from my State of Hawaii and additional communications from the mainland on Watergate and related issues, it is obvious some of my constituents and some other Americans have already tried and convicted the President.

I believe that final judgment at this time is premature.

Night before last, I was one of a group of Senators who met with the President at the White House. The President answered all of our questions frankly and openly. He revealed facts that have not been made public to date. I hope that these and any other pertinent facts will be made known to the American people by the President just as soon as possible.

Meantime, the American people should understand that in struggling to uphold the right of a President's executive privilege, a right that was similarly claimed by many former Presidents, Mr. Nixon actually hurt himself. For he was unable to disclose tapes and other Presidential documents which he believes would support his statements that he did not have prior knowledge of Watergate and that he did not participate in or condone a coverup of Watergate.

Now, however, against developments that included: First, District Court Judge Sirica's ruling rejecting the President's broad claim of executive privilege and demanding the subpenaed tapes for the judge's use in camera; second, the court of appeals memorandum urging a compromise between the President and the special prosecutor on the tapes; third, the struggle over the compromise itself; fourth, the ruling of the court of appeals upholding the district court ruling; fifth, the agreement to turn over the available tapes to Judge Sirica; and sixth, Judge Sirica's statement that he has no objection to release of the tapes and documents, President Nixon is in a position where he can make the appropriate disclosure that he has promised.

In accord with the American tradition of fair play and in accord with the fundamental tenet of our system of jurisprudence that every person is presumed innocent until proven guilty, all Americans should withhold final judgment until the President makes this disclosure and all the evidence is in.

The President of the United States is just as entitled to the presumption of innocence as any other American citizen. It is our birthright as Americans.

While I have not made a final judgment at this time, I can say that I strongly believe the President should not resign. In addition, based on the evidence adduced before the Senate Watergate Committee, I believe there are no valid grounds for impeachment.

CONCERN WITH WATERGATE

This is not to say that I am not deeply concerned by the Watergate break-in, by the dirty tricks played during the campaign, and by other acts of wrongdoing that have come to light. I am concerned and I have been from the very beginning. Last year during the Presidential campaign I stated that I deplored the Watergate break-in and that I believed anyone on the White House staff, and on the Committee To Reelect the President, and anyone else guilty of illegal acts should be punished. I repeated this belief in August this year, after the first phase of the Senate Watergate hearings.

I still believe this.

At the same time, I do not believe it is my prerogative to pronounce anyone involved innocent or guilty. That is the duty of the juries and the judges, and they are proceeding vigorously to carry out their duty.

As for the President, under our Constitution a President can only be removed in an impeachment proceeding initiated by the House of Representatives and only after conviction by the Senate for "treason, bribery, or other high crimes and misdemeanors."

NO GROUNDS NOW FOR IMPEACHMENT OF PRESIDENT NIXON

On impeachment, the assistant counsel to the Senate Watergate Committee who had previously worked for a number of years for the chairman of that committee, appeared on a radio network panel program a few weeks ago and was quoted as saying:

I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence . . . and, as a lawyer, I agree, too, that no court in the land would admit an iota of it.

Of the more than 60 witnesses called to testify before the Senate Watergate Committee, only one, Mr. John Dean, challenged the President's statement that he had no prior knowledge of the Watergate break-in. Mr. Dean offered no evidence to back up his testimony except his own personal impressions. Such impressions would not be admissible evidence in any court in America.

Furthermore, there were a number of witnesses who contradicted Mr. Dean, including Mr. Richard Moore, a special counsel to the President, who is untainted by Watergate and unlike Dean had no need to ask for immunity from prosecution.

Concerning a March 20 meeting this year with President Nixon and Mr. Dean, Mr. Moore told the Senate Watergate Committee as follows:

As I sat through the meeting . . . I came to the conclusion in my own mind that the President could not be aware of the things that Dean was worried about or had been hinting at to me, let alone Howard Hunt's blackmail demand. Indeed, as the President talked about getting the whole story out—as he had done repeatedly in the recent meetings—it seemed crystal clear to me that he knew nothing that was inconsistent with the previously stated conclusion that the White House was uninvolved in the Watergate affair, before or after the event.

Mr. Moore went on to say:

As we closed the door of the oval office and turned into the hall, I decided to raise the issue directly with Mr. Dean. I said that I had the feeling that the President had no knowledge of the things that were worrying Dean. I asked Dean whether he had ever told the President about them. Dean replied that he had not, and I asked whether anyone else had. Dean said he didn't think so. I said, "Then the President isn't being served, he is reaching a point where he is going to have to make critical decisions, and he simply has to know all the facts. I think you should go in and tell him what you know. You will feel better, it will be right for him and it will be good for the country."

Mr. Moore further related:

The next day, March 21, Mr. Dean told me that he had indeed met with the President at 10 o'clock and had talked with him for two hours and had "let it all out." I said, "Did you tell him about the Howard Hunt business." Dean replied that he had told the President everything. I asked if the President had been surprised and he said yes.

Mr. Moore concluded his prepared statement before the committee as follows:

It is my deep conviction—as one who has known the President over the years and has had many private conversations with him—that the critical facts about the Watergate did not reach the President until the events that began when John Dean met with him on March 21, 1973.

On October 28, after considerably more testimony had been taken by the Senate Watergate Committee, one of the leading newspapers in the Nation's Capital editorialized as follows:

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. * * * He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds.

Since October 28, there have been further developments and more testimony before the Senate Watergate Committee.

Yet, here is what one member of the Senate Watergate Committee—a Democrat member, the distinguished Senator from Georgia (Mr. TALMADGE)—said 2 days ago, according to the Washington Post yesterday:

Talmadge, a member of the Senate Watergate committee, told a Chicago press conference he had "serious doubt . . . that there is sufficient evidence to warrant impeachment of the President at the present time."

He said the only evidence against the President came from former White House counsel John W. Dean III, adding that "Mr. Dean himself is a co-conspirator, and I don't think that would be sufficient evidence to remove the presumption of innocence."

PRESIDENT HAS NOT DEFIED THE COURTS

Charges that the President defied the courts will not hold up as grounds for impeachment.

On the contrary, the President waived executive privilege for all of his aides—Mr. Ehrlichman, Mr. Haldeman, Mr. Dean, Mr. Mitchell, and all the rest. The only executive privilege he claimed is for himself in regard to confidential Presidential conversations, tapes, documents, and other papers which, based on precedent, he believes under or constitutional separation of powers cannot be demanded of any President by either the courts or the Congress.

Because President Nixon appealed the decision of the Federal district court judge to the court of apeals certainly does not constitute defiance of the courts. As a matter of fact, the President could have taken the issue of executive privilege to the Supreme Court. When a person has the right of appeal to a higher court and exercises that right, he cannot be acused of being in defiance of a lower court.

Instead of pursuing the issue to the Supreme Court, however, President Nixon endeavored to attain a workable resolution of the issue. He offered a compromise with summaries of the requested tapes to be submitted to the Senate Watergate Committee after these summaries had been verified for accuracy by Senator JOHN STENNIS, who was to be permitted to hear the tapes.

But as we all know, the compromise fell through when Special Prosecutor Archibald Cox refused to agree to the compromise and threatened to ask the court to issue a subpoena against the President to release the tapes to him.

Thereupon, the President ordered Mr. Cox fired, Attorney General Richardson resigned, Deputy Attorney General Ruckelshaus was dismissed, and the President directed that a procedure be worked out that would produce the tapes for the court in compliance with the earlier order of the District Court and that would permit Federal District Judge Sirica to hear the tapes in his chambers.

PRESIDENT NIXON AND THE SENATE WATERGATE INQUIRY

In the case of Congress, President Nixon has cooperated in furnishing information to the Senate Watergate Committee and waiving executive privilege, allowing his former aides to testify.

But the President followed a long line of precedents in refusing to appear before the Senate Watergate Committee and in refusing to grant the committee access to Presidential files. In the President's view, this would violate his "constitutional responsibility to defend the office of the Presidency against encroachment by other Branches."

Nowhere was this concept better expressed than in a letter which the late President Harry S. Truman wrote to a committee of the House of Representatives on November 12, 1953, in response to a subpoena issued by the Committee for him to testify.

In declining to appear even though he had already left the Presidency, Mr. Truman wrote that:

In doing so, I am carrying out the provisions of the Constitution of the United States; and am following a long line of precedents, commencing with George Washington himself in 1796. Since his day, Presidents

Jefferson, Monroe, Jackson, Tyler, Polk, Fillmore, Buchanan, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, Hoover and Franklin D. Roosevelt have declined to respond to subpoenas or demands for information of various kinds by Congress.

Mr. Truman also cited a report of the House Judiciary Committee in 1879, in which the Committee said:

The Executive is as independent of either house of Congress as either house of Congress is independent of him, and they cannot call for records of his actions, or the action of his officers against his consent, any more than he can call for any of the journals or records of the House or Senate.

Further, Mr. Truman went on to say in his own words:

It must be obvious to you that if the doctrine of separation of powers and the independence of the Presidency is to have any validity at all, it must be equally applicable to a President after his term of office has expired when he is sought to be examined with respect to any acts occurring while he is President.

The doctrine would be shattered, and the President, contrary to our fundamental theory of constitutional government, would become a mere arm of the Legislative Branch of the Government if he would feel during his term of office that his every act might be subject to official inquiry and possible distortion for political purposes.

So President Truman declined to honor a subpena issued by a committee of Congress even after he had left the Office of President. Yet, Mr. Truman was not deemed in contempt of Congress for this action, nor was he pilloried and condemned.

Presidents Kennedy and Johnson both invoked executive privilege from time to time. Yet they were not threatened with impeachment or contempt charges.

POLICY DISAGREEMENTS NO GROUNDS FOR IMPEACHMENT

There are some who contend President Nixon should be impeached because of his Vietnam policy and his conduct of the war and the efforts to bring our prisoners of war home.

Some critics made similar charges against President Abraham Lincoln, who was criticized, reviled, hated and hounded during his tenure for his policies opposing slavery and for his conduct of the Civil War. In 1864, a group of prominent Republicans organized a "Lincoln withdrawal" movement. Critics in Congress even set up a committee of House and Senate Members to take over the conduct of the war from the President.

President Nixon is in much the same situation as the beleaguered Lincoln, who said:

I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

If we impeached our Presidents every time a strong minority or even a majority may disagree with some policy or other, probably every President we have would be impeached during his term of office. Every President has to make some decisions that are unpopular, just as governors, mayors, and other government leaders have to make unpopular decisions from time to time.

NEED FOR PRESIDENT TO DISCLOSE

Nevertheless, the long court battle over executive privilege, an issue not fully understood, coupled with some serious mistakes in White House handling of the Wategate matter, have rightly or wrongly raised grave questions of the President's credibility and integrity, as he well recognizes. I am hopeful that he will soon divulge to the American people information which will help restore his credibility and integrity.

Meanwhile, I call on all Americans to withhold their final judgment until after the President makes his case and until after all the evidence is in.

REJECT CALLS FOR RESIGNATION

With impeachment groundless as of today, there are those who are calling on the President to resign.

I strongly believe the President should not resign and I told him so only 2 days ago.

First of all, resignation would be universally interpreted as a confession of guilt.

Second, resignation at this time of Middle East turmoil and Hanoi's buildup in Southeast Asia could well trigger actions not in America's best interest by governments moving to take advantage of a precipitate change in command and all the attendant uncertainties that go with such a change.

Third, resignation would establish a very dangerous and unsettling precedent. America is the oldest republic in the world and we have enjoyed a stability in Government which few nations have enjoyer because our Presidents have served out their 4-year terms.

America should never be in the precarious position of having its Presidents rise or fall depending upon the ups and downs of their popularity.

If a President is forced to resign because of a wave of emotionalism or mass hysteria or because opinion polls show his popularity at a low ebb, then should Governors, mayors, county executives also resign during a wave of emotionalism or mass hysteria or low popularity at some point in their tenure?

It is easy to perceive the chaos and upheaval that could result under such a concept.

Once America embarks on a policy where administrations can be toppled at any time when they do not enjoy widespread confidence of the electorate, we will weaken the very fabric of our Government. Ours is not a parliamentary system and deliberately so.

We certainly would not want the experience that some European governments have had. France had 27 changes in government in the 14 years from 1944 to 1958 under its Fourth Republic, an average of almost two new governments each year. Italy has had 35 changes in the 27 years since 1946.

Resignation of President Nixon would subject America to an unwarranted disruption in Government. It would involve not only a change in the Office of President, but changes in many Federal Departments and agencies as the new President selected his own top aides. This could involve nomination of new Cabinet Secretaries and hearings and confirmation proceedings in the Senate.

Meantime, important decisions would be postponed. Delay could work hardship on individuals and on organizations in our economy, which is going to be strained as it is in the coming 2 years by the energy crisis. There would be a period of uncertainty which would affect our economy and possibly jobs for America's working men and women.

Our Constitution provides for an orderly transition from one administration to another, and the incoming administration has time between the November election and the January inauguration to prepare to take the reins of Government. Even at best, however, there is a period of marking time after inauguration before the new administration can get into full swing.

In this day and age, when push-button war is a reality and when hot spots are festering in the world, a changeover in our Government could embolden certain other governments to take actions that would be contrary to America's best interests, possibly jeopardizing our national security.

It would not be the first time in history that America's intentions and capabilities had been miscalculated, with dire consequences. The attack on Pearl Harbor and the invasion of South Korea are two such tragic miscalculations. Possibly the ominous movement of Soviet troops in the Middle East crisis a few weeks ago was the result of similar miscalculation.

It is a tribute to President Nixon's courage and skill that—despite the Watergate furor—he did a magnificent job of defusing a highly inflammatory situation in the Middle East. To achieve a cease-fire agreement in such a brief time is a tribute to his outstanding leadership and to the diplomatic talents of Secretary of State Kissinger. The world can breathe easier now because of their brilliant conduct of our foreign relations.

Still, the Middle East remains a touchy situation, and the decades of grievances are not likely to be settled overnight. All the more reason why Americans should take care to do nothing and say nothing that would jeopardize the cease-fire and undercut the President's efforts toward lasting peace in the Middle East.

In short, I believe it is time for a cease-fire here at home.

As I have maintained from the beginning of the Watergate disclosures, these are matters for the courts to try and to decide. In our courts, the rights of accused will be protected and the rules of evidence will be followed. Here is the proper arena for the determination of guilt or innocence.

The President has declared he will rebut the charges against him on Watergate, ITT, the milk fund, income taxes, and other issues.

Let us have enough respect for the Office of President, enough love for the American tradition of fair play, enough concern for America's domestic well-being, and enough realization of the international risks involved in undercutting the Presidency to forgo emotionalism and to lower our voices.

After all, this is not the first time America has had scandals in high office. Honest as the late President Truman was, he had widespread problems with wrongdoers, even on his own White House staff—his appointments secretary and his military aide, for example. The Nation's tax collecting agency, the Internal Revenue Service, was riddled with corruption, and high officials were tried and convicted of bribery and other serious charges. The Federal Housing Administration and the Reconstruction Finance Corporation were likewise riddled with corruption. This was the hey-day of the 5 percenters and the influence peddlers.

Oh, no, the Nixon administration is not the first administration where subordinates went wrong. The late President Johnson had his Bobby Baker and his Walter Jenkins, a top White House staffer.

I bring up past history, not to justify wrongdoing in this administration, but to give us some perspective on the present.

Just as America survived those traumatic days under the Truman administration and the Johnson administration, I believe America will indeed survive these traumatic days.

Our system of government is both viable and strong. Our courts are functioning vigorously. Indictments have been obtained and there have been convictions already. Two Federal grand juries are continuing their work and so is the new Watergate special prosecutor.

Congress is asserting its prerogative to investigate wrongdoing and at the same time it is acting on other important matters of concern to the American people.

The executive branch is moving decisively on foreign policy and on such high-priority problems as the energy crisis and inflation.

Our Government has not been paralyzed, although an inordinate amount of time and energy has been consumed by Watergate matters.

Out of all this, I believe will come real campaign reforms and a new standard of ethics in government.

Out of all this, I believe will come a stronger America.

So as we approach Thanksgiving Day, we can be especially thankful that our system has the ability to cleanse itself and to take corrective measures.

We can be thankful that, in spite of Watergate, our economy is booming, employment is the highest in history, and unemployment is the lowest in any peacetime year of the past 16 years.

We can be thankful that America is at peace, that no Americans are being killed, wounded, or captured in battle, and that no Americans are being drafted. We can be thankful our POW's are home.

We can be thankful that America's relations with the People's Republic of China have taken a turn for the better and that we have avoided a military confrontation with the Soviet Union.

We can be thankful that the shooting has stopped in the Middle East, that prisoners of war are being exchanged, and that the Israelis and the Egyptians are going to sit down and start work on a peace settlement.

So let us count our blessings and let us give credit to President Nixon where it is due and give him the courtesy of awaiting his disclosures where he has been accused.

UNITED STATES OF AMERICA INTRODUCES RATIONING

Mr. FANNIN. Mr. President, I have in my hand an article from the November 1973 issue of the highly respected British publication Petroleum Press Service. From their viewpoint, these Britishers attribute the necessity for rationing in this country to "a decade of inept Government policies, guided by short-term expediency rather than long-term planning." In particular, the article lays the blame for our current energy dilemma in large part to Federal regulation of oil imports and of natural gas production.

I would hope that my colleagues would take note of these comments, for they speak exceptionally well to the issues we face in considering S. 2589. I have already expressed my disappointment that the Interior Committee failed to report out a bill addressing the long-term problem of energy supplies. I have already indicated my concern over the manner in which this bill multiplies the scope of Federal regulation of both energy production and consumption.

I can only ask my fellow Senators to carefully consider the thoughtful insights into our energy situation which this article affords. I ask unanimous consent that the article be printed in the RECORD at this point.

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

UNITED STATES OF AMERICA INTRODUCES RATIONING

Even before the outbreak of the fourth Arab-Israeli war, the near certainty of a shortage of heating oil and other middle distillates in the USA this winter had led the Federal Government to impose oil rationing for the first time in American peacetime history, the last occasion being during the Second World War. The first product to be brought under a mandatory allocation system, effective 2nd October, was propane, followed later in the month by the announcement of another allocation programme for distillates, including No. 2 fuel oil, diesel oil, jet fuel and kerosene, which came into effect on 1st November.

The effect of supply shortages of crude oil as a result of hostilities in the Middle East and the decision by the Arab governments to cut back production as a means of political blackmail is as yet incalculable, but it could mean an extension of rationing to other products. U.S. crude imports from the Arab nations have been growing steadily (see Table I) with a levelling off in supplies from the Western Hemisphere (mainly Venezuela and Canada) which until 1970 had provided more than 80 per cent of U.S. imports. Under normal circumstances, crude oil imports from North Africa and the Middle East, including Iran, would have risen even more rapidly in future, possibly reaching 8 million barrels a day by 1980 out of total imports of some 12 million b/d to meet a projected domestic product demand of 24 million b/d.

For the first six months of this year the USA was dependent on Arab oil for less than 5 per cent of total demand and for some 26 per cent of imported crude (see Table II). Imports have increased over the past four months, and currently Arab oil is accounting for nearly 1 million b/d of total crude imports of around 3.5 million b/d. To this should be added a proportion of refined product imports made from crude originating in the Middle East, an amount difficult to estimate but possibly as much again. Although the USA is much less dependent than Western Europe and Japan on oil from Arab sources, it will inevitably be affected by the reduction in the total volume of oil moving in world trade—not to mention specific bans on shipments to the USA. However, the immediate cause for rationing is not a lack of crude oil supplies as such but natural gas shortages and insufficient refining capacity to meet product demand.

TABLE I.—U.S. CRUDE OIL IMPORTS FROM ARAB STATES

[In barrels per day]

	1971	1972	1st half 1973
Abu Dhabi	79,523	73,624	72,011
Algeria	12,835	86,994	153,756
Egypt	18,969	8,468	16,066
Iraq	10,772	3,602	1,696
Kuwait	29,178	36,178	44,574
Libya	52,321	109,778	143,044
Qatar		3,460	506
Saudi Arabia	114,989	174,317	349,320
Tunisia	3,284	6,904	19,226
Total	322,771	503,325	799,199

TABLE II.—U.S. SUPPLY AND DEMAND

[In barrels per day]

	1971	1972	1st half 1973
Domestic product demand	15,213,000	16,399,000	17,284,000
Domestic production	11,155,000	11,211,000	10,972,000
Total imports	3,926,000	4,754,000	6,003,000
Crude oil	1,681,000	2,225,000	3,043,000
Products and unfinished oils	662,000	786,000	1,068,000
Residual	1,583,000	1,743,000	1,892,000
Total exports	224,500	222,500	235,500
Crude oil	1,500	500	500
Refined products	223,000	222,000	235,000

Source: Petroleum Press Service, November 1973.

PROPANE RATIONING

The Federal Power Commission recently announced that there would be a shortfall of 630 billion cubic feet of natural gas during the coming winter, with projected cuts falling heavily upon the industrial sector of the Appalachian region. Natural gas suppliers have not been able to meet all demands because of the reduction over the past few years in the discovery of new reserves. This has been due largely to the lack of exploration incentive which itself was the result of the government controls on wellhead gas prices (also having the effect of increasing demand). Industrial users have turned to alternative fuels but problems have arisen because of federal and state government environmental restrictions on the use of oil and coal with a high sulphur content, thus limiting the availability of suitable supplies Meanwhile, one substitute that did not involve a pollution problem was propane, accounting for no more than some 4 per cent of total petroleum supply but an important traditional product in rural areas, particularly used by farmers for such purposes as fueling the furnaces that dry grain.

In view of the increased demand for propane by industry and gas utilities, prices rose steeply, and an estimated 10 to 20 per cent of supply was diverted from former markets, directly threatening food production. It was because of this situation that the Administration was compelled to introduce

a form of indirect rationing: suppliers are now required to meet the needs of priority customers first, before selling to non-priority customers, and to distribute supplies in the same proportion to individual customers as during the year ended 30th April 1973. Priority customers are those who use propane, where no feasible alternative fuel is available, for such purposes as residential use, agricultural production, food processing, buildings primarily utilized for housing medical and nursing patients, essential government services such as fire and police use, oil and gas well drilling, and peak shaving (the use of propane-air mixtures to supplement normal supplies of pipeline gas) limited to those volumes contracted for or purchased for delivery from 1st September 1972 to 30th April 1973. No priority will be granted to a gas utility as long as it continues gas service to interruptible industrial customers or those who can use alternative fuels, other than natural gas

REFINING CAPACITY

The natural gas and propane shortage has also had a direct bearing on the distillate market, where refiners are in any event unable to meet domestic requirements in full because of a lack of refining capacity. Wtih the exception of residual fuel oil—requirements of which have, historically, been covered mainly by imports because it was unprofitable to make in domestic refineries—the USA has until recently maintained sufficient refining capacity to meet requirements of products. However, due to the ambiguities and confusion of the former oil import programme, refinery construction slowed to a halt in 1972. Present operable capacity is estimated by the American Petroleum Institute to be about 13.6 million b/d, compared wtih a current domestic product demand of some 17.2 million b/d (of which 1.8 million b/d is accounted for by residual fuel oil imports). Even at maximum operating capacity, which could not be sustained for any lengthy period (recent runs have been up to 95 per cent), this leaves a gap of over 2 million b/d to be met by imports—if they are available in the right quantity and quality and at the right time.

The lifting of import restrictions in April of this year led to announcements of new capacity additions by refiners which currently total some 2.1 million b/d, with an addtiional 1.6 million b/d of capacity under consideration. But a number of important projects are being held up because of objections on environmental grounds, and in any case there will be a time lag before significant additions begins to come on stream in 1975.

A winter shortage of middle distillates, including No. 2 heating oil and diesel oil, was predicted in a recent Interior Department survey which looked ahead over the period 1st October 1973 to 31st March 1974. Under normal weather conditions, total domestic demand for distillate products during that period is expected to reach an average of 4,052,000 barrels daily, an increase of about 10 per cent over the same period last year. Based on a predicted domestic refining operation at 91.7 per cent of capacity, and distillate yields of 22.4 per cent on average runs of 12,590,000 b/d, refinery production would amount to 2,873,000 b/d. Allowing for 524,000 b/d taken from stocks, imports of some 655,000 b/d would be required to make up the balance. Distillate imports during the first quarter of 1973 averaged 530,000 b/d, with all import restrictions removed. It was not considered likely that more than 550,000 b/d would be available from foreign markets in the current year, and even this may now be optimistic depending on the effects of the Arab cut-back in crude oil production and embargoes on oil exports to the USA. A warm winter and higher than anticipated refinery operating rates might reduce import requirements to 450,000 b/d. In the event of a cold winter, or the breakdown of a large refinery, or the inability to import enough crude oil, either low-sulphur or otherwise, import requirements might reach 850,000 b/d or more. This is considered an impossible level, especially if Europe should experience a cold winter as well.

Compromise with sulphur content specifications could release additional distillate supply. Because refineries use distillate as a blending stock to reduce the sulphur content of residual fuel oil, a relaxation of sulphur restrictions on residual consumed by the large consuming areas of the Northeast would allow this distillate to enter the market as heating oil. It is estimated that an additional 75 000 to 200 000 b/d of residuals might be available from the Caribbean refineries alone and as much as 200 000 b/d more—assuming the crude oil could be provided—from spare refining capacity in Italy where increased operations are hampered by sulphur limitations on products made for the USA. But to have any major effect, such relaxations would have to originate with the individual states which have imposed stringent sulphur regulations. It would take at least two months from the time of such measures being put into effect for increased volumes of oil to be refined, transported, and made available to the consumer.

MANDATORY ALLOCATIONS

It is against this background that the Administration has set up a mandatory allocation programme covering middle distillates, including heating oil, diesel oil, jet fuel and kerosine. There are no priority customers, as in the case of propane, but at the wholesale level within the oil industry suppliers are obliged to distribute all the fuel they have available in proportion to month-by-month sales to customers during the calendar year 1972. Purchasers who were not in business during the base period, or whose requirements have risen substantially, will be able to petition the Interior Department's Office of Oil and Gas for an allocation. In addition to the federal programme, hardship boards will be set up in each state to hear complaints and to redirect up to 10 per cent of supplies if necessary for emergency reasons.

The effects of the mandatory allocation programme will not be clear for some weeks. Already, some airlines have foreseen possible reductions in their flights of up to 10 per cent. In the meantime, further possible emergency measures have been announced, to take effect should the Middle East situation deteriorate and supplies become even tighter. A staff study by the Oil Policy Committee has estimated that a maximum saving of 2.7 million b/d over a year could be achieved by conservation methods and eliminating wasteful consumption without severe economic consequences. These include a three-degree sustained lowering of thermostats controlling room temperatures, which would reduce the amount of distillate oil used for space heating by more than 12 per cent (550 000 b/d) and natural gas by nearly 14 per cent; improved efficiency of energy use in industry (280 000 b/d) and commercial buildings (400 000 b/d); a reduction in speed limits for cars to 50 miles per hour (250 000 b/d); the wider use of car pools to increase the average number of people conveyed from 1.3 to 2.3 (780 000 b/d); and an increase in the load factors of aircraft from 50 per cent to 70 per cent (120 000 b/d).

The Administration has directed each executive department and agency to participate in a programme to reduce federal energy consumption by 7 per cent (the Federal Government consumes nearly 3 per cent of total US energy) and the Office of Energy Conservation is promoting a voluntary 5 per cent energy-use reduction programme throughout the nation. Meanwhile, both the Senate and the House have passed Bills calling for even more stringent mandatory allocation schemes, including crude oil and gasoline as well as other products, but President Nixon is at present opposed to taking such a step, preferring the less drastic programme which has been introduced for certain products.

AUTO REPAIR

Mr. HARTKE. Mr. President, there is a growing realization in this country that the people who repair our automobiles should be placed under some sort of Government supervision. Cars are vital to American society and it is essential that they be kept in proper repair. This is all the more important when we realize that much of the carnage which takes place on our Nation's highways results from cars which are not in proper repair.

I have offered S. 1950, the Motor Vehicle Repair Industry Licensing Act to enable States to license motor vehicle repair shops. It is my hope that the Commerce Committee will conduct hearings on this bill early next year.

To demonstrate that this is a subject of great importance to each of the State legislatures, I ask unanimous consent that a recent report on auto repair licensing bills in State legislatures prepared by the Automotive Information Council be printed in the RECORD at this point.

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

STATUS REPORT ON STATE LEGISLATIONS LICENSING AUTOMOTIVE REPAIR SHOPS AND/OR MECHANICS, SEPTEMBER 1973

(Prepared by: Automotive Information Council, New York, N.Y.)

(NOTE.—Listing by State, bill number, and status.)

ALASKA

H-165: Establishes a State Board of Automobile Mechanic Examiners. Pending in House Committee.

H-373: Calls for the licensing of all motor vehicle repair shops. Pending House Committee. Both awaiting action in '74 session.

ARIZONA

S-1114: Provides for the licensing of automotive repair dealers and requires full repair disclosure, estimates, and return of all parts replaced. Established an Automotive Repair Dealer's Advisory Board. Died in Committee.

CALIFORNIA

S-1331: Authorizes the Bureau of Automotive Repair to issue regulations covering certification of automotive mechanics. It would also have allowed passage of the National Institute for Automotive Service Excellence (NIASE) as evidence of compliance with the rules. Passed both houses but Governor Reagan refused to sign it. Sponsor is now pushing a mechanics licensing bill.

H-1539: Requires dealers to include with written estimate a statement listing any automotive repair service which will be done by someone other than him or his employees. Bars any such service without consent of customer, unless he *cannot reasonably* be notified. Favorably reported out of Committee.

S-133: Requires applicants for license as lamp or brake adjuster or motor vehicle pollution control device installer to show experience and qualifications in accordance with standards and examinations as prescribed by Director of Consumer Affairs. Pending in Committee—both houses.

COLORADO

H-1601: Would have established a committee to promulgate standards for the motor vehicle repair industry. Died in Committee.

H-1335: Would have required repair shops to give written estimated price for labor and parts, service or diagnosis. Bar charges for labor performed or parts installed which cost 10% more than the written estimate, without oral or wrtiten consent of the customer. Died in Committee.

CONNECTICUT

H-5300: To establish a Bureau of Automotive Repairs, requiring all firms which repair, maintain or diagnose car trouble to register and provide written estimates for labor and parts. Pending Before Committee.

H-5491: Requires the Commissioner of Motor Vehicles to set standards of competence for the service and repair of motor vehicles and included in licensing requirements for repairers. Pending.

H-7910: To require licensing of all state automobile mechanics. Pending.

H-8907: Same. Pending.

H-8943: Would establish a Bureau of Automotive Repairs in the Department of Consumer Protection. Set rules requiring itemized estimates. Pending.

H-9270: Would authorize the Commissioner of Motor Vehicles to establish a procedure and standards for examination and annual licensing of motor vehicle mechanics. Pending.

S-2187: To require written estimates by repairers and provides for a Division of Auto Repair in the Department of Consumer Protection. Pending.

DELAWARE

H-528: Requires licensing of mechanics and repair dealers. Pending.

FLORIDA

H-94: Requires registration of all automotive repair dealers. Pending, House Committee.

H-247: Requires licensing of automotive repair shop operators and provides for a voluntary certification program for mechanics. Pending.

H-827: Same as H-94. Pending in Committee—Both Houses.

GEORGIA

SR-68: To establish an Automobile Repair Services Study Committee. Pending—Awaits '74 session action.

HAWAII

H-77: To require registration of automotive repair shop operators. Pending.

H-1131: To require licensing of motor vehicles repair dealers and motor vehicle mechanics. Pending action in '74.

H-235: Licensing of dealers and mechanics; would require written estimates for labor and parts and prohibit charges in excess of the estimate without the oral or written permission of the customer. Pending.

H-1150: Requires the licensing of motor vehicle repair dealers. Pending.

S-719: Requires licensing of motor vehicle mechanics (virtually identical to H-235). Pending.

H-1971: Requires the registering and licensing of motor vehicle repair shops. Pending.

S-335: Establishes a Motor Vehicle Repair Industry Board, to set licensing procedures. Pending.

ILLINOIS

H-758: To authorize each municipality to license and regulate motor vehicle service and repair establishments and their owners. Pending.

H-1394: To require licensing of repair shops and mechanics; establish a Board of Motor Vehicle Service and Repair; provide for repair disclosure and repair estimates. Killed in Committee.

S-845: Same as H-1394. Killed in Committee.

INDIANA

S-214: To create a Division of Automotive Repair within the Bureau of Motor Vehicles to handle registration of repair dealers; calls for full report/estimate disclosure. Killed in Committee.

KANSAS

H-1458: To require written estimates for labor and parts. Prohibits charges in excess of the estimated price without oral or written consent of the customer. Pending in Committee. Awaiting 1974 session.

MARYLAND

H-1005 and H-1642: Licensing of motor vehicle repair establishments. Killed in Committee.

S-28: Would have required mechanic licensing under a Motor Vehicle Mechanic Commission. Killed.

S-839: Licensing of both repair dealers and mechanics. Killed.

MASSACHUSETTS

H-3289: Combining more than 20 separate bills, this calls for licensing of automobile repair shops and mechanics, and provides for a series of classifications and license fees ranging from service stations to garages. The mechanics licensing fees would be according to scale, ranging from apprentice to master mechanic with rules set by a Bureau of Automotive Repair in the Executive Office of Consumer Affairs. Unanimously approved by Joint Committee on Gov't Regulations, now pending before House Ways & Means Committee.

MICHIGAN

H-4902: Provides for registration and regulation of automotive repair dealers. Pending.

S-687: Provides for registration of automotive repair dealers and licensing of mechanics. Pending.

S-726: Same as S-687. Pending.

MINNESOTA

S-846: Registration of automotive repair dealers; requires written estimates for labor and parts with no extra work or changes without the oral or written consent of the customer. Pending in Committee.

NEVADA

H-296: Prohibits unauthorized motor vehicle repair and requires cost estimates and statements of charges. Died.

H-538: Authorizes municipal governing bodies to regulate automobile mechanics, set qualifications and provide a board of examiners to test the qualifications and fitness. Died.

H-785: Requires the Department of Motor Vehicles to issue and enforce regulations covering licensing of motor vehicle repair shops. Would have required a written estimate and customer authorization for extra work/charges. Died.

S-388: Licensing of automotive repair shops. Died.

S-501: Registering of motor vehicle repair shops. Died.

NEW JERSEY

H-2189: The regulation and registration of automotive repair dealers under a Bureau of Automotive Repairs. Bi-annual fee of $40.00 for each firm. Routine work and maintenance would be exempt from coverage under the bill. Pending in Committee.

H-2435: Regulation of automotive repair dealers by the Division of Consumer Affairs in the Department of Law and Public Safety. Pending before Committee.

NEW MEXICO

S-315: Would have required written estimates on all work in excess of $25. Died.

NEW YORK

S-406-A: Provides for a procedure by which automotive repair mechanics could voluntarily seek and obtain certification by a special board. Vetoed as too weak by Gov. Rockefeller.

S-407A and S-408A: Licensing of mechanics and repair shops, respectively. Passed Senate; pending before House Ways and Means Committee.

S-4351A: Registration of vehicle repair shops. Same.

More then a dozen similar bills are pending; will likely be included in above Bills.

OHIO

S-50: Registration of automotive repair dealers and the certification of automotive mechanics; written estimates; full invoices. Pending before Committee.

OREGON

H-3114: Registration of automotive repair dealers. Pending Before Committee.

S-847: Registration of repair shops and certification of mechanics. Pending before Committee.

PENNSYLVANIA

H-121: Licensing of repair shop operators. Pending.

H-801 and S-174: Licensing of automobile repair shops; forbids repairs without written authorization when cost exceeds $100. Pending.

H-808 and S-347: Registration of automotive repair dealers; written estimates; no excess work or charges without customer consent. Pending.

RHODE ISLAND

H-5524: Licensing of repair shop operators. Pending action in '74 session.

H-5742 and S-440: Licensing of repair shops; written estimates; forbids extra work without customer consent. Pending Committee action in both houses in '74 session.

SOUTH CAROLINA

H-1650: Registration of repair shops; written estimates; no extra work without consent. Pending before Committee.

TEXAS

H-781: Licensing of repair dealers; written consent for work beyond estimate. Died.

UTAH

H-135: Create an Automotive Service Advisory Board to regulate and control service and repairs. Pending action in '74 session.

VERMONT

H-179: Licensing of motor vehicle mechanics. Pending action in '74 session.

VIRGINIA

SJR-89: Authorizes study report by Administrator of Consumer Affairs on the need for legislation to certify mechanics. Adopted.

WASHINGTON

H-684 and S-2565: Licensing of service dealers and mechanics. Requires written consent on added charges. Pending before Committee.

WISCONSIN

H-848 and S-456: Licensing of repair dealers under an Automotive Repair Council in the Department of Transportation; written estimates required; permission must be obtained for all work exceeding 10% of estimate. Pending before Committees. Senate hearings already held.

WASHINGTON, D.C.

It is a catch-all including TV repairmen, etc. It stipulates that at least one employee in each repair shop should be certified so he can act as an overseer. Legislation calls for a 5-member board . . . nominated by the mayor and confirmed by the Council. Should be resolved by the end of September.

The following State legislative sessions have adjourned on the dates indicated:

Alabama, September 13, 1973.

Alaska, April 7, 1973.

American Samoa (1st Session), February 17, 1973.

American Samoa (2nd Session), August 20, 1973.

Arizona, May 9, 1973.
Colorado, June 29, 1973.
Connecticut, June 1, 1973.
Florida, June 6, 1973.
Georgia, March 16, 1973.
Hawaii, April 12, 1973.
Idaho, March 13, 1973.
Indiana, April 19, 1973.
Iowa, June 24, 1973.
Kansas, April 26, 1973.
Louisiana, June 12, 1973.
Maine, July 4, 1973.
Maryland, April 9, 1973.
Minnesota, May 21, 1973.
Mississippi, April 1, 1973.
Missouri, June 30, 1973.
Montana, March 10, 1973.
Nebraska, June 1, 1973.
Nevada, April 26, 1973.
New Hampshire, June 30, 1973.
New Mexico, March 17, 1973.
New York, May 28, 1973.
North Carolina, May 24, 1973.
North Dakota, March 16, 1973.
Oklahoma, May 17, 1973.
Oregon, July 6, 1973.
Rhode Island, May 4, 1973.
South Carolina, July 6, 1973.
South Dakota, March 16, 1973.
Texas, May 28, 1973.
Utah, March 9, 1973.
Vermont, April 14, 1973.
Virginia, February 24, 1973.
Washington, March 8, 1973.
West Virginia, April 17, 1973.
Wyoming, February 24, 1973.

SPECIAL SESSION

Alabama, May 18, 1973.
American Samoa, March 15, 1973.
American Samoa, September 20, 1973.
Maryland, August 23, 1973.
Montana, March 24, 1973.
Washington, April 16, 1973.
Washington (2nd Special), September 15, 1973.

A HIGHER FEDERAL TAX ON GASOLINE? NO.

Mr. ROBERT C. BYRD. Mr. President, 1 year ago, on November 16, 1972, I addressed a meeting of Rotarians in Mercer County, W. Va. The theme of my speech was the then impending shortage of energy fuels, and the steps that this Nation would have to take if we hoped to soften the impact of the shortages on our everyday lives.

In my speech I stated that unless plans were formulated to combat a shortage of oil and natural gas, our domestic supplies of energy would be insufficient to offset any cutoff or reduction in supplies from foreign sources. At that time, although I did not visualize the recent Arab-Israeli war, and its serious effect on our current energy supply situation, I expressed concern that a number of possible events abroad could very well affect the capability of the United States to meet our domestic energy requirements.

I further expressed disappointment that research and development in coal technology had been largely ignored for so many years, despite our almost limitless reserves of that energy fuel, and the very substantial moneys that had been spent on development for other, largely unproved sources of energy. On this score, I was able to add the sum of $42 million to the appropriation for fiscal year 1974, to the Office of Coal Research and the Bureau of Mines, for coal research and mine safety. Though I was unsuccessful in retaining the full $42 million in conference, the sum of $39.3 million was agreed to, and the appropriation is now law. There is little doubt that the utilization of coal, so long neglected in the national energy fuels picture, will be dramatically increased in the future, and that the technology for producing gas and liquid fuels from coal will be given a much needed boost by the funds added by my amendment.

It has been obvious for some time that despite the urgings of the Congress, critical energy issues were not being given the attention they deserved at the highest levels of Government. As I warned in my speech last November, and as Members of Congress pointed out as long as 3 years ago, the Nation's energy problems were serious. We were sliding into a dangerous dependence on overseas supplies of crude oil and petroleum products. We know now just how serious that slide was, but regrets and recriminations will be of very little use. What this country must do—and do immediately—is to lay down a program that will assure us of self-sufficiency in energy fuels and sources at the earliest possible time. We have the potential resources; we have the technology; we have the money to finance the necessary research; all we need is the will and the dedication to make this a reality.

There has been no lack of Congressional initiative. Already the Congress has completed action on legislation this year to authorize construction of the Alaska pipeline, and to authorize the implementation of a mandatory allocation program for crude oil and petroleum products. The Congress gave the President discretionary authority in April of 1973 to allocate scarce fuels. The Congress has taken the initiative, in the National Energy Emergency Act, to direct executive branch action to deal with unprecedented fuel shortages. The suddenness with which our energy shortages have been visited upon the American people, and the sacrifices that are now being asked of them, cannot be laid at the door of Congressional inaction or lack of foresight. On the contrary, had the recommendations of the Congress been listened to, and acted upon when they were made, the current energy crisis, and the self-denial that will be necessary on the part of the citizens of this Nation, could have been substantially alleviated.

Mr. President, we continue to hear rumors and to read news reports of possible proposals by the administration for heavy increases in the Federal tax on gasoline as a means of discouraging and reducing its use. These proposed increases, which would be in addition to the high Federal and State taxes already imposed on automobile fuel, range up to as much as 50 or 60 cents in some instances. Talk of dollar-a-gallon gasoline has become commonplace.

Mr. President, I am opposed to an increase in the Federal tax on gasoline. As desirable as it may be to reduce the consumption of gasoline in the present energy crisis—and I am well aware that it is not only desirable but necessary to reduce gasoline consumption—increasing the tax that Americans have to pay for their basic transportation is not the way to do it.

Increasing the tax on gasoline would work the greatest hardship on those least able to afford it. Such a move would be regressive in the extreme. The fact is that the workers in the middle and lower income brackets would be hit and hit hard.

Average Americans use their cars to get to work and to buy the family groceries. With all the talk that has gone on in recent years about the desirability of utilizing public transportation instead of private automobiles, the fact is that in most places adequate public transportation simply does not exist. The family car is a necessity. It is no longer primarily a luxury for the average family. Dollar-a-gallon gasoline—or even 65 or 75 cents-a-gallon gasoline—could quickly become an intolerable burden for the American who works for a living, as most Americans do.

The price of gasoline has gone up enough already, and it probably will go up more. The government should not add another tax to the burden that citizens already have to bear in this respect. A heavy tax increase could be the straw that breaks the camel's back for low- and middle-income families.

Not only would low-income citizens be badly hurt by a steep gas tax increase, but small businessmen, contractors, salesmen, and all who must use their cars and trucks for necessity would also be hurt. Public transportation would be hurt as well. The Government's policy in this situation should be to insure that all who need gasoline for necessary driving get their equitable and fair share of what is available.

The guiding principle in what the Government does to deal with the energy shortage must be fairness. The Government must not place an added and unfair burden on citizens on the low end of the economic totem pole. An ill-conceived additional high tax on gasoline would discriminate against low- and middle-income Americans, small businessmen, and others for whom transportation is essential for their economic survival.

No one should now be in any doubt that an energy fuels crisis is indeed upon us. It is past time that the Government faced up to the realities of the situation, and announced contingency plans for the allocation and rationing of scarce fuels. When sacrifice and self-denial are the only means of overcoming a dangerous situation in our national life, I am sure that the American people will respond. They can be assured that their representatives in the Congress will continue to discharge their responsibilities in the coming months, or years, or our travail, as they have done in the years in which our present troubles were looming.

I commend the chairmen and the members of the Committees on Interior Commerce, Public Works, and the Joint Committee on Atomic Energy for their vigorous leadership in the efforts of the Congress to soften the impact on the American people of an energy shortage

that Congress has been warning could come.

ENERGY SHORTAGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an advertisement dealing with energy shortages that the United States will face this winter, published in today's Washington Post.

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

BECAUSE OF EMBARGOES ON PETROLEUM EXPORTS FROM THE MIDDLE EAST, NORTH AFRICA, AND EUROPE TO THE UNITED STATES AMERICA FACES SERIOUS ENERGY SHORTAGES THIS WINTER

CONCERNED CITIZENS: Conoco believes it has a responsibility to find and develop energy resources, and when we foresee a serious change in the overall energy situation, to alert you to the facts.

We sounded a call to action last November in an advertisement titled "Energy & America", in which we analyzed the short and long-term energy needs of our country and advocated a program of action.

Now the situation has grown far worse. The reasons include embargoes of petroleum exports to the U.S., increasing demand for energy, and mounting problems in the production of domestic supplies of energy. We do not see how this country can avoid a national fuel emergency this winter and for the next several years.

It is more important than ever today that America develop a firm and responsible national energy policy, based on a goal of near self-sufficiency in domestic energy supplies. In the long term, only an all-out effort to expand domestic energy resources can keep us from a continuing crisis.

We endorse President Nixon's emergency energy program and strongly urge all Americans to support it.

Here are the facts, and a call for action.

JOHN G. MCLEAN,
Chairman and Chief Executive Officer, Continental Oil Co.

WE'LL ALL FEEL THE PINCH

No matter where you live, and no matter what business you're in, most Americans will be affected this winter by our country's critical shortage of natural gas, heating oil and other forms of energy.

Because it's a situation that probably will get worse before it gets better, you should know what the facts are and what can and cannot be done about this problem.

At the outset of the heating season, the number of days' supply of petroleum inventories is even lower than at the same time last year when shortages developed in several parts of the country.

Even if our industry had more adequate inventories on hand, and a steady, dependable supply from abroad—even if we could be certain of normal winter weather and no refinery or transportation failures—it is doubtful that we would be able to meet mounting demands from home owners, industry, electrical utilities and transportation.

WE NEED MORE ENERGY

Total energy demand has increased 4% in the past year. There are 1,600,000 more Americans; 6,000,000 additional vehicles; 1,000,000 more dwelling units; all consuming more energy.

Refining capacity hasn't been sufficient to fill the additional needs. New refinery capacity has been delayed principally because of environmental restraints and uncertainties regarding the availability of crude oil supply.

Production of coal in many areas has actually declined, due to work stoppages and more stringent mining regulations. Coal production is running 7,000,000 tons behind last year's rate.

Natural gas production is declining.

Domestic crude oil production has been declining and construction of the Alaskan pipe line has been unduly delayed.

Nuclear power programs are far behind schedule.

BUT WE'RE GETTING LESS

Middle East and North African nations have curtailed or completely shut off supplies of crude oil to the U.S. as well as to European and Caribbean refineries that supply petroleum products to America.

To conserve its own supply, Canada is now restricting oil exports to the U.S.

The overall reduction of crude oil and products in the U.S. is estimated at some 2,700,000 barrels per day, or 15% of total requirements.

Supply reductions will hit some areas harder than others. For example, the East Coast is dependent on imports to meet 57% of its petroleum needs. With more than half of this foreign supply now cut off, this region will have to seek other sources within the U.S. This will create nearly impossible demands on pipelines, tankers and the railroads.

The full impact of the Middle East crude oil cutbacks will be brought home to us all in another 30 to 60 days, when oil in transit at the time of the embargo will have been delivered. While no one can determine the extent of the disruptions now, some plants will be shut down. Jobs will have to be cut back. Some schools may close. Mass transit facilities will be strained and personal travel will be curtailed.

TIME HAS RUN OUT

Long lead times—often five to eight years—are required for the development of major new energy supplies. Here are the estimated time spans from beginning of construction to delivery of commercial energy for each type of facility, *after* all environmental permits and plans are approved.

Nuclear electric generating plants, 8 years.
Fossil fuel electric generating plants, 5 years.
New oil/gas production, 3 to 8 years.
Shale oil mine/retort, 4 years.
Coal gasification, 4 years.
Alaskan pipeline, 3 to 4 years.
Refinery construction, 3 years.
Underground coal mines, 3 to 4 years.
Surface coal mines, 2 to 3 years.

Because of the long lead time, we should begin work immediately on ways of solving our long-term energy needs. Our objective should be to regain our position of near self-sufficiency in energy supplies as rapidly as possible. The U.S. has an adequate resource base. We need a vigorous research and development program to utilize fully our potential resources. It is up to industry to work hand-in-hand with the government to develop the technology and know-how for some of our more promising energy sources of the future.

A CALL TO ACTION

1. Every American must understand the serious nature of our energy shortages and make a personal commitment to an immediate and vigorous campaign to conserve energy.

Government at all levels should establish necessary regulations for conservation programs.

Industry should introduce crash programs to reduce fuel consumption, through increased efficiency and major readjustments of operations.

Every American can help by keeping nonessential use of his car to a minimum and by driving at moderate speeds; by using public transportation and participating in car pools; by maintaining homes and offices at lower temperatures; by seeing that his energy-using equipment is operating efficiently; by supporting daylight-saving on a year-round basis; by installing weather-stripping, storm windows and insulation.

2. Joint government/industry action should determine national energy priorities and programs. Pooling and sharing limited energy resources should be encouraged and coordinated. Major airlines are reducing excessive flight schedules to conserve jet fuel supplies. Utilities have also increased pooling of regional electrical output.

3. Rationing of scarce fuels should be undertaken by the Federal government. We are concerned that voluntary action alone will be inadequate. Such a program should allocate scarce fuels to priority uses having a minimum impact on the economy and the least hardship to the public.

4. A sensible balance must be established between environmental goals and energy needs. The Federal government and states should reexamine environmental standards. Where public health is not involved, changes should be made to encourage development of our domestic resources.

5. Automotive emission standards should be temporarily held at present levels to preclude the need for unleaded gasoline, which requires more crude oil to manufacture, and to prevent further adverse effects on gasoline mileage.

6. Federal and state regulations which have sharply reduced coal production without improving mine safety should be revised. Surface mining of coal should not be prohibited by unrealistic legislation. Large scale investments for new coal mines require practical and predictable environmental regulations.

7. Industrial use of natural gas should be restricted to priority purposes. New plants should not be permitted to use natural gas under boilers. Wherever possible industry should be required to convert over a period of time to other boiler fuels.

8. Economic incentives should be provided to encourage conservation of energy, to achieve more efficient use of fuels, to accelerate growth of mass transit, and to develop additional sources of conventional and synthetic fuels.

9. And finally, the U.S. should make every effort to establish world relations which will permit full and unrestricted trade in energy supplies.

THERE IS AN ANSWER

The public, government and industry must move forward together to meet this problem. Responsive, meaningful programs will demand sacrifices and greater effort from all of us. At this crucial period in our nation's history, it is essential that we develop a cooperative, bipartisan energy program balancing the needs of all segments of society.

CONTINENTAL OIL CO.,
Stamford, Conn.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of

vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The PRESIDENT pro tempore. Under the previous order the Senate will now resume consideration of the unfinished business, S. 2589, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 652 by the Senator from New Hampshire (Mr. McINTYRE).

Mr. JACKSON. Mr. President, I ask unanimous consent that the McIntyre amendment be temporarily laid aside in order to take up an amendment by the distinguished Senator from Louisiana (Mr. JOHNSTON).

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

The amendment offered by Mr. JOHNSTON is as follows:

On page 17, before line 19, insert the following:

"*Provided*, That fuels not subject to regulation or allocation under this act shall not be considered in determining the fuel needs or supplies, of geographic areas or States of the United States."

Mr. JOHNSTON. Mr. President, yesterday the distinguished Senator from Missouri (Mr. EAGLETON) offered an amendment providing for the equitable allocation of petroleum products and fuel around the regions of the country and the States of the country. This was clearly explained by the Senator from Missouri as not amending or not modifying that requirement of the petroleum allocation bill which also provided for equitable allocation according to need, such as the need of schools, transportation, and other priority needs.

The Senator from Missouri also stated that there was no intent to regulate any fuels that were not otherwise regulated within the four corners of S. 2589, the bill under consideration. However, there was some ambiguity left, and this amendment is simply to clear up that ambiguity, in that those fuels which are not regulated are not to be considered in determining the needs of each State and each region of the country. Examples are intrastate gas not otherwise regulated, and timber, which can be considered as a fuel. This was specifically stated on yesterday.

The amendment has been cleared with the distinguished Senator from Missouri (Mr. EAGLETON), as well as the majority and minority, and I ask for adoption of the amendment.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senate will now return to the McIntyre amendment. The question is on the McIntyre amendment.

Mr. JACKSON. Mr. President, I ask unanimous consent that the McIntyre amendment be deferred momentarily in order that the amendment to be offered by the distinguished junior Senator from Georgia (Mr. NUNN) may be presented at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I offer my amendments identified as No. 659, as modified, on behalf of myself, Mr. McINTYRE, Mr. NELSON, and Mr. JAVITS, and ask unanimous consent that the name of the Senator from Ohio (Mr. TAFT) be added as a cosponsor.

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

The amendments (No. 659), as modified, are as follows:

AMENDMENTS No. 659

On page 29, after line 21, insert the following as new subsections (b) and (c):

(b) It is the sense of the Congress that small business enterprises should cooperate to the maximum extent possible in achieving the purposes of this Act and that they should have their varied needs considered by all levels of government in the implementation of the programs provided for by title II.

"(b) In order to carry out the policy stated in subsection (a)—

"(1) the Small Business Administration (A) shall to the maximum extent possible provide small business enterprises with full information concerning the provisions of the programs provided for in title II which particularly affect such enterprises, and the activities of the various departments and agencies under such provisions, and (B) shall, as a part of its annual report, provide to the Congress a summary of the actions taken under programs provided for in title II which have particularly affected such enterprises;

"(2) to the extent feasible, Federal and other governmental bodies shall seek the views of small business in connection with adopting rules and regulations under the programs provided for in title II and in administering such programs; and

"(3) in administering the programs provided for in title II, special provision shall be made for the expeditious handling of all requests, applications, or appeals from small business enterprises."

Mr. NUNN. Mr. President, this amendment is being proposed on behalf of myself and Senators McINTYRE, NELSON, JAVITS, and TAFT as expressing the sense of the Congress that small business concerns which would be directly affected by this legislation in many ways be treated equitably. This amendment does not suggest exemptions for small business, but contemplates that they should do their fair share in return for being treated fairly.

WHY THIS AMENDMENT IS NECESSARY

Secretary of Commerce Frederick B. Dent predicted this week that some businesses will be forced into failure because of current energy shortages. The National Emergency Petroleum Act of 1973 (S. 2589) is one attempt to minimize the impact of these shortages. It declares a "national petroleum emergency" and authorizes conservation measures to be taken on the national, State, and local levels. It will affect small businesses directly in at least four areas:

First. The emergency rationing and conservation program under section 203 will have a direct impact on every small business, as decisions must be made as to which business functions are "vital services," that will be maintained; and which will be classified as "unnecessary energy consumption" that will be curtailed.

Second. The reduction of energy consumption by 10–25 percent by way of such measures as limitations on operating hours of commercial establishments and temperature restrictions on wholesale and retail businesses, also under section 203.

Third. The modification of transportation carriers routes, rates, and level of operations under section 204.

Fourth. The authority to adjust the mix of products of domestic refineries under section 207.

As the act goes into operation, it is likely that a series of problems will develop for small firms under these and other provisions.

For information, there are reported to be 8½ million operating full-time commercial businesses, and a total of 12 million business enterprises in the country. About 97½ percent of this total are small business.

These small companies, partnerships, and individual proprietorships are the foundation of the economy—particularly in smaller towns—providing approximately one-half of all employment nationally, and somewhere around 40 percent of the gross national product. They also provide vital goods and services to many public and private institutions.

Because of the variety of economic functions performed by these firms, a large number of them will, almost by definition, present individual cases under any national control program of this kind.

Accordingly, Senators McINTYRE, NELSON, JAVITS, TAFT, and I, and other Members, feel that it is important to recognize these small business difficulties early before it is too late for thousands of firms.

WHAT THE AMENDMENT WOULD DO

Our amendment would express the sense of Congress that the "varied needs of small business be considered by all levels of Government in the implementation of the energy conservation program.

In order to carry out this policy, the amendment recommends that "to the maximum extent feasible" governmental bodies seek the views of small business in adopting the regulations under the

act and also administering them. The amendment also urges that small business applications or appeals be given "expeditious handling."

Finally, the amendment would have the Small Business Administration become knowledgeable about these programs so that the agency will be in the position to help the small business community comply with them.

FORM OF THE PROPOSAL

The basic framework of the amendment is taken directly from section 214 of the Economic Stabilization Act—Public Law 92-210, December 22, 1971—with a few modifications. The format of both is a sense of Congress declaration, because both economic controls and the energy controls are so far reaching that precision at the beginning is impractical. The problem at the outset is to raise small business problems to the level of visability.

Our amendment does not suggest exemptions for small business, but contemplates that they should do their fair share in return for being fairly treated. In our opinion they should not be asked to do more than their fair share.

Our amendment adds the suggestion that SBA monitor and report on the effect of these emergency measures on small business in its annual report which is presently submitted to the Congress. This would give Members of the House and Senate needed information on how these programs are affecting their constituents, in order to identify what statutory or administrative changes may be called for. Our amendment parallels the prior law by providing a focus at the Small Business Administration so that a small businessman is not helpless and has somewhere to go in Washington if he is about to be put out of business by imbalances in the program.

We know that the energy conservation programs contained in this act will be applied very rapidly. We believe that there must be some small business consciousness and input at an early stage before the rules are set in concrete to the disadvantage of many small firms.

The press has reported that this may be "Energy Week" on Capitol Hill. I believe that the energy problems will be with us for many weeks, months, and even years. I feel that Congress must be careful in considering emergency action so that we do not destroy gains that small business has painfully won over many years, thereby reducing competition in our Nation.

The amendment we propose today would thus give statutory recognition to small business—to the contributions they can make to the success of energy conservation and the individual problems which they will surely face as our Nation moves decisively to deal with the present energy crisis. Later this month, I plan to hold public hearings to gain an early assessment of how these many programs are affecting the small business community.

I now ask unanimous consent that an article from the Washington Star-News illustrating the seriousness of this crisis for business firms be printed following my remarks for the information of all concerned.

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

[From the Washington Star-News, Nov. 13, 1973]

DENT EXPECTS OIL PINCH TO CLOSE SOME BUSINESSES

Commerce Secretary Frederick B. Dent said today he expects some companies will be forced out of business because of the impact of energy shortages.

"We know that within our competitive system there will be those companies that will flourish despite the shortage, despite the—fuel allocations while other will fail because of their impact," Dent told the Greater Boston Chamber of Commerce. A text of his remarks was released here.

Dent urging corporations to begin energy conservation programs, declared that the fuel shortages "will be quite unlike any we have seen before in scope or duration."

He continued, "I cannot state emphatically enough that there will be shortages, not only this winter, but for quite some time into the foreseeable future. So what we are talking about is a business' ability to remain functioning in the face of potential plant shutdown and massive employe layoffs."

Dent said that currently there are some companies that are "thriving" while they face scarce fuel supplies because they have begun "sound energy management techniques."

He cites one manufacturer that has increased its production 20 percent in the last two years even though its energy consumption hasn't increased.

Mr. McINTYRE. I am pleased to join with the Senator from Georgia (Mr. NUNN) in supporting a small business amendment to the pending bill.

Senator NUNN has identified the major problem of small businesses this winter, and possibly for a long time to come. All business firms use petroleum products, both as fuels and as raw materials. They are vitally affected by the measures proposed by this bill.

The amendment perceives, I believe, the most serious problem of small business under these programs and any other emergency machinery of this kind—the smaller firms tend to get lost in the rush. This amendment aims at raising small business difficulties, in all their variety, to the level of visability of Federal, State, and local governmental authorities.

The proposal is patterned after a provision of the economic stabilization legislation which I offered in the Senate Banking Committee, and which subsequently became section 214 of the Economic Stabilization Act—Public Law 92-219. This provision has worked in a satisfactory manner, and I believe has been helpful to small business under price and wage controls. For this reason I joined as a cosponsor of Senator NUNN's amendment.

Accordingly, I commend the Senator from Georgia for putting forward this amendment, and urge its adoption by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendments, as modified.

The amendments (No. 659), as modified, were agreed to.

The PRESIDING OFFICER. The Senate will now return to the McIntyre amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the pending McIntyre amendment be set aside at this time and that we proceed to consider another amendment.

Mr. JACKSON. Mr. President, I do not know whether we have any more right now.

Very well; the Senator can take up his other amendment.

Mr. McINTYRE. Mr. President, I ask unanimous consent that my pending amendment be set aside and that we may proceed to another amendment at this time.

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

Mr. McINTYRE. Mr. President, I call up for consideration an unprinted amendment to S. 2589. This amendment would add a new section to the bill.

The PRESIDING OFFICER. Would the Senator send his amendment to the desk in order that we may have it read?

The clerk will now report the amendment.

The legislative clerk read the amendment, as follows:

At the end of the bill, add the following new section:

"SEC. . Nothing contained in this Act shall be interpreted or construed as repealing or amending the authority contained under the Emergency Petroleum Allocation Act of 1973 (Con. Rept. No. 93-628, Nov. 10, 1973)."

Mr. McINTYRE. Mr. President, this amendment would add a new section to the bill making it clear that nothing contained in the National Emergency Energy Act of 1973 shall be construed as repealing or amending the Emergency Petroleum Allocation Act of 1973 which was cleared by the Senate yesterday and sent to the President.

As we all know, the Senate passed this bill initially on June 5 of this year. Under the leadership of the floor manager, Senator JACKSON, the mandatory allocation bill was an early recognition of the situation in which we now find ourselves and strengthened considerably the initial language that Senator EAGLETON and I included in the Economic Stabilization Act providing Presidential allocation authority for petroleum products.

My concern is that the bill presently before us is so broad and far reaching that it should be made clear that Congress' intent is that the Emergency Energy Act is supplemental to, rather than superseding, the mandatory petroleum allocation bill.

This amendment would simply make that intent of Congress clear.

Mr. JACKSON. Mr. President, may I respond to my good friend by saying that there is no need for the amendment. The mandatory allocations bill, which was sent to the President day before yesterday, completely covers this problem.

Second, there is nothing in the pending measure that modifies, repeals, or otherwise changes anything in the Mandatory Allocations Act bearing on the amendment offered by the Senator.

I wish to give that assurance and make it a part of the legislative history of the pending measure.

Mr. McINTYRE. It is my understanding, then, that the manager, and the Senator who is most familiar with the terms of the Mandatory Allocation Act, can assure me that there is nothing in the bill that we are presently considering that will repeal or amend our action and that it will stand on its own two feet.

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

Mr. McINTYRE. I yield.

Mr. HANSEN. I subscribe to the statement just made by the distinguished Senator from Washington. It is my understanding that the bill as was approved yesterday does do all the things the Senator from Washington attributes to it.

Mr. McINTYRE. Then, Mr. President, with the strong asurances from both the minority manager and the majority manager of the bill, I withdraw my amendment at this time and ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. McINTYRE. Mr. President, I have a further amendment to offer at this time, and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read the amendment, as follows:

On page 12, line 13, after the word "by" insert the following: "insufficient domestic refining capacity,".

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the amendment.

Mr. McINTYRE. Mr. President, this is a very simple amendment. It would add to the section of the bill stating Congress findings that shortages were caused not only by those factors enumerated in the bill but also included insufficient domestic refining capacity.

As we know, this country is using approximately 17 million barrels a day of crude oil while, at the same time, we only have the capacity to refine 12.5 million barrels of product.

I feel that it is important for Congress to include in its findings on the shortages of oil that insufficient domestic refining capacity also exists and that this has contributed to the present situation.

Mr. JACKSON. Mr. President, this is a clarifying amendment. It is a helpful amendment. I commend the Senator for offering it.

I am very pleased, Mr. President, on behalf of the majority and minority sides to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire. [Putting the question.] Without objection, the amendment is agreed to. The Senate will now return to the consideration of the original language.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTES TO FORMER REPRESENTATIVE CARL VINSON ON HIS 90TH BIRTHDAY

Mr. NUNN. Mr. President, on Sunday, November 18, 1973, distinguished leaders, friends, and relatives from throughout the State of Georgia and throughout the Nation will gather at Mercer University in Macon, Ga., to pay tribute to the Honorable Carl Vinson on his 90th birthday.

Members of the Senate well know that Carl Vinson's name is one that will live long in the annals of this Nation. A man of tremendous ability, prophetic foresight, and unique dedication, Carl Vinson is one of the greatest Americans to ever serve in the U.S. Congress.

Born in Baldwin County, Ga., Carl Vinson attended Georgia Military College in Milledgeville and graduated from Mercer Law School in 1902. In 1905 he began his long and distinguished career in public office when he was appointed county prosecutor for his home county. After serving in the Georgia Legislature for 4 years and as a county judge, Carl Vinson was elected to the U.S. House of Representatives in 1914, a position he held until his retirement in 1965. His more than 50 years of dedicated service in the House constitutes a record never previously achieved by any man in our history, and one that will likely stand through the ages.

Nine Presidents, over 40 Secretaries of the Armed Services and of the Cabinet, and more than 50 members of the Joint Chiefs of Staff sought advice from this man during his tenure in the Congress, and even today our national leaders frequently travel to Milledgeville to seek his sage counsel.

In 1930 Carl Vinson became chairman of the old Naval Affairs Committee, and in this capacity he led the legislative effort for the development of the two-ocean Navy—a Navy "second to none."

Then in 1949, Carl Vinson became chairman of the recently created Armed Services Committee. At its helm, this distinguished legislator dedicated his service to the establishment of an unassailable national defense. Over a period of almost two decades he became known as "the principal architect of American defense policy."

To his unending sacrifices and tireless efforts we owe the strong military posture we enjoy today. No man, either living or dead, has exercised so great an influence on the defense policy of the United States.

Though thousands have called him Uncle Carl, I have always been doubly proud to claim him as my real Uncle Carl since this distinguished American is my grandmother's brother.

Though a dedicated and loyal Democrat, Uncle Carl always placed national security and the welfare of this Nation above partisan politics. Under his leadership, the House Committee on Armed Services achieved an enviable, possibly unparalleled, reputation for nonpartisan deliberation.

During one of the most inspiring years of my life, from 1962 to 1963, I served on the legal staff of the House Armed Services Committee. This stimulating and productive year played a significant role in shaping my own political and personal philosophy.

As many of my colleagues know, the late President Lyndon Johnson served part of his House apprenticeship under Carl Vinson, and was fond of saying that he was a "graduate of Vinson College." Other present and former Senators such as HENRY JACKSON and Margaret Chase Smith also are proud graduates of the same school. And while my own professional association with Carl Vinson was somewhat more limited, it was no less inspiring.

Of the many lessons I have learned from him over the years, none has served me better than his constant reminder that the essential quality of a statesman is his willingness and fortitude to take a stand in the best interests of America, even if such a position may, in the short run, prove politically detrimental.

I also remember his warning on many occasions, not only to me, but to many aspiring young politicians, that the U.S. Congress has always had a substantial representation of Members who cling too closely to the immediate interests of their constituents, while America has always been in need of leaders who place the overall good of the Nation at the top of their priority list.

Carl Vinson's service to the Nation, in this respect and many others, has been unequaled. He is beloved by the people of Georgia and by those who served in the Congress and in top leadership roles in our Government during his many years in the House of Representatives.

Today, as he approaches his 90th birthday, he is still vigorous, and strong of body and mind. And his days continue to be so full and active that they put younger men to shame. In both his active career and his life in retirement, he has created a model of perfection that few will ever achieve but to which all men, and particularly all politicians, should aspire.

I know that my colleagues in both Houses of the Congress will want to join with me in saying, "Happy Birthday, Uncle Carl; and may the Nation enjoy the benefit of your wisdom for many more years."

Mr. President, I would like to share with my colleague a poem, a lovely and beautiful tribute to Carl Vinson. The poem was written by Mattie Richards Tyler, an award-winning poet-editor. The poem, "The Defender," is dedicated to the Honorable Carl Vinson on his 90th birthday.

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

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

THE DEFENDER HONORABLE CARL VINSON
(On his ninetieth birthday)

Within our Nation's Capitol you served
For fifty fruitful dedicated years!
Your impeccable course of honor never swerved,
Your faith in God and country held no fears.
You were magnificent when war prevailed!
With pride, you watched the fleet sail bravely by;
You suffered with our troops; you never failed
To bid Godspeed to pilots in the sky.

Within your heart a deep conviction burned
That strong defense remain intact, "a must!"
We carry on your torch . . . and are concerned
To hold America's Defense in trust.
By land, by sea, by air we send today
Our gratitude—because you passed this way.

MATTIE RICHARDS TYLER.

Mr. JACKSON. Mr. President, if the Senator will yield, when I first came to Congress I had the good fortune of getting to know Carl Vinson.

I must say that his contributions to the Nation are not fully understood by many Americans. Carl Vinson was really the father of the American Navy, the modern Navy.

We have been talking about an energy bill at great length. One of the things we have looked at, of course, is the possible use of the naval petroleum reserves as a means of helping out in this emergency. It is interesting to note that the father of those reserves was that perceptive man from Georgia, former Representative Carl Vinson.

Many years ago, he authored a bill setting up the system of naval petroleum reserves. In this year of 1973 we find that that foresight of Carl Vinson may well save the day in connection with some of the vital energy needs we have in our country.

Mr. President, no one in the House of Representatives was more helpful to me as a youthful Representative than Carl Vinson. He was a compassionate, understanding man who was deeply interested and concerned with the problems of all Members of the House on both sides of the aisle. The results of his interest in the well being of our Nation and of the free world will live on long after he has passed on.

In honoring this great American I join, I am sure, with all of our colleagues as well as with one of the distinguished relatives of Carl Vinson, our esteemed colleague the junior Senator from Georgia (Mr. NUNN), who is carrying on in the Carl Vinson tradition, an honorable, noble tradition that makes us all proud to be Americans.

Mr. NUNN. Mr. President, I thank the Senator from Washington for his statement. I have talked with Uncle Carl many times about the distinguished Senator from Washington. He has the greatest admiration and respect for the abilities and capabilities of the distinguished Senator from Washington. He considers the Senator from Washington to be one of the graduates of what has been known over the years as the Carl Vinson school. I think he takes great pride in the prowess the Senator from Washington displays in the fields of national defense and national energy and many other fields. He will appreciate the comments of the Senator from Washington.

Mr. JACKSON. Mr. President, in a lighter vein, I would like to mention that Carl Vinson was chairman of the Naval Affairs Committee for many years. When the Military Affairs Committee and the Naval Affairs Committee were merged into the Armed Services Committee, he became chairman of the Armed Services Committee.

We used to kid him when he would bring up a bill for consideration on the floor and ask him: "Are you wearing the flag of the admiral of the fleet or of the general of the armies or of the general of the air force today?"

We had that fine way of handling conflicts in the services which helped to bring about the first uniformity of the armed services of the United States.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate continued with the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Paul Haygood, of my staff, be given the privilege of the floor during the consideration and votes on the pending bill.

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

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It is my understanding that the McIntyre amendment is pending.

Mr. JACKSON. Mr. President, I ask unanimous consent that the distinguished Senator from Texas (Mr. BENTSEN) may offer his amendment at this time and that the McIntyre amendment be temporarily laid aside for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

On page 30, line 26, after "code" insert the following: "Notwithstanding the provisions of this subsection no program shall in any event be implemented upon less than five days notice to permit receipt of written or oral comment on the proposed program."

On page 31, strike lines 1 through 12 and insert the following: "Any agency authorized by the President to issue rules, regulations, or orders under this Act shall provide for the making of such adjustments, consistent with the other purposes of this Act, as may be necessary to prevent special hardships, inequity or an unfair distribution of burdens and shall in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or recision of, or an exception to or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this section."

Mr. BENTSEN. Mr. President, this amendment makes two very specific changes in the language of the bill concerning the administrative procedures to be followed under the act.

The first is an amendment to section 309(a) of the bill which would add an additional sentence requiring that no program be implemented without giving at least 5 days notice to permit written or oral comment. The bill as presently written retains the notice and rulemaking language of the Administrative Procedure Act but there is an exception clause in that act, 5 U.S.C. 553(d)(3), which would allow the agency to implement rules without giving any notice at all. This clause has been invoked a number of times by the Cost of Living Council in its procedures and the results have invariably been disruptive. It seems to me an elementary consideration of fairness to allow an affected party to learn above a Government decision before it is implemented and to have an opportunity to comment if he so desires.

The 5-day notice, which would be required by this amendment, should give an interested party time to make his objections known to a decision while at the same time allowing the Government to move with necessary speed. It is important that a balance between these two needs be maintained and that is the reason for my amendment.

The second part of my amendment also deals with the administrative procedures proscribed under this bill. It would amend section 309(b) by requiring the agency implementing rules under the act to observe certain rules of fairness and equal burden sharing in its program. In the long run, and these programs may well have a life beyond 1 year, the energy programs we are authorizing today will only be acceptable to the public if they are designed and carried out in a manner that is fair and which results in an even sharing of the burden by us all.

The amendment I am proposing would require the rulemaking agency to make adjustments in its programs to avoid special hardships, inequity, or an unfair distribution of the burdens imposed by the act. At the present time, there is no language requiring the consideration of such equity issues and I feel that unless we place such a requirement in the statute itself we run the risk of establishing an arbitrary rulemaking agency that ignores elementary issues of fairness and seriously undermines the public support for this program.

I support the purposes of this emergency energy bill and I think the Senator from Washington has done a tremendous job in bringing it before us in such a short time. I feel this amendment will strengthen the act in its administrative procedures and I urge adoption by the Senate.

Mr. JOHNSTON. Mr. President, we support the amendment of the Senator from Texas and congratulate him for significantly improving the bill which

has been written for the purpose of dealing with an emergency measure of this type under the demands of time, without the time to put the machinery together with the kind of consideration that is clearly needed. It is entirely possible that we will have inequities and difficult situations arise which must be adjusted.

What this amendment does is allow time to adjust those differences, allowing 5 day's time to comment on regulations before they are promulgated, and allowing for adjustments in the event of extraordinarily difficult situations.

We think it significantly improves the bill, and we congratulate the Senator from Texas and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

AMENDMENT NO. 652

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment (No. 652) of the Senator from New Hampshire (Mr. McINTYRE). The Senator from New Hampshire is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McINTYRE. 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. McINTYRE. Mr. President, I send to the desk a modification of my amendment (No. 652) offered yesterday, and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

At the end of Section 207 add the new subsection:

(f) Pursuant to the Export Administration Act of 1969 (but without regard to the phrase "and to reduce the serious inflationary impact of abnormal foreign demand" in Section 3(2)(A) of such Act), the President is authorized to limit the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product to achieve the purposes of this Act.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McINTYRE. Mr. President, as a result of conversations held with minority members, the Senator from Arizona (Mr. FANNIN), and associates, we have decided that this modification will accomplish the result that I intend.

I would just like to say, in support of it:

First. The legislation that we are amending, the National Emergency Energy Act of 1973, is only in effect for 1 year.

Second. The amendment gives the President authority to halt exports; it does not require him to do so.

Third. The President himself has informed Congress that under the Export Administration Act that he does not have the flexibility he needs to deal with the export of scarce commodities and has requested amending language to that act to give him greater flexibility.

Fourth. Yesterday, Senator FANNIN indictated his concern that this amendment might be used by the President to cut off oil products that we supply to Mexico and to some of our other friends. I should like to point out, as I just said, that this amendment only provides the President with the authority to control exports. More importantly, however, is that section 202(b) authorizes the President to enter into understandings, arrangements, and agreements with foreign countries with respect to trade in fossil fuels and that any formal agreement entered into would be submitted to the Senate for approval but during that time the agreement would remain operative. My amendment, combined with section 202(b) of the bill should give the President the flexibility to handle individual cases such as that Senator FANNIN pointed out with Mexico.

Fifth. I would like to make it clear what the real intent of this amendment is. Apparently, beginning this summer, a few oil companies having refineries in the United States realized a way to get out from under the Cost of Living Council's price rules on petroleum products. This was done by shipping overseas a tankerload of product on which there are presently no export controls and then reshipping either that same product or a like amount back into the United States free of export controls.

I have written to Secretary Morton asking that I be supplied with a list of the companies exporting distillate but, as yet, have not received a response. The primary purpose of my amendment is to give the President the authority to step in and stop exports of finished product whose purpose is primarily to avoid domestic price controls.

This morning's paper has a headline on the front page entitled "Fuel Experts Cite Danger of 1974 Recession." I simply cannot accept a continuation of exports of finished products out of this country whose primary purpose is to avoid Federal pricing policies.

This is the thrust of my amendment and, as I said earlier, section 202(b) of the bill should clearly give the President the authority to deal with situations such as that described by Senator FANNIN. The situation is critical. This bill provides for rationing and conservation measures, the purpose of which is to cut consumption of energy in this country by 25 percent 4 weeks after passage.

If we are to ask the American people to cut one-fourth of their energy use, then I think it is incumbent upon us to also make sure that loopholes do not remain whereby a few unscrupulous oil companies can use a provision in the Cost of Living Council's price regulations to export domestically refined finished product and then import that same product at a substantial price increase to be borne by the American public.

This is grossly unfair and should be stopped immediately.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire, as modified.

Mr. JACKSON. Mr. President, I want to commend the Senator from New Hampshire for modifying the amendment. I think we can all agree that in the area of trade we can run into some very complex problems. The last thing that we want to do is include any language in an amendment that would be cause for retaliation on the part of friendly countries. I just want to say—and I shall file a more detailed statement later—that the pending amendment, in my judgment, will not cause that kind of development.

It has come to our attention that there have been some abuses in the process of the export of petroleum products, in which some firm or firms may have taken advantage of the relative price situations here and abroad to the detriment of a critically short fuel market in the United States and that those who will suffer as a result. This amendment, if I understand my good friend from New Hampshire's intent will deal with those bad practices. It is not intended in any way to cause an adverse situation to devleop in our good relations with friendly countries.

I therefore am pleased to accept the Senator's amendment, and I commend him for the modification that he has made in order to resolve some ambiguities that might be misinterpreted.

I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I thank the distinguished chairman of the committee.

With further regard to my yesterday's remarks about the dangers of export controls, I would like to make the following points:

First. The United States imports far more petroleum than it exports. During 1972 the United States imported approximately 4.7 million barrels per day. During this same period the United States exported approximately 222,000 barrels daily of petroleum products, of which 38 percent was petroleum coke which was surplus to the U.S. needs. Also included were substantial quantities of lubricating oils—18.4 percent—which are high value products contributing positively to the balance of trade. The remaining exports represent a variety of products including residual fuel oil to be used as fuel, to the extent of about 31,000 barrels per day—14.8 percent—which was exported primarily to Mexico and Canada in cross border trading. Each of these countries are substantial exporters to the United States. This movement of required petroleum and petroleum products across borders provides an economical method of supplying demand with product from the nearest refining center.

The United States is seeking to import larger and larger quantities of petroleum and petroleum products. It has been estimated that approximately 45–50 percent of petroleum used in the United States will be imported by 1980. Very substantial exports are required during the short term. It is not antici-

pated that exports will change significantly. The differential in prices between the United States and the rest of the world now encourage exports of petroleum products. This situation is not expected to continue over the long term. If prices are at a parity it can be anticipated that only products surplus to the United States will be exported.

To place export controls on petroleum and its products in order to serve a short term purpose would make the United States vulnerable to the possibility other foreign refining centers would justify retaliatory action based upon this action by the United States. It would be difficult to urge other nations to increase exports to the United States while we at the same time were imposing export restrictions.

The primary moving force to impose restrictions upon petroleum and its products is recent shipments of distillates at a time when the United States is short of distillates. A substantial volume of these exports were to the Netherlands Antilles and Venezuela. These distillates were used to facilitate movement of products to the east coast of the United States. The only shipments not in the normal pattern of trade were the shipments to European countries. These shipments probably would not have occurred except for the price differential, however, the shipments represent less than approximately one-half of 1 percent of the total U.S. requirement for distillate. Exports of this magnitude are not a threat to U.S. supply.

Second. The United States generally has advocated expansion of foreign trade and has only with reluctance adopted import or export controls. The authority for such controls exists in the Export Control Act of 1969. Not only would it be contrary to an existing long-term policy to impose export controls, but it would also be redundant in that the authority to do so already exists. It is our understanding that there are many other products other than petroleum products that are pressing continuously for invocation of the act in order to protect those products. It would be difficult to avoid similar legislation for other products moving farther away from the concept of free trade.

By way of further background material, I ask unanimous consent to have printed in the RECORD at this point chapter 1 of a recent NPC report.

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

PREDENIAL OUTLOOK

Prior to the resumption of the Middle East conflict in early October 1973, it had been anticipated that petroleum supply and demand in the United States would be in very tenuous balance during the first quarter of 1974. Despite the forecasted dampening in economic activity, product demands, particularly distillate and residual fuel oils, were expected to continue their vigorous expansion of the past several years. With domestic production of petroleum liquids declining slightly, the pre-denial supply/demand balance required the scheduling of sharply increased imports of crude oil and refined products. A comparison of the principal predenial supply/demand components for the first quarters of 1973 and 1974 is shown in Table 1.

TABLE 1.—PREDENIAL U.S. PETROLEUM DEMAND AND SUPPLY

Item	1st quarter			
	1973 actual, MB/D	1974 predenial, MB/D	1974–73 MB/D	1974–73 Percent
Total demand	18,488	19,774	+1,286	+7
Inventory change	−795	−1,040	−245	+31
Required supply	17,693	18,734	+1,041	+6
Domestic production	10,957	10,853	−104	−1
Imports:				
Crude	2,924	3,672	748	+26
Products, etc	3,325	3,699	374	+11
Total imports	6,249	7,371	+1,122	+18
Other supply [1]	487	510	+23	+5
Imports as a percent of required supply	35	39		

[1] Processing gain, other hydrocarbons, etc.

Total demand in the first quarter of 1974, projected at 19.8 million barrels per day, would be 1.3 million barrels per day or 7 percent greater than one year earlier. Inventory drawdown, a seasonal occurrence during the first quarter, was projected to be 245 thousand barrels per day greater than in 1973. With required supply increasing at 1.0 million barrels per day and domestic production declining at 0.1 million barrels per day, total required imports, after accounting for processing gain, were placed at 7.4 million barrels per day, an increase of 1.1 million barrels per day or 18 percent over the 1973 first quarter level. Thus, imports as a percent of total required supply would have reached 39 percent.

SOURCE OF IMPORTS

Crude oil imports into the United States during the first 7 months of 1973 are shown in Table. Imports from Organization of Arab Petroleum and Exporting Countries (OAPEC) were in the order of 800 thousand barrels per day during this period, the remaining requirements being made up primarily from Canada, Venezuela, Nigeria, Iran and Indonesia. However, incremental crude oil to accommodate rapidly escalating import requirements during the third quarter had to be scheduled largely from the Persian Gulf. For November 1973 imports from OAPEC nations were originally scheduled to have been about 1.2 million barrels per day.

Product imports during the first half of 1973 are shown in Table 3. During that period, total product imports were in the order of 3.0 million barrels per day, consisting primarily of residual and distillate fuel oil received from Venezuela and the Caribbean area. In the third quarter, product imports likewise expanded very rapidly with increasing amounts, including gasoline, coming from Western Europe refineries. For the first quarter of 1974, required product imports were estimated to reach 3.7 million barrels per day.

OIL IMPORT DENIAL SITUATION

In mid-October 1973, the Arab nations announced a series of cutbacks of oil exports to the United States and to countries supplying refined products to the United States. The initial effect of these denials is expected to be an imports reduction of about 2.0 million barrels per day from pre-denial levels, consisting of 1.2 million barrels per day of crude oil and 0.8 million barrels per day of products. The impact of U.S. import receipts will be delayed about 30 to 35 days from the date of denial, because of the one-way sailing time for tank ships carrying crude oil from Middle East loading ports.

TABLE 2.—U.S. IMPORTS OF FOREIGN CRUDE OIL

[In millions of barrels per day]

Origin of imports	July 1973	January–July 1973
Canada	959	1,042
Mexico		1
Total, North America	959	1,043
Colombia		2
Ecuador	39	46
Trinidad	31	57
Venezuela	392	290
Total, Central and South America	462	395
	1,421	1,438
OAPEC nations:		
Libya	116	142
Algeria	149	150
Saudi Arabia	644	392
Abu Dhabi and Dubai	102	76
Other OAPEC	36	59
Total, OAPEC	1,047	819
Angola	60	36
Nigeria	481	431
Tunisia	7	17
Total, other Africa	548	484
Israel		2
Iran	229	171
Indonesia	256	195
Malaysia		1
Total, Eastern Hemisphere	2,080	1,672
Total, World	3,501	3,110

Source: U.S. Bureau of Mines.

TABLE 3.—U.S. IMPORTS OF REFINED PRODUCTS, JANUARY–JUNE 1973

[In millions of barrels per day]

Area of origin	Motor gasoline	Fuel oil		Other oils	Total products
		Distillate	Residual		
North America	14	10	93	232	349
Central and South America	63	240	1,589	288	2,180
Total, Western Hemisphere	77	250	1,682	520	2,529
Western Europe	11	122	141	8	282
OAPEC nations	2	11	45	29	87
Other Middle East	4			6	10
Other Africa			17		17
Far East, etc			7	29	36
Total, Eastern Hemisphere	17	133	210	72	432
Total, World	94	383	1,892	592	2,961

Announcements of additional Arab production cutback plus the secondary effects of those cutbacks on the supply situation in other nations lead the Committee to believe that the United States will be denied approximately 3 million barrels per day by the end of the year. This denial is considered to be 1.8 million barrels per day of crude oil and 1.2 million barrels per day of refined products. As noted earlier, the reality of the current denial closely parallels the theoretical denial situation postulated in the Secretary of the Interior's original request to the National Petroleum Council's Committee on Emergency Preparedness.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 652) of the Senator from New Hampshire (Mr. MCINTYRE), as modified.

The amendment, as modified, was agreed to.

Mr. JACKSON. Mr. President, I call up my amendment on unemployment in-

surance, which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JACKSON's amendment is as follows:

Add a new title IV, "Assistance to Persons Adversely Affected By This Act," as follows:

SEC. 401. ASSISTANCE TO PERSONS UNEMPLOYED AS A RESULT OF THIS ACT.—(a) The President is authorized and directed to make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance to a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred and shall be reduced by an amount of private income protection insurance compensation available to such individual for such period of unemployment.

(b) (1) FOOD STAMPS.—Whenever the President determines that, as a result of any such employment loss, low-income households are unable to purchase adequate amounts of nutritious food, the President is authorized, under such terms and conditions as it may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964, as amended, and to make surplus commodities available.

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

(3) Nothing in this subsection shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 as amended, except as they relate to the availability of food stamps in such an employment loss.

(c) REEMPLOYMENT ASSISTANCE.—The Secretary of Labor is authorized and directed to provide reemployment assistance services under other laws of the United States to any such individual so unemployed. As one element of such reemployment assistance services, such Secretary shall provide to any such unemployed individual who is unable to find reemployment in a suitable position within a reasonable distance from home, assistance to relocate in another area where such employment is available. Such assistance may include reasonable costs of seeking such employment and the cost of moving his family and household to the location of his new employment.

(d) SMALL BUSINESS LOANS.—(1) The President, acting through the Small Business Administration, is authorized and directed to make loans (which for purposes of this subsection shall include participation in loans) to aid in financing any project in the United States for the conduct of activities or the acquisition, construction, or alteration of facilities (including machinery and equipment) required by the administration or enforcement of this Act, for applicants both private and public (including Indian tribes), which have been approved for such assistance by an agency or instrumentality of the State or political subdivision thereof in which the project to be financed is located, and which agency or instrumentality (including units of general purpose local government) is directly concerned with problems of economic development in such State or subdivision, and which have been certified by such agency or instrumentality as requiring the loan successfully to remain in operation or at previous levels of employment.

(2) Financial assistance under this section shall be on such terms and conditions as the President determines except that—

(A) no loan shall be made unless it is determined that there is reasonable assurance of repayment;

(B) no loan, including renewals or extension thereof, may be made hereunder for a period exceeding thirty years;

(C) loans made shall bear interest at a rate determined by the Secretary of the Treasury but not more than 3 per centum per annum;

(D) loans shall not exceed the aggregate cost to the applicant of acquiring, constructing, or altering the facility or project;

(E) the total of all loans to any single applicant shall not exceed $1,000,000; and

(F) the facility or project has been certified by the regulatory authority as necessary to comply with the requirements of this Act.

(e) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(f) REPORT TO CONGRESS.—The Secretary shall report to the Congress on the implementation of this section not later than six months after the enactment of this Act, and annually thereafter. The report required by this subsection shall include an estimate of the funds which would be necessary to implement this section in each of the succeeding three years.

Mr. JACKSON. Mr. President, I ask unanimous consent that the vote on this amendment occur at 11:15 a.m. today.

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

Mr. JACKSON. Mr. President, I ask for the yeas and nays on the amendment.

There was not a sufficient second.

Mr. JACKSON. 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. JACKSON. 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. JACKSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I shall be very brief in my opening remarks. May I say, first, that a number of members of the Committee on Interior and Insular Affairs will be at the White House at 10:30 a.m. today for the signing of the Alaska pipeline bill. It is for that reason we have tried to set a specific time, which we have done, for the rollcall vote on the pending amendment.

Mr. President, the amendment, in essence, is identical to the amendment offered by Senator Randolph and adopted by the Senate in connection with the so-called surface mining bill. I know that the Senator from West Virginia strongly supports the objectives of this amendment to lessen the adverse impact of the National Energy Emergency Act on employees in the industries and businesses that will be affected. I commend our colleague from West Virginia (Mr. RANDOLPH) for first stressing the importance of this type of provision during consideration of the surface mining bill.

The purpose of the amendment is to provide unemployment insurance benefits and assistance to persons adversely affected by actions taken in compliance with this act.

I think that the statements made this morning and yesterday by the able majority leader dramatize the serious economic problem facing the Nation. We have heard so much about shortages of gasoline, shortages of heating and fuel oil, that we have neglected to call attention to the collateral impact of the energy shortage.

In fact, Mr. President, the collateral impact economically can be far more serious than the direct impact of energy fuel shortages, as has been described here during the course of debate on this bill and on the other energy bills.

There is a duty on the part of the Federal Government to provide assistance to the States in order that the States can meet their obligations in connection with any possible economic crisis that may develop as a result of the ongoing shortages.

We hope that there will not be need for it. On the other hand, I think it is well to be prepared, and adequately prepared, to deal with all aspects of economic adjustments growing out of this crisis.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. AIKEN. I have not had a chance to read the whole amendment, but I notice it applies to those who become involuntarily unemployed because of the act which we may pass within the next 2 or 3 weeks.

What about the person who can still be employed but because of the additional costs imposed, would bring his income down to half what it would be if he could get the gas necessary to reach his normal place of employment, which may be 20, 30, 40 miles away?

Is there a provision in the amendment which would enable the States, through their allocation from the Federal Government, to make up for this loss of salary. He might want to continue to work; they might want him to continue to work. But he might be put in a worse position than if he were unemployed.

Mr. JACKSON. Mr. President, I do not know how one would cover the difficult question posed by the distinguished Senator from Vermont. The amendment does provide for assistance, through the Small Business Administration. It is found on page 3 of the amendment, paragraph (1):

is directed to make loans to aid in financing any project in the United States for the conduct of activities . . . or the acquisition, construction, or alteration of facilities.

In other words, we are trying here to cover, first, those directly unemployed. Second, we are trying to cover businesses, especially small businesses, that are adversely affected.

We provide for food stamps for those who would not be eligible because they have other resources—say, unemployment insurance—or they are not qualified for unemployment insurance, but they would be eligible for food stamps.

We are trying to cover all these fringe areas, but I do not know how you cover a man, for example, who has been partially affected in an adverse way. It is a most difficult thing to define.

Mr. AIKEN. I think there must be a very large number of them. I have specific cases in mind—for example, where the employer needs the employee so badly that he will not discharge him. But, at the same time, the employee is in a worse position if he keeps on with his employment. I think there must be many of them, particularly since we have encouraged people to go out of the cities and live in the rural areas, where they perhaps produce food or raise a few head of beef cattle, and then get their main source of income from some industry located in town. I think they are going to be in the worst shape. I hope some way can be devised to cover them. That is a situation in which the employer needs the person so badly that he will not fire him, and he is not unemployed.

Mr. JACKSON. The Senator, as always, is an able interrogator, and he can pose some very difficult problems. Frankly and candidly, I do not have an answer to the question.

Mr. President, I have a constituency in western Washington, that is not dissimilar in many ways, from that of the Senator from Vermont. We have many people who live out in what we call the "Logoff area." We call them "stump ranchers." They fend for themselves. They work part time. They will have problems in getting the necessary fuel. One of the problems as to whether eligibility on unemployment insurance could be established is whether or not it is caused by this act.

In other words, as the lawyers say, you have the legal doctrine of proximate cause. You have to show that there is a causal connection between what the person is applying for and what happened under this act.

All I can say is that we are going to do our best. It seems to me that this is the minimum, that we should do, in light of the notice we have received of adverse developments economically.

Mr. AIKEN. I thank the Senator from Washington. I appreciate the position in which the chairman finds himself. We all find ourselves in a similar position from time to time.

When the news media ask me if I mind a few questions, I always tell them the questions do not bother me in the least; it is just the answers. Apparently, it is just the answer that bothers the Senator from Washington at this point.

Mr. JACKSON. I thank the Senator from Vermont.

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. MOSS. 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. RANDOLPH. Mr. President, it is a privilege to support the amendment of the able Senator from Washington (Mr. JACKSON) with whom I have had the privilege of working closely on the National Energy Emergency Act. I am appreciative of Senator JACKSON's earlier remarks indicating my involvement in this type of legislation.

We are all striving diligently and expeditiously to secure a solution to our energy crisis. However, as we move forward we cannot overlook adverse effects of the fuels and energy conservation and redistribution authorities in this bill on our citizenry. Workers who lose their jobs as a result of this legislative activity must be protected. These individuals and their families cannot be neglected.

I recognize that S. 2589 contains a declaration of purpose calling for the minimizing of adverse effects of fuel shortages and dislocations on the economy and industrial capacity of our Nation. Additionally, the legislation directs that the President shall take into consideration and minimize to the maximum extent practicable any adverse impact upon employment and directs also that all agencies of the Federal Government shall cooperate within their existing statutory authorities to achieve this objective. However, I share the firm conviction of the Senator from Washington (Mr. JACKSON) that there must be more substantial provisions in this bill to insure that there is assistance to persons who are affected adversely by actions under this measure.

The pending amendment would provide direct economic assistance, reemployment service, food coupon allotments, surplus commodities and small business assistance. This would certainly lessen the possible hardships over which the affected workers and families would have no control.

I urge Senators to support this vital amendment.

ENROLLED BILL SIGNED

The enrolled bill (H.R. 9295) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University, signed on November 15, 1973, by Speaker of the House of Representatives, was signed today by the President pro tempore.

RECESS

Mr. MOSS. Mr. President, because of the signing of the Alaskan pipeline bill, the manager of the bill that is now before the Senate (Mr. JACKSON) and other Senators who are members of the Committee on Interior and Insular Affairs have departed for the White House to take part in that ceremony. For that reason, it will be necessary that we have a suspension of the proceedings, so I move that the Senate stand in recess until 10:45 a.m. today.

The motion was agreed to; and at 10:17 a.m. the Senate took a recess until 10:45 a.m. today; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. ALLEN).

Mr. MOSS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is the amendment by the Senator from Washington (Mr. JACKSON), on which a vote at 11:15 a.m. has been ordered.

QUORUM CALL

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

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

Mr. JACKSON. Mr. President, I ask unanimous consent that despite the previous unanimous-consent order, it be in order for the Senator from Utah to offer an amendment at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MOSS. Mr. President, I call up my unprinted amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 23, line 7, insert the following:

(f) the President shall organize and cooperate with the advertising industry and advertisers in developing a national energy conservation advertising program and in promoting educational programs to foster public acceptance of energy conservation needs and opportunities.

Mr. MOSS. Mr. President, very simply, this amendment would add one more provision to the section of the bill entitled "Federal Action for Fuel Conservation." This new action would be a Presidentially organized advertising program designed to promote energy conservation and to make the public aware of the need

for and opportunities for such conservation.

The noted advertising authority, E. B. Weiss, commented just 7 weeks ago that we have taught the public through advertising of cheap, plentiful energy, and now is the time to teach, through advertising, the need for energy conservation.

Mr. President, I ask unanimous consent that the E. B. Weiss article be printed in the RECORD at this point.

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

WANTED: ONE BILLION DOLLAR AD BUDGET TO SELL ENERGY CONSERVATION TO PUBLIC, INDUSTRY

(By E. B. Weiss)

A $1 billion advertising budget to persuade the American public—and industry—that energy conservation is a long-term imperative? A cool billion?

Well, about $200,000,000 will be spent for energy conservation advertising in 1973. By the major oil producers. By the public utilities. By miscellaneous manufacturers and retailers (Montgomery Ward spent about $1,000,000-plus for an energy conservation program).

And practically nothing by government—although the federal government alone will invest over $100,000,000 for other advertising in 1973, some of it for objectives that are insignificant when compared with the enormous dimensions of the energy problem.

Moreover, much of the current advertising is totally impracticable (urging the public to cut car speed to 50 miles per hour on highways where that is the minimum speed and a statistically-proved driving hazard).

CURRENT ADS: IMPRACTICAL, FACE-SAVING

Much of it is merely a face-saving gesture—public utilities urging the public to buy air conditioners (including wasteful high-energy consuming conditioners) and simultaneously suggesting minimum use.

Much of it is by advertisers themselves, extravagantly wasteful in their own use of energy—industry's score card on energy conservation is at least as low as that of the public (with government not far behind).

And all of it totally lacking in a fundamental theme so emotionally, so factually persuasive as to move toward conservation a nation completely conditioned (a) to waste, (b) to a land of plenty, (c) to the conviction that technology can and will solve the problem in ample time, and (d) to the conviction that energy is a short-term problem that will be solved very shortly by the Alaska pipeline, by off-shore drilling, by atomic power plants.

$1 BILLION AD DRIVE ON UNCLE SAM

Moreover, the public particularly clings to the conviction that a "national energy policy and program" will bring the energy situation under complete control—and since the administration has made major announcements to this end, why worry? How could a project with such a noble title possibly fail?

Yet, George A. Lincoln, chairman of the President's Joint Board, which coordinates the federal response to potential fuel and energy crises, said: "I see only five principal sources for dealing with our energy problem. The first four are the great energy fuels—oil, gas, coal and nuclear power. *The fifth and perhaps the most important is the relatively unexplored sources of energy conservation.*"

What I am suggesting is a $1 billion paid advertising drive, financed by the federal government. (I would expect *another* coordinated $1 billion donated by industry, media, state governments, etc.)

The potential for reducing the demand for energy by means of more efficient use of energy resources, by energy conservation, is sizable—some projections estimate a possible savings of 25%. If the savings were only of a size each year to counterbalance the basic annual trend toward increased use of energy, the energy problem would be substantially lessened. But it will take at least $1 billion in coordinated, brilliantly themed advertising to bring about even that degree of energy conservation.

TRADITIONAL ATTITUDES HINDER CHANGE

One reason that not much has happened in conservation to date is that energy has been so cheap for so many decades (and presumably inexhaustible). But with gasoline climbing toward $6 a barrel, energy costs of all types of energy are in a long-term uptrend.

Even in cost-conscious industry, traditional attitudes toward the cost of energy are difficult to change. For example, consider the economics of building construction which traditionally rated financing costs much higher than energy costs. The cost of heating and cooling a large office building runs about 30c per sq. ft. Lighting, about 60c a sq. ft. But the financing costs run over $2 per sq. ft! So the need to conserve energy—until recently—has not been a major cost consideration.

PUBLIC IS STILL INDIFFERENT

In brief, we have not provided industry (or the public) with a real sense of our national needs, the options ahead, and their cost.

Public concern is minimal. Industry's concern is only slightly higher. And government's response, down at the consumer level, is optimistically described in AD AGE (July 26) this way:

"The government is shifting into high gear on new regulations aimed at channeling consumer demand toward the cars and appliances with the best ratings as energy savers. The result may well be, in terms now widely used in Washington, an era of 'truth in energy'." I submit that this is not even remotely a "shift into high gear"—to the contrary, it represents the very *minimum* of a "truth in energy" program.

After President Nixon delivered his energy message last April, critics complained that administration plans lacked the sense of urgency that the growing energy crisis clearly demands. In July, the President sought to change that situation. In a message to Congress, the President announced what amounts to a Phase 2 for energy. Between 1973 and 1980, Nixon proposes $10 billion of federal funds to be spent on research and development aimed at providing the U.S. (through technology) with energy resources ample for the foreseeable future.

But that program at best could make only small step-by-step improvements in our energy situation for 15 years. I suggest a $1 billion energy conservation advertising program that would leave such an *indelible* impression on industry and the public as to make each of the technological innovations created under that $10 billion program doubly and more promptly effective.

FOCUS FRAGMENTED ENERGY EFFORTS

Commenting on that federal technological program, *Time* (July 9, 1973) stated: "The message was clear: The administration now puts a top priority on its energy program. Besides the massive new expenditures, Nixon's thrust is to re-organize and focus now fragmented federal energy efforts. In an important move, Nixon announced the appointment of Colorado Gov. John A. Love to head a new energy office 'that will be responsible for formulating and coordinating energy policies at the Presidential level.'

"To help accomplish his goals, Nixon announced three related steps:

1. "He ordered Dixy Lee Ray, chairman of the Atomic Energy Commission, to review all existing public and private research and development activities so they might be shaped into an integrated national program.

2. "He will establish an Energy Research and Development Council, made up of leading private experts, to provide technical advice on the direction and substance of the federal program.

3. "He urged the creation of a federal Energy Research and Development Administration. Its main asset would be the AEC's technical expertise and facilities. Beyond that, the agency would collect in one place the federal research efforts now scattered among the AEC (nuclear power), the Interior Dept. (coal) and the Bureau of Mines (coal, oil and gas), thus streamlining the federal bureaucracy.

"He instructed the federal government to set 'an example for all consumers by cutting its energy use by 7% within the next year. By reducing air-conditioning levels in federal buildings, for instance, 113,000,000 kilowatt-hours of electricity (equivalent to 270,000 bbls. of oil per year) would be conserved. Similarly, the number of trips by federal officials, who now travel some 250,000,000 miles a year, could be cut by 10%, saving about 1,700,000 gallons of gasoline'."

FEDERAL ENERGY CUT? NO WAY

I suggest the federal government will consume *more* energy in 1974 than in 1973—not 7% less. So will industry. So will the public.

Not one of these programs will add energy resources equal to our annually increasing consumption—not for at least 15 years at our present rate of increasing consumption of energy. And in 15 years, at our present rate of increase in energy consumption, total energy consumed will have increased by about 80%.

There is not a solitary reason to justify the conclusion that the required degree of conservation will be even remotely approached unless industry and the public have been persuaded to conserve energy by the most powerful, the most dramatic, the most unified communication program ever launched in this nation—far exceeding in dimensions and drama the nation-rallying programs typical in time of war.

And it is, indeed, a war that is imperative—a war against waste of energy resources. All great nations, in modern times, usually in time of war, have been unified by previously unmatched propaganda programs. In World War II, the totals spent for propaganda by the major involved nations ran into multi-billion-dollar programs—perhaps $50 billion would be a minimum estimate!

Again, I contend that a war against energy waste in this country, particularly since it lacks the drama of a military conflict, compels an enormously powerful advertising drive, if a total society, totally conditioned to waste as an inalienable, if not divine, right, is to be turned around toward conservation of energy.

Americans now account for one-third of the world's energy consumption. U.S. energy use has doubled in 20 years, and current predictions are that it will double again in less than 20 years. Simultaneously, the other advanced nations will be increasing their consumption of energy at least as rapidly as we in the U.S.

And to compound the problem, the less advanced nations (Spain, for example) and the underdeveloped nations will increase their energy consumption at a rate that will *dwarf* our own rate of increase.

Some of the underdeveloped nations—Brazil, Indonesia—will develop their own energy resources. But they will tend to require every additional kilowatt of energy for domestic use as their economies expand.

"HAVE NOT'S" INTEND TO "HAVE"

Americans consume about four times more energy per capita than the Japanese, and two

and a half times more than West Germans. It is estimated that 500,000,000 people, consuming at the typical U.S. rate, would require all of the resources, including energy, produced by the entire world! (Europe, the U.S., Japan, with a total population somewhat over 600,000,000, probably consume, right now, well over 90% of all the resources produced by the rest of the world's population of several billion, including China's one billion.) Those several billion are just now talking (and even demanding) more nearly equal rights, with respect to the consumption of resources, including all forms of energy.

The "have nots" firmly intend to "have"—and to have American style!

We will not come down to their present living standard—they may not, for generations, achieve our present living standards—but energy consumption rights will now tend toward a closer balance over larger areas of the globe, particularly in the Third World.

No longer will 80% of the world's population accept energy deprivation while 20% wallow in conspicuous consumption of energy.

That is precisely why, in a speech to the American Petroleum Institute, Secretary Peter G. Peterson concluded: "We are moving into an era in which every energy option will have a cost. It may be a balance of payments cost, an environmental cost, a competitiveness cost, a discomfort cost, or all of these costs. But the cost will always be there. The era of low-cost, clean energy sources is almost dead."

ENERGY CUTS: NEW WAY OF LIFE

A few months ago, the head of one of the nation's major suppliers of energy—John E. Swearingen, chairman of Standard Oil of Indiana—rapped "business-as-usual advertising" by the energy industries in the midst of growing shortages. He said, "Energy conservation is going to have to become a way of life."

But it will not become an American way of life in the time available or to the required degree of energy conservation unless and until the American public and industry have been energized into the required dramatic response.

Yet in the fall of 1973 there is a total lack of a cohesive massive program with a powerful unifying appeal that would rally industry and the public.

I am suggesting a $1 billion advertising program with the knowledge that energy conservation could save billions in rising costs of energy, as well as decelerate the deterioration in our quality of life. A $10 billion annual savings in conserved energy achieved through a $1 billion advertising program figures out as a 10% advertising budget. Since we have product classifications where 20% advertising budgets are typical, a 10% budget does not appear excessive.

As I write this—in mid-September, 1973—President Nixon has decided, as a direct consequence of the acute shortage of heating oil, to curtail existing air pollution law and regulation. There may have been no other option, but with one stroke, this nation's air may become more fouled in the winter of 1973 than it ever has been.

I am not contending that a $1 billion advertising program could have averted this situation. But what I am suggesting is that a part of that $1 billion budget, focused on and dramatizing this national tragedy, would have shocked the American public into the necessary degree of alarm to bring about a public demand for energy conservation, rather than the existing passivity.

AUTO GAS $1 A GALLON

Because when the public becomes convinced that its personal welfare is being challenged, the public is quite capable of what almost appears to be a meticulously coordinated response. A dramatic current example of this involves the auto industry.

Without waiting for gasoline to reach $1 a gallon—as may happen—the public has clearly veered sharply away from the larger cars and towards the compacts and subcompacts. By 1975, perhaps 70% of all cars sold in the U.S. will be compacts and subcompacts!

Reporting on this situation, the *Wall Street Journal* (July 11, 1973) stated: "U.S. auto makers and their dealers can only improvise defensive tactics to meet the public preference for small cars.

"'We're in trouble, and there's no quick way to cure it,' says James Kussman, owner of Glenview (Ill.) Chrysler-Plymouth. 'It all happened so fast.'

"Mr. Kussman, for a while, tried to overcome the objections of mileage-conscious customers by 'guaranteeing' x miles to the gallon for the first 10,000 miles on the big Chryslers he sells. 'I knew I was going to pay,' he says, 'because 99% of these cars won't get more than 10.' His guarantee amounted to a price cut; Mr. Kussman said he gave five customers about $100 each in cash in advance to pay off the guarantee. 'That's five more than I probably would have sold otherwise,' he says.

"James Cadillac Co., Woodbridge, Conn., is guaranteeing a supply of gas, instead. William F. James, president, says he has signed a contract with a nearby Mobil station so that owners of Cadillacs with a special James Cadillac sticker can get a full tank of gas even if it's rationed to other customers . . .

"Last month, Detroit's sales of compact and subcompact cars rose 28% from a year earlier, while deliveries of standard-size models fell 13%."

Yet, in 1973, the family's car driving budget had not been seriously dented by rising prices for gasoline (gas moved up much less than most commodities), and actual shortages were scattered. However, a total of perhaps $200,000,000 spent for advertising in 1973 by small-car producers obviously convinced a receptive and perceptive public that the small car made sense.

WHITHER ENERGY PRICES? UP

I suggest that $1 billion spent for the larger objective—nationwide conservation of energy—would be equally effective, particularly if it featured the constantly rising high cost to industry and the public of wasted energy.

Certainly energy prices will move—for at least 15 years—in only one direction: Up, up, up.

What is more, the cost of energy is a cost factor in everything the public and industry buys. *Everything!* Because almost everything that is consumed requires energy for production, distribution, etc.

The total cost of energy as a part of the family budget traditionally had seldom been considered by the general public—it was not all that important as a part of the family budget. But now the public will have constant (and painful) daily reminders of the constantly accelerating rise in the cost of energy and its mounting impact on balancing the family budget.

Of and by itself, this will be painful. But coming, as it does, at the precise time when the percentage of the family budget spent for food is increasing (reversing a downtrend of 50 years) the combination is sure to stir the public.

ELECTRIC KNIFE, ANYONE?

A most effective stimulant for energy conservation will be higher energy prices (visible and invisible)—*especially if $1 billion in advertising drums home the point.*

Home Furnishings Daily underscored the underlying change in public attitude toward the energy problem—a change that $1 billion in advertising could fan to fever pitch—in the following report:

"Could someone introduce an electric knife today and get away with it? Even an electric can opener?

"And which is better for America, a slow cooker which consumes little electricity over a long period of time, or a fast cooker, even a microwave oven, which consumes more electricity over a shorter period of time?

"Obviously, we're going to see more and more products criticized for their value and necessity with relation to their consumption of electricity.

"And not just by the government and the Ralph Naders—but by many consumers, especially younger ones.

"What about electric shavers? Will the wet-blade people launch an anti-American, pro-conservation campaign against them? And surely wet-shave people will have to give up hot lather dispensers.

"And will we be forced to return to towel-drying our hair, and put an end to the senseless wattage race in hair dryers?

"Pity the poor clock makers who have spent all that money convincing us we need an electric clock in every room as well as the patio.

"Consumers, of course, will decide the value of products that now exist and what will come into the market, but they are going to be influenced more and more by constant emphasis on conservation."

Add $1 billion for advertising, and energy conservation could become a way of life—as it must.

REVERSE HORSEPOWER RACE

The hand-held electric hair dryer industry has been engaged in 1973, in a shameful exhibition of conspicuous consumption of energy. But Sunbeam sees the energy crisis bringing the wattage race in hand-held dryers to a halt and even a "reverse horsepower race" developing in electric housewares. Sunbeam said the government's proposed program for the voluntary listing of the amount of energy consumed by major appliances could conceivably be extended to portables. If this is adopted, Sunbeam said it is not with a form of reverse horsepower contest. This may cause a drastic change in design work.

Nearly one-quarter of all electricity is used for lighting. The illumination levels recommended in commercial buildings have more than tripled in the last 15 years. There is now considerable disagreement whether such high illumination is necessary or desirable. It has been estimated that a 4% savings in total electricity use could be achieved by reducing excess lighting in existing buildings and by more effective use in new buildings.

This is merely one example of an opportunity for advertising to be put to work to conserve energy in the construction industry.

AD DRIVE FOR BETTER INSULATION

Another example of a construction industry energy conservation innovation that advertising could broaden to national dimensions comes out of Michigan. The state of Michigan is prodding gas utilities to stretch limited gas supplies by underwriting gas-saving insulation of residential users' homes. And the state's biggest natural gas distributor, the Michigan Consolidated Gas Co. has pledged to lead the effort.

Backers of the plan envision economies in gas consumption of up to 17% in poorly insulated homes. They believe that fuel consumption could be reduced by 10% in many other partially insulated houses.

Reported the *New York Times* (Aug. 25, 1973): "The concept represents a new departure in regulatory thinking. "We've got now what is a psychology of waste,' explained William G. Rosenberg, chairman of the Michigan Public Service Commission. 'We've got to change to a psychology of conservation and

efficiency.' [Which is precisely why I want that $1 billion advertising fund!]

"In brief, Mr. Rosenberg has designed a plan in which a gas-using householder can cut his fuel bill—nominally, at least—by consenting to improve the heating efficiency in his home. This would be done by upgrading insulation in the ceiling to a depth of six inches, the cost to be financed by the gas company. The gas utility would recover charges for insulating its customers' houses by adding a modest insulating financing charge to the monthly bill.

"I actually believe that, on the inefficiently heated, poorly insulated home, the savings on fuel costs from proper ceiling insulation will exceed the cost of insulating,' Mr. Rosenberg said.

"Incredible though it may seem, it is possible that the Detroit householder who subscribes to the home insulation treatment being studied by Michigan Con might immediately gain a reduction in his monthly gas bill —despite billing for the insulation work.'

"Hugh C. Daly, Michigan Con president, said house owners would be encouraged to install ceiling installation on a do-it-yourself basis. Where a contract installation job was desired, Mr. Daly said, Michigan Con was prepared to pay the contractor—with the assurance of a monthly check-off guarantee against the consumer.

"Under Mr. Daly's proposal, the utility would be authorized to levy a 1% per month finance charge on the unpaid balance due—not for profit, but to guarantee financing cost and to protect against loss."

Put variations of that plan to work nationwide—backed by some millions in advertising from the $1 billion fund I am proposing—and a wave of energy conservation would sweep this nation.

Moreover, with the public and industry working toward an identical end—energy conservation—there might even come about a reversal in the current almost terrifying expansion of industry's public credibility gap.

CENTRAL ENERGY PLANT FOR HOUSING

I contemplate spending $100,000,000 of that $1 billion ad budget in the trade, technical, professional press because the energy savings here could be enormous. That $100,000,000 advertising program in the technical and professional press might include an energy conservation program being suggested for New York City. On July 7, the *New York Times* reported the project this way:

"Because of the increasing problems of providing large blocks of electricity and steam for the city, major housing developments and other large projects are being invited to 'explore the possibility of a total energy plant' to be included in their developments. A total energy plant is one that provides on-site generation as well as steam for heating and air conditioning."

In the November issue, *Professional Builder* (devoted almost entirely to the energy situation) will tell the builder, in one article, how he can merchandise "energy conservation homes" to make them extremely saleable . . . a better value to the buyer . . . and why it's a matter of self-preservation for the builder and good economics for his customer.

In addition, there will be a special section of the issue that will show and describe products and appliances that can help in planning the "energy conservation house." Ten thousand copies of this section will be reprinted for distribution to home manufacturers, giant builders, etc.

Energy conservation will be a major topic of the Industrialized Building Exposition and Congress '73. There will be two major seminars on the subject, in addition to the "big name" overview speech on energy. Also, INBEX is creating an Energy Conservation Center that will take up several thousand sq. ft. at the show. Every INBEX exhibitor who has an energy conservation product will be given a space in this educational area to illustrate how his products can be used in helping to create "energy conservation houses" and apartments. (I can see a slice of the $100,000,000 professional-technical press ad budget being allotted to this program.)

STUDY ENERGY CUTS IN MODEL BUILDING

A model building for studying energy conservation techniques will be built by the federal government. The General Services Administration (GSA) announced the proposal at a two-day meeting in 1973 on energy conservation sponsored jointly by GSA and the National Bureau of Standards (NBS). The building would contain at least 100,000 sq. ft. and be five to ten stories high.

The building will be used as any conventional federal office, but it will be extensively instrumented to measure the effectiveness of various design and equipment features aimed at reducing energy consumption.

What advertising man would not welcome an opportunity to use this project as an advertising springboard?

Another facet of the energy problem that will require heavy advertising is the enormous future capital requirements of the energy-producing industries. Kenneth E. Hill, exec vp of Eastman Dillon, Union Securities & Co., offers these awesome statistics:

"The capital requirements of the energy industry in 1970, the last full year for which data are available, were already quite large and steadily growing. The petroleum industry alone spent over $20 billion in the free world, of which 40%, or $8 billion, was allocated to the U.S. The public utility industry expended about $15 billion in the U.S. during 1970, while coal accounted for another several hundred million or so. This total of about $23 billion for the year was barely sufficient to supply today's energy needs. But even larger annual sums will be required for the estimated future growth in domestic energy requirements, which will nearly double from 1971 to 1985.

"Because of inadequate return on capital, the necessity for obtaining funds from outside the industry was becoming painful. The utility industry is now procuring about two thirds of its funds externally, and the petroleum industry about 25%—both nearly twice the level of the 1960s. But the frightening fact is that even these enormous sums were quite inadequate to maintain any excess energy capacity, and electricity brownouts and natural gas shortages are to be expected in the years ahead unless, of course, the growth rate of energy consumption is dampened.

"During the period through 1985, capital requirements for energy must continue to grow, and at rates greater than 4%, to provide some excess energy availability as well as large sums for environmental protection. Thus, total capital expenditures for energy during the year 1985 could well exceed $40 billion, compared to $23 billion in 1970. A conservative estimate of total outlays during the period, derived from many sources, would total $475 billion, as shown in the following table:

Capital Expenditures—U.S. Energy Industry—Period 1971–1985

	Estimated expenditures
Petroleum	$160 billion
Public utility	300 billion
Coal	15 billion
Total	475 billion

"The $300 billion for the public utility industry includes $50 billion for nuclear generating plants and $5 billion for coal gasification plants.

"Total money requirements could probably reach between $550 and $600 billion during the period 1971 and 1985 for the domestic energy industry. But the U.S. will then be relying on foreign sources for at least 50% of its oil and gas requirements. If this dependency on uncertain foreign sources of oil is deemed by our government as not in the national interest and proves to be economically difficult because of balance of payments problems, greater North American supplies will be encouraged. In this event, domestic capital expenditures must be greater than estimated above."

Now, if a $1 billion advertising program for energy conservation seems reasonable, how do we get it off the ground?

I suggest that the Advertising Council, of course (if the program is within its function , or any of its constituent organizations, or any of the advertising/marketing associations, might take on the selecting of a task force composed of representatives of government, the public, industry, the professions, the media advertising, agencies and public relations. This task force would hammer out the first skeleton outline of a program.

Take it away Energy Conservation Task Force I.

Mr. MOSS. Just this week, Advertising Age, the noted trade journal of the industry, editorialized on the need for a massive redirection of advertising budgets toward energy conservation activities. I believe that this is a most necessary effort for us to undertake if we are to get through this severe shortage period.

Mr. President, what we really need now is to redirect the ethic we have had of using energy widely, because it is so cheap, to where we consider very carefully what we use our energy for—use it for necessities, but not wastefully.

I have discussed this matter with the minority members of the committee, and I think the amendment is acceptable to them. I have discussed it with the manager of the bill, and I ask for the adoption of the amendment.

Mr. JACKSON. Mr. President, we are prepared to accept the amendment. It is a proposal for an educational program. I think it could be helpful in a national energy conservation program. I commend the Senator from Utah for offering the amendment, and we are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. 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. PERCY. Mr. President, I have long been one of the leading proponents in the Senate of programs to assure adequate nutrition for the people of this country. As ranking Republican on the Select Committee on Nutrition and Human Needs, I have worked to improve and expand the food stamp program, the school lunch and breakfast programs, supplemental food program, and nutrition for the elderly. In addition, I have

worked to consolidate all the child nutrition programs to assure more effective use of Federal dollars in providing better nutrition for our children.

I feel constrained today, however, to vote against the Jackson amendment to the national energy emergency bill pending before the Senate. The amendment would have allowed people, not otherwise eligible, to receive food stamps and unemployment compensation if they were adversely affected by the fuel crisis or by Federal actions taken to solve that crisis.

My initial objections to the amendment are that we have had no hearings on the proposal and that there was only cursory debate on the floor of the Senate. Furthermore, we cannot estimate what the cost of implementing this amendment might be to the Federal Government and, ultimately, to the taxpayers. I am always reluctant to take action on a bill or on an amendment without knowing what the costs associated with that action will be. That is why passage of the congressional budget bill, recently reported 13–0 by the Senate Government Operations Committee, is so crucial. Enactment of this bill would require cost information before any bill could be passed in the future.

I also object to this amendment because it would set up separate eligibility standards for food stamps for a certain category of individuals. It does not seem to me that people suffering hardship because of fuel shortages should be treated differently from those suffering hardship from other causes. Eligibility standards for food stamps should be uniformly applied and should not depend on the cause of the hardship.

The eligibility standards for food stamps are clearly spelled out by law, and the Department of Agriculture uniformly applies these standards across the country. All Americans who meet the requirements of monthly income, assets, and other provisions for eligibility can receive food stamps. There are no spending limits on the food stamp programs; whoever applies and is found eligible will receive assistance. If the fuel crisis adds large numbers of Americans to the ranks of those eligible for food stamps, they are already assured of participation in the program.

Therefore, Mr. President, not knowing its impact in terms of numbers of people affected, or cost, and not wanting to discriminate among different categories of people, I voted against Senator JACKSON's amendment to the National Energy Emergency Act. My action in this matter should in no way be interpreted to mean that I am unconcerned about the welfare of those Americans who may suffer adverse economic effects because of the energy crisis. I am concerned, but solutions proposed by Congress should reflect careful thought and detailed planning and must apply equally to all Americans.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON). 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 California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maine (Mr. MUSKIE) are absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Idaho (Mr. MCCLURE), and the Senators from Ohio (Mr. TAFT and Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 73, nays 12, as follows:

[No. 488 Leg.]

YEAS—73

Abourezk	Dominick	McGovern
Aiken	Eagleton	McIntyre
Allen	Eastland	Metcalf
Bayh	Ervin	Mondale
Beall	Fong	Montoya
Bellmon	Fulbright	Moss
Bennett	Gravel	Nunn
Bentsen	Griffin	Packwood
Bible	Gurney	Pastore
Biden	Hart	Pearson
Brock	Hartke	Pell
Brooke	Haskell	Proxmire
Burdick	Hatfield	Randolph
Byrd, Harry F., Jr.	Hathaway	Ribicoff
	Hollings	Schweiker
Byrd, Robert C.	Hughes	Scott, Hugh
Cannon	Jackson	Stafford
Case	Javits	Stevens
Chiles	Johnston	Stevenson
Church	Long	Symington
Clark	Magnuson	Tunney
Cook	Mansfield	Weicker
Cotton	Mathias	Williams
Dole	McClellan	Young
Domenici	McGee	

NAYS—12

Bartlett	Helms	Scott, William L.
Buckley	Hruska	
Fannin	Percy	Thurmond
Goldwater	Roth	Tower
Hansen		

NOT VOTING—15

Baker	Inouye	Saxbe
Cranston	Kennedy	Sparkman
Curtis	McClure	Stennis
Huddleston	Muskie	Taft
Humphrey	Nelson	Talmadge

So Mr. JACKSON's amendment was agreed to.

Mr. TUNNEY. It would appear that even under the most optimal conditions, it will take in the nature of 60 days to implement the emergency measures called for in S. 1570 and S. 2589 once they were enacted. Given the normal difficulties to be expected in meshing these two complex pieces of legislation, and the possibilities of delays, what recourse will communities have to obtain relief if they are faced with imminent emergencies within this initial period?

Mr. JACKSON. Pending full implementation of the programs provided for in S. 1570 and S. 2589, the only direct programs now in effect are the current administration propane and middle distillate allocation programs and such measures as the individual States may have adopted. The President does, however, have authority under the Defense Production Act of 1950 to take a wide variety of emergency actions when fuel shortages affect national defense. It is for that reason that we must pass this legislation without delay. As the Senator undoubtedly knows, many State and local governments have already acted to minimize the extent of the emergency and its impact. Some are well along in this area. They deserve the timely support that early passage of S. 2589 would grant them.

Mr. TUNNEY. Is Federal approval required of all actions contemplated by this act that are undertaken by State and local agencies?

Mr. JACKSON. Federal approval is required only for those State programs developed in response to the requirements of section 203(c).

Mr. TUNNEY. Will the State and local agencies set up under this act have any authority with respect to the establishment of priorities of fuel usage under the act? For example, if it is determined essential at the local level to divert certain fuel supplies to hospitals, or industries, or to some other vital use, does the flexibility exist under the bill to reallocate supplies to those priorities as called for within section 203, even though these priorities are not set forth specifically in section 102 of the bill?

I ask these questions, because it will not be possible or practical on a case-by-case basis to seek determinations such as these when a difference of days or hours might spell severe hardship for many people.

Mr. JACKSON. On the question of the establishment of priorities, section 203 requires that State and major metropolitan governments develop emergency energy conservation and contingency programs. It specifies that such plans shall include an established priority system. Thus, the question of relative priorities will be determined by State and local governments, and the degree of flexibility will be for them to decide.

Mr. TUNNEY. I am somewhat troubled by the provision in section 204(a) which states:

> The President shall require that fossil fuel fired electrical power plants now in the planning process be designed and constructed so as to have the capability of rapid conversion to burn coal.

Given the plentiful supply of coal in many regions of the country, I am aware of the desirability of such conversion. I would want to point out, however, that California is not primarily a coal-producing State, and fossil-fuel fired base-load electrical powerplants in California do not have the capacities at present to undergo such conversion. Furthermore, combustion turbines would as I under-

stand, find it technically unfeasible to make such turnovers to coal utilization.

But I want to stress another point, and that is namely the extremely adverse climatical and meteorological conditions which produce heavy and dangerous smog in parts of California. Coal burning would seriously aggravate such conditions and pose unwarranted threat to health. I, therefore, would hope that the application of any measures mandating use of coal take into consideration the peculiar environmental conditions that prevail in different regions of the country.

My question, Senator, is how do you construe the application of section 204 (a) in this bill to the situation in California and other States with similar interests?

Mr. JACKSON. As concerns the design and construction of future stationary powerplants, it is imperative that we insure that hereafter we are not single-fuel dependent; that we have the flexibility to use such fuels as might be available to us. At present we are in a minority among industrial nations in not being able to do so. S. 2652, the coal conversion bill which Senator RANDOLPH and I introduced on November 2, will address this need in detail. I welcome the Senator's interest in this area and would hope that he will offer his views and suggestions on the coal conversion bill for the committee's use in the consideration and markup of the bill.

The reference to future plants in this bill serves to provide notice of the direction in which we are moving in this area. As the Senator notes, it is obvious that coal in its natural state may not be used as fuel in a gas turbine. I doubt that anyone will try. Also, in building new plants with a coal capability, this capability must include the ability to do so within the requirements of the Clean Air Act.

Finally, I would think that there is a minimum plant size below which we would not wish to mandate convertibility. In drafting S. 2652, 100 million Btu per hour was taken as an initial minimum figure with which the committee could begin to work.

The Senator speaks of "all of our eggs in one basket." That is where we are now. That is a significant factor in the current emergency. It is precisely for that reason that we must act now to assure future flexibility.

ORDER FOR YEAS AND NAYS ON PROTOCOL AMENDING THE 1928 CONVENTION CONCERNING INTERNATIONAL EXPOSITIONS — EXECUTIVE N—AND PROTOCOL TO THE INTERNATIONAL CIVIL AVIATION CONVENTION—EXECUTIVE Q

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in executive session, that it may be in order at any time to order the yeas and nays on two treaties, Executive N and Executive Q, with one show of hands.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in executive session, that there be a yea-and-nay vote on the two treaties, Executive N and Executive Q, the vote not to occur today.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills and concurrent resolutions in which it requests the concurrence of the Senate:

H.R. 6642. An act to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976;

H.R. 7780. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yards of silk;

H.R. 11333. An act to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes;

H. Con. Res. 88. A concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs;

H. Con. Res. 369. A concurrent resolution to print as a House document House committee print on impeachment, selected materials; and

H. Con. Res. 375. A concurrent resolution providing for the printing as a House document the booklet entitled "The Supreme Court of the United States."

HOUSE BILLS AND CONCURRENT RESOLUTIONS REFERRED

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

H.R. 6642. An act to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976;

H.R. 7780. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yards of silk; and

H.R. 11333. An act to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 88. A concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs;

H. Con. Res. 369. A concurrent resolution to print as a House document House committee print on impeachment, selected materials; and

H. Con. Res. 375. A concurrent resolution providing for the printing as a House document the booklet entitled "The Supreme Court of the United States".

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate continued with the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. JACKSON. Mr. President, I yield for a unanimous consent request to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I ask unanimous consent that Mr. Edward Merlis and Henry Lippek of the Commerce Committee staff, be given the privilege of the floor during the further consideration of the pending bill.

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

Mr. FANNIN. Mr. President, I ask unanimous consent that Margaret Lane of my staff be accorded the privileges of the floor during the debate on the pending bill.

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

Mr. JACKSON. Mr. President, I ask unanimous consent that Dr. Arlon Tussing be granted the privilege of the floor during the consideration of the pending bill.

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

Mr. CANNON. Mr. President, I send an amendment to the desk on behalf of my colleague, Senator BIBLE, and myself, and ask that it be stated.

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

The PRESIDING OFFICER. May we have order in the Senate. Will all Senators please retire to their seats and will members of the staff take seats at the rear of the Chamber. May we have quiet so that the reading of the amendment can be heard and comprehended.

The clerk will start to read the amendment afresh.

Mr. CANNON. Mr. President, this amendment is a very short one. I ask that the clerk read the amendment in full. It is completely self-explanatory.

The legislative clerk read as follows:

On page 18, line 9, add the following new sentence:

"In developing the Federal program and requirements for State programs the President shall insure that the provisions for specific energy conservation and contingency measures are sufficiently flexible so that the desired reductions in energy consumption may be achieved with the minimum adverse impact on local, State and regional economies and employment levels."

Mr. CANNON. Mr. President, as the distinguished Senator from Washington so ably pointed out, our Nation is facing very difficult days due to the deepening energy crisis.

The Congress must take immediate, responsible steps to reduce petroleum consumption and insure the continuation of vital public services throughout this emergency.

This is what this bill, the National Emergency Petroleum Act of 1973, is all about, and I am pleased to join you as sponsor.

On behalf of myself and Senator BIBLE,

I would like to clarify some points of the bill so that all Americans will know how they will be affected by this program.

As you know, the economies of many States, including my own State of Nevada, depend upon tourism. Without visitors such as the 25 million who visited last year from outside of our State, Nevada's economy would wither and eventually die.

We are a State in which our hotels and resorts are our principal industry accounting for a majority of our jobs and half of our tax base. Naturally, any special penalties directed at hotels would cause chaos in Nevada in terms of employment and necessary revenue for the operation of our cities and the State itself.

Section 203(b) of the bill includes provisions for limiting operating hours of commercial establishments.

For purposes of this bill, does the term "commercial establishments" include hotels and resorts?

Mr. JACKSON. I would interpret section 203(b) to include hotels and resorts as commercial establishments. These provisions pertaining to commercial establishments were proposed by the administration and accepted by the committee. While it is my understanding that the executive branch had looked to the mercantile sectors as the principal source of savings, the whole commercial area is included.

Mr. CANNON. What does this provision mean for hotels and resorts which must operate at all hours for the safety and convenience of their guests?

Mr. JACKSON. It would mean that hotels and resorts would be called upon to bear an equitable part of the burden that all Americans will be called upon to share. In their conservation of energy, I would assume that hotels and resorts would assure the safety of their guests and call upon them to accept minor inconveniences.

Mr. CANNON. In Nevada tourist areas there are many hotels in process of completion and wings to existing hotels which are not yet in operation. How would the requirements affect the plans of these new facilities to serve our visitors?

Mr. JACKSON. In the case of facilities which are in the process of completion or expansion, we have a situation which is analogous to the "new market entry" question which the Senate addressed in the passage of the Mandatory Allocation Act (S. 1570).

It is imperative that we strive to curtail energy consumption in order that we may live within our means in terms of available fuels. However, it is not the intent of the committee that in doing so we take any action that would needlessly impair the economic growth of any State or region.

Each State will be called upon to reduce its energy consumption by first 10 percent and then 25 percent. In my judgment it is the State who must determine the most equitable allocation of reduced energy totals between old and new businesses.

Mr. CANNON. If a State draws up a plan to meet the 25-percent reduction level without adopting each and every provision outlined in the bill, and the plan is accepted by the White House, would this be acceptable in terms of fulfilling the requirements of the bill?

So in other words the Governor can mold the energy conservation program in accordance with the specific needs of his State as he sees them in a manner which would be in the best interest of the State.

Mr. JACKSON. Yes, if the reduction level can be achieved by the State, the Federal Government would not impose its own alternative to a State's conservation program. The legislation recognizes that what may be unnecessary usage of energy in one State's economy, may be vital to another State's economy. Therefore, if the State can achieve a 25-percent reduction I would see no reason to restrict hours of operation or demand closure of sections of an industry vital to the economy of that State, such as Nevada's tourism industry.

Mr. CANNON. In order to clarify this provision of the bill, I would like to introduce, on behalf of myself and Senator BIBLE, an amendment to S. 2589 which would affirm the flexibility feature of the energy conservation program, so that the desired reductions in energy consumption may be achieved with the minimum adverse impact on local, State, and regional economies and employment levels. I have discussed this with the distinguished floor manager of the bill and it is my understanding that he finds the amendment acceptable.

Mr. JACKSON. Mr. President, I believe that this amendment, which the Senators from Nevada offer, helps to clarify the intent of the bill and I urge its adoption.

Mr. CANNON. Mr. President, the amendment is self-explanatory. It simply writes language into the bill to make sure that the Governors and the State plans have flexibility in meeting the desired reduction requirement so that it will have a minimum impact on the local industries and the local economies of a particular State and area involved.

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

Mr. JACKSON. Mr. President, I think the amendment is a helpful one. I have discussed the amendment with the ranking minority member, the Senator from Arizona (Mr. FANNIN). I think the language should be helpful in the administration of the program. I have no objection to the amendment.

Mr. FANNIN. Mr. President, I have no objection to the amendment. I feel that the amendment will be helpful.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. MONDALE. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Wisconsin (Mr. PROXMIRE), and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. MONDALE. 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 reads as follows:

On page 16, between lines 2 and 3, insert the following new subsection (c) and renumber all succeeding subsections accordingly:

(c)(1) The President is authorized and directed to convene negotiations with the Government of Canada, at the earliest possible date, to explore means to safeguard the national interests of the United States and Canada through agreements covering trade in petroleum and petroleum products between Canada and the United States, so as to encourage the maximum volume of such trade consistent with the interests of both nations.

(2) The President shall report to the Congress, on an interim basis, on the progress of such negotiations as may be undertaken pursuant to this subsection, within forty-five days of passage of this Act.

(3) The President shall issue a final report to the Congress on the results of such negotiations as may be undertaken pursuant to this subsection, within ninety days of enactment of this Act. Such report shall include recommendations of such legislation as the President shall deem necessary to further the purposes of this Act.

Mr. MONDALE. Mr. President, this amendment is directed to the special problem of our relationships with Canada as they apply to the energy crisis.

The Canadians have reduced their exports of crude oil into the United States by about 300,000 barrels a day. And all of the States across the northern tier of our country—in the West, Northwest, Midwest, and the East—are going to be very seriously harmed by this development.

It is my opinion that our relationships with Canada are not nearly as good as they should be. This amendment is designed to authorize and direct our Government to begin immediate, emergency consultations with the Canadian Government for the development of a joint energy approach by means of which we could work together in trying to solve our problems.

Mr. PASTORE. Mr. President, this is an important amendment. We cannot hear the Senator's speech. Senators are not in their seats. Everyone is carrying on a conversation. I think that we ought to have order in the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island is eminently correct. Will each Senator please take his seat. And may we have quiet on the floor of the Senate so that we can hear the Senator from Minnesota.

The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, in the emphasis that we place in our debate on what the Mideast does in terms of exporting oil to the United States, we forget that we get 2½ times more oil from Canada now than we do from the Mideast.

Canada is the biggest source of our imported oil at the present time. In light of the new policies of Canada which have resulted during the past 6 months

in a nearly 23-percent cutback in the export of their oil to our country, and which could result in even a lower amount of exports from Canada to the United States, and the new export tax which they have added, I think that we should move immediately to try to develop these high-level negotiations for the mutual benefit of both the United States and Canada.

Mr. President, the immediate crisis which has worsened our present energy emergency has been brought about by an unconscionable embargo of Arab oil to the United States and certain other nations.

Yet the roots of this crisis lie much deeper. They lie in government policies planned more to increase the profits of the major oil companies than to promote the national interest. They lie in actions by these oil companies, which have revised their statistics and changed their predictions whenever it suited their corporate outlooks. And it lies in certain of our foreign policy dealings with nations friendly to the United States, nations which we often seem to have taken for granted.

There is no better case of this failure to conduct constructive energy consultation with our friends than recent relationships with the government of Canada.

With all the attention being given to our supply problems with the Middle East, far too little has been paid to our neighbors to the North. In fact, Canada exports more crude oil and refined products to this country than does any other single nation. In the second quarter of 1973, government figures show that almost 24 percent of our total imports of crude oil and refined oil products came from Canada. This was 2½ times the amount we imported from the Middle East and 50 percent more than we imported from Venezuela.

And, in the area of crude oil alone, we imported almost 33 percent of our total foreign oil in the second quarter of this year from Canada.

Yet in spite of our reliance on Canada in oil and oil products, we have too often regarded Canada as a steady source of high levels of these vitally needed commodities. We have seemed to assume—until very recently—that Canadian production woud inevitably serve American refineries, making Canada our most secure source of foreign oil.

Recent events have indicated that these assumptions may no longer be true. The Mideast oil embargo is but the latest and most dramatic of a series of events which have brought about significant changes in Canadian oil policy, changes which have serious implications for our ability to meet domestic demand during this winter and beyond.

These changes may have profound implications on the energy supply situation in the United States, and in particular on the Middle Western and Eastern States.

We have long enjoyed a large and flourishing trade between our two countries in petroleum and finished petroleum products, and the States in the Midwest and East have used Canadian oil to compensate for their lack of proximity to large crude oil reserves within the United States.

We must recognize that this trade is important for both nations, and that Canadian crude plays a vital role in insuring adequate supplies of oil to large sections of our Nation. Yet, if the actions of the Canadian Government in recent months indicate the beginnings of a long-term policy, there is good reason to believe that the Midwest and the East may be denied access to all or significant parts of Canadian oil production or face the imposition of stiff export taxes, as Canada begins to retain domestic production for her own use and heavily tax that portion of such production which is exported.

I firmly believe that a wiser U.S. policy on the question of a pipeline from Prudhoe Bay in Alaska to the lower 48 States could have averted a good deal of the difficulty in which we now find ourselves. As I have stated before, I believe we have treated the Canadian Government rather poorly on this question, and the current friction on some aspects of energy policy between our two countries may result from the unwise past policies of our Government on the Canadian pipeline question.

A Canadian pipeline would have been and still would be an excellent vehicle for cooperation between two friendly governments, and would give the entire Nation access to the Alaskan oil we desperately need.

This is only one of the reasons why I have argued for a trans-Canadian alternative to the proposed Alaskan pipeline. However, it now appears that such an alternative may be some distance in the future.

The history of Canadian-American relations on this matter, however, redoubles the need for the initiation of intensive discussions with the Canadian Government to work out a policy on trade in oil and petroleum products between our countries. For if we do not deal wisely and swiftly with the changes in Canadian policy which have recently become evident, we once again run the risk—as occurred with the Alaskan pipeline—of damaging relations between two nations whose mutual interests are far stronger than the differences which may at times separate them.

And there can be little doubt that Canadian policy is changing.

This past March, the Canadian Government began a system of crude oil export controls and denied applications for increases in exports of Canadian crude oil.

This was the first of a number of actions taken in recent months.

In June, new Canadian controls halted the exports of heating oil and gasoline into the United States, under what was described as a "temporary" policy which could last up to 18 months.

And on September 13, the Canadian Government announced that it would impose immediately a 40-cents per barrel export tax on crude oil, to reflect rising prices on the world oil markets. In late October, that tax was suddenly raised from 40 cents to $1.90 per barrel, thereby adding an additional $2 million per day to the cost of the crude oil we import from Canada.

Early in September, the Government announced that it would seek price readjustments before granting export licenses for the month of October.

Most recently, Canada announced that it would reduce shipments of crude oil from a level of slightly over 1.1 million barrels per day in October to 1 million barrels in November. In contrast, last April Canadian exports to the United States reached a peak of almost 1.3 million barrels per day. And, the outlook for months beyond November is cloudy.

In short, in the period since April, Canada has reduced her exports to the United States by 300,000 barrels per day, or about 15 percent of the estimated daily shortage of crude oil we now face in this country.

Perhaps most significantly, however, in early September the government of Canada also indicated that it was pursuing the construction of a pipeline to run from Ontario to Montreal to carry oil from Western Canadian oil fields into Eastern Canada. At present, Canada exports over 700,000 barrels per day of oil from Western fields into the Middle West and Eastern United States, and imports a significant amount into the Eastern part of Canada through pipelines originating in the State of Maine.

If an addition to the present pipelines linking Western Canada to Ontario were constructed, and if the supply of crude oil now being exported to the United States were stopped, it would come as a grave blow to the oil-poor regions in the Midwest and East which are now so heavily dependent on this Canadian oil.

The Canadian Government has gone through a difficult period in its own energy affairs, and many of the recent actions which she has taken have been in response to world events beyond her control.

Yet, unless we undertake intensive consultations immediately and sincerely, we will continue to be a prisoner of events rather than attempting to shape them constructively for the benefit of both our nations.

The United States and Canada are and have always been close allies and friends, sharing the longest common undefended border in the world.

We can and must preserve that friendship, to the mutual benefits of both nations. But we must also recognize that this friendship may be strained in the future, and that only continuing and high-level contacts between governments on the issue most pressing to both nations at this time—energy policy—will insure that policy will be made on the basis of mutual understanding, and not as a result of a failure of communication.

Mr. President, the bill as reported from the Interior Committee does contain a provision granting the President general authority to undertake negotiations and adjust or allocate imports of oil.

The amendment I am proposing, along with Senators EAGLETON, HUMPHREY, and PROXMIRE, will strengthen this provision. It directs the President, rather than simply giving him authority, to undertake

emergency consultations with Canada to arrive at an oil policy which will benefit both nations during this period of difficulty.

In addition, my amendment would require the President to report back to the Congress on an interim basis within 45 days, and on a final basis within 90 days, so that we can all know the progress which has been made in the course of these consultations.

Within the past 2 months, the White House Energy Adviser, John Love, has traveled to Canada for informal conversations on energy matters, and some new discussions may be underway. However, more is needed, and it is needed now. We desperately need high-level emergency consultations between our two governments to assure that we work together in weathering the present emergency. If we do not, we could witness a continued deterioration in American-Canadian relations over energy, which could deprive us of the single largest source of oil we currently possess.

Hopefully, these consultations would be the first step in a continuing series of negotiations on energy matters between the United States and Canada. I would hope, for example, that negotiations provided for under S. 1081 could begin at an early date to reach agreements through which oil from Alaska's North Slope can be routed through Canada to the lower 48 States. We do not yet know whether there will be enough proven reserves on privately held land to accommodate a second pipeline from the Arctic, but we do have information which indicates that Naval Petroleum Reserve No. 4—on Alaska's North Slope—may contain as much as 30 billion barrels of oil, or more than three times the proven reserves of the present North Slope fields. These resources should all be explored, to help maximize energy delivery to the United States from the North Slope. And, with approval of the trans-Alaska pipeline now near, we should give first priority to bringing additional Alaskan oil and gas through Canada to the lower 48 States.

These negotiations with Canada on energy matters will not be easy. In particular, they have not been made any easier by the treatment of the Canadian Government which we have sometimes engaged in on energy affairs in recent years. Yet these negotiations are essential, and must be undertaken as early as possible.

Mr. President, I believe that emergency consultations between our Government and the Government of Canada are vitally needed at this time. We must make progress in achieving the type of energy relations with our neighbor to the north which recognizes the need for cooperation in a time of difficulty. And, we must do this now, before a lasting deterioration of American-Canadian energy relations sets in and imperils a major source of our ever-expanding need for petroleum and petroleum products.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. AIKEN. Mr. President, would the Senator yield?

Mr. MONDALE. Mr. President, I will yield first to the Senator from New York and then to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I have just asked the Secretary of State to do exactly that. And I believe that the minute he comes back to our country he will give the matter his early attention. I am very pleased that the Senator from Minnesota and other Senators have joined in this endeavor. I believe, considering the close relationships between our country and Canada that we should handle this matter in a most intimate way.

Mr. MONDALE. I yield to the Senator from Vermont.

Mr. AIKEN. What I was going to say is that if I read the news correctly, Canada has already asked us to meet with them and decide just what we want them to do with what oil and other material, gasoline and so forth, they have to export. I think Canada is in about the same boat that we are, not only on exports but on everything else. But I read somewhere yesterday that they have already asked us to meet with them and reach some understanding. I think that would be a good thing, and we should do it without delay.

Mr. MONDALE. Yes. This must be a top priority matter in the weeks ahead.

Mr. AIKEN. And that would also apply to gas?

Mr. MONDALE. Yes, it would. The common energy program.

Mr. MAGNUSON. That is the question I was going to ask.

Mr. MONDALE. I am glad to yield to the Senator from Washington.

Mr. MAGNUSON. In the Pacific Northwest we are dependent on that gas. That is why this amendment is particularly appropriate at this time in the gas field, let alone the oil, which is another story. On gas, Canada has been threatening to raise the prices and void the contracts, and we in the Pacific Northwest are very dependent upon importation of gas from Canada.

Mr. MONDALE. I think it is very important for that reason also. The upper Midwest, all of these so-called Northern tier refineries, all the way east to Buffalo, N.Y., depend upon Canadian crude, and I think this amendment might tend to bring it up in priority.

I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, the amendment in substantial form reiterates the language in connection with the consultation with the Canadians contained in the Alaska pipeline bill, which was signed into law today. I think it is a helpful amendment, and we are prepared to accept it.

Mr. MONDALE. Mr. President, I make certain technical modifications at this point, placing the amendment under title V and renumbering the sections; and, in the light of the suggestions of the Senator from Washington (Mr. MAGNUSON) to include natural gas in the coverage. I would not think that changes the substance of the amendment, and I modify the amendment accordingly.

The PRESIDING OFFICER. Will the Senator send his modifications to the desk?

Mr. MONDALE. Yes.

Mr. MONDALE's amendment (No. 654), as modified, is as follows:

On page 16, between lines 2 and 3, insert the following new subsection (c) and renumber all succeeding subsections accordingly:

TITLE V—MISCELLANEOUS

SEC. 501. (a) The President is authorized and directed to convene consultations with the Government of Canada, at the earliest possible date, to explore means to safeguard the national interests of the United States and Canada through consultations covering trade in natural gas, petroleum, and petroleum products between Canada and the United States, so as to encourage the maximum volume of such trade consistent with the interests of both nations.

(b) The President shall report to the Congress, on an interim basis, on the progress of such consultations as may be undertaken pursuant to this subsection, within forty-five days of passage of this Act.

(c) The President shall issue a final report to the Congress on the results of such consultations as may be undertaken pursuant to this subsection, within ninety days of enactment of this Act. Such report shall include recommendations of such legislation as the President shall deem necessary to further the purposes of this Act.

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

Mr. MONDALE. I yield.

Mr. HANSEN. Mr. President, I do not speak against the amendment at all, but I hope we will all understand that the very thing the amendment calls for is already in progress.

As the Senator from New York has pointed out, he himself has talked with the Secretary of State, and he will shortly be going to Canada.

I am struck with the type of amendments that we are having presented to us. Yesterday we had one that would have permitted the President to move in and shut off exports. If a person does not know very much about the energy situation, it is very easy to think that that is a simple answer, or at least a partial answer, to the problem. But the facts are that we are far more dependent upon imports than we are hurt by the exports that leave this country.

I just want to say that what the Senator calls for in this amendment has already been going on. It has been going on for several years. There is no question at all but that we will be doing that.

We can add more and more things, and I guess we could think of all sorts of amendments that would sound good to our constituents—and I do not mean to imply that that is the motivation that prompts the Senator from Minnesota to put in this amendment—but the fact is that this is an ongoing program. The same language is in the Alaskan pipeline bill, despite the fact that it was not required there.

I would hope that we do not delude ourselves into thinking that up until the time that this amendment was proposed no one had thought about doing what it calls for.

I thank my colleague from Minnesota.

Mr. MONDALE. I certainly thank the

Senator from Wyoming for that comment. In my opinion, having studied the matter, I think the amendment is needed. It goes beyond the language in the Alaskan pipeline bill by stressing the emergency nature of these consultations. If the Senator is correct, I say, "Glory, hallelujah." I see no partisan advantage to be gained from this, but coming from a State that is terribly dependent on Canadian oil, in my judgment Congress would do well in supporting this amendment to give it the highest priority.

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

Mr. MONDALE. I yield.

Mr. PASTORE. The real purpose of this amendment is that of an expression of the Senate——

Mr. HANSEN. Mr. President, we cannot hear the Senator.

Mr. PASTORE. I must say it is not very often that the Senator from Rhode Island cannot be heard.

The PRESIDING OFFICER. Will the Senator from Rhode Island speak up so we can hear him? [Laughter.]

Mr. PASTORE. The real efficacy of this amendment lies in the fact that it is an expression of Congress. It shows a spirit of cooperation, and I think it would be very effective in making our friends in Canada realize that we in Congress are concerned; and even though negotiations have been going on, the fact still remains that we are a party to the welfare of the American people.

Therefore, I do not see any harm to it, and I think it fortifies whatever negotiations are going on.

I quite agree that we should not delude ourselves that this is an original idea. The Senator from Minnesota never suggested it was. All he said was that because of the situations and the need for this oil and the continued importations from Canada, we ought to go on with our negotiations.

Mr. HANSEN. Mr. President, if the Senator from Minnesota will yield further, just let me observe that I shall support the amendment. I am fully aware that my State of Wyoming ships a lot of crude to the Middle West that winds up in the States of Minnesota, Iowa, Illinois, Indiana, and all through there. I realize, too, that natural gas goes there from Oklahoma. It went there last winter. Despite the fact that they had to close schools in the State of Oklahoma, they got the gas up in the Great Lakes area, and I am proud of that. I would hope no one would think that because we happen to come from an energy sufficient area, we are immune to the concerns and welfare of people in other parts of the country.

I am pleased also to support the amendment because it is not often in these days that we find Congress so eager to admit that what the administration is doing is very much in the public interest.

Mr. MONDALE. I do not want to admit that, but I would like a vote on my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 654), as modified, of the Senator from Minnesota.

The amendment, as modified, was agreed to.

AMENDMENT NO. 666

Mr. BARTLETT. Mr. President, I call up my amendment No. 666, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BARTLETT's amendment (No. 666) is as follows:

(f) (1) The President shall make appropriate adjustments (at any point in the distribution chain) in the maximum price which may be changed under the provisions of Executive Order 11723 (dated June 13, 1973) or any subsequent Executive order implementing the Economic Stabilization Act for any energy commodity or product or any product or commodity essential to the development, production, or delivery of any energy commodity as to which the Director of the Energy Policy Office certifies to the President that the supply of the commodity or product has been or will be reduced to unacceptably low levels as a result of any price control or freeze order or regulation and that alternative means for increasing the supply are not available.

(2) The President is directed to implement policies under this Act which are designed to encourage the domestic energy industry to produce to its full capabilities during periods of short supply to assure American consumers and industries with an adequate supply of fuel and energy resources at fair and reasonable prices.

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

The yeas and nays were ordered.

Mr. BARTLETT. Mr. President, I would like to modify the amendment as follows: On the second page, line 1——

The PRESIDING OFFICER. Is the Senator asking unanimous consent to modify his amendment?

Mr. BARTLETT. It is my understanding that I can modify my amendment.

The PRESIDING OFFICER. Not after the yeas and nays have been ordered.

Mr. BARTLETT. I ask unanimous consent to modify my amendment.

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

Mr. BARTLETT. I modify the amendment, on page 2, line 1, by striking the words "Director of the Energy Policy Office" and substituting the words "Secretary of the Interior."

At the bottom of page 2, below line 11, I add another subsection, or add a paragraph (3) to the subsection, which would read as follows:

(3) The provisions of this subsection shall not apply to natural gas.

The PRESIDING OFFICER. Will the Senator send his modifications to the desk?

Mr. BARTLETT. I think they have them, but I am happy to supply another set.

Mr. BARTLETT's amendment No. 666 (as modified) is as follows:

On page 26 between lines 12 and 13 insert a new subsection as follows:

(f) (1) The President shall make appropriate adjustments (at any point in the distribution chain) in the maximum price which may be charged under the provisions of Executive Order 11723 (dated June 13, 1973) or any subsequent Executive order implementing the Economic Stabilization Act for any energy commodity or product or any product or commodity essential to the development, production, or delivery of any energy commodity as to which the Secretary of the Interior certifies to the President that the supply of the commodity or product has been or will be reduced to unacceptably low levels as a result of any price control or freeze order or regulation and that alternative means for increasing the supply are not available.

(2) The President is directed to implement policies under this Act which are designed to encourage the domestic energy industry to produce to its full capabilities during periods of short supply to assure American consumers and industries with an adequate supply of fuel and energy resources at fair and reasonable prices.

(3) The provisions of this subsection shall not apply to natural gas.

Mr. BARTLETT. Mr. President, this amendment is very simple, and I would like to read it once again. It says:

(f) (1) The President shall make appropriate adjustments (at any point in the distribution chain) in the maximum price which may be charged under the provisions of Executive Order 11723 (dated June 13, 1973) or any subsequent Executive order implementing the Economic Stabilization Act for any energy commodity or product or any product or commodity essential to the development, production, or delivery of any energy commodity as to which the Secretary of the Interior certifies to the President that the supply of the commodity or product has been or will be reduced to unacceptably low levels as a result of any price control or freeze order or regulation and that alternative means for increasing the supply are not available.

Mr. President, this is following a precedent that Congress followed this year in adding section 815 to the Agricultural Act. Section (b) of section 815 reads almost identical with this and provides that when the Secretary of Agriculture certifies there is an unacceptably low level of a certain commodity, that the price control or freeze order is responsible for that shortage, then the President shall make appropriate adjustments in the maximum price.

There has been much talk on the floor about the fact that this emergency bill has not given the usual emergency responsibilities to the President to make such adjustments. This amendment does not affect natural gas but would affect other fuels. It would also affect steel which is vital to the increase of production of supplies of oil, coal, and other fuels.

We have had testimony before the Committee on Interior and Insular Affairs that the energy crisis is much more severe than that of World War II. S. 2589, as reported from the Interior and Insular Affairs Committee, does no more than demonstrate again our reluctance to face the real problem; namely, how to stimulate the development of sufficient domestic energy supplies.

Again, Congress answer to balancing supply and demand seems to be only that "demand must be lowered." Certainly I agree that it should be lowered but I believe also that supplies must be increased.

It is a delusion for anyone to believe that S. 2589 will solve the energy supply problem. The people are suffering and will suffer even more because Congress refuses to take action to increase our

energy supplies. I would hope that S. 2589 would become a package to deal with both the supply and demand aspects of our energy crisis. Instead, the people of the United States are being asked to sacrifice, with no assurance that their sacrifices will be temporary, and that, as soon as possible, increased supplies of energy will make further sacrifices unnecessary. Quite the contrary, this legislation virtually locks in shortages indefinitely by slowing the entire economy.

This Nation, in the past, has used its plentiful supplies of energy to expand greatly its productivity. This productivity, in turn, has brought about high employment, a high standard of living, good health care, improved environment, and expensive and numerous special programs—a record not matched by any nation.

Our shortage of energy means a reduction in productivity, a reduction in jobs, our standard of living, health care, environmental progress, and social reform.

We cannot increase productivity at prices that produce shortages of oil and gas, of steel, and other strategic commodities. The oil and gas industry is like a grocery store which has been selling items off the shelf at less than replacement prices.

STEEL

Mr. President, there has been debate on this floor about the steel problem. With the revaluation of the dollar, we have seen the importation of cheap foreign steel stocks, and the exportation of our new chief American steel products exported to other nations. Also, we are witnessing an oil shortage as well as a shortage of many other products. Until the price of steel is placed at a proper level, we will not have ample production of raw steel, or investment in new rolling mills to produce new tubular goods so that we will have ample steel to be able to drill the wells that are necessary.

I should like to point out that about 20 years ago the rate of drilling wells was twice what it is today. The demand today for oil products is double that of 20 years ago. So, to have the same rate of drilling compared to demand, we would have to increase four times our drilling rate of 1972.

I should also like to point out that the level of increased drilling this year is up over last year, due to increases in the price of oil. But it is only 13 percent. That is not enough to get the job done. In fact, that is just barely a start. Our first goal should be to at least double the number of wells drilled in 1972. That will not be enough, but at least that is the goal we should achieve right away. It will take much more in the way of tubular drilling pipe, and drilling rigs, in order to do it.

Mr. President, to my mind, the American people do not mind sacrificing to correct our energy shortage, but they do not want sacrifices guaranteed only to continue the shortage. Americans deserve a workable plan to increase supplies while we ration short supplies. To do less is to insult the intelligence of our citizens—and shortchange them in the process. Americans are willing to pay higher prices when it means getting something for this sacrifice.

For those who would be unable to pay higher prices, certainly this body could take steps to remedy that.

The program provided in S. 2589 promises the American people a rough ride in a stormy sea. The American people do not mind roughing it, but they want more than a rudderless ship without an engine. They do not want to continue with the storm as it develops into a hurricane. They want direction. They want to get somewhere. They do not want to sacrifice for naught.

S. 2589 is sacrifice with little hope.

Mr. President, there have been a number of articles in the newspapers in recent days, and today, pointing out, for example, in Newsweek of November 15, 1973:

Running Out of Everything . . .

Major companies in nearly every industrial sector—from steel, autos, and rubber to petrochemicals, paper and plastics—are unable to get sorely needed goods from their suppliers or to supply their own customers in the quantities they seek. . . .

A dearth of supplies has forced plants to close and put some small companies out of business, sharply increasing unemployment in some areas.

In the Washington Star-News of November 15, 1973, it says:

1.6 Million Job Loss Seen.

A plastics industry executive today predicted a . . . $65 billion production drop by the end of the year as a result of petrochemical shortages.

The Wall Street Journal from November 15, 1973, says:

Rationing of Gasoline, Home-Oil Supply Asked Now by Advisory Panel.

The Committee on Emergency Preparedness of the National Petroleum Council said, ". . . although the effects of such (energy) shortages are difficult to determine, they could result in an annual loss to the U.S. economy of some $48 billion . . .".

Newsweek magazine for November 19, 1973, says, on page 110:

Facing Up to Cold Reality.

According to the prestigious consulting firm of Arthur D. Little & Co., the oil squeeze could cause a 2% drop in the real gross national product—in other words, a recession. And that, the firm estimates, would push unemployment from the current 4.5% of the labor force to as high as 7%.

One government source sketched an even gloomier "worst case" scenario for Newsweek's Rich Thomas. He speculated that unemployment rates could briefly reach 10 per cent or more. . . . For all that, says one official, "the outlook is grimmer than anyone so far has been letting on."

Then on agriculture, the Wall Street Journal said, November 15, 1973:

"It is simple economics," an Agriculture Department official says. "Any cutback in fuel means a cutback in production, and that means less food for the market place."

The Department says the agriculture complex—fertilizer makers, farmers, food processors, and others—account for nearly 30 percent of the annual fuel in the United States.

Higher prices, of course, require a sacrifice, too, but promise more energy for the effort.

With forced rationing, controlled low prices must be controlled by force because the two are incompatible.

S. 2589, in its present form, may serve in some people's minds as a solution to the real problem of increasing supplies of energy, but in reality is a camouflage for no action.

This amendment would remedy that situation by giving the Secretary of the Interior the charge of certifying shortages that result from low prices, and then Congress is charging the President to make adjustments, so that the commodities of energy other than natural gas and related commodities, such as steel, can be increased where necessary.

We have a very recent example of one type of emergency action which can lead to increased production of commodities in short supply. In June of this year, when the Senate considered and passed the Agriculture and Consumer Protection Act of 1973, the Nation was experiencing severe shortages of meat, eggs, feed grains, and other agriculture commodities. In order to provide emergency machinery to stimulate production of commodities in short supply, which was lagging because of artificially low prices imposed by the Cost of Living Council, Congress adopted an amendment to the bill directing the President to make adjustments in the maximum price which could be charged for commodities under certain emergency conditions.

We must now take the same emergency action to stimulate production of energy commodities in short supply.

The amendment to S. 2589 which I offer will provide the same emergency measure adopted for agriculture products. This amendment will stimulate increased production of energy products—other than natural gas—and related products such as steel pipe—tubular goods and steel goods for the various energy industries—which are essential to the production and delivery of critically short energy products.

I have furnished each Senator with a copy of my amendment and a copy of the emergency agricultural provision for comparison. It is working well in the agriculture bill, and I trust that it will do so here.

I believe that the crisis we have in energy is even more far-reaching than that of agriculture, because it affects agriculture directly and it affects directly employment and all manufacturing. It affects every citizen in a very direct and intimate way.

Certainly, if our economy is going to keep moving and progressing and providing jobs and providing the fuel for social programs, for a better standard of living, for better health care, then we will have to have sufficient energy.

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

Mr. BARTLETT. I yield.

Mr. HANSEN. Mr. President, I thank the distinguished junior Senator from Oklahoma for yielding to me.

I rise to support his amendment, because I am impressed with his logic, with the good commonsense that is inherent in the approach he takes.

The Senator from Oklahoma referred to the situation in the steel industry, the difficulty in trying to get certain kinds of material that are essential and critical to the oil industry. Yesterday, I read a letter from a lawyer in Chicago who represents a group of drillers engaged in the Houston-Fort Worth area of Texas and other places.

I should like to read again what Mr. Andrew W. Brainerd had to say.

> Would you believe, however, that although we have located drilling contractors to drill the well, we cannot begin to do so because of a drastic scarcity of pipe and oil field steel casing essential to the drilling and completion of any oil or gas well? As far away as Houston and Fort Worth, all of the oil field supply companies are simply out of stock, with none of them giving an assurance of when or how much they will receive in the future! At an auction in Houston last week, details of which I would be pleased to provide you, 27,000 feet of used 5½" steel casing were purchased by the highest bidder, Texaco, Inc., at a price of $4.40 per foot. The normal price, new, for such pipe, has been $2.80.
>
> All of the oil field supply companies we have contacted have given as a reason for this shortage the fact that the price of pipe and casing has been so limited by the Cost of Living Council that none of the steel companies is willing to produce it.

This is the story that is going to be repeated time after time after time.

But the amendment that has been offered by the distinguished Senator from Oklahoma strikes at a more basic problem that must concern everyone in America today: Companies and individuals engaged in business are going to be guided and directed in what they do by the profit motive. If one has an opportunity to make a dime, he likely will become interested; and if he cannot, he will not be.

As the Senator from Oklahoma has pointed out, on many occasions because of the price we have imposed or the price limits that have been imposed in one fashion or another on the petroleum industry over the last 15 years or so, sufficient incentive has not been given that industry to go out and find the oil and gas that help make this country run.

Earlier today, the Senator from Oklahoma and I, in the company of other Senators on the floor, were at the White House, where we witnessed the signing of the bill authorizing the construction of the Alaska pipeline. Present to witness that ceremony was the widow of Dr. William Pecora. Dr. William Pecora is a name that is well known in the oil industry. He was the head and Director of the U.S. Geological Survey for many years; and later, early in the Nixon years, he became Under Secretary of the Interior. The President gave one of the pens he used in signing that historic document to Mrs. Pecora, because he wanted to focus attention on the fact that Dr. Pecora had been calling for an increase in the supply of petroleum and natural gas in this country.

Dr. Pecora, before his death, made one other utterance that I think is particularly timely to recall now. He was a distinguished scientist, one of the most revered men in the membership of the American Association of Petroleum Geologists, without any question. About a year and a half ago, he said that in his judgment there was probably as much as 100 times the amount of oil and gas we consumed in the entire United States in the year 1971 still to be found in the continental United States and on the continental shelves around this country.

Yet, what are we doing about supply? With the exception of the Alaska pipeline bill, we have not done anything to speak of about supply.

We talk in our myopic fashion, as we look at the energy crisis, only about spreading the misery around. We talk about seeing to it that everybody suffers a little bit and no one too much. I wish I could be confident that all of us will suffer only a little bit, but we are going to suffer more than a little bit because the cutoff in petroleum supplies is significant. It is about 17 percent of the total amount of oil and gas we use. When one stops to think that 78 percent of the energy we use in the United States comes from oil or gas, it can be understood by looking at the facts why the amendment proposed by the distinguished Senator from Oklahoma is so timely and so important right now. The amendment will do something about increasing supplies, and that is exactly what we need to do.

There are those who will say, "Gee, if the lid is taken off of prices and the price of oil, gas, and heating oil goes up, what will the poor people do?"

I do not minimize at all what higher prices will mean to Americans, but that is the best alternative we have now. There is one thing worse than higher prices and the ability to pay higher prices, and that is having higher prices and having no jobs. So far we have not done anything to increase the oil and natural gas in this country. If we can do that and do it quickly, and this amendment will help to do it quickly, we will have taken a major step to insure that there will be jobs for all Americans insofar as we are able to perform now in Congress to obtain that goal, and that is important.

Mr. President, you cannot buy very much if you have to make your purchases with welfare checks and food stamps. There is no doubt in my mind how the 78 or 80 million Americans who now have jobs would answer if they were asked, "Do you prefer higher prices for energy with reasonable assurances you will have a job this winter, or would you like to keep the prices of oil and petroleum products where they are now and run the risk that your plant may be one of the many plants in America that may be shut down because of insufficient supplies of energy this winter?"

I think it would be found that almost to a man Americans now gainfully employed would say, "We do not want higher prices, but if that is what we will have to do to guarantee our jobs, we will accept that."

That is the thrust of the Bartlett amendment. It is realistic. We cannot snap our fingers and have this problem go away. It will take the investment of more dollars to drill deeper wells at a higher cost per foot to find the oil and gas to keep this country going.

I suspect this amendment will not carry because I know that the manager of the bill intends to speak against it. He will have his own words, and certainly I shall not attempt to speak for him on this or any other issue. But I observe that in all likelihood this amendment will be rejected, and if it is rejected and if some of the predictions of the Senator from Oklahoma, the Senator from Wyoming, economists, people in the oil industry and in the business community and others have made, come true, I hope we will put the blame where it belongs.

We do have a chance here now if we support the Bartlett amendment to do something about our supply; and if we choose to let this opportunity now escape our grasp and take no action to improve supply, then I say we have at least been forewarned.

I thank my distinguished colleague from Oklahoma for yielding.

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

Mr. BARTLETT. I shall yield to the Senator from Arizona in just a moment. First, I would like to point out what this bill does. It calls on the President to give the people the bad news and tell them of the sacrifices they are going to have to make, to require them to cut back, to reduce their driving, to lower the thermostat, to advise them there will be greater unemployment in this country. My amendment does also give him the emergency powers to deal with the other side, the supply side of the supply-demand problem, and it gives him the opportunity to increase supplies, if certified by the Secretary of the Interior that the reduced supplies are occasioned by low prices, occasioned by price controls.

Members of this body and the other body have voted in recent years for increases in the price of milk because they felt in their minds that it was important that there be an increase. This matter of energy is much more important than just one commodity because we believe it is associated with virtually every part of our enterprise system in this country and every commodity.

It is most vital that we have the opportunity in this emergency bill to deal with the supply problem so that the President can take steps that will help relieve the shortage of supplies.

I yield to the Senator from Arizona.

Mr. FANNIN. I thank the distinguished Senator from Oklahoma. If the Senator will permit me, the Senator from Louisiana has a question that he would like to pose at this time.

Mr. BARTLETT. I yield for a question.

Mr. JOHNSTON. In the amendment it is stated that the President "shall make apropriate adjustments in the maximum price which may be charged under the provisions of Executive Order 11723 or any subsequent Executive Order implementing the Economic Stabilization Act."

My question is: Under the mandatory allocation bill which either has been signed or will be signed in the next day or so, the President is charged with the duty of fixing prices on petroleum products, or crude.

Would the Senator's amendment also exempt the President from the manda-

tory duty of fixing prices under the mandatory allocation bill?

Mr. BARTLETT. This amendment would direct the President to adjust prices after the certification that there is a shortage resulting from low prices, that controlled prices caused the shortage and created an unacceptably low amount for a product, in the production, distribution, or marketing, on finding an emergency.

This directs the President and charges him with the responsibility of making adjustments in the price where needed in order to compensate for the low supplies that result from too low prices.

I think the Senator from Louisiana will agree, with his knowledge in the energy industry in his own State, that the free market that has existed, for example, in natural gas, which this amendment does not affect, and he is cognizant of the fact that ample prices in a free market result in an increase in energy being available in Louisiana, Texas, Oklahoma, and other States.

Mr. JOHNSTON. My question does not go to whether the amendment is good or bad but whether it will accomplish what the Senator intends to do. Personally, I have sympathy for what the Senator is trying to do, but I wonder if the Senator has made provision for the mandatory allocation bill and the exemptions from it.

Mr. BARTLETT. An amendment is needed in this regard. I would certainly appreciate the counsel of my good friend from Louisiana, and I believe this will provide the vehicle for the President to make adjustments in the prices, as directed by the Secretary of the Interior.

I will yield for a question to the Senator from Arizona.

Mr. FANNIN. I thank the distinguished Senator from Oklahoma. I agree with him, and I am very pleased that he and the distinguished Senator from Wyoming have explained just exactly what is involved in his amendment and the benefits which could accrue from it.

I would like to give support to him and bring to the attention of the Senate the precarious position we are in today.

Mr. President, I present for inclusion in the RECORD an article entitled "Consumers Brace for Severe Shortages," which contains a succinct and perceptive account of the Arab oil cutoff and some hard facts about its consequences. Since early in November the Arab "oil weapon" has proven effective indeed, and the cracks in the armor of we oil-consuming nations are widening. Even the other members of the European Economic Community opposed the pleas of the Dutch—who are now subject to an embargo of oil shipments from the Arabs—for a common market approach to the oil crisis in Europe. Energy-saving programs are being put into effect in countries from France to the Philippines, and rationing in the United States appears no further away than the new year.

We have been told a hard winter lies ahead, and we can expect little support from our allies around the globe in terms of additional energy supplies. They just do not have any. Accordingly, it would appear that now is the time to turn our attentions and our resources to stimulating increases in our domestic supply of energy.

I ask unanimous consent that this well-reasoned article be included in the RECORD.

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

[From the Oil and Gas Journal, Nov. 12, 1973]

CONSUMERS BRACE FOR SEVERE SHORTAGES

The consuming nations of the world began laying plans for a long hard winter last week due to Arab oil cutoffs.

Much of the world was functioning under normal supply patterns early last week, but by midweek emergency plans began to surface in Europe, Japan, and the U.S. as an acute oil shortage loomed closer.

In the U.S., President Nixon went on nationwide television to warn the country of impending shortages and to recommend solutions that will change the flow and patterns of energy use sharply in the U.S.

On the eve of the President's message, oilmen dealing with Mideast affairs were acutely aware of the severity of the Arabs' move to dry up supplies moving into U.S. markets.

"There is just no spare crude to make up for the loss of Persian Gulf crude," a spokesman for one international major said.

And another warned the U.S. will begin to suffer badly by Dec. 1 as result of Arab oil embargoes and shutdowns. He declared gasoline rationing is a must.

"It (rationing) is necessary today," he said. "But politically it won't happen. It will be pushed off. It is inevitable we will be short of oil this winter, and part of this will be reflected in a gasoline shortage. But the Government won't bite the bullet and do it."

EEC INACTION

Holland discovered last week that she has few friends in the European Economic Community when it comes to oil problems with the Arabs.

The EEC meeting in Brussels on Nov. 5–6 labored mightily but produced nothing more than a rehash of earlier United Nations resolutions calling for Israeli withdrawal from the occupied territories.

Those countries on the Arabs' "friendly countries" list—notably Britain and France—openly opposed the Dutch plea for a common-market approach to the oil basis in Europe.

The EEC communique following the meeting made no mention at all of such an approach. In fact, the only mention of oil came in its final paragraph, which said: "The council, conscious of the interdependence of the economies of the member states of the European communities, has asked the commission and the committee of permanent representatives to continue to follow attentively the situation resulting from the shortage of crude oil and to report to the council."

There was some hope at press time, however, that a solution of the oil crisis may be at hand. Reports from Cairo following the meeting between Dr. Henry Kissinger, U.S. Secretary of State, and Egyptian President Sadat said both agreed that some progress toward peace had been made, and that a resumption of diplomatic relations between Egypt and the U.S., disrupted in 1967, was definitely possible.

Earlier encouragement had come in a little-publicized announcement from Cairo that normal oil output would be resumed when the U.S. indicated that it would pursue a more even-handed policy in the Middle East. Originally, the cutoffs of oil were declared aimed at total Israeli withdrawal from the occupied territories and restoration of "Palestinian rights."

ARABS SHARPEN CUTS

The oil ministers of the Arab states met again in Kuwait on Nov. 4th to take stock of the success of the oil weapon and to assess the general supply situation.

The ministers left the meeting convinced that the oil weapon was indeed proving effective in their economic battle, and they decided to turn the weapon in the wound by ordering an immediate minimum cut in oil output of 25% based on September figures. Basing the cuts on September, usually a low-volume shipping month, made their effects even more lethal.

At midweek, Saudi Arabian oil production was down by nearly 38% to only 5.2 million b/d. Kuwait was down by 31% (compared to September) to 2.3 million b/d.

Overall, Arab oil output was off about 5.7 million b/d.

The enormous decline in Saudi output resulted from the original 10% cut, the embargoes against Holland and the U.S., and suspension of shipments to Caribbean, Pacific, and Canadian refineries that ship products to the U.S.

The Saudi action has brought to a complete standstill a major expansion program Arabian American Oil Co. (Aramco) has been developing. At the beginning of 1973, Aramco's production capacity was 6.55 million b/d. Production was up to 8.3 million b/d in September. The company had a production target of 11.6 million b/d by 1975, but no new work has been authorized by the Saudis since Oct. 17.

The Nov. 4 Oapec meeting further warned the world that in the future, mere neutrality would not be enough to prevent an embargo against a consuming country. The Arabs want some positive actions by consuming countries to demonstrate support for their cause.

To insure such actions, Oapec dispatched Saudi Oil Minister Yamani and Algerian Oil Minister Abdesselam on a tour of European states to obtain promises of positive actions in exchange for guaranteed oil flows. The two ministers were further charged with seeing to it that any cooperative action by the EEC did not circumvent the Arab embargo on Holland.

The Arabs are convinced that their actions have had more telling effects on the U.S. than is acknowledged in Washington. They point to the Kissinger mission to the Middle East as evidence of this.

Meanwhile, Arab chiefs of state were keeping the roads hot between their respective capitals, as preparations began for a full-scale Arab summit conference, probably in Algiers, later this month.

Kuwait, Libya, and Algeria sponsored the call for the meeting. Its goal is to arrive at a common strategy in dealing with the Middle East peace maneuvers.

Mr. FANNIN. Mr. President, if we are going to ask the oil industry and the energy industry to produce under very adverse circumstances, often at great additional cost, I think we should provide them with the instruments to carry on these programs. I think that is what the Senator from Oklahoma is doing in his amendment by stating:

> The President shall make appropriate adjustments . . . in the maximum price which may be charged . . . for any energy commodity or product or any product or commodity essential to the development, production, or delivery of any energy commodity . . .

This is something that has been done before. The Senator from Oklahoma gave

several illustrations of precedents for this particular action.

I know I can cite an example from my own State of Arizona. We happen to grow long staple cotton in our State. At one time we were very much in short supply of cotton and cotton was needed very badly. It was at that time utilized for the manufacture of tires. It was so badly needed that the Federal Government guaranteed a price for the commodity, and they were able to encourage plantings that otherwise never would have been made.

This is one illustration of what has been done, which proves the worth of the amendment of the Senator from Oklahoma. I know that he has several other examples he used to illustrate this point.

Mr. BARTLETT. Mr. President, I certainly thank the Senator from Arizona, and I am happy to have him provide for the record the other examples of the precedents for this particular approach to the problem. This approach, or a similar approach, was used during World War II, and then the Congress, in its wisdom, saw fit this summer to provide such a provision in the new Agriculture Act because of the shortages of various grains and food products. This is a provision of the present agricultural law that is in effect today. I think we have ample precedent for it.

I believe we would be very short-sighted if we did not provide responsibility for the President in dealing with the total problem of supply and demand. To saddle him only with the demand side to the exclusion of the supply side is not fair to the people of the Nation. I think they are entitled to know that when we make these sacrifices, a point is made with respect to supply, so that the situation will be as short-term as possible. Otherwise, the people will think only of the continuing and expanding shortages that now exist.

Mr. FANNIN. The Senator from Oklahoma realizes, as I do, that in the petroleum industry we have seen higher prices paid for products imported than for the products we are producing in this country. In fact, both the Senator from Wyoming and the Senator from Oklahoma have illustrated that we are paying premium prices for imports. We might take imported natural gas as an illustration. We are paying five times as much for imported gas as we are allowing natural gas to be sold in interstate commerce. This is a policy that certainly is to the detriment of the Nation. It costs the country heavily.

I am not saying that the amendment applies to that particular problem, but certainly it is an illustration of what has happened, and it makes it all the more important that we adopt the amendment of the Senator from Oklahoma.

Mr. BARTLETT. I thank the distinguished Senator from Arizona. I appreciate his willingness to seek to provide more energy for the Nation.

I thank the Senator from Wyoming (Mr. HANSEN) for the many times he has expressed the point of doing something to increase our supply of energy so that we will not find ourselves in this mess again. We must increase our supply of domestic energy both for the long term as well as for the short term.

Mr. President, I ask unanimous consent that my amendment be modified, following the suggestion of the Senator from Louisiana (Mr. JOHNSTON), on page 6, after the word "act," to insert "or any other Federal law."

The PRESIDING OFFICER. Will the Senator send his modification to the desk, please?

Mr. BARTLETT. Yes. I have another amendment, on page 1, line 6, after the word "delivery," to add the words "or use."

This amendment was suggested by the staff of the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection to making such modifications? The Chair hears none and the amendment is so modified.

Mr. BARTLETT. Finally, I wish to say that I believe this rounds out and provides for the other side of the coin with respect to S. 2589. It provides emergency powers for the President: For the exercise, where needed or necessary, to increase the supply by adjustment as well as to have emergency powers to decrease the demand by other controls. I believe that this would provide a balanced approach, so that the people, while they are sacrificing by turning their thermostats down and driving their cars on a stricter basis, will know that there is an opportunity to work ourselves out of this problem by providing ourselves with more energy.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the role.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Alabama (Mr. ALLEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Mississippi (Mr. STENNIS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. TALMADGE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Idaho (Mr. MCCLURE), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The result was announced—yeas 35, nays 47, as follows:

[No. 489 Leg.]

YEAS—35

Bartlett	Gravel	Percy
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bentsen	Hansen	Roth
Brock	Hartke	Scott, William L.
Buckley	Hatfield	Stevens
Byrd, Robert C.	Helms	Taft
Cook	Hruska	Thurmond
Dole	Johnston	Tower
Dominick	Long	Weicker
Eastland	Nunn	Young
Fannin	Pearson	

NAYS—47

Abourezk	Ervin	McIntyre
Aiken	Fong	Metcalf
Bayh	Hart	Mondale
Beall	Haskell	Montoya
Bible	Hathaway	Moss
Biden	Hollings	Packwood
Brooke	Hughes	Pastore
Burdick	Inouye	Pell
Byrd, Harry F., Jr.	Jackson	Ribicoff
Cannon	Javits	Schweiker
Case	Magnuson	Scott, Hugh
Chiles	Mansfield	Stafford
Church	Mathias	Stevenson
Clark	McClellan	Symington
Eagleton	McGee	Tunney
	McGovern	Williams

NOT VOTING—18

Allen	Fulbright	Muskie
Baker	Goldwater	Nelson
Cotton	Huddleston	Saxbe
Cranston	Humphrey	Sparkman
Curtis	Kennedy	Stennis
Domenici	McClure	Talmadge

So Mr. BARTLETT's amendment was rejected.

AMENDMENT NO. 660

Mr. STEVENSON. Mr. President, I call up my amendment No. 660, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. STEVENSON. Mr. President, I make some technical modifications in the amendment and send them to the desk.

The PRESIDING OFFICER (Mr. HUGHES). The amendment is so modified.

The modified amendment is as follows:

Add a new section to title V as follows:

"SEC. 308. National Energy Emergency Disaster Assistance Plan. (a) Where, in the determination of the President, the national energy emergency is, or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of State, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such a severe emergency exists or threatens to exist certifies the need for Federal disaster assistance under the Disaster Relief Act of 1970, as amended, and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments,

or other agencies for alleviating the damage, loss, hardship or suffering resulting from such emergency, the President may designate one or more major disaster areas under the terms of the Disaster Relief Act of 1970, as amended.

"(b) The President shall require the Federal Disaster Assistance Administration to promulgate, not later than 15 days after the date of enactment of this act, a nationwide contingency plan for insuring the availability of federal disaster assistance to families, individuals and communities that qualify for such assistance as a result of the nationwide energy emergency. Such plan shall include, but not be limited to, specific procedures for;

"(1) coordinating activities of all federal, state and local disaster relief and civil defense officials for the purpose of establishing neighborhood centers to provide emergency heat, food and shelter for individuals and families who, as a result of the energy emergency, require such assistance;

"(2) distribution of surplus food commodities by the Secretary of Agriculture pursuant to the Food Stamp Act of 1964 and the provisions of Section 203 of the Disaster Relief Act of 1970, when the President determines that, as a result of unemployment caused by industrial or commercial energy shortages, households are unable to purchase adequate amounts of nutritious foods; and

"(3) provision of the necessary emergency personnel, equipment, supplies, facilities and other resources in accordance with the authority granted under the Disaster Relief Act of 1970, necessary to help in alleviating the damage, loss, hardship or suffering caused by the national energy emergency."

On Page 29, Line 22, delete "308" between "Sec. and National" and add "309."

On Page 30, Line 21, delete "309" between "Sec. and Administrative" and add "310."

On Page 31, Line 20, delete "312" between "and" and before "of this Act" and add "313."

On page 31, Line 21, delete "310" between "Sec. and Judicial" and add "311."

On Page 33, Line 3, delete "311" between "Sec. and Materials" and add "312."

On Page 33, Line 9, delete "312" between "Sec. and Grants" and add "313."

On page 33, line 18, delete "313" between "SEC. and Study" and add "314".

On page 34, line 3, delete "314" between "SEC. and Authorizations" and add "315".

On page 34, line 6, delete "315" between "SEC. and Separability" and add "316".

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, the National Energy Emergency Act of 1973 is a tribute to the vision and work of the entire Interior Committee and especially its chairman, the distinguished Senator from Washington. This bill is clear proof of the Senate's ability to respond positively and speedily at a time of national crisis.

Our best hope this winter lies in energy conservation and an equitable allocation of available fuel supplies.

The Nation is now facing a 10- to 17-percent petroleum deficit this winter That means cold homes, unemployed workers, and severe economic dislocations.

They cannot now be prevented. They can be minimized through energy conservation as S. 2589 proposes.

But S. 2589 would not be complete without a provision to allevate the human suffering which will probably result in some areas this winter from energy shortages.

This is a disagreeable prospect, and a hard one to face in a nation accustomed to so much abundance, but it is far better now to face the prospect of human suffering, when we can do something about it, than later when we cannot.

This amendment requires the Federal Disaster Assistance Administration to develop comprehensive disaster relief programs for those families, individuals, and communities denied adequate food and shelter because of fuel shortages. When it is 10 degrees outside and homes are out of fuel oil, it will be too late to start planning for neighborhood centers where all can be assured of a warm place to eat and sleep. When factories have been closed for several months, it will be too late to start planning how the unemployed are going to feed their families.

For every million barrels of petroleum products per day the Nation is short, about 1¼ million people will be put out of work. When the last Mideast oil tanker reaches our shores in the coming weeks, we will be faced with a 3-million barrel per day shortage. That would mean a doubling of the unemployment rate to over 9 percent, and a 7-percent reduction in gross national product.

These figures are national averages. Hardships do not fall evenly on all sections of the country or on all individuals. A shortage of 3 million barrels per day could drive unemployment among minority workers as high as 30 or 40 percent. Human suffering, severe economic dislocations, even social disorders are threatened.

If conservation efforts, including the most essential, gasoline rationing, are successful, the assistance offered by this amendment will not be needed. But nothing will be lost by it. And it is more likely that the assistance will be needed. At least, we cannot take the risk of being unprepared to relieve human suffering. If the energy crisis teaches us anything—it is the need for advance planning.

Now is the time to develop contingency plans for the human suffering that may lie ahead. The administration has recently disbanded the official disaster assistance agency—the Office of Emergency Preparedness. Thus, this amendment requires that the new Disaster Assistance Administration in the Department of Housing and Urban Development promulgate within 15 days after enactment, a comprehensive contingency plan for coordinating Federal, State and local disaster relief efforts. The amendment gives the President the authority to designate as disaster areas those areas stricken by energy shortages. Such areas would then be eligible for Federal assistance under the Disaster Relief Act. The required contingency plan is intended to assure that the assistance actually reaches the eligible recipients.

The Nation is faced with a national energy emergency of unprecedented proportions. Conservation and allocation of fuel provide the tools to control available supply. This amendment offers relief to those who will suffer even with energy conservation proposed by S. 2589.

The conservation and allocation of fuel provide the tools to control available supply. This amendment will offer relief to those who will suffer even with the energy conservation as proposed by S. 2589 and with the allocation programs already approved by Congress.

Mr. President, I urge adoption of my amendment.

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

The PRESIDING OFFICER (Mr. NUNN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Mr. President, the committee will agree to this amendment. We believe it is needed and is a forward step in case the unexpected or the worst happens. If there are disaster areas caused by the energy crisis, then we believe that this amendment is appropriate and a needed response to that need.

We congratulate the distinguished Senator from Illinois for offering this amendment.

Mr. LONG. Mr. President, might I ask, if the leadership and the manager of the bill were to take it, that we vacate the order for the yeas and nays?

Mr. STEVENSON. I was about to do that. If there is no objection to this amendment, Mr. President, and I hear none, I would ask unanimous consent that the order for the yeas and nays on this amendment be vacated and that we agree to the amendment.

The PRESIDENT OFFICER. Without objection, the yeas and nays are vacated.

Mr. JOHNSTON. No, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENSON. 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. STEVENSON. Mr. President, I ask for the yeas and nays on my Amendment No. 660.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. STEVENSON), No. 660.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE), the Sen-

ator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Kentucky (Mr. HUDDLESTON) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Georgia (Mr. TALMADGE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Idaho (Mr. MCCLURE) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The result was announced—yeas 62, nays 17, as follows:

[No. 490 Leg.]

YEAS—62

Abourezk	Gravel	Moss
Aiken	Gurney	Nunn
Bayh	Hartke	Packwood
Beall	Haskell	Pastore
Bentsen	Hatfield	Pearson
Bible	Hathaway	Pell
Biden	Hollings	Percy
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, Harry F., Jr.	Jackson	Ribicoff
	Javits	Schweiker
Byrd, Robert C.	Johnston	Scott, Hugh
Cannon	Long	Stafford
Case	Magnuson	Stevens
Chiles	Mansfield	Stevenson
Church	Mathias	Symington
Clark	McClellan	Taft
Dole	McGee	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ervin	Montoya	Young

NAYS—17

Bartlett	Dominick	Hruska
Bellmon	Fannin	Roth
Bennett	Fong	Scott, William L.
Brock	Griffin	
Buckley	Hansen	Thurmond
Cook	Helms	Tower

NOT VOTING—21

Allen	Goldwater	Mondale
Baker	Hart	Muskie
Cotton	Huddleston	Nelson
Cranston	Humphrey	Saxbe
Curtis	Kennedy	Sparkman
Domenici	McClure	Stennis
Fulbright	McGovern	Talmadge

So Mr. STEVENSON's amendment (No. 660 was agreed to.

NO PIPELINE JOBS AVAILABLE IN ALASKA NOW

Mr. STEVENS. Mr. President, the recent passage of the trans-Alaska pipeline bill in Congress, and the President's signature of the bill this morning will unfortunately be a false message to many American workers that they can find wealth and prosperity by coming to Alaska to seek employment on the pipeline construction project.

Americans who unfortunately make the long and expensive journey to Alaska to find employment will find only severe hardship and unemployment.

My office has already received many inquiries from job hopefuls, and officials in Alaska report many jobless workers coming north with little more than high hopes to last them through the severe winter.

In previous statements I have warned that there are no pipeline jobs in Alaska yet. I am using this means to plead with Members of Congress to tell their constituents not to go to Alaska looking for pipeline jobs.

There are no pipeline construction jobs in Alaska. Permits have not been issued, contracts have not been awarded and construction will not begin for at least 6 months. Even then, the employment outlook for people coming north will be doubtful, since we will give priority to Alaskan natives on the pipeline jobs.

This is extremely serious. Officials in Alaska inform me that the Anchorage welfare office has recently received more than 200 applications this week from people who came to Alaska looking for work on the pipeline.

Unemployment is not the only hardship. Along with subzero temperatures, job seekers will find fuel shortages—many heating oil distributors are unable to take on new customers due to industry rationing—living costs are from 25 to 75 percent higher than in the lower 48 States, little or no available housing and relief agencies are absolutely overloaded.

When the Senate and House passed pipeline bills this summer, Anchorage and Fairbanks reported an influx of people arriving for jobs they mistakenly thought would be waiting for them there. Now that the conference report has been adopted and the bill signed into law, the same thing is happening again. Our State just cannot take care of the new people, and there are certainly no jobs available.

There is just no way I can overemphasize the importance of this problem to Alaska. People coming to Alaska looking for a job this winter will be in for the worst time of their lives—no job, no money, no shelter, and no way to get home.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate continued with the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I send to the desk two amendments of a technical and conforming nature and I ask for the immediate consideration of the amendments. They were unanimously adopted on November 14 by the Committee on Public Works. I understand they are acceptable to the manager of the bill.

The PRESIDING OFFICER. Does the Senator ask that the amendments be considered en bloc?

Mr. BUCKLEY. I do.

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

The amendments will be stated.

The legislative clerk read as follows:

On page 23, line 10, delete "variance" and insert "suspension".

On page 19, strike the second sentence of Section 204 and insert in lieu thereof the following:

"Any installation so converted may be permitted to continue to use such fuel for more than one year, subject to the provisions of the Clean Air Act, as amended (42 USC 1857 et seq.)"

Mr. BUCKLEY. Mr. President, one amendment changes the word "variance" to "suspension" on line 10, page 23 when referring to any departure from any emission standard in effect under existing State air quality implementation plans. "Suspension" is a term of art under the Clean Air Act; "variances" is not.

The second amendment conforms the language of the bill to the intention of the committee in its deliberation of section 204 (a) of the pending bill. By an inadvertance, the word "will" was printed as it appeared in committee print No. 4 of S. 2589 before we agreed in the final markup to make discretionary, rather than mandatory, the authority of the President under section 204 (a) to allow conversions to alternative fuels to continue for more than 1 year. The intention of the committee is made clear on page 20 of the Report of the committee on S. 2589, which contains the section-by-section analysis of 204 (a), and states that the conversion may be allowed for a period longer than 1 year, subject, as provided, to the provisions of the Clean Air Act, as amended.

Mr. JOHNSTON. Mr. President, the committee has no objection to these conforming amendments. They are required technically. I urge the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

NOTICE TO SENATORS OF PROPOSED UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I would hope that the two respective cloakrooms would put out a notice to Senators that at the conclusion of the next rollcall vote the leadership will attempt to propose an agreement with respect to the pending bill, and Senators should be on notice in that regard.

Mr. PASTORE. Could we have a hint on what the agreement is all about?

Mr. ROBERT C. BYRD. Yes; does the Senator wish me to state what my proposal will be?

Mr. PASTORE. Yes.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I have counted 23 amendments at the desk. The 23 amendments would be proposed by 14 Senators.

I, or the majority leader, would be prepared to propound an agreement as follows: That at the hour of 2 p.m. next Tuesday a rollcall vote occur on the pending bill and that no amendments that have not been voted on prior to that time be in order. That is it.

Mr. DOLE. Mr. President, reserving the right to object, if an amendment would be——

The PRESIDING OFFICER. The request has not been made. The Chair does not understand the request to have been made.

Mr. ROBERT C. BYRD. No; no request has been made.

It would mean any Senator who had an amendment at that hour would not be allowed to propose it. Heretofore amendments have been in order in agreements of almost similar nature, and could be voted on, but without any debate thereon; but this agreement would rule out any amendment being offered at that time.

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

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. But we are coming in early Monday.

Mr. ROBERT C. BYRD. Yes.

Mr. PASTORE. And if there are a number of amendments, we could stay late Monday.

Mr. ROBERT C. BYRD. Yes.

Mr. PASTORE. In other words, comfortably we could conclude by 2 o'clock.

Mr. ROBERT C. BYRD. Conclude by 2 o'clock on Tuesday.

Mr. PASTORE. That is what I wanted to know.

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

Mr. ROBERT C. BYRD. I yield.

Mr. DOLE. As I understand the Senator from Rhode Island and the Senator from West Virginia, a number of Senators are working on what we think are important amendments. They may be accepted, they may be withdrawn, but every effort will be made at least to work on those amendments.

Mr. ROBERT C. BYRD. Yes. The Senate could continue to work today. It could continue to work on Monday. Senators could call up their amendments as they desire. There would be no time limitation on any amendment. In other words, Senators could call up amendments, and if Senators felt so disposed, they could discuss any one amendment from now until the hour of 2 o'clock on Tuesday afternoon. We hope that does not occur, but the only agreement that seems possible at this time is one that would provide for a definite hour at which to vote on final passage and would provide that when that hour arrives, no amendment would be in order other than the amendment that was pending at that time.

A Senator has just made a comment, and I ask him, does he mean to say that if a Senator called up an amendment at 4 o'clock on Monday afternoon and the hour of 2 o'clock on Tuesday arrived, the Senate would vote on the bill and not on the Senator's amendment pending at that time? I have never known of such an agreement.

The Senate could agree by unanimous consent on almost anything, however. I would hope the cloakrooms would send an urgent message to all Senators so that they could enter into discussion of an agreement after the next rollcall vote.

Mr. HANSEN. Mr. President, will the distinguished majority whip yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HANSEN. I would like to say, as distinguished majority whip has indicated, those were the terms that were tentatively agreed upon by some members of the Interior and Insular Affairs Committee. It may seem that this is a pretty harsh rule to lay down, but I would observe that the Interior and Insular Affairs Committee worked long and hard on this bill. Countless amendments could be proposed. It was indicated that if we could bring this bill to a vote, those would be the terms under which it could be accomplished.

I think I have accurately interpreted what was agreed to by the Interior and Insular Affairs Committee.

Mr. ROBERT C. BYRD. Mr. President, I would ask the acting floor manager if he will respond.

Mr. JOHNSTON. Mr. President, that is right. The reason for this is not that we do not want all pending amendments to be considered, but rather, there are certain matters—for example, deregulation of gas, regulation of intrastate gas, and other matters—that are of such an acute nature to some Members of the Senate that they simply could not be allowed to be voted on without extended debate. We do not expect those matters to be brought up, but the only way these Senators felt they could be protected was, frankly, to have the ability to have extended debate on those matters if they were brought up.

We believe that there is at least tentative agreement that what might be called incendiary matters will not be brought up.

Mr. CHILES. Mr. President, will the acting majority leader yield?

Mr. ROBERT C. BYRD. If the Senator from Illinois will allow me, I yield.

Mr. CHILES. As I understand it, the greement was to allow an automatic vote as of 2 o'clock Tuesday. As I understand it further, if some Senator wanted to start a filibuster, if the agreement was entered into, he could do so and we would automatically vote at 2 o'clock Tuesday and none of the amendments at the desk would be considered.

Mr. ROBERT C. BYRD. That is correct.

Mr. CHILES. I think the Senator might save time, if he is going to send a message to Senators, because I will object to the Senator's proposed unanimous-consent agreement.

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

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. Inasmuch as we are not going to have these incendiary amendments the Senator mentioned, could we not have a limitation of debate on the amendments? What is wrong with that? There is not an amendment up at the desk that one could not explain in 15 minutes. I suppose we are all intelligent enough to understand the English language. It strikes me that there is no cause that cannot be explained in 15 or 20 minutes.

Mr. JOHNSTON. Mr. President, if the Senator will yield, that possibility has been discussed and that proposal would be objected to by some of those Senators who feel that they must protect some of the issues referred to.

Mr. ROBERT C. BYRD. Mr. President, I think Senators have some idea of what the problem is. After the next rollcall, the majority leader, if he is on the floor, can seek unanimous consent for an agreement of some kind; and if he is not here, I will do so.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate continued with the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 661

Mr. STEVENSON. Mr. President, I call up my amendment No. 661.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 26, after line 12, insert the following new paragraph:

(f) Order production, as soon as practical and in any event within one year after the date of enactment of this Act, from all Federal oil and gas leases that, on November 1, 1973, were classified as producing, shut-in by the United States Geological Survey. Failure by the lessee to produce oil or gas within one year of the date of enactment of this Act shall result in forfeiture of such acreage classified producing, shut-in: *Provided*, That such forfeiture shall not occur if the Secretary of the Interior, on the basis of his independent evaluation of the acreage's reserves, finds in writing that production from such acreage would result in economic costs exceeding economic benefits to the Nation.

Mr. STEVENSON. Mr. President, I make technical modifications in the amendment and I send them to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The Senator will send the modification to the desk.

The amendment as modified is as follows:

Add a new section to Title V as follows:

"SEC. 504. The President shall order production, as soon as practical and in any event within one year after the date of enactment of this Act, from all Federal oil and gas leases that, on November 1, 1973, were classified as producting, shut-in by the United States Geological Survey. Failure by the lessee to produce oil or gas within one year of the date of enactment of this Act shall result in forfeiture of such acreage classified producing, shut-in: *Provided*, That such forfeiture shall not occur if the Secretary of the Interior, on the basis of his independent evaluation of the acreage's reserves, finds in writing that production from such acreage would result in economic costs exceeding economic benefits to the Nation."

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, 838,000 acres on Federal lands that have been leased for gas and oil production are currently classified as "producing but shut-in." This figure represents over 10 percent of all presently leased Federal lands on the outer continental shelf.

These are lands which were leased by the Federal Government with the expectation that they would be put into oil and gas production, but they have not been. They are capable of commercial production, but they are not producing.

Testimony before the Antitrust and Monopoly Subcommittee and the Commerce Committee indicates that the major oil companies are speculating in the nonproduction of these precious public resources, holding back production in anticipation of higher prices. These oil companies have performed the bare minimum required to retain the leases under current Department of the Interior guidelines. They recognize that the oil and gas under these lands will be more valuable next year than this year. Their self-interest in withholding production from these public lands is contrary to the public interest in full production in these times of scarce supply.

This amendment would require lessees of Federal oil and gas rights to put existing wells into production within 1 year unless the Secretary of the Interior finds in writing that the out-of-pocket costs are not justified by the economic benefits of production to the Nation.

The Nation is in the midst of an oil crisis and it is necessary to put every available resource into production. If a lessee of Federal oil and gas rights is unwilling to put an existing producible well into production, then he should be required to relinquish his rights in this public resource. That is what this amendment would do. It would require production or forfeiture. That has been the intention of the Congress, but it is not being carried out.

Mr. President, the lights are going dim, homes are growing cold, factories are closing, but 1,000 commercial wells in the Gulf of Mexico alone, all on public property, are shut in. This amendment would put them in production.

I urge its adoption.

Mr. HANSEN. Mr. President, I would like, first of all, to read from part I of the hearings before the Committee on Interior and Insular Affairs, U.S. Senate, pursuant to Senate Resolution 45, the National Fuels and Energy Policy Study on S. 2589. This particular document is dated November 8, 1973.

The chairman recognized Secretary Wakefield who in response to a question proposed by the Junior Senator from Wyoming replied as follows:

Senator Hansen, I first came to Washington in February 1970 with the Federal Power Commission and the very first day I was on the job, I was in a hearing in which accusations were made that the industry was shutting-in natural gas supplies to raise the price of natural gas.

It is now almost 4 years later and I have yet to hear any evidence pointing to a specific instance where that was happening. It is always this broad innuendo that there are a number of gas wells shut-in. We know how many there are, we keep records in the Geological Survey, but in every instance, we have the reason and it is usually because of problems with the well or inadequate pipeline facilities.

But, I would hope that if there are any instances where gas is deliberately being withheld from the market for the purposes of withholding shortages or driving up prices if we can see some specific evidence of that so it would be useful.

Mr. President, the fact is that in anticipation of the consideration by the Senate of the Stevenson amendment, earlier this forenoon we called the U.S. Geological Survey to get brought up to date in order better to understand what the facts are with respect to this amendment.

If, as Secretary Wakefield observed this month, this was a bugaboo or a specter that really did not exist or if there was indeed some reason to be concerned with the charges that have been made and which now have been formalized by the amendment offered by the distinguished Senator from Illinois, the U.S. Geological Survey, that arm of the Federal Government that ought to know most about what the facts are with respect to the charges that have been made concerning shut-in wells, gives this information:

Regarding onshore leases—

And that of course would refer to inland oil wells—

a lot of stripper wells are coming back into production. And this amendment would frustrate what is already coming to pass under the operation of the marketplace.

I am sure that the distinguished Senator from Illinois knows that there are roughly about 350,000 stripper wells in the United States. Each well in time becomes a stripper well as its production drops. As the cost of pumping fluctuates or increases—and it has not fluctuated downward; it has been on a steady increase—the time comes with every well when the cost of raising the oil equals the value of the oil. And when that time comes about, the well is stopped from further production. It is not economic to continue it in operation when it does not make a penny for them.. So any operator is going to close down a well when that time comes. As the marketplace has responded to the demand pull—and that is what has been raising prices, it is the fact that more people want more oil than has been available—prices have gone up as a consequence.

This is, in effect, a resolution in support of stripper wells being continued in operation longer than it would take for the remainder to be pumped out, because it would become unprofitable to pump the oil out of the ground.

I point out, parenthetically, that stripper wells are a significant part of the total oil resources in the United States. It has been estimated by some to constitute one-tenth of our total reserves. If our total reserves are in the amount of, say, 40 billion barrels of oil, then we are talking about, with respect to stripper wells, some 4 billion barrels of oil. So stripper wells are not insignificant. Yet it has been made profitable, over the months, to operate stripper wells whose operation otherwise would have been stopped due to the price not being increased.

One of the men at the Geological Survey told us, with regard to offshore wells, that most of them that can produce, are producing. The few that are not producing are not doing so because of several factors, especially a shortage of materials.

I read earlier today a letter that I read yesterday from an oil company that is unable to buy steel casing because of the steel casing being subjected, as it is, to the orders and regulations promulgated by the Cost of Living Council. It was found that they can put their steelmaking materials to more profitable advantage in producing products other than oil steel casing. As a consequence, despite the fact that new oil well casing, when it was available, generally was selling for about $2.80 a foot, used casing, 5½ inches in diameter, is selling for $4.40 a foot now.

So this is a basic reason, I say to the Senator from Illinois (Mr. STEVENSON), why some of the wells are shut-in wells. There is not enough casing and tubing material to get the oil from the wells to the onshore refineries.

There is a shortage of materials to build platforms. It takes a lot of steel to do the job that is required to explore the Outer Continental Shelf or the Continental Shelf when drilling is being done in waters of the Gulf of Mexico or wherever the building is taking place.

There is a shortage of drilling rigs. I have already mentioned the fact that drilling pipe is in short supply. Pipelines connecting the rigs with onshore refineries have not yet been built in many cases.

Because of the Arab oil cutoff, oil companies are operating to the maximum extent possible to get into production. They realize full well that we are in short supply, and they know full well that sooner or later oil will be very greatly needed by the economy.

Thus this amendment, I think, would cause slowdowns and uncertainties in our already all-out effort by the energy industry to try to meet this crisis and this challenge which is so much in the mind of every American.

Third, and a very important point, the amendment would constitute a taking of private property. This could well result in Federal liability to the lessees to the extent of billions of dollars, while frustrating the expansion of the oil supply.

Furthermore, this amendment creates the impression that there are many unnecessarily shut-in wells. That is not true. The number of shut-in wells, according to the information we have from the U.S. Geological Survey, is less than 10 percent of all wells. In nearly every case that has been examined into, there are justifiable reasons, such as those I have already alluded to earlier, why that is the case.

I feel that the facts we have learned from the U.S. Geological Survey should be buttressed with hearings. If a case can be demonstrated, if proof can be presented to substantiate the allegations made by the distinguished Senator from Illinois, I think the people most concerned ought to have an opportunity to be heard in hearings before committees of Congress, the Senate Committee on Interior and Insular Affairs on this side, and I would welcome those hearings if there is any question in the minds of Senators that this is the case.

So before we take a step like this, before we blacken the name of the industry to the extent that this amendment would, I think at the very least we ought to hold hearings. From the evidence and the information we have obtained from the U.S. Geological Survey, there are good and sufficient reasons in nearly every instance to explain why a well is shut-in, and I would hope we would take the time to learn what the facts are before we agree to an amendment such as this.

There are also, as Senators know, ecological considerations that have hampered the ability of the industry to respond as it otherwise would like to. I spoke earlier this morning about the Belle Fourche pipeline in the Western United States, the pipeline that goes into North and South Dakota, as I understand, and into Wyoming—it may not yet be into North Dakota, though I think it is—where, in order to tie into the pipeline, it is necessary to cross the national grasslands area up there. Before that pipeline can be built, the owners of the pipeline have been informed that it will be necessary to file an environmental impact statement because the proposed route of that line would cross about 20 miles of national grasslands.

I note that the distinguished Senator from North Dakota (Mr. BURDICK) is present, and I am sure he has heard about this situation also.

The fact is that in order to cross that national grassland, it will require a delay that will make it at least next summer before they can even get the environmental impact statement made. Because of that fact, I would hope that Senators will understand that if you look into the specific examples, invariably you will find reasons why this amendment should not be acted upon and approved at this time.

Additionally, in the case of the outer continental shelf, should the leaseholder hold onto his lease without attempting to develop it, he forfeits it automatically under a present statutory requirement of the Outer Continental Shelf Act. It would seem to me, Mr. President, that when you consider the cost, the bonuses that have been paid by leaseholders for these leases, we could be assured that no one who has a lease out there is going to be willing, after putting out the millions of dollars required to get a lease in the first place and to develop that lease, to keep his well shut in one day longer than is absolutely necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. STEVENSON. Mr. President, I ask unanimous consent to modify my amendment on page 2, line 3, after "would", by inserting "be impossible because of shortages of essential materials or." I send that modification to the desk.

The PRESIDING OFFICER. There is no page 2 of the amendment now.

Mr. STEVENSON. It is a printed amendment.

The PRESIDING OFFICER. Page 2 purports to be an explanation.

Mr. STEVENSON. No, it is a printed amendment, Mr. President.

The PRESIDING OFFICER. The printed amendment is not being considered. We have been considering the modification, which was a total reprint.

Mr. STEVENSON. Well, whatever we are considering, Mr. President, I ask that the modification apply to it.

Mr. HANSEN. Mr. President, is this a unanimous-consent request?

The PRESIDING OFFICER. The Senator is modifying his amendment, which he has a right to do.

Mr. HANSEN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HANSEN. Then it cannot be modified without unanimous consent; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HANSEN. Then I object.

Mr. STEVENSON. Mr. President, I think I have the floor.

Mr. HANSEN. Yes, the Senator does.

Mr. STEVENSON. I was trying to be helpful to the distinguished Senator from Wyoming. He mentioned that it might be impossible in some cases to put wells into production because of shortages of essential materials. I was simply modifying the amendment to make it clear that such wells would not have to go into production, if there were shortages of essential materials. I think even without that modification the Department of Interior would have sufficient authority to permit the continued shutting in of wells for all such legitimate reasons. It surprises me that if that is one of the concerns of the Senator from Wyoming, he would not be the first to support that modification.

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

Mr. STEVENSON. I yield to the Senator from Wyoming.

Mr. HANSEN. The reason I objected, Mr. President, was to demonstrate that the amendment was not thought through sufficiently. There seems to be an unawareness of some of the facts that are very relevant to this amendment, and when the Senator was not sure which amendment was before the body, it further demonstrated the very fact that I was trying to bring out. I gathered that perhaps the Senator was not quite sure which specific amendment he was talking about, and for us to vote on an amendment that even he is not certain which one he is talking about seems to me to be the very essence of irresponsibility.

I say that in all sincerity, because I do not object at all to his concern, but what I am concerned about is that we have had all sorts of amendments that propose to address the energy crisis in America. We even had one to shut off all exports. I have obtained some information on exports, and when you look at the figures you will see that is the last thing America wants to do. If we literally want to cut our throats, let us shut off all exports, because if we do that, the countries exporting to us would cut off their exports to the United States, and I can assure you we would wind up in a very critical situation, far more serious than now.

So I say to my good friend from Illinois that I am perfectly willing that we look at the facts. I would be pleased to have hearings scheduled, to hear from the industry and to develop what the facts are, but I do not think Senators have the facts before them now, and until we are better informed, it would seem to me to be very irresponsible to adopt an amendment that is as poorly understood as I believe this one is.

Mr. STEVENSON. Mr. President, I believe I have the floor.

First of all, there is no confusion about which amendment we are talking about. There is only one amendment. The only question is whether it was a printed or an unprinted amendment. That is a red herring, if I may say so.

Second, hearings have been held on this question. They have been held in the Committee on Commerce. I presided over those hearings, and if the Senator from Wyoming had seen fit, he could have come and participated in those hearings. Testimony has been taken——

Mr. HANSEN. That is not——

The PRESIDING OFFICER (Mr. CHILES). The Senator from Illinois has the floor.

Mr. STEVENSON. Testimony has been taken not only in the Commerce Committee but also in the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary on this question.

If there are wells that are shut in on these public properties for legitimate reasons, this amendment would permit the Secretary of the Interior to continue that shut-in producing classification. What I am saying in this amendment is, first of all, that some 60 percent of the Nation's oil and gas resources are within the public domain—some 60 percent. It could be as high as 75 percent. Of all these public resources, only 2 percent are now leased. Of the 2 percent leased, we find that 10 percent are not producing. In the Gulf of Mexico alone, there are over 1,000 oil and gas wells at this mo-

ment, commercial wells, and not producing.

If there is some legitimate reason for keeping them shut in, in this time of national emergency, then the Department of the Interior can keep them shut in. But I am suggesting to the distinguished Senator from Wyoming (Mr. HANSEN) that there is every economic incentive on the part of the producers to keep them shut in because they can expect higher prices, whether it is natural gas or oil, in the future. The higher prices in the future will more than cover the carrying costs of the shut in wells. They have every economic incentive to keep the wells shut in. That is exactly what they are doing. That is exactly what the testimony in the Commerce Committee and in the Judiciary Committee indicated they are doing; for economic reasons they would let the people of this country go cold in order to make greater profits down the road.

If there is some legitimate reason, then let them shut them in. That is what this amendment proposes. If there is not a legitimate reason for keeping them shut in, then let the owners of the wells give the public the benefit of them. They can either produce them or forfeit them.

Mr. HANSEN. Mr. President, the distinguished Senator from Illinois suggested that if I had been there I might have testified before his committee.

I should like to remind the distinguished Senator that I did. Indeed, I testified before his subcommittee, at length.

Mr. STEVENSON. That is not what I said. First of all, it is not my subcommittee. It is the full Commerce Committee. I said that if the Senator had been interested in this issue, he could have come and participated in the hearings on this issue, after the Senator from Wyoming had said there had been no hearings and that we had not studied the issue.

Mr. HANSEN. I said, or if I misspoke myself, let me correct myself now, but I am not saying I did misspeak myself—but it seems to me proper to hold the hearings before the Committee on Interior and Insular Affairs. The Committee on Interior and Insular Affairs has jurisdiction of the public lands of the United States. It has jurisdiction over the Continental Shelf, insofar as sanctions here go.

It would be entirely appropriate that that committee, under the able chairmanship of the distinguished Senator from Washington (Mr. JACKSON), should hold the hearings.

I did testify before the Commerce subcommittee, or the full committee—I am not sure which—at length. There were some others who testified at that subcommittee hearing. I think the testimony we had was pretty relevant to the issue that is addressed by the Stevenson amendment.

The Senator from Illinois points out that only 2 percent of the—did he say the total area of the Continental Shelf was leased—was that the Senator's figure, 2 percent of the total land?

Mr. STEVENSON. The figure I used was 2 percent of the total lands with oil and gas, on and off-shore, public lands.

Mr. HANSEN. If that is a fact, and I am not prepared to challenge it, I should like to say that I think that, insofar as oil prospects inland go within the continental area of the United States, there is now, or there was at one time, a rather large amount of the land leased. I do not have what the figures are, but in the public lands of the States, I know that it has been a significant amount of the total area that has been leased at one time or another, and for good and sufficient reason. Companies having those leases either drilled them or decided they did not any longer want to pay on the leases.

With respect to the Outer Continental Shelf, I have contended for a long time that the United States should speed up the availability of the Outer Continental Shelf. Senator FANNIN and I went up to Massachusetts and testified in order that we hoped to be able to encourage CEO to recommend that those areas be drilled. The President has called for the drilling of the Outer Continental Shelf. I just think that this Senator cannot be blamed for the fact that there is not more of that leasing. There should be more of that leasing. I am disappointed that some of the New England States have been as adamant as they have been in objecting to drilling of the Outer Continental Shelf and as insistent, on the other hand, as they have been, saying, "Send us your oil from the Southwest and from the Gulf States."

I point out again, Mr. President, that this amendment should be examined by constitutional lawyers to see whether, indeed, it might not try to give legislative sanction to a constitutional taking of property.

In my mind and in my judgment, I think that that is a very relevant question to be asked and answered. I suspect, written as the amendment is, it could indeed result, if it were to be put into operation, in the taking of private property.

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

The PRESIDING OFFICER (Mr. HELMS). Does the Senator from Illinois yield to the Senator from California?

Mr. STEVENSON. Mr. President, first, I thank the distingiushed Senator from Wyoming (Mr. HANSEN) for clarification of some of the points raised in this debate. I want to assure him that I sympathize completely with his desire to see greater development of the lands within the public domain. That, though, is not the issue here. It is the leasing of these properties and they are not developed. That is what the issue is. Some 2 percent of the total land onshore and offshore is leased and on that 2 percent, we find, once developed, and the wells have been drilled, that they are shut in.

If there is some legitimate reason for that, alright; but, if there is no legitimate reason for it, they should be producing.

That is the purpose of this amendment.

Now I am happy to yield to the Senator from California.

Mr. TUNNEY. Mr. President, I notice by the Senator's amendment that, in all probability, the Senator would apply the language to the Santa Barbara Channel. I am wondering whether that is the intention of the author of the amendment and if that is going to mean they will have to start producing wells in the Santa Barbara Channel or risk forfeiture of the leases?

Mr. STEVENSON. That is not the intention of the Senator from Illinois. It was a concern to us in the drafting of the amendment, but we concluded that the economic costs of putting the wells on production would be exceeded by the economic losses to the Nation.

The proviso in the amendment would exclude the wells in the Santa Barbara Channel. They would not have to be put into production as a result of this amendment. That is our intention. I think the intention is made clear in the language of the proviso, beginning on line 6.

Mr. TUNNEY. One of the problems we ran into in the Santa Barbara Channel was that this was a unique area insofar as environment quality was concerned. There were many people who thought that the oil spills we had, particularly the major spill several years ago, had a substantial impact in denigrating the quality of the environment, and they were opposed to drilling not because of the economic costs of the clean up but because of the denigration to the quality of the environment.

I would suggest that perhaps the Santa Barbara situation falls outside the proviso that the Senator has in his amendment.

Mr. STEVENSON. Our feeling was that the economic benefits and the environmental benefits are associated with one another. Environmental degradation is an economic cost and, that being the case, it was my feeling, and still is, that the proviso which requires economic benefits to outweigh economic burdens would exempt the kind of environmental damage which might occur in the Santa Barbara Channel.

Mr. TUNNEY. I am pleased to note from the amendment that the Senator does not intend to include the Santa Barbara Channel, that the legislative history of the amendment is such that the Santa Barbara Channel is excluded from the amendment. I must say that I personally still have trouble with the language itself, but I am pleased that the author of the amendment suggests this does not include the Santa Barbara Channel.

Mr. STEVENSON. If there is any trouble with the language, I think we have eliminated it in the legislative history.

Mr. President, I did not intend by this amendment, as the Senator from Wyoming indicated, to blacken the name of the oil and gas industry; but I would be quite prepared to do so if it meant keeping one family warm this winter or one factory open this winter. That is the purpose of this amendment.

Mr. JOHNSTON. Mr. President, in its present form, the Committee on Interior and Insular Affairs would oppose this amendment. We believe that the amendment is needed, to the extent that it would require the producing of shut-in wells that are economically or geologically producible, technically producible,

and to the extent that it would not result in an unconstitutional taking of property in violation of the fifth amendment. We think it presents those problems in its present form.

I am authorized to say, on behalf of the Committee on Interior and Insular Affairs, that we will have hearings on this problem and, hopefully, will arrive at a position that will serve the ends that this amendment is intended to serve. However, we believe that at the present time and in the present form, the amendment is not practical.

For example, the amendment would require that the President order the production of all Federal oil and gas leases, even though with respect to some there may be no pipeline capacity and no refining capacity may be available at the time and at the place the oil is brought in. There may be no tankers to transport it, to the extent that there is no pipeline capacity.

The economic cost cannot be measured in terms of the benefit to the Nation. The benefit to the Nation cannot be quantified as a measure to offset the economic cost of the drilling, and to that extent it may well be a violation of the taking provision of the fifth amendment.

As I say, the committee is entirely in sympathy with the need to produce oil, with respect to economically and geologically producible wells in the gulf. However, we believe that in the present form, the amendment should not be adopted.

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

Mr. STEVENSON. I yield.

Mr. BARTLETT. I should like to make one brief remark. It is my understanding that the Federal leases provide that if reserves are not developed and marketed in a prudent manner, the lease may be canceled. I believe that applies in this case.

Mr. STEVENSON. That is the point of the amendment—the regulations and the law are not being carried out. This is intended to carry it out. These wells are capable of production. They should be producing. If there are any of the problems mentioned by the Senator from Louisiana, including the economic costs associated with production, then they would not have to be placed in production.

Mr. BARTLETT. I think that as the amendment is written, it would require the Santa Barbara wells to be produced and perhaps would also require the production from Elk Hills Naval Reserves.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois, as modified.

Mr. STEVENSON. Mr. President, I ask unanimous consent, once more, to modify this amendment; and if unanimous consent is not forthcoming, I will offer another.

Mr. HANSEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENSON. Mr. President, I ask unanimous consent to withdraw the amendment, and I will send another amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Illinois, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The result was announced—yeas 32, nays 48, as follows:

[No. 491 Leg.]

YEAS—32

Abourezk	Hart	Moss
Bayh	Hartke	Pastore
Biden	Hathaway	Pearson
Byrd, Robert C.	Hollings	Pell
Cannon	Hughes	Proxmire
Case	Inouye	Ribicoff
Church	Jackson	Schweiker
Clark	Javits	Stevenson
Dole	Mansfield	Symington
Eagleton	McGovern	Williams
Ervin	McIntyre	

NAYS—48

Aiken	Fong	Nunn
Bartlett	Goldwater	Packwood
Beall	Gravel	Percy
Bellmon	Griffin	Randolph
Bennett	Gurney	Roth
Bentsen	Hansen	Scott, Hugh
Bible	Haskell	Scott, William L.
Brock	Helms	Stafford
Brooke	Hruska	Stevens
Buckley	Johnston	Taft
Burdick	Long	Thurmond
Byrd, Harry F., Jr.	Magnuson	Tower
	Mathias	Tunney
Chiles	McClellan	Weicker
Dominick	McGee	Young
Eastland	Metcalf	
Fannin	Montoya	

NOT VOTING—20

Allen	Fulbright	Muskie
Baker	Hatfield	Nelson
Cook	Huddleston	Saxbe
Cotton	Humphrey	Sparkman
Cranston	Kennedy	Stennis
Curtis	McClure	Talmadge
Domenici	Mondale	

So Mr. STEVENSON's amendment (No. 661), as modified, was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of Senators, I ask unanimous consent that the Senate proceed to a vote on final passage of S. 2589 at 5 p.m. on Monday, November 19, 1973; provided, that no amendment shall be in order if it relates directly or indirectly to the regulation of intrastate natural gas or to the regulation of natural gas presently subject to regulation by the Federal Power Commission, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object, the vote, as I understand it, would then occur at 5 o'clock.

Mr. MANSFIELD. On final passage.

Mr. MATHIAS. On final passage.

Mr. MANSFIELD. Yes.

Mr. MATHIAS. I have pending an amendment which affects procedures which might be followed. It is an amendment which grows out of our observations of the misfortunes that have been encountered in wage price controls as administered by the Cost of Living Council. I think we ought to take advantage of that experience, and I would not like to have that amendment so restricted in the time available for it that it could not be properly considered.

Mr. MANSFIELD. Does the Senator have a suggestion?

Mr. MATHIAS. We could proceed with it perhaps first thing Monday morning.

Mr. JACKSON. Mr. President, it would be fine with me to take it up the first thing, Monday at 9 o'clock. We would want to vote on the amendment relating to an antitrust provision, which is very complicated, and which we have worked out with the minority, the majority, and the administration, so that we could take it up first thing at 9 o'clock. We have an agreement on the antitrust matter. We could take up the amendment first thing, at 9 o'clock Monday morning.

Mr. MATHIAS. That would be agreeable to me, and have a vote on it at the end of the time.

Mr. JACKSON. Could the Senator reserve the first 10 minutes for the Senator from Colorado? He did have a colloquy he wanted to have with me, I believe.

Mr. ROBERT C. BYRD. Mr. President, could we have order? There are many Senators at their seats who cannot hear the colloquy going on in the well.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JACKSON. Mr. President, I ask unanimous consent that on Monday morning the first order of business be a colloquy of not to exceed 10 minutes with the Senator from Colorado—I think we might be able to handle it within that

much time—and that immediately thereafter we take up the Mathias amendment.

Mr. JAVITS. Mr. President, may I have a 10-minute colloquy? I have something involving power for New York State.

Mr. JACKSON. Would it follow the Mathias amendment?

Mr. JAVITS. Yes.

Mr. LONG. Mr. President, reserving the right to object, I do not know what is in it, but I assume it does not relate to these two situations, to deregulation or regulation by the Federal Power Commission.

Mr. MANSFIELD. No.

Mr. JACKSON. Mr. President, any unanimous-consent request I may make shall be consistent with the unanimous-consent request propounded by the majority leader.

Mr. JAVITS. Mr. President, what does the unanimous consent do about amendments to the bill?

Mr. JACKSON. All amendments are in order excepting an amendment in connection with intrastate or interstate natural gas or deregulation of natural gas now subject to the jurisdiction of the Federal Power Commission.

Mr. JAVITS. But there is no limitation of time, so that amendments may be caught in the crack at the end and may be voted on without debate. Is that correct?

Mr. MANSFIELD. That is correct. That could happen under this proposal if we agreed to a final vote at 5 p.m. on Monday next.

Mr. JAVITS. May we do this? We have done it before. I am not going to object to this, but I am raising it because I think it is only fair—that there be a gentlemen's understanding in the Senate that Senators will have an opportunity, if we can manage it, and that takes cooperation, if Senators do have amendments of substance, to at least have some small chance to debate them, rather than go to the very end and be caught in this crack?

Mr. MANSFIELD. We will do the very best we can. I will say to the distinguished Senator from New York, and I will change the unanimous-consent request to make it not later than 5 o'clock.

Mr. JACKSON. Mr. President, I will make the same point. I will do everything I can, because I have tried, in managing this bill on the floor, working with the Senator from Arizona (Mr. FANNIN), to see that all of our colleagues get an equitable proportion of the time, including the proposal by the Senator from North Carolina, with which I disagree.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, this does not interfere with rollcalls votes, even though 5 o'clock has come?

Mr. JACKSON. The Senator is correct.

Mr. JAVITS. In other words, rollcalls may go on until a later hour, until we vote on the bill, but every amendment will be voted on if Senators wish?

Mr. JACKSON. The Senator is correct.

Mr. MANSFIELD. May I say we have a lot of time this afternoon. This is early in the afternoon. We could have our colloquies this afternoon. We could consider amendments this afternoon. As long as we are here, we may as well use the time to good advantage and not wait until Monday and pile everything up—that is, if this proposal is agreed to.

The PRESIDING OFFICER. Will the Senator repeat his unanimous consent request? Not later than 5 o'clock Monday?

Mr. MANSFIELD. Not later than 5 p.m. on Monday, November 19, 1973, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. METCALF. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. METCALF. Mr. President, reserving the right to object, I would like to have my distinguished colleague explain why rule XII should be waived.

Mr. MANSFIELD. It is the usual procedure, so that we can keep amendments within the germane area, and it refers to a quorum call, too.

Mr. METCALF. It does not necessarily mean that we waive the right to rollcalls?

Mr. MANSFIELD. It does not.

Mr. METCALF. Because rule XII is the rule that provides for rollcalls, and so forth, and we are not waiving that provision of the rule?

Mr. MANSFIELD. We are waiving the quorum call before the unanimous consent so that Members will be on notice, but that would not preclude us from putting in a brief quorum call to notify Members of the Senate.

Mr. METCALF. I understand.

The PRESIDING OFFICER. The Chair will read the provision of the rule, paragraph 3:

> No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a rollcall ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present. . . .

Mr. METCALF. The Senator is not asking for a waiver of all of rule XII?

Mr. MANSFIELD. No; just this one part.

Mr. METCALF. Just paragraph 3?

Mr. MANSFIELD. That is right.

Mr. METCALF. I withhold my objection.

Mr. JAVITS. Mr. President, if the Senator will yield, on the "not later than 5," it means that if we go to third reading before 5 o'clock we will have a vote, but if we have not gone to third reading by 5 o'clock, then the procedure will start, and each amendment will be acted on, but without debate?

The PRESIDING OFFICER. Senators will have until 5 o'clock to speak if they seek recognition and desire to speak, unless otherwise ordered, and they cannot be cut off.

Mr. PERCY. Mr. President, could the floor manager of the bill explain to the Senate what the intention would be so far as this afternoon is concerned? Is there going to be a time certain beyond which there will not be rollcall votes?

Mr. JACKSON. Mr. President, if we could get this agreement, and only if we could get this agreement, I would propose, if it is agreeable, a unanimous-consent request that on controversial amendments we take up the amendments this afternoon and have back-to-back rollcall votes on those amendments immediately after the accomplishment of the three unanimous-consent agreements on Monday.

Mr. MANSFIELD. Mr. President, are there any amendments to be offered this afternoon on which there may be rollcall votes?

Mr. PROXMIRE. I have one.

Mr. METCALF. Mr. President, I believe that we want a rollcall vote.

Mr. STEVENSON. Mr. President, I do not know whether a rollcall vote would be required on my amendment. It is my hope that the manager of the bill would agree to accept the amendment. And if so, we could dispose of it without a rollcall vote.

Mr. MANSFIELD. As I understand it then, as far as we can see, there will be two amendments and maybe three this afternoon.

Mr. JAVITS. Mr. President, I could offer mine if the distinguished majority leader would like.

Mr. JACKSON. Mr. President, we could have back-to-back votes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

Mr. GOLDWATER. Mr. President, reserving the right to object, and I do not think I will, I would like to ask the Senator——

SEVERAL SENATORS. We cannot hear the Senator.

Mr. ROBERT C. BYRD. Mr. President, we cannot even see the Senator, much less hear him. Would the Chair have Senators take their seats?

Mr. GOLDWATER. Mr. President, I do not trust microphones or tapes.

Mr. MANSFIELD. We could not see the Senator.

Mr. ROBERT C. BYRD. Mr. President, would the Chair please get order before the Senator proceeds?

The PRESIDING OFFICER. The Senate will be in order [rapping for order].

Mr. ROBERT C. BYRD. Mr. President, There is only one way to get order, and that is the right way.

The PRESIDING OFFICER. The Senator from Arizona may proceed.

Mr. GOLDWATER. Mr. President, I want to inquire of the Senator from North Carolina what his intentions are as to his amendment which pertains to busing.

Mr. HELMS. Mr. President, I did talk with the distinguished Senator earlier today when I discussed with the distinguished assistant majority leader a time limitation to which I agreed, and I suppose that is still in effect. It is for 40 minutes, 20 minutes to the side.

I would inquire of the distinguished Senator from West Virginia if that is correct.

Mr. ROBERT C. BYRD. Mr. President, the Senator accurately states his conversation with me earlier today. He suggested 40 minutes to be equally divided on his amendment. This agreement

which we have been discussing here does not provide for any time limitation on any amendment.

I did mention to the Senators in the cloakroom back here when we were discussing the possibility of this agreement that the Senator from North Carolina had made that request. I saw the Senator on the floor just now and I thought he could raise the question himself and object to the request. Consequently, I said nothing.

Mr. MANSFIELD. Mr. President, the Senator can be assured of the 40 minutes to be equally divided that he desires.

Mr. HELMS. Mr. President, I thank the majority leader. That is all I ask. I probably will not take that long.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

There is another unanimous consent request pending, a request by the Senator from Montana. Would the Senator from Montana restate his unanimous consent request?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the amendment offered by the distinguished Senator from North Carolina (Mr. HELMS) is called up, there be a time limitation of 40 minutes, the time to be equally divided between the distinguished Senator from North Carolina (Mr. HELMS) and the distinguished Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the amendment of the distinguished Senator from Wisconsin (Mr. PROXMIRE) is called up, there be a time limitation of 30 minutes, the time to be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the manager of the bill.

Mr. PROXMIRE. Mr. President, I do have a modification of my amendment. And I would like to make that modification now so that I do not have to ask for unanimous consent once the agreement takes effect.

Mr. MANSFIELD. That would be all right.

Mr. PROXMIRE. I ask unanimous consent that there be 20 minutes, 10 minutes to the side. That is with respect to the modified amendment I have at the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator from North Carolina indicate when he would call up his amendment?

Mr. HELMS. Mr. President, I was about to ask unanimous consent, if I might do so, that my amendment follow the amendment of the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. That would be on Monday.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. JAVITS. Mr. President, we have not got unanimous consent as yet on the order of progression, as I understand it, that the Senator from Washington proposed.

Mr. JACKSON. Mr. President, I thought we had.

The PRESIDING OFFICER. We did not.

Mr. FANNIN. Mr. President, it is my understanding that we have not as yet agreed upon any time limitation or any time certain.

ORDER FOR ADJOURNMENT TO 9 A.M. ON MONDAY NEXT

Mr. JACKSON. Mr. President, I ask unanimous consent, if it is agreeable with the leadership, that when the Senate adjourn today, it come in at 9 o'clock on Monday morning.

Mr. MANSFIELD. That is all right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

ORDER FOR TIME LIMITATION ON COLLOQUY MONDAY NEXT

Mr. JACKSON. Mr. President, I ask unanimous consent that the first 10 minutes on Monday next be made available for a colloquy between the junior Senator from Washington and the junior Senator from Colorado in connection with the pending bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. President, I think as a matter of fact that it will be less than 10 minutes, maybe 3 or 4. However, we will work that out.

ORDER FOR LIMITATION OF TIME ON MATHIAS AMENDMENT ON MONDAY NEXT

Mr. JACKSON. Mr. President, I ask unanimous consent that immediately thereafter the Mathias amendment be considered for not more than 30 minutes, with 15 minutes to a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

ORDER FOR LIMITATION OF TIME ON JAVITS AMENDMENT OR COLLOQUY ON MONDAY NEXT

Mr. JACKSON. Mr. President, I ask unanimous consent that immediately thereafter, the Javits amendment or colloquy take place.

Mr. JAVITS. Ten minutes to the side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

Mr. AIKEN. Mr. President, there is a continuing reference to the colloquy between the Senator from Washington and the Senator from Colorado. If it is important, why do we not have it now, if it will only take a few minutes, and find out what it is.

Mr. JACKSON. Mr. President, a number of other things will be coming up.

Mr. MANSFIELD. Mr. President, it looks like there will be three amendments.

Mr. JACKSON. Mr. President, there are three amendments.

Mr. AIKEN. Mr. President, we have already spent enough time to have that colloquy three times over.

ORDER FOR BACK-TO-BACK ROLLCALL VOTES ON MONDAY NEXT

Mr. JACKSON. Mr. President, I ask unanimous consent that, if there are to be rollcall votes on an amendment or amendments offered this afternoon, those rollcall votes come back to back immediately after the disposition of the Javits colloquy or amendment on Monday next.

Mr. GOLDWATER. Mr. President, if the Senator will yield, I wonder if we could find out now if there will be rollcall votes. A number of Senators possibly have engagements.

Mr. MANSFIELD. There are possibilities, and I do not think we ought to put them off until Monday. We ought to dispose of them this afternoon.

Mr. ROBERT C. BYRD. Mr. President, I feel an obligation to call to the attention of the Senator from North Carolina (Mr. HELMS) the request he made earlier that immediately following the disposition of the amendment or colloquy by the Senator from New York (Mr. JAVITS), whichever there may be, the distinguished Senator from North Carolina (Mr. HELMS) may then be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. HELMS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Was not the unanimous-consent agreement that the Senator from North Carolina (Mr. HELMS) have his amendment considered immediately after the amendment or colloquy of the Senator from New York (Mr. JAVITS)?

Mr. HELMS. Yes, but on what date?

Mr. MANSFIELD. Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

Mr. HANSEN. Mr. President, I should like to ask the majority leader if he would agree to arranging some time for me to present an amendment that I shall offer on Monday next, with 10 minutes on either side set aside for it. I do not think it will take that long.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 20-minute limitation on this matter, to be equally divided between the sponsor of the amendment and the manager of the bill, immediately following the Helm amendment.

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

The Senate will be in order.

Mr. FANNIN. Mr. President, if I may have the attention of the majority leader, we have five administration amendments.

Mr. MANSFIELD. Yes. Mr. President, I ask unanimous consent that the five administration amendments to be offered by the distinguished Senator from Arizona, the ranking minority member on the committee on the co-manager of

the bill, immediately follow the amendment to be offered by the distinguished Senator from Wyoming (Mr. HANSEN), and that those five amendments have a time limitation of 10 minutes each, to be equally divided between the sponsor of the amendments and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, will the Senator from Arizona yield to me very briefly?

Mr. HANSEN. I yield.

Mr. GRIFFIN. Mr. President, I wonder if I might inquire of the distinguished majority leader, on behalf of the Senators who are here, now that we have accomplished what seemed to be impossible in achieving that agreement to vote at 5 o'clock on Monday, could he give us some indication of what he expects on Tuesday and Wednesday?

Mr. MANSFIELD. Oh, yes. I hope we will have the military construction appropriation bill, which will be marked up on Monday and brought before the full committee on Tuesday. That might be controversial. We hope to have some conference reports ready; and as of now, it looks as though we will be until the close of business, whenever that may be, on Wednesday the 21st, but we will have a day off in the meantime, Friday.

Mr. GRIFFIN. Does the Senator from West Virginia have anything to add to this? I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

What is the will of the Senate?

Mr. STEVENSON and Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President will the Chair recognize the Senator from Illinois? Then I ask him to yield to me.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. I yield to the Senator from West Virginia. May I also ask the Senator from West Virginia when the daylight saving matter will be before the Senate?

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

The PRESIDING OFFICER. The Chair is attempting to achieve it. The Senate will be in order. Senators will please take their seats.

Mr. ROBERT C. BYRD. Mr. President, as I understand the distinguished majority leader, the military construction appropriations bill will likely come before the Senate on Tuesday.

Mr. MANSFIELD. Yes. To repeat, a meeting has been called for the subcommittee, of which I happen to be chairman, on Monday morning. We hope to take it up in the full Appropriations Committee Monday afternoon, and bring it to the floor, hopefully, unless there is objection, on Tuesday.

Mr. ROBERT C. BYRD. Now, Mr. President, may I ask the distinguished majority leader, not having had an opportunity to do this heretofore, whether or not it would be his intention to operate on a double track on Tuesday, with the appropriation bill on one track and the Rhodesian chrome bill on a second track? I know the Senator from Wyoming (Mr. MCGEE) would want to propound that question if he were in the Chamber.

Mr. MANSFIELD. We will do our best, because a commitment has been made, and we will make every effort to honor it.

ORDER FOR CONSIDERATION OF TWO TREATIES AND VICE-PRESIDENTIAL NOMINATION

Mr. ROBERT C. BYRD. Very well. Now, Mr. President, I ask unanimous consent—and this has been cleared with the distinguished majority leader, the distinguished Republican leader, the distinguished assistant Republican leader, and the distinguished chairman of the Committee on Rules (Mr. CANNON)—that on Monday following Thanksgiving, November 26, upon the return of the Senate, the Senate proceed immediately after routine morning business to go into executive session to consider two treaties on the Executive Calendar, which are noncontroversial, Executive N and Executive Q, and that upon the disposition of those two treaties the Senate proceed, in executive session, to consider the nomination of Mr. FORD to be Vice President of the United States.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, it seems to me——

Mr. ROBERT C. BYRD. What I think the Senator from New York has in mind—and that is probably why he is raising the question—is that I forgot to say: Provided, on Tuesday next, the Committee on Rules and Administration has reported the nomination to the floor of the Senate.

Mr. JAVITS. The difficulty is in getting Senators back here on the first day following the recess. We are practically inviting debate, and it will take us overnight. I do not think that is fair to JERRY FORD. If the nomination is considered as a separate unit on Tuesday immediately following Thanksgiving, we can be pretty certain to have maximum attendance.

Mr. ROBERT C. BYRD. Mr. President, may I, therefore, divide my unanimous consent request as follows: I ask unanimous consent that on Monday, upon our return following Thanksgiving, the Senate proceed, after the conclusion of routine morning business, to go into executive session to consider two treaties on the Executive Calendar, Executive N and Executive Q.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I now ask unanimous consent that on the Tuesday following the Monday of the return of the Senate after the Thanksgiving recess, and after the morning business has been concluded, the Senate go into executive session to consider the nomination of Mr. FORD to be Vice President of the United States, provided the Committee on Rules and Administration has favorably reported the nomination on Tuesday of next week.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

DAYLIGHT SAVING TIME

Mr. STEVENSON. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. Surely.

Mr. STEVENSON. What are the intentions of the leadership with respect to the bill providing for year-round daylight saving time?

Mr. MANSFIELD. We had hoped to get to that bill next week.

There are several holds on both sides of the aisle on the District of Columbia home rule bill, which is now on the calendar; but it looks as though our best chance would be on either Tuesday or Wednesday of next week, if we can get to it on either of those days.

Mr. STEVENSON. I thank the distinguished majority leader.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate continued with the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. STEVENSON. I had intended at this time to offer an amendment requiring the production of certain oil and gas wells that have been shut in. On further consideration, I have decided to take additional time to study the language. I intend to call up that amendment on Monday.

AMENDMENT NO. 650

Mr. PROXMIRE. Mr. President, I send my amendment No. 650 to the desk and ask that it be stated.

The legislative clerk read as follows:

AMENDMENT No. 650

At the proper place insert the following new section:

SEC. —. (a) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of passenger motor vehicles (other than passenger motor vehicles of the types generally available in motor pools of Government agencies on the date of the enactment of this Act) or for the salaries or expenses of chauffeurs or drivers to operate passenger motor vehicles.

(b) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of any passenger motor vehicle for the transportation of any Government officer or employee between his dwelling and his place of employment, except in cases of medical officers on outpatient medical service and except in cases of officers and employees engaged in fieldwork in remote areas, the character of whose duties make such transportation necessary, and only when such exceptions are approved by the head of the department concerned.

(c) Subsections (a) and (b) shall not apply with respect to the purchase, hire, operation, and maintenance of (1) one passenger motor vehicle for use by the President, or (2) of passenger motor vehicles operated to provide regularly scheduled service on fixed routes.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. I understand that by unanimous consent a limitation has been agreed to on this amendment, and that we have 10 minutes to a side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, the amendment is offered on behalf of myself and the distinguished Senator from North Carolina (Mr. HELMS).

This amendment would outlaw the purchase, hire, maintenance or operation of limousines, heavy and medium sedans and for the salaries and expenses of the chauffeurs to drive them.

This amendment does two or three very simple things.

First, no funds can be spent for limousines, heavy and medium sedans. These are the big gas-guzzlers.

Second, no funds can be spent for the salaries and expenses of the drivers and chauffeurs to drive them.

Third, no car, large or small, can be used to drive officials to and from their homes and their offices.

The only exceptions to these blanket restrictions are that we retain one limousine each for the President of the United States, the Chief Justice, each member of the President's Cabinet, and the elected leaders of the Congress, Government doctors on outpatient service and those officials engaged in field work can use their cars to go to and from home, and the salaries for drivers are not cut off when they operate passenger motor vehicles over regularly scheduled routes or for shuttle service.

I have modified my amendment from its original form which prohibited limousines for everyone except the President. I realized that was too far-reaching and I have modified the amendment accordingly.

WHAT AMENDMENT MEANS

What this means is that every official but the President, the Chief Justice, the Members of the Cabinet and the elected leaders of the Congress will have to drive himself to and from home in his own car. Hopefully, he will join a motor pool with his colleagues who also previously were driven around town in the big cars.

It also means that when any official of the Government, except the President, needs a car for official business, he goes to his agency motor pool and gets an ordinary light car. This should save heavily on gasoline consumption.

It also means that the official will drive that car himself. There is no reason why he should not do that. Everybody else does. Further, it will save on the average about $14,000 to $17,000 a year for each chauffeur's salary. While there are still no adequate figures, my belief is that about 800 officials will be affected by this amendment.

WHY WE SHOULD DO THIS

There are dozens of reasons why we should take this action. We have an energy shortage. Gasoline for the cars of working men and women, for housewives, and for Americans who find driving a necessity, may soon be rationed. It is impossible to justify having several hundred—probably several thousand—Government officials squired around in huge chauffeured limousines while we ration gasoline for the public. That just will not "fly."

WRONG PRIORITIES

How can any responsible Government official in good conscience insist on being driven around Washington in gas guzzling monsters when this Nation needs every gallon of gasoline it can get for essential purposes?

How confused can our priorities be when Government officials call on the people to surrender our hard-earned clean air because fuel is short and then show their selfish contempt by insisting on having the last word in personal custom-designed gas-wasting limousines?

It will be argued that the amount of gasoline saved would be relatively small, and that is true. But the example given by Federal officials who make the decisions that impose sacrifices on all the American people are of the greatest importance.

What irony it is to see minor officials at the White House, the Interior Department, and in the energy-related agencies being driven around Washington in gas guzzling chauffeured monsters at the moment they are making the decisions to deprive their fellow Americans of gasoline to drive their cars and of fuel oil to heat their homes.

In my view most public officials should already have given up the snobbish symbol of arrogance that the chauffeured limousine has become, if for no other reason than out of compassion for our long suffering taxpayers.

One of the worst offenders, but by no means the only offender in providing an excessive number of chauffeured cars and limousines, is the Pentagon. At the present time the Department of Defense has authorized—I believe clearly in violation of the statutes—transportation between their office and home of dozens of officials. It includes not only the Secretary of Defense but the Deputies, the Assistant Secretaries, the counsels, the vice chiefs, all four-star generals and admirals, and even the U.S. Representative to the Advisory Committee on the Ryukyu Islands. One should also note the category entitled "Such other officials as may be subsequently designated."

I ask unanimous consent that a list provided by the Comptroller General to the Ad Hoc Committee on limousines of DOD officials who are provided such transportation be printed at this point in the RECORD.

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

DEPARTMENT OF DEFENSE OFFICIALS AUTHORIZED TRANSPORTATION BETWEEN DOMICILE AND PLACE OF EMPLOYMENT AS HEADS OF EXECUTIVE DEPARTMENTS AND PRINCIPAL DIPLOMATIC OFFICIALS

1. The Secretary of Defense.
2. The Deputy Secretary of Defense.
3. Secretaries of the Army, Navy, and Air Force.
4. Chairman, Joint Chiefs of Staff.
5. Chiefs of Staff of the Army and Air Force, Chief of Naval Operations and Commandant of the Marine Corps.
6. Director of Defense Research and Engineering.
7. Assistant Secretaries of Defense and the General Counsel of the Department of Defense.
8. Under Secretaries of the Army, Navy, and Air Force.
9. Vice Chiefs of Staff of the Army and Air Force, Vice Chief of Naval Operations, and Assistant Commandant of the Marine Corps.
10. Assistant Secretaries of the Army, Navy, and Air Force and the Director, Office of Civil Defense.
11. All other four-star generals and admirals.
12. Chairman, Military Liaison Committee to the Atomic Energy Commission.
13. U.S. Representative to the Advisory Committee on the Ryukyu Islands.
14. Director, Joint Staff.
15. Director, National Security Agency.
16. Such other officials as may be subsequently designated.

ASSIGNMENT OF LIMOUSINES AND MEDIUM SEDANS WITHIN THE DEPARTMENT OF DEFENSE

PART I—LIMOUSINES

A. OSD/JCS Defense Agencies

Secretary of Defense.
Deputy Secretary of Defense.
Chairman, Joint Chiefs of Staff.

B. Army

Secretary of the Army.
Chief of Staff, U.S. Army.

C. Navy

Secretary of the Navy.
Chief of Naval Operations.
Commandant, U.S. Marine Corps.

D. Air Force

Secretary of the Air Force.
Chief of Staff, U.S. Air Force.

PART II—MEDIUM SEDANS

A. OSD/JCS and Defense Agencies

Director, Defense Research and Engineering.
Assistant Secretaries of Defense (9).
General Counsel.
Director, Civil Preparedness Agency.

B. Army

Under Sec. of Army.
Vice Chief of Staff, U.S. Army.
Asst. Sec. of Army (I&L).
Asst. Sec. of Army (R&D).
Asst. Sec. of Army (FM).
Asst. Sec. of Army (CW).
Asst. Sec. of Army (M&RA).
CG, USAMC.
Sp. Adv. to the Pres. on ManP. Mob.
CG, I Corps.
CG, USARADCOM.
CG, 1st US Army.
CG, 3d US Army.
CG, XVIII Abn Corps.
CG, III Corps & Proj Dir, Project MASSTER.
CG, 5th US Army.
CG, 6th US Army.
CINC US Southern Command.
CINCUSARPAC.
Dep CINC & C/S USARPAC.
COMUSMACV & CG USARV.
Dep COMUSMACV.
Dep CG, USARV.

CG, USCONARC.
CG, 8th US Army & CINCUNC/COMUSFK.
Dep CG, 8th US Army.
C/S UNCOM/USFK.
CG, USARJIS/IX Corps.
SACEUR, SHAPE/CINCEUR.
Chief of Staff, SHAPE.
Dep CINCEUR.
Chief of Staff, USEUCOM.
CINCUSAREUR.
Dep CINCUSAREUR.
CG, TASCOM USAREUR.
CG, V Corps.
CG, VII Corps.
US Rep–NATO Mil Com.
Def Adv, US Mission to NATO.
Dep Dir Gen, NICSMA.

C. Navy

Under Sec of the Navy.
Asst Sec of the Navy (M&RA).
Asst Sec of the Navy (I&L).
Asst Sec of the Navy (FM).
Asst Sec of the Navy (R&D).
CINC Allied Force, Southern Europe.
CINCPAC.
Chief of Naval Material.
CINCLANT/CINCLANT FLEET.
CINCPAC FLEET.
Vice Chief of Naval Operations.
CINC Naval Forces, Europe.
Cdr, Second Fleet.
Cdr, Amphibious Force, LANT FLEET.
Cdr, First Fleet.
C/S, CGUSAE, AFSE.
Cdr, Taiwan Defense Cmd.
Cdr, Naval Air Force, PAC FLEET.
Cdr, Submarine Force, LANT FLEET.
Cdr, Eastern Sea Frontier.
DEP CINCPAC FLEET.
Cdr, Antisubmarine Warfare Force, PAC FLEET.
Cdr, Antisubmarine Warfare Force, LANT FLEET.
Cdr, Seventh Fleet.
Cdr, Amphibious Force, PAC FLEET.
Cdr, Sixth Fleet.
Cdr, Naval Air Force, LANT FLEET.
CINCPAC, Chief of Staff.

D. Marine Corps

Asst Commandant, US Marine Corps.
Commanding General, Fleet Marine Force, LANT.
Commanding General, Fleet Marine Force, PAC.

E. Air Force

Under Sec of the Air Force.
Asst Sec of the Air Force (M&RA).
Asst Sec of the Air Force (I&L).
Asst Sec of the Air Force (R&D).
Asst Sec of the Air Force (FM).
Vice C/S US Air Force.
CINC SAC (Specified).
CINC PACAF.
CINC USAFE.
COMs TAC, AFSC, AFLC, MAC, ADC, ATC.
CINC Alaskan Cmd (Unified).
CINC NORAD (Unified).
COM Strike (Unified).
COMS 2d, 5th, 7th, 8th, 13th, and 15th AFs (6)
V/CINC EUR AF.
V/CINC PAC AF.
Cdr. Allied Air Forces, Southern Europe.
US Rep—CENTO Perm Mil Deputies Gp.

Mr. PROXMIRE. Mr. President, but only yesterday the Defense Department invoked a 23-year-old law giving them priority for fuel. Also, they started saving fuel by slowing down the speed of our ships at sea, cutting training flights, slowing down aircraft speeds, and the like. I think we all commend them.

But in these circumstances surely it is proper to restrict the gas guzzling limousines and the number of chauffeured officials as my amendment does. Are we to slow down our ships at sea so that the U.S. Representative to the Advisory Committee on the Ryukyu Islands can be chauffeured home at night?

CONGRESSIONAL STUDY

It will be argued that we have a congressional study on limousines underway and that we should wait until the committee reports and action is taken. I am well aware of that. I am a member of that particular committee and I appreciate that the chairman of the Appropriations Committee appointed it.

That report is going forward now and the preliminary work of the GAO is first rate. My staff have been consulting with them as have the staff of the committee.

But that report is several months away. The GAO study will not be finished until March or April. Then the committee will have to determine what it should do.

Then, of course, it is up for debate in the Senate and then it would go to the House. We would not act on this from 3 to 6 months, or even longer, in Congress on any energy shortage that plagues us now.

My view is that we should knock out these limousines now. The energy crisis calls out for that action. Meanwhile the study should go on because we still do not know how many limousines are in the Government, the extent of the abuses connected with them, and the amount of money which we can save. That factual study is important. And if after March or April anyone really believes that we should once again go back to the practice of having every Tom, Dick, and Harry have his own limousine, then Congress can change what I am proposing we do today.

The argument that "now is not the time" is the enemy of more good proposals then any stock argument I can think of. But now is the time and we should act, now.

With the grave threat of gasoline and fuel oil shortages, with the sacrifices we are calling on the American people to make, and with the need of officialdom to set an example and not continue with a double standard, this action is the least that we can take. The time to abandon the luxury of Government limousines has come.

I urge the Senate to adopt our amendment.

Mr. BIDEN. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I have very little time. Suppose the acting leader presents his position now and then, if there is any time left, I will be happy to yield to the Senator from Delaware.

Mr. JOHNSTON. Mr. President, this is a drastic step. Some may say it is a cruel step, that it will mark a drastic departure from the usual practice in Washington, the practice that so many have gotten so graciously accustomed to, of being driven around in large, polished limousines with uniformed drivers.

Well, Mr. President, it is time to take that drastic step, or to take that cruel step, if you will.

As this Nation girds for what may well be one of the most serious crises in its history, if it is cruel, or if it is drastic, we support it.

Mr. BIDEN. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. BIDEN. Is it intentional or unintentional that the Senator from Wisconsin left out the Vice President? Is that because we have no Vice President?

Mr. PROXMIRE. No, because the Vice President would be covered as an elected official of Congress. The Vice President is the President of the Senate, of course——

Mr. BIDEN. So that he would have his limousine.

Mr. PROXMIRE. He would have a limousine. He is an elected official of Congress, as is the majority leader, and so forth.

Mr. BIDEN. I was just curious. I thank the Senator very much.

Mr. FANNIN. Mr. President, I could not disagree with the Senator's intent, but I feel this is something that should be given more consideration than 5 minutes.

How can the President operate his office and meet visiting dignitaries from all over the world? The President has certain special obligations he has to meet and which we certainly want him to perform. I wonder whether this is a fair way to handle our obligations to the President. Would the Senator want to comment on why he would want to limit the President to just one passenger motor vehicle?

Mr. PROXMIRE. What the amendment does is to prevent limousines from being available which have been available to particular officials in the past. It does not touch the pool of cars available for purposes of trips by officials. As I pointed out, he could use it for official business, as can the Chief Justice, and so forth. Dignitaries would certainly be taken care of by being driven in pool cars.

Mr. FANNIN. I understand that such action would not apply to purchase, hire, or operation and maintenance of passenger motor vehicles, but when we start talking about one passenger vehicle for the President of the United States, I just wonder if we are not placing the President—and that would be any President—in a position far beneath the obligations we have to——

Mr. PROXMIRE. It does not demean the President in any way at all. The Senator appreciates that the one exception I have made to begin with is with the President, to be given a limousine. That has been broadened and applies to his Cabinet, as well as to the Chief Justice and the elected leaders of Congress. As an example, the leaders of this Government should certainly be willing to make this kind of sacrifice.

Mr. FANNIN. I do not disagree with that goal, but I question——

Mr. PROXMIRE. The Senator also asked for figures. The Ad Hoc Limousine Committee, of which Senator PASTORE is the chairman, is studying that. We have had difficulty finding out the number of cars, how much the gasoline is costing, and so forth. We did go into great detail when the Senate voted 82 to 4 to knock

out all limousines for HUD, Space, Veterans' Administration, and other agencies.

We do not have the comprehensive figures because we have not had a chance to get testimony on it.

Mr. FANNIN. I would not oppose a provision as to the proper procedure to follow in the allocation of motor vehicles to the officials of our country after we have the information. I am wondering what modifications were made in the amendment.

Mr. PROXMIRE. The modification is on page 2, line 15, after "President." I added "and one each by the Chief Justice, members of the President's Cabinet, and the elected leaders of the Congress."

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

Mr. PROXMIRE. I yield.

Mr. BENNETT. Would this knock out all other cars at the White House? No car would be available to the White House to take anybody in or out in an emergency?

Mr. PROXMIRE. No. This knocks out the cars assigned to particular officials. The pool is still available. The carpool is still available, as it has been in the past. As a matter of fact, the suggestion I made in my presentation was that this could be available to other officials for official business. It would be available to visiting dignitaries and persons of that stature.

Mr. BENNETT. And the same is true as to all Cabinet agencies—cars, with chauffeurs to drive the cars?

Mr. PROXMIRE. They are there, so far as the carpool is concerned. But the suggestion I have made—and the amendment would have that force—is that it would provide that the chauffeurs would not be available.

Mr. JAVITS. That seems to me why I would vote against it. We would have to hire a chauffeur ourselves just to avoid all the parking problems. Does the Senator want these fellows to spend an hour or two trying to find a place to park? Every pool I know of in my State and in the city has chauffeurs or drivers. I do not care whether they are called chauffeurs or drivers. If the Senator is going to make it that tight, it is counterproductive. The Senator might as well tell us to prepare our own lunch.

Mr. FANNIN. Where does the Senator exempt the pool? I am looking at the amendment.

Mr. PROXMIRE. On page 1, lines 3 and 4, after the word "vehicles": "(other than passenger motor vehicles of the types generally available in motor pools of Government agencies on the date of enactment of this Act)".

That is the exemption for the pool.

Mr. FANNIN. That is not a very specific explanation.

Mr. PROXMIRE. There are 70,000 of them, and we have gone through this rather carefully. The Senate adopted a similar amendment on the appropriation with respect to HUD and the other agencies. At that time, it was debated on the floor. We had extensive testimony for several weeks, testimony on the number of limousines involved and what would happen if the limousines were not permitted. So we have a record on this.

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

Mr. FANNIN. I yield.

Mr. BROCK. I am a little amused and somewhat chagrined. Yesterday, the Senator from Wisconsin stood up and argued vehemently against an amendment I had offered with the Senator from New York because there were no hearings on the amendment, but all of a sudden this is all right.

Mr. PROXMIRE. May I reply to the distinguished Senator from Tennessee?

Mr. BROCK. As soon as I finish.

It also seems to me rather ridiculous to talk about consuming energy, when the biggest problem we have is in trying to administer this program thoroughly, trying to get enough people into the various agencies of government that are managing the problem, to manage it competently, trying to find enough time to put a program of this magnitude into effect. Here we are again reducing the time that is available to the managers of the program, in requiring them not only to drive their own cars, which is a pretty good time for study, but also to find time for parking and to spend all the extra effort that requires. If they do not have a car, they will have to go out and buy another automobile, which would result in another car being put on the road, to compound the energy crisis.

It seems to me that that is exactly what is happening to this bill. We are offering some of the most far-fetched amendments I can imagine, just because it happens to be a nice Christmas tree to which we can append any amendment that suits our fancy at the moment.

Mr. PROXMIRE. If I may reply to the Senator, the answer is that yesterday if the Buckley amendment passed it would have abolished the Wage Stabilization Act entirely, without any hearings, with an unprinted amendment. But on this limousine issue we have had hearings on this particular subject, weeks of hearings before the committee. So this amendment has been printed and has been available at the desk for a couple of days.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. JOHNSTON. Mr. President, I should like to propound a question to the distinguished Senator from Wisconsin.

Is it his intention to do away with drivers in car pools?

Mr. PROXMIRE. The intention of the amendment is that the drivers not be used exclusively for a particular individual, with the exceptions I have given—that is, the President, the Vice President, Cabinet officers, and so forth. But the drivers in the carpools would be permitted on a specific assignment basis, for a particular trip.

Mr. JAVITS. The Senator would have to say that.

Mr. PROXMIRE. I would be happy to modify the amendment to that extent. Does the Senator from New York have such an amendment in mind?

Mr. JAVITS. We both have.

Mr. JOHNSTON. Mr. President, on behalf of myself and the distinguished Senator from New York, I propose that on page 2, line 2, the period be changed to a comma and that the following words be added: "except in carpools."

Mr. PROXMIRE. I am happy to accept it.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and it is so ordered.

Mr. JOHNSTON. Mr. President, does the Senator from Wisconsin want any more time?

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Wisconsin has no time.

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

Mr. JOHNSTON. The distinguished Senator from Virginia has requested 1 minute, after which I will yield 1 minute to the distinguished Senator from Oklahoma.

Mr. WILLIAM L. SCOTT. Mr. President, I asked for the time only to inquire of the Senator from Wisconsin whether or not this would prevent the President from having more than one car for his exclusive use and more than one chauffeur. He might be traveling and might need a car and a chauffeur in the city; and then when he goes somewhere else, outside of the Capital, he would need another. I am prepared to vote in favor of the Senator's amendment in the event the President of the United States could be eliminated from the restrictions contained in the amendment.

Mr. PROXMIRE. I see the point. What concerns this Senator is that one of the problems has been with so many people in the White House. I think we might conceivably make some argument for something additional for the President, but we do not want to open this up so that we would have a situation in which you would continue to have chauffeur-driven limousines for a number of assistant White House aides. I see the Senator's point.

I am happy, so long as we can make that kind of legislative history, to provide a further modification—I think this is something the Senator from Arizona properly argued—as follows: On page 2, line 15, delete the word "one" and add an "s" after "vehicle," so that it would read as follows:

> Shall not apply with respect to the purchase, hire, operation, and maintenance of passenger motor vehicles for use by the President, and one each—

So that the number "one" is deleted.

Is that satisfactory?

Mr. WILLIAM L. SCOTT. That is entirely satisfactory.

Mr. PROXMIRE. I ask unanimous consent to modify my amendment accordingly.

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

Mr. FANNIN. Mr. President, I should like to pose one question to the Senator from Wisconsin.

I understand that this would not give the Vice President a car.

Mr. PROXMIRE. Yes, it would.

Mr. FANNIN. I would like to have an explanation, because I was just told that this would not apply.

The PRESIDING OFFICER. The Senator from Louisiana has the floor. Does the Senator yield?

Mr. JOHNSTON. I previously yielded 1 minute to the Senator from Virginia, following which I was going to yield 1 minute to the Senator from Oklahoma.

Mr. PROXMIRE. It is my interpretation that the Vice President is an elected leader of Congress. He is the President of the Senate, the Vice President of the United States, and he has a constitutional position, so it is clear that he would be an elected official of Congress.

Mr. BARTLETT. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. BARTLETT. As I understand the modification of the Senator's amendment, he has eliminated the President from the limitation. Is that correct?

Mr. PROXMIRE. That is correct.

Mr. BARTLETT. I wish to commend the Senator for this. Those charged with guarding the life of the President have to use several cars in accomplishing this purpose, which I assume to be called presidential cars.

Mr. PROXMIRE. The Senator is correct.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Wisconsin, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD (when his name was called). Present.

Mr. GRIFFIN (when his name was called). Present.

Mr. MANSFIELD (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississipi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. TALMADGE), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. MCCLURE), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

Also, the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 53, nays 16, answered "present" 3, as follows:

[No. 492 Leg.]

YEAS—53

Abourezk	Gurney	Pearson
Aiken	Hart	Pell
Bartlett	Hartke	Percy
Bayh	Haskell	Proxmire
Beall	Hathaway	Roth
Bentsen	Helms	Schweiker
Bible	Hollings	Scott, William L.
Biden	Hughes	Stafford
Buckley	Javits	Stevenson
Burdick	Johnston	Symington
Byrd, Harry F., Jr.	Magnuson	Taft
Cannon	Mathias	Thurmond
Case	McGovern	Tunney
Chiles	McIntyre	Weicker
Church	Metcalf	Williams
Clark	Montoya	Young
Dole	Moss	
Eagleton	Nunn	
	Packwood	

NAYS—16

Bennett	Fong	McClellan
Brock	Goldwater	Randolph
Brooke	Gravel	Stevens
Dominick	Hansen	Tower
Ervin	Inouye	
Fannin	Long	

ANSWERED "PRESENT"—3

Byrd, Robert C.	Griffin
	Mansfield

NOT VOTING—28

Allen	Hatfield	Nelson
Baker	Hruska	Pastore
Bellmon	Huddleston	Ribicoff
Cook	Humphrey	Saxbe
Cotton	Jackson	Scott, Hugh
Cranston	Kennedy	Sparkman
Curtis	McClure	Stennis
Domenici	McGee	Talmadge
Eastland	Mondale	
Fulbright	Muskie	

So Mr. PROXMIRE's amendment No. 650, as modified, was agreed to.

NO FURTHER YEA-AND-NAY VOTES TODAY

Mr. ROBERT C. BYRD. Mr. President, for the convenience of some Senators on both sides of the aisle who may have appointments elsewhere, may I ask whether or not any Senator intends to call up an amendment this afternoon and ask for the yeas and nays on such amendment? I see no Senator so indicating, so I think I can state to the Senate that there will be no more yea-and-nay votes today.

PROTECTION OF THE HEALTH AND SAFETY OF EMPLOYEES

Mr. JACKSON. Mr. President, the able Senator from New Jersey (Mr. WILLIAMS) and the Senator from West Virginia (Mr. RANDOLPH) earlier this week expressed concern to me that the pending measure might be construed to give the President the authority to relax, suspend, eliminate, or modify provisions of Federal and State laws designed to protect the health and safety of employees.

As Senators know, the Senator from New Jersey (Mr. WILLIAMS) is chairman of the Labor and Public Welfare Committee and the Senator from West Virginia (Mr. RANDOLPH) is the ranking majority member of the Committee which has jurisdiction for laws designed to insure the health and safety of employees. Both of them have been active in the development of such vital legislation.

They had initially intended to introduce an amendment to S. 2589 to provide that no provisions of this act would be interpreted to permit or require any relaxation or modification of any provision of Federal or State law designed to protect the health and safety of employees. After extensive discussion, Senators WILLIAMS and RANDOLPH agreed that they would not pursue their amendment. However, they have directed a letter to me outlining their concerns and requesting my response. I have assured Senators WILLIAMS and RANDOLPH that there is absolutely no provision in S. 2589 which authorizes a relaxation, suspension, elimination, or modification of any provision of Federal or State law designed to protect the health and safety of employees. Mr. President, I ask unanimous consent that this exchange of correspondence be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., November 16, 1973.

Hon. HENRY JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This communication is to request your assurance that nothing in the National Energy Emergency Act can be construed to authorize a relaxation, suspension, elimination, or modification of any provision of Federal or State law designed to protect the health and safety of employees. It would seem clear from the language of the bill that the authors of this legislation have no intention of authorizing such actions and we know full well their commitment to the health and safety of America's workers. Indeed, it was with great pleasure that we welcomed your cosponsorship of S. 2117, the proposed Federal Mine Safety and Health Amendments of 1973.

Our concern may be considered far-fetched in the minds of persons who have knowledge of the National Energy Emergency Act. Nevertheless, we must recognize that the Congress, through this measure, is vesting the President with extraordinary powers and responsibilities. As in any measure there can be varying interpretations of legislative language. It is our purpose to insure that none of the language in S. 2589 can be interpreted to give the President the power to relax the provisions of the Federal Coal Mine Health and Safety Act, the Occupational Safety and Health Act, and other worker health and safety laws, and the regulations promulgated under these measures for the protection of the health and safety of employees.

For example, there are provisions in the pending measure which give authority to the President to approve measures enacted by

the State legislatures for the conservation and rationing of energy.

We want to make certain that no State legislature would move to relax health and safety laws and then the President, under the broad grant of authority, approve such measures of the legislatures.

Additionally, this measure provides that "no State Law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of the Act or any program issued pursuant thereto except insofar as such State Law or Program is inconsistent with the provisions of this Act." Here again we want to insure that the actions taken under State Laws and Federal activities under this measure will not be interpreted as authority to relax Health and Safety Laws to conserve energy.

In a more specific example it is possible that on a reading of the language of Section 203 of S. 2589 the energy requirements of such equipment as exhaust fans, elevators, and trolleys, and the utilization of rock dust (which is an energy related material) might be reduced based upon the finding that these activities are not essential activities and reduction of them would provide an additional means of conserving energy.

We need to be assured that reductions of available electrical energy cannot be ordered where the effect of such an order would be to create a conflict with the requirements of health and safety on the job site. For example, ventilation requirements have direct health and safety implications in many industrial settings.

Another example which is currently a critical problem in the coal mine industry is the use of roof bolts to support the mine roof. At present these are in short supply and suggestions have been made that the industry be allowed to return to increased use of timbers for support of the mine roof. While the Mining Enforcement and Safety Administration has very strongly indicated that there will be no relaxation we would again want to insure that as we move to conserve energy and produce additional coal, pressures are not brought to bear upon MESA to relax in any way its roof support requirements. This is an absolutely critical issue to the health and safety of miners since more miners are killed by roof falls than any other type of accident in a mine.

We believe that it is essential that we have the absolute assurance that laws for the protection of the health and safety of employees are not adversely impacted by S. 2589. There must be no threat to the well-being of our Nation's coal miners and workers in other industries.

We are intensely aware of your personal view on these issues but feel constrained to ask these questions so that the legislative record can be free from any ambiguity.

Your attention to this matter will be genuinely appreciated.

With warm personal regards.

Sincerely,

JENNINGS RANDOLPH,
Ranking Majority Member.
HARRISON A. WILLIAMS, Jr.,
Chairman.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter, cosigned by Senator Randolph, concerning the impact of S. 2589 on Federal and State laws designed to protect the health and safety of employees. I appreciate your raising this issue and by doing so, giving me an opportunity to express my absolute agreement with the Senator.

There is absolutely nothing in the provisions of this legislation which authorizes a relaxation, suspension, elimination, or modification of any provision of Federal or State law designed to protect the health and safety of employees. No administrator under this law would be empowered in any way to require or permit an employer to take any action which would contravene those health and safety laws. Indeed, no one subject to Federal or State health and safety laws, in my judgment, can use any of the provisions of this Act or orders issued pursuant thereto as justification for violation of any Federal or State law designed to protect the health and safety of employees.

Based upon the concerns expressed by you and Senator Randolph earlier this week, I was aware of the specific examples you mentioned in your letter and I am in total agreement with you that the health and safety laws will govern the responsibility of employers in instances such as these.

With kind regards.

Sincerely,

HENRY JACKSON,
Chairman.

ENERGY FOR NORTHEAST STATES

Mr. JAVITS. Mr. President, I shall be just a minute. I have a colloquy to engage in. I would like to ask the manager of the bill this question:

I bring to his attention a major potential source of energy for New York State and for the other States in the Northeast power grid and to inquire whether any provision of this bill will help to accelerate the construction of this energy source.

The Power Authority of the State of New York presently has pending before the Federal Power Commission an application for a Presidential Permit pursuant to Executive Order 10485 of September 3, 1953. The permit would authorize the power authority to construct, operate, and maintain, at the New York-Canadian border, facilities for the interconnection of the Province of Quebec electric powerlines with those of New York State. The connection would result in the importation of 800 megawatts of hydroelectric power produced in Canada. It is expected that approximately 3 billion kilowatt hours of electric energy will be imported through the border connection annually. This imported electric energy will displace an equivalent amount of electric energy which would otherwise have to be generated within the United States in fossil fuel electric generating plants. It is obvious, therefore, that the acceleration of authority to construct the connection will conserve substantial amounts of fossil fuel resources, thereby making those precious resources available for other necessary uses.

With this in mind, I ask the distinguished Senator from Washington whether any provision in this bill would authorize the Federal Power Commission to expedite applications such as these, which would yield a significant contribution toward increasing our energy supplies. I think it should be made clear to the Federal Power Commission that the Congress expects it to take all possible action, consistent with its legislative mandate and the National Environmental Policy Act, which would result in increased energy supplies.

I would like to point out that section 204(e) directs all Federal agencies to report to the President and Congress within 30 days of enactment on all activities over which they have jurisdiction that could result in increased energy supplies. Because of this important provision, I do not think any specific amendment directed at Federal Power Commission authority is necessary. But I do want to emphasize that it is my understanding, and I will ask the Senator from Washington to explain further, that the Congress expects Federal agencies, such as the Federal Power Commission, to make thorough and comprehensive reviews of its pending applications and its procedures, so that the Congress may be quickly informed of any necessary changes in the regulatory structure that would result in significant energy supply benefits.

Mr. JOHNSTON. Mr. President, there is no specific provision in the bill which deals with this precise question.

However, the President is delegated authority in the bill over all fuels except those limited fuels which are exempted specifically in the bill. The President would therefore have the power to delegate his power under the bill to the Federal Power Commission, and the commission in turn would then be exempted from the provisions of the Administrative Procedure Act to the extent provided in section 309 of the bill. Section 309 of the bill is intended to shortcut the rather extensive, time-consuming hearings under the Administrative Procedure Act to provide for a somewhat truncated procedure.

So, the President would have the authority to do that and to delegate the authority to the Federal Power Commission.

Mr. JAVITS. Mr. President, I thank my colleague.

Mr. President, I have one other ancillary point, and that is to inquire whether the Senator agrees with me that under section 204(e) we are entitled to receive from the Federal Power Commission and all other agencies all other information including a review of the pending applications so that we may be advised and the President can be advised of what we can do to accelerate new power sources.

Mr. JOHNSTON. Yes, I would agree with the distinguished Senator from New York.

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. WILLIAM L. SCOTT. Mr. President, would the Senator yield?

Mr. BARTLETT. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding to me. I was on my feet attempting to be recognized.

I share the concern that each of the Members of this body has with regard to our energy shortage. However, I have reservations as to whether this is the bill or the proper approach in which to resolve the energy crisis. And I would like to pose a number of questions to the Senator from Arizona (Mr. FANNIN), with the indulgence of the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I yield for that purpose.

Mr. WILLIAM L. SCOTT. Mr. President, I wonder if the Senator from

Arizona might refer to the additional minority views in the back of the committee report. There are a number of questions or reservations there. I have read them. It is indicated there that there is much regret that the workings of the marketplace are not utilized in this bill to stimulate and increase the supplies in the marketplace.

I am concerned that we do not have an adequate supply of energy. Does this bill stimulate an increase in the overall supply, or are we just sharing the scarcity?

Mr. FANNIN. Mr. President, I would say to the distinguished Senator from Virginia that the amendments offered by several of his colleagues on the Republican side did try to accomplish more to that end than this bill presently does. I feel that without some of those proposed provisions the bill does not accomplish our objectives with respect to increasing supplies.

In this legislation, the national energy emergency bill, we should take into consideration what could be done to produce more energy. There are incorporated in the bill encouraging provisions concerning coal.

We were unable to incorporate in the legislation some provisions that would assist greatly in the free marketing of natural gas and in the free marketing of our petroleum products. We were not successful in achieving this goal.

Amendments have been offered on the floor of the Senate that would have accomplished the Senator's objectives.

Mr. WILLIAM L. SCOTT. Mr. President, is the Senator saying that those amendments were not agreed to?

Mr. FANNIN. Those amendments, regrettably, were defeated. There will be other amendments that I am sure will be offered today or on Monday that could result in increased supplies of energy.

I agree with the distinguished Senator from Virginia that in order to produce a true national energy emergency bill, we must deal also with the matter of increasing supply.

I hope that we will be able to do so before the bill is finally passed.

Mr. WILLIAM L. SCOTT. Mr. President, I notice, continuing on in the report, that it refers to the gap between supply and demand, and it indicates that in order for exploration to be conducted in a high risk investment there must be some price adjustment. I wonder if the distinguished Senator would comment on that.

Mr. FANNIN. Mr. President, I think the distinguished Senator from Virginia is familiar with the controls on interstate shipment of natural gas. They have been recognized as a great barrier to increased production. More wells drilled to greater depths, offshore drilling, and many other costly endeavors would assist in making this product available. Unfortunately, the price of interstate gas is regulated at such a low level that the companies do not realize enough profit to drill these deep wells. For many companies the cost of producing gas exceeds the price at which they can sell it in interstate commerce. We will not accomplish the objective of increasing gas supplies unless that situation is changed.

Mr. WILLIAM L. SCOTT. Mr. President, is the Senator saying that this bill does not encompass offshore drilling and the obtaining of gas from the wells that might be available if there were a sufficient price incentive?

Mr. FANNIN. Mr. President, during the consideration of the bill in the committee these measures were defeated. Consequently they were not included in the legislation as it came to the Senate floor. Attempts have been made to include such provisions in the bill. However, they have not been successful. So, I must respond to the Senator from Virginia by saying that as the bill now stands, it does not encourage additional supplies of fuel.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator from Arizona will refer again to the report, I notice that there have been several bills reported by the Committee on Interior and Insular Affairs this calendar year that have to do with energy.

The report indicates that those bills have something in common, a philosophical bent toward an increase in Federal regulation, whether in the area of energy-producing or energy-consuming activities.

Are we giving the Federal Government the authority to make more and more regulations which may actually have a detrimental effect on our supply?

Mr. FANNIN. Mr. President, I think the Senator realizes from his work in the House of Representatives and in the Senate that we have repeatedly over the past few years placed restrictions on the production of coal, oil, and gas. We have legislated stringent NEPA procedures which have resulted in the conversion of plants from utilization of coal to cleaner fuels such as natural gas and low-sulfur oil. This has been very costly.

Now we are faced with incentives for switching back to burning coal in as many plants as this can be accomplished.

This country has become dependent upon foreign supplies. We are importing over 30 percent of our petroleum products, and with the world situation as it is, this becomes a very serious matter.

Mr. WILLIAM L. SCOTT. Mr. President, the Senator is not suggesting that 30 percent of our petroleum products come from the Mideastern area of the world, the Arab States? We do import substantial amounts from other areas.

Mr. FANNIN. Our total imports amount to about 6 million barrels of oil a day, whereas we consume about 17 million barrels of oil a day.

Mr. WILLIAM L. SCOTT. Mr. President, I notice that after talking about the increase in Federal regulation the report says that these provisions are likely to repeat the mistakes made in the Federal regulation of natural gas production and in the imposition of oil import quotas.

My thought is, with this in mind, are we actually getting at the crux of the problem of obtaining more energy or a larger supply of energy through the use of this bill?

Mr. FANNIN. No. The United States has not developed its own abundant natural resources. It has allowed itself to become critically dependent on imports. Domestic fuel production continues to decline, and natural gas production has peaked out. Because of the NEPA restrictions and other delays, nuclear plants are not being completed as rapidly as anticipated. The use of coal has been limited for environmental and other reasons. At this time we are experiencing a shortage of coal supplies. Oil and gas discovered off the North Slope of Alaska and off the coast of California in recent years are still undeveloped.

Congress did complete the Alaskan pipeline bill and the President has signed it.

I know the Senator realizes that we have many so called exotic ways of developing energy—solar energy, geothermal steam, and others—but the fact remains that we are dependent on our petroleum resources to a great extent. Unfortunately this bill does not include proper incentives for increased production of those fuels.

Mr. WILLIAM L. SCOTT. I am sure the distinguished Senator would agree that this is a very far-reaching bill. Could the Senator indicate how much time the committee spent in the consideration of this legislation?

Mr. FANNIN. Yes. The committee held 2 days of open preliminary hearings and 2 days of open executive hearings.

Mr. WILLIAM L. SCOTT. A total of 4 days?

Mr. FANNIN. Yes, 4 days of extensive hearings. One lasted until 8:30 one evening. In addition, some parts of the bill were sent to other committees for their suggestions and even for specific language. It was developed with the hope that we could include the most helpful recommendations of members of both the Interior Committee and the Committee on Public Works.

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

Mr. FANNIN. Yes, I will be glad to yield.

Mr. JOHNSTON. If the Senator will permit me to make a unanimous consent request, I think it would be useful to the Senate to put the legislative history of this bill into the RECORD at this point. It discloses, of course, that not only did we have the four days of hearings referred to by the Senator from Arizona, but hearings that lasted many months on the question of energy, which of course bear on the bill itself. So, Mr. President, I ask unanimous consent that the legislative history as revealed in the committee report accompanying this bill, commencing at page 14, be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, I would ask that that be placed at the end of the colloquy.

Mr. JOHNSTON. I modify my request to that extent.

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

(See exhibit 1.)

Mr. FANNIN. To add to what the distinguished Senator from Louisiana has stated, we began some of these hearings in December of 1972. Consequently, they did extend over a long period of time.

Mr. WILLIAM L. SCOTT. Mr. President, I know this is a very far-reaching bill, and I note, on page 54 of the report, the statement:

> We fear, however, that excessive hasty action could result in horrendous and unintended calamity for the people and institutions of this country. Accordingly, we feel that it is incumbent upon us to tailor the emergency authority to the fuels shortages problem in order to avoid both delegation of excessively sweeping emergency authority and delegation of inadequate emergency authority.

I wonder if the distinguished Senator would say whether or not, in his opinion, this bill does set a course of national action which might not be in the best interests of the country over the long run.

Mr. FANNIN. Mr. President, in answering the distinguished Senator, I would say that much of the legislative content in this bill was requested by the President of the United States. We did work very closely with Administration officials. In my opinion it was neither the shortage of time nor the amount of endeavor put forth that contributed to any of the bill's shortcomings. Any such shortcomings that I might mention were included in order to satisfy groups which objected to the immediate progress on strip mining or offshore drilling or on other endeavors that I think are very essential to the solution of our energy crisis.

Mr. WILLIAM L. SCOTT. Of course, Mr. President, I do not serve on the Interior Committee, but I have been reviewing the report, and I have reviewed it in some detail. It would appear to me that this bill would result in additional Federal regulation of both production and consumption of energy. It just seems to me that the ultimate answer to our energy problem is increasing our supply of energy of all kinds. I wonder if the distinguished Senator from Arizona would comment on that.

Mr. FANNIN. I certainly agree. We do have programs going forward. We have a new energy research and development bill—S. 1283—that we have been working on for many months.

Mr. WILLIAM L. SCOTT. What is the status of that, if the distinguished Senator knows?

Mr. FANNIN. I believe we will be able to report out that bill within the next 2 weeks.

Mr. WILLIAM L. SCOTT. Mr. President, on the way to the Capitol today, I had my automobile radio turned on, and I heard the statement made that we had a 2 months supply of oil in reserve. Is this the understanding of the Senator from Arizona? Would that be a fair comment?

Mr. FANNIN. I would say to the distinguished Senator that I do not think we have 2 months of stored oil in reserve. We operate from the point of production and from the point of import directly to the consumer.

Mr. WILLIAM L. SCOTT. Do we have in our national strategic materials stockpile any great amount of petroleum that might be utilized?

Mr. FANNIN. Yes; we have four naval petroleum reserves. No. 1 is of some magnitude. Nos. 2 and 3 are not large; but No. 4, in Alaska, is a great reserve which is not fully developed.

Mr. WILLIAM L. SCOTT. I wonder whether, actually, there would be an alternative to the passage of such a sweeping bill under which we could get through this winter and then enact legislation that would increase the amount of energy available to us without taking some of the drastic steps that are in this bill. Four or 5 months remain before winter is over and I wonder whether there are other sources of energy available to which we might turn such as coal, electricity, or other sources.

Mr. FANNIN. Our position this winter depends both on the weather and on how much oil we are able to import. Both are difficult to predict, so I cannot give an answer at this time. But I will say that the research and development legislation I have mentioned will be helpful in devising a long-range program.

The Senator knows that coal is the greatest source of energy we have in this country. Forty-five percent of our proven reserves are coal. We also have geothermal energy which we are hoping to develop.

At Geyserville near San Francisco geothermal steam powers a plant producing 400,000 megawatts of electricity, which is one-half the consumption of the city of San Francisco.

Mr. WILLIAM L. SCOTT. Is there offshore oil that might be made available, or oil shale?

Mr. FANNIN. We are working on oil shale and many other energy sources.

Price is the factor. Price will produce the energy.

From the very beginning, I have tried to emphasize that if we freed up the price of natural gas, there would be more gas. If we increased the price of oil, there would be more oil. That applies to all our energy resources.

It is expensive to get oil from shale. It has been proven that it can be done, but at a price. With the increased price of imported oil, we may reach that point soon where it will be advantageous to develop oil shale.

Coal gasification is a possibility. But when we switch to different processes like coal gasification and liquefaction, we lose a great deal of the energy involved. Changing from one source to another source is always an expensive process. Therefore those are sources for the future. As far as immediate results are concerned—especially this winter—we know that is hopeless.

We do have some sources that we can develop rapidly. Deregulation of natural gas would lead to expanded supplies.

However, conservation is how we are going to get our immediate results.

Mr. WILLIAM L. SCOTT. I appreciate the ranking Republican member of the committee responding to this series of questions. I am trying to make up my own mind as to how to vote on the final passage of the bill. We all know we have a serious energy problem, and I do not like to see us stay on a course of action which will result in further Federal regulation and a further breakdown in the American system of the law of supply and demand in the operation of the free market.

I simply wonder whether the emergency is of such a nature that we have to jeopardize the operation of the free market, so that it will perhaps be years before we have an adequate level of supply and demand; whether we are actually slowing down the process of obtaining adequate energy to meet the needs of the Nation by enacting this legislation. Will the Senator comment on the long-range effect of the bill?

Mr. FANNIN. The bill is for a 1-year period, but we are hoping that programs will be started that will continue. I certainly agree that a free market would be a better answer than the one we have provided in many places in the bill. But we have not been able to have such provisions added to the bill.

We must tie this program into R. & D. and other long-range legislation.

Mr. WILLIAM L. SCOTT. When the Senator speaks of conservation, he is speaking of the insulation of homes, the reduction in the speeds of automobiles, turning down thermostats, and perhaps burning wood in fireplaces, if there are fireplaces in the homes, and other such measures?

Mr. FANNIN. The Senator is correct.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's responding to these questions, and I also appreciate the courtesy of the Senator from Oklahoma (Mr. BARTLETT) for yielding time.

Mr. FANNIN. I appreciate the great interest of the Senator from Virginia.

EXHIBIT 1

V. LEGISLATIVE HISTORY

S. 2589 was introduced on October 18, 1973, as a measure to prepare the Nation for severe impending fuel shortages. After the bill was introduced, the severity of the energy emergency was greatly increased by the actions of the Mideast-producing countries to reduce production and embargo shipments of oil to "unfriendly" nations.

The members and staff of the Senate Committee on Interior and Insular Affairs have been working closely together with the Committees on Commerce, Public Works, and Judiciary, and with the administration to expedite the adoption of this bill.

Two closed hearings were held with Governor Love and other administration officials on October 24 and November 1 to hear their views and suggestions for amendments to the bill. Following these hearings, extensive consultations were held with representatives of the administration to solicit their views on this legislation. Thus, although the administration did not formally submit to the committee suggestions for a draft bill, administration participation in the drafting of S. 2589, as reported, was such that the present bill is a composite of the S. 2589 as introduced, and suggested amendments proposed by the administration.

A public hearing was held on Thursday, November 8. The hearing began at 9:30 a.m. and adjourned at 8:30 p.m. Witnesses in the morning were representatives of the administration:

Hon. John A. Love, Director, Energy Policy Office.

Hon. John N. Nassikas, Chairman, Federal Power Commission.

Hon. John A. Busterud, Acting Chairman, Council on Environmental Quality.

Hon. Kenneth H. Tuggle, Acting Chairman, Interstate Commerce Commission.

Hon. Stephen A. Wakefield, Assistant Secretary for Energy and Minerals, Department of the Interior.

Mr. Thomas Heye, Administrative Assistant to the Chairman, Civil Aeronautics Board.

Mr. Julius Katz, Deputy Assistant Secretary for International Resources and Food Policy, Department of State.

Mr. Hugh Witt, Deputy Assistant Secretary for Installations and Logistics, Department of Defense.

Industry representatives and public witnesses were heard in the afternoon.

Mr. Richard Ayers, Attorney, National Resources Defense Council.

Mr. Carl E. Bagge, President, National Coal Association.

Mr. W. Donham Crawford, President, National Association of Manufacturers.

Mr. P. N. Gammelgard, Senior Vice President for Environmental and Public Affairs, American Petroleum Institute.

Mr. David Hawkins, Friends of the Earth.

Mr. Douglas E. Kenna, President, National Association of Manufacturers.

Mr. John C. Miller, President, Independent Petroleum Association of America.

Mr. Lawrence I. Moss, President, Sierra Club.

Hon. Lee C. White, Chairman, Energy Policy Task Force, Consumer Federation of America.

Public markup sessions on the bill were held on Friday, November 8, and Monday, November 11, with representatives of the administration present to respond to questions concerning the administration's position on the bill and proposed amendments.

Mr. BARTLETT. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 17, line 15: Strike the words "operating hours" and substitute the words "energy consumption."

Mr. BARTLETT. Mr. President, the present language in S. 2589 gives authority to the President to place limitations on the operating hours of commercial establishments in public service as well as in schools.

My amendment would change the authority to place limitations on the operating hours to limitations on energy consumption, which is certainly the goal of the bill.

Having limitations on operating hours could result in a real inconvenience to patrons of commercial establishments which are open at night and which operate for the convenience of customers at night.

Also, if the President placed limitations on the operating hours of public schools, that could cause a definite inconvenience to students and to parents, as well.

The real intent of the provision is to have the reduction on the basis of energy, with limitations to be fixed by the President, designating the amounts of energy to be used by commercial establishments and public institutions such as the public schools.

I believe this is a good amendment. I understand that it is acceptable. I call upon Senators to support it.

Mr. JOHNSTON. Mr. President, the amendment is agreeable to the committee. I think it marks a needed flexibility in the bill. As originally drafted, the bill required that the President limit operating hours of commercial establishments. This change requires that he provide for energy conservation, which in turn will give some needed freedom to the owners of commercial establishments as to how they can conserve.

The President can mandate, for example, a 25 percent conservation of energy based on a base period and require that the owner of the store, or whatever the establishment is, come up with his own plan. The conservation would not be voluntary. The conservation would be mandatory, but the means by which the conservation was affected would be at the discretion of the store owner—subject, of course, to the fact that if the store owner or establishment owner failed to come up with a voluntary plan, it would be implicit in the Senator's amendment that the President have the power to dictate the terms by which the conservation should take place—that is to say, if the owner, himself, would not come up with a voluntary plan.

Do I correctly understand the Senator's amendment?

Mr. BARTLETT. The Senator certainly does understand it correctly.

I should like to add that I have been informed by operators of commercial establishments that operating at night does not require any more energy than operating in the daytime. They would be willing to adjust their hours as they would have to adjust them, but they would have the discretion as to when they would be open, so that they could provide as much service as they possibly could to the customers they now have.

This amendment would give them flexibility but still would enable them to operate in such a way as to save energy and at the same time offer a good service to the customers.

Mr. JOHNSTON. I congratulate the distinguished Senator from Oklahoma for offering the amendment. We have no objection to it.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 669

Mr. FANNIN. Mr. President, I call up my Amendment No. 669.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 29, insert the following new section after line 7, and renumber subsequent sections accordingly:

SEC. 306. INJUNCTIVE RELIEF.—The United States district courts for the districts in which a violation of this Act or regulations or orders issued pursuant thereto occur, or are about to occur, shall have jurisdiction to issue a temporary restraining order, preliminary or permanent injunction to prevent such violation. Such injunction may be issued upon application of the Attorney General in compliance with the Federal Rules of Civil Procedure.

Mr. FANNIN. Mr. President, this is an injunctive relief amendment. It would be inserted on page 29, after line 7. It would be numbered section 306, and the numbers of the following sections would be changed accordingly.

The amendment provides that the U.S. district courts for the districts in which a violation of this act or the regulations or orders issued pursuant thereto occur, or are about to occur, shall have jurisdiction to issue a temporary restraining order, preliminary or permanent injunction to prevent such violation. Such injunction may be issued upon application of the Attorney General in compliance with the Federal Rules of Civil Procedure.

The amendment would provide relief where it is required prior to an actual violation. I think it is necessary in order that the proper procedures can be followed. The Government might be aware of an intended violation and could act accordingly.

I hope the distinguished manager of the bill will accept the amendment.

Mr. JOHNSTON. Mr. President, as we understand the amendment, it would give additional remedies to the President—the power to seek temporary or permanent injunctive relief. It is not in lieu of criminal penalties; it is not in lieu of other sanctions provided in the act, but is in addition thereto.

Is that correct?

Mr. FANNIN. The Senator is correct.

Mr. JOHNSTON. With that understanding, we enthusiastically support the amendment.

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

The amendment was agreed to.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that an antitrust amendment submitted today by Senator JACKSON and supported by the committee be considered on Monday; that the amendment be limited to 40 minutes, to be equally divided; that the amendment be considered immediately after the last matter for which time has previously been set or limited; that no amendments to the amendment be in order; and that the amendment be laid before the Senate as the pending business at the close of business today.

Mr. FANNIN. Mr. President, I ask unanimous consent that the name of the Senator from New York (Mr. BUCKLEY) be added as a cosponsor of the amendment.

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

Is there objection to the unanimous-consent request of the Senator from Louisiana?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—I do not intend to object, of course—I just want to make sure that Senators understand what the distinguished Senator from Louisiana has said. He incorporated in his request that no amendment to the amendment would be in order.

I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the Johnston amendment was adopted earlier today.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 30, line 3, strike the word "fifteen" and insert in lieu thereof: "twenty".

On page 30, line 5, after the word "including" insert: "but not limited to independent".

On page 30, line 6, after the word "and" insert: "wholesale and retail".

Mr. DOLE. Mr. President, let me say at the outset that this amendment has been discussed with the majority and minority floor managers and with the distinguished junior Senator from Montana, who is the original sponsor of section 308.

Mr. President, any legislation which has the effect of placing governmental constraints on the free workings of our economy is bound to produce disruption, dislocation, and frequent unfairness in various sectors of that economy. The Emergency Energy Act, S. 2589, will if enacted establish perhaps the most extreme example of such governmental constraints in our history.

To some extent, the bill demonstrates a recognition of these potential effects by establishing a National Energy Emergency Advisory Committee in section 308. This committee would serve to advise the President "with respect to all aspects of implementation" of the act and its programs. The White House Energy Adviser would chair the committee, the other members of which are intended to represent the broad spectrum of those in Government and the private sector who are concerned with energy in America.

I feel this committee is a worthwhile and constructive attempt to establish a regular framework for receiving suggestions and criticisms directed at making a very difficult and complex program work as well, as effectively, and as fairly as possible.

However, the provision establishing the committee shows a rather important omission which I feel should be corrected. Quite correctly, the energy industry is specified for representation on the committee, including, to quote the bill, "producers, refiners, transporters, and marketers." And while I agree that these elements of the industry should be included, I feel the bill's language raises the possibility that an important sector of the energy industry might be overlooked or excluded from representation.

When we say energy industry many may think only of the great multibillion dollar integrated oil companies which receive such a large share of the attention and publicity surrounding energy issues today. But the fact is that the energy industry is composed of two chief categories of enterprises: the majors and the independents, and while not so widely known or large as the majors, these independents form a significant part of America's energy industry.

These two sectors are both highly concerned with the energy crisis and steps to deal with it, but they do have different viewpoints and face different circumstances in the conduct of their operations. Frankly, there are some areas where there is some conflict and disagreement between the two sectors, and it would seem highly inadvisable to run the risk of denying one the opportunity to see that its interests are at least aired before the committee and the President.

Both the majors and the independents would bring a great deal of knowledge, expertise, and ability to the committee. There is no question that majors should sit on the committee, but I believe it would be in the national interest to assure that independent producers, refiners, transporters, and marketers, both on the wholesale and retail levels, are not excluded from membership on the National Energy Emergency Advisory Committee.

Therefore, I offer an amendment to section 308 to specify that these independent sectors of the energy industry be represented on the committee and that its membership be increased to reflect such additional representation.

I ask unanimous consent that the full text of section 308 as amended by my amendment be printed in the RECORD at this point.

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

SEC. 308. NATIONAL ENERGY EMERGENCY ADVISORY COMMITTEE.—(a) There is hereby created a National Energy Emergency Advisory Committee which shall advise the President with respect to all aspects of implementation of this Act. The chairman of the committee shall be the Director of the Office of Energy Policy. In addition to the chairman, the committee shall consist of twenty members appointed by the President, who shall represent the following interests: energy industry, including but not limited to independent producers, refiners, transporters, and wholesale and retail marketers; transportation; industrial energy users; small business; labor; agriculture; environmental; State and local government; and consumers.

(b) The head of each of the following agencies shall designate a representative who shall serve as an observer at each meeting of the advisory committee and shall assist the committee to perform its advisory functions;

(1) the executive departments as defined in section 101 of title 5, United States Code;

(2) Interstate Commerce Commission;

(3) Atomic Energy Commission;

(4) Federal Power Commission;

(5) Federal Trade Commission;

(6) Civil Aeronautics Board; and the

(7) Federal Maritime Commission.

Mr. JOHNSTON. Mr. President, the amendment is acceptable to the committee, and we support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 1, line 16, immediately before "and", insert a comma and the following: "that under any such fuel rationing plan or program, handicapped persons dependent upon private transportation by reason of their handicapped condition shall receive an adequate supply of fuel to meet their business and essential personal activities needs,".

On page 16, line 17, immediately after the period add the following: "As used in the preceding sentence, an individual shall be deemed to be handicapped if he suffers from a medically determinable physical, mental, or developmental condition, by reason of which he is precluded, as a practical matter, from utilizing local public transportation facilities.".

Mr. DOLE. Mr. President, on behalf of myself and the Senator from New York (Mr. JAVITS), we have been discussing, of course, many aspects of the national energy emergency and the pros and cons of the bill before the Senate. I recognize the difficulty in trying to make special provisions for those who may be handicapped, the elderly, or those who for one reason or another deserve some special classification.

As is well known, many handicapped individuals do not have access to public transportation. The obstacle a bus or train represents to a person bound to a wheelchair, for example, is obvious and needs no elaboration. The need for barrier-free public transportation for the handicapped has been a subject of many discussions. Although progress is being made in this direction, the need exists to insure that during this period of fuel shortage, handicapped people who are unable to use public transportation will receive sufficient fuel to continue using the private transportation necessary for their essential activities.

Furthermore, the lack of fuel for private transportation could represent an undue hardship for many handicapped persons who do not necessarily find barriers in public transportation. An inadequate allotment of fuel could force amputees and similarly handicapped people to walk distances which, though short for able-bodied people, could be impossibly long for the disabled. Handicapped workers hold many important jobs. We must insure that they have sufficient fuel for the transportation necessary in the conduct of their businesses or to get to their places of work.

Handicapped persons also depend upon private transportation more than other

people in the conduct of their essential personal affairs. To deny them this conveyance would be an unfair discrimination.

Mr. President, I proposed an amendment to the National Emergency Energy Act of 1973 to insure that under any fuel rationing program, handicapped persons dependent upon private transportation receive an adequate supply of fuel for business and essential personal activities.

Mr. President, I have discussed the amendment with the managers of the bill on both sides. I understand it might not be practical from the standpoint of legislation but I think there is agreement that this group might have special consideration in those plans.

Mr. JOHNSTON. Mr. President, the Senator is correct. It is the intention and the wish of the Committee on Interior and Insular Affairs that handicapped people be granted the highest priority under any rationing system. We did not include it in the legislation because we thought this discussion could be presented to the President, and that we would not try to set out a schedule of priorities of who would be treated in a schedule of priorities in the legislation itself. We suggest that the matter be referred to the President with our very strong request that handicapped people be given the kind of priority that is proposed in the amendment of the Senator from Kansas.

The PRESIDING OFFICER. Is the amendment withdrawn

Mr. DOLE. Yes; Mr. President, with that assurance and, I assume, with the same assurance from the ranking minority member, I withdraw the amendment.

Mr. FANNIN. I am pleased to give that assurance.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FANNIN. I thank the distinguished Senator from Kansas.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. FANNIN. Mr. President, I call up my amendment No. 668.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 20, line 4, insert the following after the word "coal.": "In areas where at that time the utilization of coal can reasonably be anticipated, the President may require that fossil fuel fired baseload electrical powerplants now in the planning process, other than combustion turbine and combined cycle units, be designed and constructed so as to be capable of rapid conversion to burn coal."

Mr. FANNIN. Mr. President, this particular amendment provides that:

In areas where at that time the utilization of coal can reasonably be anticipated, the President may require that fossil fuel fired baseload electrical powerplants now in the planning process, other than combustion turbine and combined cycle units, be designed and constructed so as to be capable of rapid conversion to burn coal.

The reason for the amendment is that combustion turbines cannot be constructed and designed so as to be capable of rapid conversion to burn coal. There is no reason to provide for something that cannot be done in accordance with the goals of this particular legislation, which is an emergency energy bill.

I do feel we must move to coal as rapidly as possible. I feel the amendment is beneficial so far as the legislation is concerned. It is a clarifying amendment which would make it possible to accomplish the objectives that are involved in the provision preceding the amendment.

I trust the manager of the bill will be willing to accept the amendment.

Mr. JOHNSTON. Mr. President, we have no objection to the amendment.

Mr. FANNIN. I thank the distinguished Senator.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HANSEN. 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. MATHIAS. 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. MATHIAS. Mr. President, I also send to the desk for inclusion in the RECORD at this point an appendix describing the contents of the amendment which I have just sent to the desk and which I think will be helpful to the Senate in reviewing this amendment which is currently scheduled to be the first one considered by the Senate on Monday morning. In essence, the amendment is the amendment I offered several days ago with some modifications which make it more consistent with the thrust of the bill as it presently stands.

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

CONTENTS OF MATHIAS-ERVIN AMENDMENT IN THE FORM OF A SUBSTITUTE TO SECTION 309 OF S. 2589

1. This amendment would continue to apply the requirements of Section 553 of Title V of the United States Code: the provision of the Administrative Procedures Act governing rulemaking, but would restrict the discretion of the authority implementing the Act to waive those provisions. One of the chief difficulties of our current experience with Section 553 of the Administrative Procedures Act is the wide latitude available for waiving its requirements. Subsection (b)(1) of my proposed amendment would require a minimum of 5 days notice with an opportunity for comment on all proposed rules, regulations, or orders issued pursuant to the Act. This requirement could not be waived unless findings are made that such time period would cause grievous injury to the operation of the Program and those findings would have to be set out in detail. Too often, Federal agencies employ boiler-plate language to waive the requirements of Section 553 of the Administrative Procedures Act because to do so is more convenient. Convenience would not be an adequate standard under my amendment.

2. This amendment provides a mechanism whereby proposed rules, regulations, or orders establishing plans or programs at the state level can be disseminated at that level. While the proposal is unusual in Federal legislation, it is common to many state laws and is, in my judgment, necessary in this case since states and metropolitan areas will be called upon to implement the Federal program.

3. This amendment contains additional hearing requirements not imposed by Section 553 of the Administrative Procedures Act. Subsection (b)(3) of the amendment would require a public hearing on rules, regulations or orders which are likely to have a substantial impact upon the Nation's economy or large numbers of individuals or businesses or when such hearings would serve to inform the public or aid in obtaining information on actions taken or proposed to be taken.

Such hearings would, to the maximum extent practicable, be held prior to the implementation of any rule, regulation, or order. However, where this is not possible, but where the statutory criteria are met, the amendment provides that hearings shall be held no later than sixty (60) days after the implementation of any such rule, regulation, or order. The premise is that review, even after the program is underway, is better than no review at all. This provides a mechanism for modifying measures which may have been taken under emergency circumstances and an opportunity to re-evaluate as soon as possible thereafter. Since the actions that could be taken under the authority of this Act could cause great hardship and destroy businesses, any delay beyond sixty (60) days is not justified.

4. Subsection (c)(1) of the proposed amendment establishes certain requirements suggested by my review of the Cost of Living Council. One of the chief difficulties with the wage/price program is the public's inability to obtain information on the activities of the Cost of Living Council. Similar difficulties can be anticipated with the agencies administering the Energy Act. Subsection (c) requires the publication of all internal rules and guidelines which may form the basis in whole or in part for any rule, regulation or order and prevents the Agency from relying upon or using any such internal rule or guideline that has not been published in support of its action. I believe that the public should be fully apprised of the criteria upon which decisions are being reached and that all such information must be made widely available. Without such a provision, parties who think they might be entitled to an exception or an exemption are at a total loss in reaching their determination about whether to apply. They can have no confidence about the information they submit in support of their petition or in the result of the process, a grant or denial.

Similarly, the Agency should be required to set forth written opinions in support of its grant or denial of petitions in a form that will give them precedential value to apprise the regulated of their rights and obligations, to ensure consistency of decisions, and to limit unfettered Agency discretion.

Subsection (c)(2) adopts the Bentsen Amendment to subsection (b) of Section 309 of the bill as reported. The Bentsen Amendment has been accepted by the Senate.

5. Subsection (d)(1) of my amendment would require findings of fact and a specific statement explaining the rationale for each provision of plans or programs set forth

under the authority granted by this Act. The Government has an obligation to explain the basis of its actions.

6. Subsection (d)(2) of my amendment looks to the future. It would require, at the outset, that each plan or proposal include proposed procedures for the removal of restrictions that it would impose. The time to begin planning for the future is now and Subsection (d)(2) would build this planning into the current process.

7. Subsection (d)(3) of my amendment would require the preparation of a schedule for implementing the requirements of Section 552 of Title 5 of the United States Code at the outset. Without rapid implementation of these requirements, the Program could quickly become unmanageable. Section 552 is one of the chief vehicles for disseminating information to the public and, in a program as vast in scope as that proposed in S. 2589, the implementation of those provisions deserves special attention.

8. Subsection (d)(4) would require the immediate preparation and publication of definitions of terms used in the Act. Such definitions will be helpful in giving meaning to any terms used in the Act.

Mr. MATHIAS. 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.

CALL OF MEASURES ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following calendar orders: Nos. 482, 483, 484, 485, 486, 489, 490, 491 and 493.

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

CONTRIBUTIONS TO FEDERAL EMPLOYEES HEALTH INSURANCE

The Senate proceeded to consider the bill (H.R. 9256) to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, in line 14, strike out "55" and insert in lieu thereof "50"; in line 15, after the word "commencing", strike out "in 1973" and insert "January 1, 1974"; at the end of line 15, strike out "60" and insert "and 55"; in line 16, after the word "Commencing", strike out "in 1974;" and insert in lieu thereof "January 1, 1975."; in line 17, strike out "65 percent for applicable pay periods commencing in 1975; 70 percent for applicable pay periods commencing in 1976; and 75 percent for applicable pay periods commencing in 1977 and in each year thereafter."

On page 4, beginning in line 3, add the following language:

SEC. 4. Section 8901(5) of title 5, United States Code, is amended by striking out "or such an unmarried child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;" and inserting in lieu thereof the following: "or such an unmarried child regardless of age, who—

"(i) is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution and receives more than half his support from the employee or annuitant; or

"(ii) is incapable of self-support because of mental or physical disability which existed before age 22.".

On page 4, in line 17, strike out "4" and insert in lieu thereof "5"; in line 19, after the word "after" strike out "the thirtieth day following the date of enactment"; and at the end of line 20, insert "January 1, 1974."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NOMINATIONS BY DELEGATES FROM GUAM AND THE VIRGIN ISLANDS TO THE SERVICE ACADEMIES

The bill (H.R. 7582) to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies, was considered, ordered to a third reading, read the third time, and passed.

REMOVAL OF ACTIVE DUTY TIME FOR OFFICERS OF THE ARMY AND AIR FORCE FOR TRAINING AT AN EDUCATIONAL INSTITUTION

The bill (H.R. 10366) to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution, was considered, ordered to a third reading, read the third time, and passed.

TRAVEL EXPENSES FOR CERTAIN CREWMEMBERS

The bill (H.R. 10369) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port, whose dependents are residing at the home port, was considered, ordered to a third reading, read the third time, and passed.

ATTENDANCE OF TWO IRANIAN CITIZENS AT THE U.S. NAVAL ACADEMY

The joint resolution (H.J. Res. 735) authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran, was considered, ordered to a third reading, read the third time, and passed.

FEMALE PARTICIPATION IN THE JUNIOR RESERVE OFFICER TRAINING CORPS PROGRAM

The bill (H.R. 8187) to amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students, was considered, ordered to a third reading, read the third time, and passed.

INCREASE IN INTEREST ON PERMANENT FUND OF THE U.S. SOLDIERS' AND AIRMEN'S HOME

The Senate proceeded to consider the bill (H.R. 8528) to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home which had been reported from the Committee on Armed Services with an amendment, on page 1, in line 4, strike out "of 3" and insert in lieu thereof "the rate of 3".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COST-OF-LIVING INCREASES IN PAY AND ALLOWANCES OF CERTAIN OFFICERS OF THE ARMED FORCES AND CERTAIN EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY

The bill (S. 2714) to amend section 219(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increase, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note) is further amended—

(1) by renumbering paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(2) by inserting the following new paragraph (1):

(1) An annuity (except a discontinued service benefit under section 234 (a)) which—

"(i) is payable from the fund to a participant who retires, or to the widow or widower of a deceased participant; and

"(ii) has a commencing date after the effective date of the then last preceding annuity increase under section 291(a);

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of the then last preceding annuity increase under section 291(a). In the administration of this paragraph, a participant or deceased participant shall be deemed, for the purposes of section 221(h), to have to his credit, on the effective date of the then last preceding annuity increase under section 291 (a), a number of days of unused sick leave

equal to the number of days of unused sick leave to his credit on the date of his separation from the Agency.".

(b) The amendments made by subsection (a) shall apply only with respect to annuities which commence on or after July 2, 1973.

SEC. 2. (a) Notwithstanding any other provision of law, effective on the date of enactment of this Act, the pay and allowances of members of the Armed Forces to whom this Act applies shall be increased to amounts equal to the amounts such pay and allowances would have been increased if the pay and allowances of such members had been increased, under section 1401a(b) of title 10, United States Code, by the same percentage rates, consecutively compounded, that the retired pay or retainer pay of members and former members of the Armed Forces entitled to retired pay or retainer pay since October 1, 1967, has been increased, and such member shall, on and after the date of enactment of this Act, have his pay and allowances increased effective the same day and by the same percentage rate that the retired pay or retainer pay of members and former members of the Armed Forces is increased under such section 1401a(b).

(b) This section applies to members of the Armed Forces entitled to pay and allowances under either of the following provisions of law:

(1) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).

(2) The Act of September 18, 1950, chapter 952 (64 Stat. A224).

(c) No amounts shall be paid, as the result of the enactment of this section, for any period prior to the date of enactment of this section.

PROGRAM INFORMATION ACT

The bill (S. 928) to create a catalog of Federal assistance program, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, 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 "Program Information Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "Federal domestic assistance program" means any activity of a Federal agency which provides assistance or benefits, whether in the United States or abroad, that can be requested or applied for by a State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

(b) A "Federal domestic assistance program" may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation. A program shall be identified in terms of differing legal authority, administering office, funding, financial outlays, purpose, benefits, and beneficiaries.

(c) "Assistance or benefits" includes but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans and insurance, or other types of financial assistance; assistance in the form of provision of Federal facilities, goods, or services; donation or provision of surplus real and personal property; technical assistance and counseling; statistical and other expert information; and service activities of regulatory agencies. "Assistance or benefits" does not include conventional public information services.

(d) "Requested or applied for" means that the potential applicant or beneficiary must initiate the process which will eventually result in the provision of assistance or benefits.

(e) "Administering office" means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

EXCLUSION

SEC. 3. This Act does not apply to information specifically required by law or Executive order to be kept secret in the interest of national defense or foreign policy.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM

SEC. 4. The President shall transmit to Congress no later than May 1 of each regular session a catalog of Federal domestic assistance programs, referred to in this Act as "the catalog", in accordance with this Act.

PURPOSE OF CATALOG

SEC. 5. The catalog shall be designed to assist the potential beneficiary to identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

REQUIRED PROGRAM INFORMATION

SEC. 6. For each Federal domestic assistance program, the catalog shall—

(1) identify the program, including the name of the program, the authorizing statute, the specific administering office, and a brief description of the program and its objectives;

(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, uses and restrictions on the use of assistance or benefits and obligations and duties of recipients or beneficiaries;

(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent financial information;

(4) identify the appropriate administering office to contact, both in central and field offices, including address and telephone number;

(5) provide a general description of the application requirements, processing time requirements, and other pertinent procedural explanations; and

(6) identify closely related programs.

FORM OF CATALOG

SEC. 7. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

(b) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

(c) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

QUARTERLY REVISION

SEC. 8. The President shall revise the catalog at no less than quarterly intervals. Each revision—

(1) shall reflect any changes in the program information listed in section 6;

(2) shall further reflect the addition, consolidation, reorganization, or cessation of Federal domestic assistance programs;

(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs;

(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

PUBLICATION AND DISTRIBUTION OF THE CATALOG

SEC. 9. (a) The President (or an official to whom such function is delegated pursuant to section 10 of this Act) shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demand.

(b) There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

(c) There is authorized to be distributed without cost to Federal agencies, State and local repositories not to exceed thirty-five thousand copies of catalogs and revisions as determined by the President or his delegated representative.

(d) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by the Government. Specialized catalogs for specific ad hoc purposes may be developed within the framework of, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President. Federal departments or agencies shall not reprint or reproduce for distribution portions of the catalog without specific permission from the President or his delegate.

(e) Any existing provisions of law requiring the preparation or publication of catalogs are superseded to the extent they may be in conflict with the provisions of this Act.

DELEGATION OF FUNCTIONS

SEC. 10. The President may delegate any function conferred upon him by this Act, including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate.

REQUIREMENT THAT REPRODUCTIONS AND IMITATIONS OF COINS AND POLITICAL ITEMS BE MARKED AS COPIES OR WITH DATE OF MANUFACTURE—H.R. 5777

Mr. ROBERT C. BYRD. Mr. President, I am informed by the distinguished majority leader that the following matter has been cleared on both sides.

I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5777.

The PRESIDING OFFICER (Mr. BENNETT) laid before the Senate the following message:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 5777) entitled "An Act to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate recede from its amendments.

The motion was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. TAFT. Mr. President, I offer an amendment to section 303 of the bill, as amended by the Nunn amendment. I call up my amendment No. 663, as modified for consideration.

Mr. ROBERT C. BYRD. Mr. President, what was that request?

The PRESIDING OFFICER. Is this an amendment to the pending measure or to one of the bills we have just passed?

Mr. TAFT. Mr. President, it is an amendment to the pending measure.

The PRESIDING OFFICER. The amendment as modified will be stated.

The second assistant legislative clerk read as follows:

After section 302(d) add the following:

(D) any controls instituted shall be insofar as practicable, equitably applied to all businesses, whether large or small; and due consideration shall be given to the unique problems of retailing establishments and small business so as not to discriminate or cause unnecessary hardship in the administration or implementation of the provisions of this Act.

Mr. TAFT. Mr. President, this amendment I think is a noncontroversial one. It simply expresses a general direction with respect to the small business and retail establishments insofar as the pending bill is concerned.

The PRESIDING OFFICER. The Chair will interrupt the Senator to state that since this is an amendment to an amendment that has already been agreed to, the Senator must have unanimous consent to consider the modification at this time.

Mr. TAFT. Mr. President, I ask unanimous consent that I be permitted to have my amendment considered at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no desire to object but I inquire as to whose amendment this would amend.

Mr. TAFT. This amendment would amend the amendment of the Senator from Georgia (Mr. NUNN).

I also ask unanimous consent that the name of the Senator from Georgia (Mr. NUNN) be listed as a cosponsor of the modification.

Mr. ROBERT C. BYRD. Mr. President, continuing to reserve the right to object, may I ask the distinguished sponsor of the amendment if this request has been cleared with the distinguished junior Senator from Georgia?

Mr. TAFT. The Senator from Georgia requested that he be listed as a cosponsor, and the request has been cleared with the Senator.

Mr. ROBERT C. BYRD. Mr. President, I have no objection.

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

Mr. TAFT. Mr. President, this amendment would add to subsection b. a clause 4. saying: "any controls instituted shall be insofar as practicable, equitably applied to all businesses, whether large or small; and due consideration shall be given to the unique problems of retailing establishments and small business so as not to discriminate or cause unnecessary hardship in the administration or implementation of the provisions of this Act."

The National Energy Emergency Act of 1973 provides that the rationing and conservation program provided for shall include measures capable of reducing energy consumption in the affected areas by no less than 10 percent within 10 days and by no less than 25 percent within 4 weeks after implementation. Several examples are mentioned, including lighted advertising, and limitations on operating hours of commercial establishments.

In passing judgment on this legislation, it is recognized that there may be hardships during this energy emergency, but with the proper cooperation of State and local governments and the public, hopefully no one sector of the economy will bear a disproportional share of the burden.

The suggestion in this legislation that limitations may be placed on the operating hours of commercial establishments, has caused concern among many owners of small shops and businesses, such as neighborhood grocery stores, which depend largely upon after-hour trade for survival.

The purpose of my amendment, therefore, is to insure that these small businesses be given equal consideration in implementation and administration of the conservation measures to reach our goals. This is not to say that anyone should be totally exempted from cooperation in saving our energy, for we all must work together. However, in implementing the act, it would seem to be possible to avoid causing undue hardship to any one sector of the economy.

This same provision of the bill, cutting back energy consumption by 25 percent within 4 weeks after implementation, raises another question.

Would this provision mean that on-premise identification signs which are electrically lighted would be curtailed by 25 percent? As I understand it, there are two kinds of signs involved in this category. These are fluorescent signs, which are illuminated by fluorescent tubes, similar to those in our offices, and neon signs fed througn current reducing transformers. These signs are important to the retail merchants who are highly dependent upon them. In some cases they take the place of store windows. In others, they identify the location to a motorist moving at 25 or 50 miles an hour on the street or highway. In any event, they are valuable to the storeowners who would be severely hurt if their use were to be curtailed.

I urge that efforts be made in implementation so that the small firm will not bear the burden or discriminatory brunt of the necessary controls on energy usage. In addition, measures should be taken so that possible materials shortages resulting from energy shortages are not proportionately greater for small firms.

Mr. JOHNSTON. Mr. President, I think this is an excellent amendment that significantly improves the bill, and the committee supports the bill.

Mr. FANNIN. Mr. President, I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified is agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

The PRESIDING OFFICER (Mr. BENNETT). In accordance with the previous order, the Chair now lays before the Senate the amendment of the Senator from Washington (Mr. JACKSON), No. 685, without objection, the text of the amendment will be printed in the RECORD.

The amendment reads as follows:

AMENDMENT No. 685

Add a new Section 101(h) after line 2, at page 14, as follows:

"(h) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during the energy emergency."

Add a new Section 102(h) after line 6, at page 15, as follows:

"(h) insure against anticompetitive practices and effects and preserve, enhance, and facilitate competition in the development, production, transportation, distribution and marketing of energy resources."

Add a new Section 312 after line 8, at page 33, as follows, and redesignate the remaining sections:

"SEC. 312. ANTITRUST PROVISIONS.

"(a) Except as specifically provided in subsections (f) and (k), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" includes—

(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.);

(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.);

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(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); and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c) The President shall develop plans of action and may authorize voluntary agreements which are necessary to achieve the purposes of this Act and which encourage and facilitate cooperation and voluntary agreements between (1) the Federal Government, and (2) appropriate segments of the petroleum industry and interested and concerned labor, consumer, and other essential groups. These plans of action and voluntary agreements may be regional in nature or may address functional aspects of the nation's petroleum system.

(d)(1) To achieve the purposes of this Act the President may, in addition to the National Energy Advisory Committee established by section 308 of this Act, provide for the establishment of interagency committees and such additional 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 shall in all cases be chaired by a regular full-time Federal employee.

(2) An appropriate representative of the Federal Government shall be in attendance at all meetings of any advisory committee or any interagency committee established pursuant to this Act. The Attorney General and the Federal Trade Commission shall have advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(3) A full and complete verbatim transcript shall be kept of all advisory committee meetings and, subject to existing law concerning national security and proprietary information, shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(e) The Attorney General and the Federal Trade Commission (1) shall participate in the preparation of any plans of action or voluntary agreement and may propose any alternative which would avoid or overcome, to the greatest extent practical, any anticompetitive effects while achieving the purposes of this Act, and (2) shall have the right to review, amend, modify, disapprove or prospectively revoke any plan of action or voluntary agreement at any time if they determine such plan of action or voluntary agreement is contrary to the purposes of this section, or not necessary to achieve the purposes of this Act.

(f) Whenever it is necessary, in order to achieve the purposes of this Act, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, transporting, defining, marketing, or distributing crude oil or any petroleum product to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so and have the benefit of the defense provided for in subsection (k) if such meeting, conference, communication or course of action is conducted in compliance with the provisions of this section and solely for the purpose of achieving the objectives of this Act.

(g)(1) The Attorney General may exempt types or classes of meetings, conferences, or communications from the requirements of subsections (d) (1) and (3) where such meetings, conferences, or communications are ministerial in nature and are for the sole purpose of carrying out and implementing a plan of action or a voluntary agreement which has been prepared and approved pursuant to this section.

(2) Any meetings, conferences, or communications exempted from the requirements of subsections (d) (1) and (3) shall be undertaken in accordance with regulations promulgated to implement this section. These regulations shall provide that a log or memorandum of record of any meeting, conference, or communication covered by this subsection (g)(1) shall be prepared and filed with the Assistant Attorney General in charge of the Antitrust Division and the Federal Trade Commission.

(h) The President is authorized to delegate the authority provided for in section 312(c) and (d)(1) to a Federal officer appointed with the advice and consent of the Senate. The President shall issue regulations governing the operation and implementation of this section 312 (c) and (d).

(i) No provision of this section is intended to supersede, amend, repeal, or modify any provision of the Defense Production Act of 1950, as amended, except that the provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action taken to implement the authority contained in this Act or the authority contained in the Emergency Petroleum Allocation Act of 1973 (Conf. Rept. No. 93-628, November 10, 1973).

(j) This section 312 shall apply to the Emergency Petroleum Allocation Act of 1973 (Conf. Rept. No. 93-628, November 10, 1973) notwithstanding any inconsistent provisions of section 6(c) of that Act.

(k) There shall be available as a defense to any civil or criminal action brought under the antitrust laws arising from any course of action or from any meeting, conference, or communication or agreement held or made in compliance with the provisions of this section solely for the purpose of carrying out a plan of action, voluntary agreement, or otherwise undertaken solely to comply with the requirement of this section.

(l) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way effecting 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 of this Act and this section or (3) subsequent to its expiration or repeal.

(m)(1) The Attorney General and the Federal Trade Commission are charged with responsibility for monitoring the implementation of any plan of action, voluntary agreement, regulation or order approved pursuant to Section 312 to determine compliance with the purposes of Sections 101(h) and 102 (h) of this Act.

(2) In furtherance of this responsibility, the Attorney General and the Federal Trade Commission will promulgate joint regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts and other records related to implementation of any plan of action voluntary agreement, regulation or order approved under this Act.

(3) Persons implementing any program, plan of action, voluntary agreement, regulation or order approved under this Act will maintain these records required by joint regulations promulgated pursuant to subsection (1) above, and they shall be available for inspection by the Attorney General and the Federal Trade Commission at reasonable times and upon reasonable notice.

(n) The exercise of the authority provided in Section 204(b)(1) shall not have as a principal purpose or effect the substantial lessening of competition among carriers affected. Actions taken pursuant to that subsection shall be taken only after providing an opportunity for participation by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division.

ORDER ON SEQUENCE OF VOTES ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any rollcall votes demanded on Monday next, prior to the hour of 1 p.m., not occur until the hour of 1 p.m., and that, beginning at the hour of 1 p.m., any amendments on which yea-and-nay votes have been demanded, and for which demands have been sustained, then he voted on in sequence, back to back, in the order in which the amendments were called up; and that time on any rollcall vote after the first rollcall vote on Monday be limited to 10 minutes, with the warning bells to be sounded after the first 2½ minutes.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will meet on Monday at 9 o'clock a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Colorado (Mr. HASKELL) will be recognized for a colloquy between himself and the distinguished manager of the bill (Mr. JACKSON). There is a 10-minute limitation on that colloquy by virtue of the order previously entered.

Following that, the distinguished Senator from Maryland (Mr. MATHIAS) will call up an amendment upon which there is a 30-minute limitation, upon the disposition of which the distinguished senior Senator from New York (Mr. JAVITS) will call up an amendment on which there is a 20-minute limitation, following which the distinguished Senator from North Carolina (Mr. HELMS) will call up an amendment on which there is a 40-minute limitation, after which the distinguished Senator from Wyoming (Mr. HANSEN) will call up an amendment upon which there is a 20-minute limitation, after which, under the order previously entered, the distinguished Senator from Arizona (Mr. FANNIN) may call up as many as five amendments with a 10-minute limitation on each.

May I ask the Senator if either of the amendments he called up this afternoon was from that block of five amendments?

Mr. FANNIN. No. To explain it, I talked with the majority leader and told him they were not. It was his understanding and my understanding that they would not count against the five.

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

Mr. ROBERT C. BYRD. If I may proceed shortly, I shall be delighted to yield.

Following the amendments to be called up by Mr. FANNIN on Monday, the antitrust amendment, which is to be the pending amendment at the close of business today, will again be placed before the Senate, and action thereon will be

resumed, with a time limitation thereon of 40 minutes. A vote will occur on the bill at no later than 5 p.m. on Monday.

I now yield to the able Senator from Indiana.

Mr. BAYH. Mr. President, I would like to ask my good friend from West Virginia if it would be possible for the Senator from Indiana to have his name added to the pecking order the Senator has just stated, to call up an amendment which he has just introduced, with a 20-minute time limitation thereon.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Arizona, one of the managers of the bill, may wish to speak to this request.

Mr. FANNIN. Is the Senator just requesting that his name be added as a cosponsor?

Mr. ROBERT C. BYRD. No, the Senator from Indiana is requesting that on Monday he be permitted to call up an amendment following the antitrust amendment, and that there be a time limitation thereon of 20 minutes.

Mr. FANNIN. If that is possible, we will certainly attempt to accommodate the distinguished Senator from Indiana. As the distinguished assistant majority leader knows, we do have a number of amendments, with the time for the vote set. So as far as the time is concerned, I do not want to speak on that, but the Senator may certainly call up an amendment as far as the Senator from Arizona is concerned.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on disposition of the antitrust amendment on Monday next, the distinguished Senator from Indiana (Mr. BAYH) be recognized to call up an amendment, which he has just discussed with the manager of the bill on the other side of the aisle, the Senator from Arizona (Mr. FANNIN), and that there be a time limitation thereon of 10 minutes, to be equally divided in accordance with the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, in summation, there will be several yea-and-nay votes on Monday. The Senate will complete action on the energy bill on Monday.

On Tuesday, the distinguished majority leader has already indicated that the military construction appropriation bill will be called up. Undoubtedly there will be a yea-and-nay vote on the passage of that bill, with rollcall votes occurring on amendments thereto.

Conference reports, being privileged matters, may be called up at any time. Other measures on the calendar cleared for action may also be called up, and votes could occur thereon.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

ADJOURNMENT TO 9 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. on Monday next.

The motion was agreed to, and, at 5:05 p.m., the Senate adjourned until Monday, November 19, 1973, at 9 a.m.

EXTENSIONS OF REMARKS

MOUNTAIN HOME POLICE COOPERATE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, November 16, 1973

Mr. CHURCH. Mr. President, although we had known that we were facing an energy shortage this winter, we had little advance warning that events would make that shortage as severe as what we now face.

As Americans, we have had to look hastily toward emergency measures which conserve energy and might, in turn, help us through the winter. This Nation has seen other shortages and other crises. It is clear that America is again ready to meet the challenge—individually and collectively—of the energy crisis.

I know, through my mail and through phone calls and telegrams to my office, that the citizens of Idaho are willing to do our share in the conservation of scarce energy supplies.

While we in Congress are working on programs to reduce the Nation's energy demand, I think it is fitting to note that many Americans have already taken steps to conserve available supplies.

Mr. President, I recently received a letter from Mr. Nelson H. Olds, Jr., chief of police at Mountain Home, Idaho. In his letter, Chief Olds described a directive issued to all members of the Mountain Home Police Department which is aimed at meeting the energy challenge. That directive graphically illustrates what can be done by individuals and small groups to help conserve energy. The directive also addresses itself to the importance of smaller groups in our total energy conservation plan.

Mr. President, I ask unanimous consent that Chief Olds' letter and a copy of his directive be inserted in the Extensions of Remarks.

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

MOUNTAIN HOME, IDAHO,
November 8, 1973.

FRANK CHURCH,
Senate Office Building,
Washington, D.C.

SIR: Enclosed is a copy of the directive issued in this Department in compliance with the energy cutback, requested by the President in his address to the Nation of November 7, 1973.

Although, as stated in the directive, we are but a small part of this Nation, we believe every little bit helps.

In support of the request we wish to take this opportunity to request your legislative support.

Very truly yours,

NELSON H. OLDS, Jr.
Chief of Police.

MOUNTAIN HOME, IDAHO,
November 8, 1973.

To All Police Personnel.
From Chief of Police.
Re Cut back in energy.

Beginning today the Police Department will honor President Nixon's request for the reduction in the use of electric lights—heat and a reduction in speed in the use of city vehicles.

It is ordered that all areas not being used will have the lights turned off except for a minimum of lighting for travel throughout the building. All external doors are to be kept closed. When coming into and from the building the front main entrance or rear entrance will be used. No further travel will be permitted through the garage overhead door except in cases of transporting prisoners or vehicle maintainance.

When the need arises for a city vehicle to leave the city on approved transportation, the speed will not exceed fifty (50) miles per hour, other than in the cases of emergencies.

We are but a small part of this Nation, however we shall do our part. Your cooperation is necessary and greatly appreciated.

FUEL CONSERVATION POLICY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASPIN. Mr. Speaker, as everyone is aware, all Americans have been asked to do their share to help alleviate our current energy crisis. A high school in my congressional district, Union High School, enacted their own fuel conservation policy even before the President requested the Nation to join in this effort. I think that they have drawn up a very practical and easily implemented plan. I would like to share this plan with my colleagues in the hope that it may serve as a model for schools all over the country:

FUEL CONSERVATION POLICY

Every responsible authority indicates that the shortage of heating oil during the 1973–74 heating season will reach crisis proportions. In order that available supplies of fuel may be conserved to provide adequate heat to fulfill the primary function of the school, the Union High School Board of Education considers the following steps essential:

(a) Immediately:

1. Reduce the average temperature in the building by 4°.

2. Eliminate as much nonschool and nonessential use of the building during the evening and weekend periods as possible.

3. Maintain and keep clean to the greatest

extent possible the heating and ventilating equipment.

4. Close and seal, wherever possible, windows, doors, ventilators, etc. which may be a source either of cold air entry or heat loss.

5. Have Johnson Control service and repair heat control units to assure maximum efficiency.

(b) Beginning January 1, 1974:

1. Reduce night and weekend temperatures by 5° to 8° when not being used for scheduled school activities.

2. Eliminate all nonschool and nonessential use of the building after 4:00 P.M. each school day.

3. Eliminate all nonschool and nonessential use of the building on weekends and during vacation periods. Use of the building may be permitted to nonschool groups during these times if they are willing to use it at the reduced temperatures prevailing.

4. Keep outside doors and windows closed as much as possible.

(c) Additional steps as may be dictated by the fuel supply situation:

1. Eliminate all use of the building after 6:00 P.M.

2. Eliminate all after school use of the building.

MAKE 911 NATIONAL EMERGENCY TELEPHONE NUMBER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, many of us under one form of duress or another have tried to dial a telephone number only to find that our fingers or our memory would not cooperate.

This affliction although momentary can be of critical importance if we are trying to summon a doctor or the police because of an emergency.

I have yet to find a convincing argument against making the No. 911 an emergency telephone number, throughout the Nation.

Many communities now use 911 as a central number for police, fire, and hospital calls.

It has the convenience of being only three digits instead of seven, easily remembered, and in the case of a blind person, easily dialed because of the digital placement on the dialing mechanism.

One of the very first bills I introduced this session was H.R. 1308, a bill to make 911 the central emergency dialing number for the entire country.

KDKA–TV in Pittsburgh recently editorialized about the virtue of creating such a system. I include that editorial in the RECROD at this time for the information of my colleagues.

The editorial follows:

BROADCAST

For many years agencies concerned with public safety in this country have seen the need for one single, common emergency phone number. Slightly over five years ago, local phone companies suggested that one, easy-to-remember number could be established throughout the country. All *emergency* calls for police, fire or ambulance service, it was then decided, would be reached by dialing nine-one-one.

Nine-one-one has been adopted in many regions of the nation. About one-eighth of our total population is now being served by this emergency number. In Pittsburgh, we are not.

London, England, one of the world's largest cities has had such a three digit number for many, many years. It has worked very well. In this country, cities like New York, Boston and Washington, D.C., have adopted nine-one-one as their emergency number—and it has saved lives. The California state legislature has passed a law which requires all telephones in that state to be served with the emergency number by 1982.

The Allegheny County Commissioners have unanimously agreed to investigate the practicality of using nine-one-one here. It sometimes seems to take an incredibly long time in Pittsburgh to study things and get moving. We hope this will not be the case in this instance. Many people do not know it, but Tarentum, in the north-east corner of the county, and eight adjoining communities as well, already have the nine-one-one system. Butler to the north, is also using it.

We recognize that there may be equipment and cost problems, but the phone company assures us that these can be solved. The only major problem that may be time consuming is cooperation, getting the more than 100 separate municipalities in this area to work together. This *should* not be a problem; and it won't be if the public—meaning *you*—really sees the need for such an emergency number—and requests local officials to adopt nine-one-one.

JAMES J. ROWLEY RETIRES AFTER 35 YEARS OF SERVICE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. CONTE. Mr. Speaker, throughout my 15 years as a Member of Congress, I have met many capable and hard-working Federal officials. It is rare good fortune, however, when the Government secures the remarkable talents and outstanding ability of a man of as high a caliber as James J. Rowley, who has recently retired as Director of the U.S. Secret Service.

Jim Rowley, who carried his star-shaped badge for more than 35 years, possessed a matchless capacity for dynamic and creative leadership. He demonstrated a unique combination of professional excellence, selfless dedication, and overwhelming competence. His grasp of the complexities of the difficult tasks which confront and challenge the Secret Service on a daily basis was all-inclusive. His departure from Federal services leaves a void which will be hard to fill.

Jim joined the Secret Service in 1938, after serving as a special agent in the FBI for a year. After serving a year in the New York office, his skill and good judgment earned him a transfer to the most prestigious and most crucial duty performed by the Secret Service—the protection of the President.

Throughout World War II, Jim Rowley's responsibilities included not only the protection of President Roosevelt during his numerous trips in this country, but also involved the painstaking security precautions necessary for the President's trips to Casablanca, Tunis, Cairo, Tehran, and Yalta. These trips, which were necessary for the safety of the world, were also fraught with danger for the President, whose life it was Jim Rowley's duty to protect.

Having fulfilled these responsibilities with such distinction for 8 years, Jim Rowley was named special agent in charge of the protection of the President in 1947. Under President Truman, Jim was in charge of the advance detail which made arrangements for the President's Potsdam Conference. He was also responsible for the President's life that day in 1950 when an assassination attempt was made at Blair House by a small group of Puerto Rican nationalists. In addition, Jim accompanied Dwight Eisenhower on his trip to Korea.

On September 1, 1961, Jim Rowley was named by President Kennedy to be Director of the Secret Service. Following the death of the President 2 years later, Jim initiated an extensive reorganization program and greatly expanded the role of the Secret Service. Now, in addition to protecting the President, Vice President, and their families, the Secret Service also protects foreign dignitaries and Presidential candidates as well as continuing to seek out counterfeiters of currency and forgers of Government securities. As Director, Jim was instrumental in the creation of a consolidated Federal Law Enforcement Training Center, and he established the Executive Protective Service.

In 1963, Jim was recognized by the National Civil Service League as the Outstanding Federal Government Employee, and in 1968, he received both the U.S. Treasury Exceptional Service Award and the Presidential Distinguished Federal Civilian Service Award. This recognition was greatly deserved.

In my years on the Treasury and Post Office Appropriations Subcommittee, I was privileged to work closely with Jim Rowley.

It is with deep regret that I see Jim Rowley step down as Director of the Secret Service. It was a post which he filled under six Presidents with distinction and honor. I wish him the best of luck as he leaves the service of our Government.

HOUSE RESOLUTION 11459

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. NIX. Mr. Speaker, I wish to have the RECORD show that I would not make a statement on the above-mentioned legislation in view of the statement that the Honorable ROBERT SIKES made during the debate. That statement in essence, assured the members of the Philadelphia delegation that he would recommend that a new look be given to the proposal to remove the installation from Philadelphia to Albany, Ga.

Because of my reliance on that statement, I refrained from making any remarks on that statement:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 15, 1973.

Re Hon. Barrett's amendment to H.R. 11459.

Hon. ROBERT F. L. SIKES,

Chairman, Subcommittee on Military Construction, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, I supported and voted for the above mentioned Amendment offered by my colleague and friend Bill Barrett.

I would have taken the Floor in support of this Amendment but refrained from doing so after listening to your statement in answer to the initial presentation by Congressman Barrett in which you stated, among other things, that your Committee would take another look at the facts and figures offered in support of the proposed removal of the installation from Philadelphia to Albany, Georgia.

I have checked the CONGRESSIONAL RECORD and I find that the language to which I refer has been deleted, but I am confident that you will remember the statement referred to.

It would be very much appreciated if you would set a time and place so that Congressman Barrett and the other area Congressmen may have an opportunity to sit down and talk this matter over.

On this occasion, I will be particularly anxious to furnish actual proof that will controvert the assertions made by the Army.

Cordially yours,

ROBERT N. C. NIX,
Member of Congress.

U.S.S. "TICONDEROGA"

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BOB WILSON. Mr. Speaker, tomorrow the U.S.S. *Ticonderoga,* the antisubmarine warfare aircraft carrier, will be decommissioned in San Diego ending nearly 30 years of dedicated service. Her years of duty to America ranged from distinguished action in the Pacific theater of World War II to the recovery of Apollo 17 astronauts last December. Thousands of Americans have valiantly served aboard this proud aircraft carrier throughout her years and today I ask that all of us take a moment to recognize their service to country in this final tribute to a great ship.

Commanded by Capt. George W. Bruce, who began his naval career in San Diego in 1952, the *Ticonderoga* has carried on the finest traditions of the U.S. Navy. Its name is a richly historical one and I include the following history of *Ticonderoga* in the RECORD, which I know our colleagues will find of interest:

HISTORY OF TICONDEROGA

The name Ticonderoga is richly steeped in American history. Long before the American Revolutionary War, French and English pioneers penetrated the wilderness of what is now upper New York State. They discovered an excellent portage between Lake George and Lake Champlain. Iroquois Indians had named the spot Ticonderoga, which means "place where the lake shuts itself." French forces in 1757 built a fort there because it offered an ideal strategic spot from which to control the surrounding waterways. They called it Carillion.

In 1759, the British captured the fort from the French and renamed it Ticonderoga. In 1775, during the Revolutionary War, Ethan Allen, Benedict Arnold and 83 Green Mountain Boys surprised the defending British garrison and captured Fort Ticonderoga in the name of the "Great Jehova and the Continental Congress." The guns, ammunition and heavy cannon which they captured assisted the American Army at the siege of Boston.

The first American ship to be named *Ticonderoga* was a 120-foot schooner built in 1814. Purchased for $12,000 by the Navy for the War of 1812, the vessel participated in the Battle of Lake Champlain on September 11, 1814. With her guns and 100 officers and men she aided in the defeat of the British Sloop *Finch.*

The second *Ticonderoga* was a barkentine-rigged steam-powered sloop-of-war. She was commissioned on May 12, 1863 and served the Union during and after the war. Her contributions included the protection of commerce in the Caribbean Sea, the bombardment of Fort Fisher in North Carolina, and the protection of American fishing rights off the New England coast. After the war, *Ticonderoga* became the first American steam-powered warship to circumnavigate the globe. The voyage lasted from December 1878 to August 1881. Afterwards she was decommissioned and sold. The second *Ticonderoga* was 237 feet long and was armed with 14 various sized guns.

The third American ship to be named after the fort was the interned German freighter SS *Camilla Rickmers.* She was outfitted, manned by a Navy crew, renamed *Ticonderoga,* and on January 5, 1918, was commissioned. She was used in convoys running supplies to France for World War I troops. On her fourth crossing she was attacked by the German Submarine U-152. She finally succumbed to shelling and torpedoing on September 30, 1918. Only 16 persons survived. She was 401 feet long and had two medium sized guns for protection.

The aircraft carrier is the most recent in the *Ticonderoga* line. She was the tenth *Essex* Class Carrier built. Her keel was laid February 1, 1943, in Newport News, Va., and she was first commissioned on May 8, 1944.

Ticonderoga steamed into the Pacific Theater of World War II and for three months was highly active in the destruction of Japanese ships and airfields in and around the Philippines. Then on January 21, 1945, in the South China Sea, while enroute to attack Formosa, *Ticonderoga* was attacked without warning by a suicide plane that dove out of the sun and clouds. The kamikaze crashed into the ship's flight deck aft of her Number 1 elevator and the bomb it carried went off just above the hangar deck, setting fire to many planes as well as killing and wounding about 100 men. Though many were trapped and seriously burned in the galley deck spaces, all the pilots were safely evacuated without casualties.

Ticonderoga flaming and with smoke rising hundreds of feet high, was apparently considered an easy target as suicide planes attacked in succession. Three were downed by the carrier's gunners, but despite their defense, a second kamikaze, hit many times in the air, struck the carrier on the side of the island structure starting several fires. The second plane's bomb exploded just inboard of the island, fired planes, ripped holes in the flight deck and killed or wounded some 100 men. Captain Dixie Kiefer, though wounded, remained on the bridge until he was sure all injured men had been cared for. He would not be evacuated to sickbay until twelve hours after the attack.

After two months of extensive repairs, *Ticonderoga* was back in action for the remaining five months of the war. She was kept busy attacking Japanese held islands, supporting Allied forces ashore, and destroying enemy shipping.

The fighting "T" ended her Pacific campaigning in World War II with an outstanding array of awards. She received five Battle Stars for the Western Caroline Islands, Leyte, Luzon and Okinawa operations, and for the Third Fleet Operations against Japan. In addition, she won the Navy Occupation Medal (Asia) and the Philippine Republic Presidential Unit Badge.

For five months after the war, *Ticonderoga* was one of the ships used to return veterans to the United States from Pacific battlegrounds as part of the transportation service known as the "Magic Carpet" Operation.

In January 1947, she was placed in the Bremerton Group of Inactive Reserve Ships. Brought out of the reserve in 1952, *Ticonderoga* was placed in reduced commission for conversion that included steam driven catapults to launch modern jet aircraft, a nylon barricade, a deck edge elevator, a streamline island, and the latest in electronic and fire control equipment.

After two years in the yards, *Ticonderoga* was recommissioned in 1954, and then participated in fleet exercises along the East Coast and in the Mediterranean. She returned from the Mediterranean in August 1956, and entered the Norfolk Naval Shipyard for conversion that included installation of an angled deck and enclosed hurricane bow. After her yard work was completed, *Ticonderoga* again headed for the Pacific.

During five peace-time cruises to the Far East the ship earned the Battle Efficiency "E" for 1960, 1961, and 1962. She also received Efficiency Awards for her outstanding performance in the Communications, Operations, Weapons and Engineering Departments.

In August 1964, during her sixth Far East deployment, *Ticonderoga* sent air support to the USS *Maddox* and the USS *C. Turner Joy* which were under attack by North Vietnamese torpedo boats in the Gulf of Tonkin. Shortly afterwards, *Ticonderoga* began the first strikes against bases in North Vietnam. For fast action support of the *Maddox* and *C. Turner Joy, Ticonderoga* received the Navy Unit Commendation.

Ticonderoga finished her 1964 deployment and returned to San Francisco Naval Shipyard for repairs. In September 1965, she sailed for combat operations in the Tonkin Gulf. During five at-sea periods on the line in six months, she did not miss one day of scheduled operations. Her aircraft destroyed or severely damaged more than 2,000 military and logistic structures and 35 major bridges. She returned from the Western Pacific in May 1966.

Ticondeoga's next deployment lasted from October 1966 to May 1967. She won a second Navy Unit Commendation for the high performance of her crew under combat conditions. During four combat periods on the line in six months her pilots destroyed 1,300 strategic military targets in North Vietnam. These included major attacks on the Haiphong thermal-power and cement plants. After she returned to San Diego, she received orders to Bremerton, Washington for yard work. *Ticonderoga* embarked hundreds of members of the crew's families for the *"Tico Trek,"* a three-day trip to Bremerton.

When the yard work and refresher training were completed, *Ticonderoga* again deployed to the Far East in December 1967. During this deployment *Ticonderoga* and the embarked Carrier Air Wing achieved a number of firsts. She made more than 16,500 launches with her catapults in 120 days of action. This is a record for *Ticonderoga* performances On two days she launched more than 170 aircraft with a record of 175. Once she hurled 20 A-4 attack jets from her deck in under eight minutes. This averages six seconds per shot faster than what is considered outstanding. Commander Samuel Chessman became the holder of the record of the most combat strikes flown over North Vietnam when he flew his 30th. Lieutenant Commander John Nichols became the first and only *Ticonderoga* pilot to shoot down an enemy MIG fighter plane.

Pilots of the Air Wing dropped 9,600 tons of ordnance which topped the previous deployment by 300 tons. The bombs destroyed

or damaged 119 bridges, 118 truck parks, 424 barges, 28 radar sites, and many other targets. For this fourth combat mission to Vietnam, *Ticonderoga* was awarded a third Naval Unit Commendation.

On August 17, 1968 *Ticonderoga* returned to her homeport of San Diego. One week later she sailed for Long Beach, California for two months of repairs and refurbishing before returning to San Diego for refresher training.

On February 1, 1969, *Ticonderoga* left San Diego for her tenth Western Pacific deployment. In early March her Air Wing pilots began flying strikes in support of friendly forces in the Republic of Vietnam. Prior to starting her third line period on Yankee Station the ship celebrated her 25th year with the fleet on May 8th while in Subic Bay, Republic of the Philippines. Upon her return to the U.S., the Secretary of the Navy awarded the veteran the Meritorious Unit Commendation.

In mid-October, the carrier shifted her homeport from San Diego to Long Beach. At the same time, *Ticonderoga* was designated an Anti-Submarine Warfare Support (ASW) carrier. Upon arrival in Long Beach she entered the Naval Shipyard there and began an eight-month yard period for regular overhaul and physical conversion to an ASW carrier.

On April 1, 1970 it was announced by the CNO that *Ticonderoga* would shift her homeport from Long Beach to San Diego in July 1970. After changing homeports in July, *Ticonderoga* began underway training in preparation for still another proposed WESTPAC cruise for 1971. In January, *Ticonderoga* deployed for one month to Hawaii to participate in a Pacific training exercise.

In March 1971, she began a four-month deployment which would take her to the Indian Ocean, Tonkin Gulf, Philippine Sea and Sea of Japan to test anti-submarine warfare equipment and techniques. In the Sea of Japan, she participated in anti-submarine exercises with the Japanese Maritime Self Defense Force, then returned to San Diego in early July.

Ticonderoga then resumed training exercises in the Eastern and mid-Pacific areas which included a major ASW exercise with Canadian, Australian and New Zealand naval units in the Hawaiian area. This exercise was called RIMPAC 71.

On March 23, 1972 *Ticonderoga* sailed for the South Pacific as the Prime Recovery Ship for the Apollo 16 Lunar Landing Mission. Weeks of intensive preparation resulted in one of the most accurate and quickest recoveries in the history of the space program. On April 27, Astronaut John W. Young, Thomas K. Mattingly and Charles M. Duke, Jr. were brought safely aboard *Ticonderoga* after their historic 11 day journey to the moon.

Ticonderoga arrived back in San Diego on May 5. Twelve days later she was departing for another cruise—this time to the Western Pacific for anti-submarine warfare support operations in Southeast Asia. During her overseas deployment *Ticonderoga* made brief stops at Hawaii and Guam before visiting Subic Bay in the Philippines, Sasebo and Yokosuka, Japan.

On July 31, *Ticonderoga* pulled into San Diego harbor from her 2½ month WestPac deployment. One month later *Ticonderoga* again headed west for a unique trip to Hawaii. Exercise RIMPAC 72, an international anti-submarine warfare exercise with the Navies of Australia, Canada and New Zealand was conducted during September.

The cruise was unique in that guests of the ship's crew were allowed to make the journey to Hawaii. Fifty-five guests were instructed in shipboard routine and drills, and witnessed air operations, gunnery and replenishment evolutions.

Ticonderoga returned to her homeport on September 26th to spend a month in preparation for another ASW exercise, UPTIDE IIIB,, and the recovery of the Apollo 17 Astronauts in December.

UPTIDE IIIB, a ten day ASW exercise with units of the Pacific Fleet was held in Southern California waters from October 30–November 8. On 24 November, *Ticonderoga* sailed for Hawaii and then the American Samoan recovery area of the Apollo 17 Lunar Mission. On December 19th, she added another page to her long history by recovering Astronauts Eugene V. Cernan, Ronald E. Evans, and Harrison H. Schmitt, Americans final scheduled mission to the moon.

The first three months of 1973 again found *TICO* providing the needed deck time for carrier qualifications. During the ten day at sea periods each month, *TICO* logged 3,985 arrested landings, while working with 397 pilots from over 23 squadrons with eight different types of aircraft. In March it was announced *Ticonderoga* had won the Battle "E" for the first time since converting to a CVS in 1969.

In early January 1973, the Chief of Naval Operations announced that *Ticonderoga* would be decommissioned. Before that fateful event however, she was tasked as the first Primary Recovery Ship of America's newest space exploration series . . . SKYLAB . . . which she accomplished by retrieving the SKYLAB II Astronauts Conrad, Kerwin, and Weitz from the Pacific Ocean on 22 June 1973, 750 miles Southwest of San Diego. Upon her return to San Diego on 24 June 1973, she began preparations for decommissioning; a major task with a reduced crew, which is finalized with this ceremony today.

A ship that has known the inflictions of war and the glory of victory is being laid to rest with the dignity and honor which she so justly deserves for her three decades of service. She was born of metal with the efforts and sweat of man but never knew defeat at the hands of man; only at the hands of time and strenuous service.

COMMUNITY MENTAL HEALTH AMENDMENTS OF 1973 INTRODUCED

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, today, with my colleague and distinguished chairman of the House Public Health Subcommittee, Paul Rogers, I am sponsoring legislation to revise and extend a highly successful Federal program—the Community Mental Health Centers Act.

As my colleagues are of course aware, the administration is proposing to terminate the Federal CMHC program, as well as many other health care programs, on the assumption that the Federal Government can no longer afford to foot the bill. Last June the Congress extended the CMHC act for 1 year, along with many other health programs to give us time to examine these programs carefully and determine the best course of action. This bill is a result of a careful look at the CMHC program and I believe when the facts are examined closely my colleagues will agree with me that we cannot afford not to foot the bill for community mental health centers.

The CMHC program has resulted in the establishment of 392 fully operational community mental health centers which provide comprehensive mental health services to a specified geographic area, termed catchment area. Another 48 agencies have received Federal grants under the program, but are not yet operational. Under the original CMHC act, seed money has been made available for a 8-year period to enable centers to get off the ground. Our experience with the program indicates that many centers can become fully self-supporting at the end of this 8-year period, but that many others cannot unless they were to cut back on services to their community.

Community care for the mentally ill has proved highly successful. The population in our large—often dingy and outdated—State mental hospitals has been cut in half since 1957, largely as a result of the Federal program. There is example after example that in an area served by a federally funded center operating for 3 or more years, the number of persons admitted to a State mental hospital is dramatically lower than in other areas. In those areas served by a Federal CMHC treatment is always readily available close to the patient's home. The great majority of CMHC patients can continue to work and be productive members of society while under care. This not only saves the tax payer money; but makes rehabilitation that much easier.

Indeed in proposing the termination of Federal support the administration has stressed the success of community care, and the need to continue community mental health centers. The administration views the CMHC program as a demonstration of the effectiveness and workability of community mental health care, yet now proposes to abandon the roughly 900 catchment areas in the country which have no federally funded CMHC. Administration officials have even called the program "inequitable" because "people served by the federally funded centers receive better care than the rest of the Nation."

At the very same time, however, the administration is proposing that we begin to initiate a system of national health insurance to provide every American with the resources to enable him to receive all necessary health care regardless of cost. Although there are many different proposals in the Congress on how to finance and operate such a system they all share one common problem—they will be highly inflationary if we do not build in assurances that the most economical and effective treatment is available. We are all too familiar with the problems which have arisen in the medicare program, where costs to the Federal Government have escalated, but older Americans still pay about the same percentage of their income for health care as they did prior to enactment of the program. In enacting national health insurance we must learn from this experience. We need a system of care before we invest more private and Federal dollars in health delivery services.

This bill is designed to do two things. First, it would improve the Federal CMHC program by making very specific requirements of all centers, which I will explain in more detail shortly. Second, it is designed specifically to insure that once a system of national health insurance is available, we will have in the mental health area a fully comprehensive system of care with built-in cost

and quality control mechanisms, with a full range of services readily accessible to all which is linked—to the maximum extent possible—with other health and social service agencies in the community, and which offers both active treatment and preventive services. In this way, I believe we can build a cost-efficient mental health care system, which is responsive to our needs and which provides the most effective treatment to all our citizens.

We have examined the operation of the CMHC program very closely. Although the system is, as the administration has stated, workable and effective, there are clearly some areas which need improvement. Some centers have been more innovative than others, some provide far more comprehensive services, some have made great efforts to integrate their program with the existing State mental hospital system and other health care agencies; some have not.

The bill we are introducing today, then, builds upon the experience gained in these centers over the last 10 years or so, to insure that centers funded from now on will be as good as we can make them.

First, the bill defines for the first time in very specific language what a community mental health center should be. It requires a program responsive to the community's needs, a system for peer review, coordination with the State mental hospital system, health maintenance organizations, the courts, the police department and other health and social services agencies and much more.

Second, to agencies which meet the required definitions in the bill short-term Federal operating support—5 years for most centers, and 8 years for centers serving poverty areas—that is initial operation grants, would be available. These grants are seed money, to assist the centers in their first years of operation, before they can generate significant revenue from other sources, particularly third party payments and fees. It is anticipated that many, perhaps most, of these centers could become fully self-supporting even without a system of national health insurance.

Third, Federal financial assistance would be available for acquisition and renovation of facilities. Previously, the law provided funds for construction of facilities, but we believe that most centers could make more use of existing facilities in their area.

Some centers have made a point of acquiring existing buildings in their community—store fronts and other highly visible facilities. This is both far less expensive, and often less forbidding to the patient than a large brand new building. This bill, based on the experience of these centers, requires all centers to acquire existing facilities, rather than build new facilities wherever feasible. In those areas where the Secretary determines there is no alternative, new construction would still be funded under this bill.

Fourth, the bill requires all CMHCs to provide specialized and comprehensive programs for children, the elderly, alcoholics and drug addicts in order to receive any support under the operational grant program. Under the current law these programs are encouraged through special categorial grants. Once again, some centers have made great efforts to provide such services, but many are falling short in one or more of these areas. This bill could very significantly improve services to these groups and particularly to children and elderly persons, while reducing large amounts of costly red tape.

Fifth, a program of Federal capitation support and matching for fees received for consultation and education programs is included. Each CMHC which has received a Federal operating grant under this bill or staffing grant under the current law would be eligible beginning in the last year of their grant for a capitation payment for consultation and education services. In addition, an incentive grant would provide matching for revenue from consultation and education services which the center is able to generate by selling its C&E services to other agencies in the community. These programs reach into the school systems, the courts, the police departments and other agencies which have contact with members of the public in order to enable agency personnel to identify and better handle mental health problems themselves, and to educate them about the CMHC's services. These are a vital part of the CMHC program, and one which it is hard for the center to finance from non-Federal services.

Sixth, for already existing centers which are unable to continue to provide comprehensive services without Federal assistance, the bill provides for special financial distress grants. We feel that it is imperative to keep these centers operating, and providing all of the services needed by their community, until such time as a system of national health insurance becomes operational. There are a number of existing centers—most in poverty areas—which would not be able to continue were Federal support to be cut off completely. We cannot afford to be so shortsighted as to let this happen. Despite HEW assurances there is simply no evidence to support their contention that States and localities will provide the necessary funding in all the necessary instances.

In conclusion, I want to stress that this bill is not merely a continuation of an existing categorical grant program which has had limited success. The CMHC Act has been amazingly successful. It is encouraging a comprehensive system of care for the mentally ill—an essential first step before we provide national health insurance. It has resulted in highly innovative and very successful programs which, as can be clearly demonstrated, have saved the tax payer money. We simply cannot afford to toss the program aside and turn the clock back more than a decade in the hopes that states and localities will now support the development of CMHCs. The ten percent of our population estimated to be in need of mental health care in any one year deserve better than that. It is my hope that the bill we have introduced today will meet the aspirations of the American people for a responsible approach to public health, and that, building upon the experience of the past, we can construct a sounder, better managed and superior community mental health program for all Americans.

ANOTHER VIEW ON METRIC CONVERSION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HANNA. Mr. Speaker, presently pending before the Rules Committee is a bill dealing with conversion to the metric system of measurement by the United States. Many voices have been raised in opposition to this measure because of the costs seen to be involved in conversion, especially for the laborer.

However, the thrust of the bill is to encourage on a voluntary basis what must ultimately happen if we are to move forcefully into the world market. As our participation in the world marketplace expands, the need for standardization of measurements will become more and more necessary. The early need for such a move on our part should not be underestimated.

Following is an article which appeared in the November/December issue of Pacific Business which indicates there are certain immediate economic benefits which may result from conversion that should be considered. I commend the article to my colleagues:

METRIC SYSTEM—MINIMIZING THE COST OF CONVERSION

(By John Nast)

A major problem confronting many American industries as the United States prepares to go metric is how can the cost of the metric conversion be minimized? British experience clearly indicates that more than enough dollars can be saved by taking full advantage of the opportunities of metrication to offset the direct cost of conversion.

The official policy of the British program on cost conversion was to "let costs lie where they fall." A most surprising fact is that most cost studies of company conversion programs demonstrated a significant savings within five to ten years of the changeover. The inherent opportunities of metric conversion were plainly set forth in a paper presented by L. Summer to the American Ordinance Association, Engineering Data Management Section, May, 1971. Mr. Sumner was then Deputy Director of Standardization for the British Ministry of Defense. He cited examples where application of the principles of standardization and an industrial engineering approach known as Group Technology provided significant increases in productivity. In some cases, the increases were as much as 400 to 500%.

Many British advocate the philosophy that metrication offers the best opportunity since the industrial revolution to review industrial practices and standards and make a fresh start. The disruption caused by changing standards and introducing new products provides an opportunity to streamline procedures and implement cost savings throughout industry.

One area of greatest potential savings is standardization itself. This includes consideration of the application of standardization principles to product design and changes of engineering standards.

PRODUCT DESIGN STANDARDIZATION

Among the fundamental principles of standardization is variety reduction or rationalization. It is also known as the "mini-max" approach to product design, or the minimum number of variations to fulfill the maximum number of applications. The product should be designed and broken down into its elemental components or assemblies such that there is maximum possibility of multiple use of components and assemblies and maximum flexibility in meeting consumer requirements or future requirements.

Modular design, design for multiple applications, design of composite parts, and application of the Renard series of preferred numbers are some of the standardization techniques used by design to reduce the number of parts introduced into new designs.

In one company applying these principles, two series of diaphragm valves were designed with a 60% reduction of parts. Six cores and eleven bodies were used for one line of eleven sizes. By adding four extra bodies, the range of sizes was expanded to include valves able to compete in a totally different market. In a recent program to design new engines to power ships of the British Navy, it was determined that only three sizes of engines were necessary since they could be used in various combinations to power any type of ship in the fleet. Other studies have shown a reduction of 15 to 30% in the number of parts used in a product and a reduction of 40 to 75% in the number of different fasteners.

The effect of these economies is more far reaching than generaly understood. A savings in the number of different parts reduces the cost of design, manufacturing planning, tool engineering, setup time, inventory control storage and maintenance. A greater quantity of each part required by multiple use establishes a larger number of parts to write off one-time engineering and tooling costs and often can establish a large enough quantity to justify the use of lower-cost, high production techniques. Fewer purchases of greater quantities of parts also adds to dollar savings.

CHANGE OF ENGINEERING STANDARDS

Metrication not only involves changing inches and pounds to millimeters and kilograms but also includes developing and adopting an entirely new system of engineering standards which should also be internationally-recognized standards. A company must know what standards are involved and what American policy is in regard to their adoption.

The main priority involving metrication on a national level is the revision of all measurement sensitive standards to use metric units. This is being accomplished now by many who are applying the most appropriate of four approaches to their operations. The approaches are: soft conversion (changing inch dimensions to millimeter equivalents or adding millimeter equivalents), adopting ISO (International Organization for Standardization) or IEC (International Electro-technical Commission) standards, modifying ISO or IEC standards (usually by deletion of non-preferred sizes), or generating totally new standards based on the most up-to-date technology.

Many inch-based designs in areas of technology dominated by Great Britain or the United States have been converted to metric units and adopted as international standards. Among these are standards for oil drilling and refining equipment, electronic design and components and automobile tires. Among the metric standards used in the United States are some which have been converted to inch dimensions, such as ball bearings, without many users being aware that they are metric designs. Standards within these categories need only to be redimensioned for use in a Metric America.

One caution has been repeated throughout Great Britain during its metric conversion which American industry would be wise to remember. Avoid changing standards unless the new standard is technologically superior or unless it offers significant improvements in international acceptance and is at least technologically equivalent. This has been illustrated by the threaded-fastener controversy. The ISO Metric Thread is considered inferior by many to the Unified Inch Thread which is also an ISO standard. So rather than adopt an inferior standard, the Industrial Fastener Institute developed an Optimum Metric Thread.

U.S. PARTICIPATION ESSENTIAL

For some time, some industrialists in the United States have felt that the ISO and IEC do not reflect American practices. This feeling exists mainly because American industry has complacently ignored the need to take part in international standardization because of a superior attitude resulting from American domination of world trade. Recent losses in export markets, however, suggest that this domination is no longer true. Mr. Olle Sturen, Secretary General of ISO and several staff engineers of IEC have stated that American participation in the metric conversion is not only desired but essential to faciliating world trade.

FUEL/ENERGY CRISIS: THE IMPORTANCE OF THE NATION'S INLAND WATER TRANSPORT INDUSTRY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Merchant Marine and Fisheries Committee, I feel it is incumbent upon me to speak out on one aspect of the Nation's energy/fuel shortage, which I believe unfortunately has been too long ignored in the mounting dialog on this subject. We hear almost daily of the impact of the impending fuel shortages on various segments of the economy and various transportation modes. I believe, however, not enough has been said concerning the all-important role played in the fuel/energy crisis by our vital and growing inland water transport industry, which serves essentially the great heartland of the Nation, the Midwest.

Last winter inland water carrier companies operating in the Midwest began to experience ever increasing difficulties in securing adequate supplies of fuel. Principally they used No. 2 fuel oil; this is the very same middle distillate that is used to heat homes and is used by other vital public service institutions. As early as the spring of this year, water carrier industry spokesmen were urging the administration, and the Congress, to take more forceful action in this area. They contended that good public policy required that the decisionmaking in the important area of allocation not be left to the whims of the individual oil company suppliers, but the Government should play an appropriate role in the protection of the public interest. Consistently, the inland water carriers urged a course of action which could have established a priority system or an allocation of production program for the various petroleum fuels.

As we begin the winter season this year, the situation has worsened considerably; prices for fuel have gone up weekly and suppliers, responding to the Government's belated action taken just 2 weeks ago, have advised carriers that they will now be limited to 60 to 70 percent of the supplies of fuel they received in calendar year 1972.

Little or no provision has been made for fuel oil users who were not in business in 1972. Additionally, there is a totally inadequate and highly questionable formula for those users who have new equipment to operate. This weak feature of the administration's program will work a particular hardship on the inland water carriers since they have experienced and are continuing to experience massive growth. New and important towing companies have been formed since 1972 and highly valued old line firms are monthly adding new and more efficient equipment. As an example, both the Valley Line Co. and Federal Barge Lines, Inc., of my city of St. Louis, will shortly add to their existing fleet brand new 10,000-horsepower towing vessels. There is absolutely no adequate provision in the administration's announced program for providing fuel for this valued new and more efficient equipment.

The shortages that occurred last year caused tie-ups in several of our major inland port cities and on the waterways vital to such important manufacturing centers as St. Louis, Chicago, Pittsburgh, and Detroit. It must be remembered that these towns are providing energy resources and their stoppage or delay in route further contributes to the shortages felt throughout all affected segments of the economy. Petroleum and its various derivatives, as well as coal, rank 1 and 3 respectively among the most significant bulk cargoes moved by water transport on the inland waterway system. Any curtailments in the full flow of these commodities result in a multiplier-like effect which can not only impair basic manufacturing and electric power generation, but also other essential modes of transportation which serve the Nation's needs. Thus, the availability of fuel to power vessels of our vital inland water transport industry is of paramount important to the entire national transportation picture.

The water transportation industry presently carries some 16 percent of the Nation's freight expressed in terms of ton miles of cargo transported. It performs this feat at a cost of less than 2 percent of the Nation's freight bill. For this reason alone, it would appear imperative to maintain water transportation at its maximum output to sustain a healthy economy. Examination of the fuel usage of all transportation shows that the energy crisis will be magnified and intensified if water transportation suffers any loss of fuel needed to perform its task.

A recent study by the Rand Corp. clearly shows that water transportation

is the most efficient method for moving freight when conservation of energy is the prime consideration. The study shows that water transportation utilizes only two-thirds as much energy per ton mile as the next most efficient means, rail transportation. The following energy expenditures per ton mile are revealed: Water—500 Btu's; rail—750 Btu's; pipeline—1,850 Btu's; truck—2,400 Btu's; and air—6,300 Btu's.

About 96 percent of all transportation energy comes from petroleum products which are in critically short supply. If we apply the above figures to the Nation's freight movements, the importance of the water segment becomes apparent.

INTERCITY U.S. FREIGHT MOVEMENTS

	Percent of total freight moved	Ton miles, billions	Ton miles, per gallon	Gallons[1] of fuel used, billions	Percent of total fuel
Water	15.9	302	274	1.10	6.07
Rail	41.0	780	183	4.26	23.48
Pipeline	21.6	411	74	5.55	30.60
Truck	21.3	404	57	7.09	39.05
Air	.2	3	22	.15	.80
Total	100.0	1,900	105	18.15	100.00

[1] Expressed as equivalent gallons of No. 2 diesel fuel.

The above comparisons show that water transportation moves its 16 percent of the Nation's freight while burning only 6 percent of the total fuel supply. The water mode is about three times as frugal in energy use as the rest of the freight transportation group combined. Significantly, it is interesting to note that a water shipment uses only 27 percent of the fuel per ton mile that a pipeline does. Clearly this kind of analysis is vital when considering the energy cost of transportation in the situation facing the Nation. Moreover, recognizing that over 60 percent of all movements on the inland waterway system are directly involved in the production of energy, it becomes even more shortsighted to hamper or restrict the water transport industry's fuel supply.

Of almost equal significance is the relationship of inland water transport's energy efficiency to the quality of our environment. The environmental/energy conservation implications of water transport are most interesting. By burning less fuel per ton mile in areas normally far removed from dense populations, air and noise pollution is virtually eliminated. Since water transportation consumes only one third as much energy per ton-mile as all other transport methods combined, it is logical to assume that it pollutes less. Actually, since most water freight is moved by vessels propelled by large diesel engines with low specific pollution levels, the picture is much better than would be expected and water transportation's emission total is far lower than one-third that of the rest of the transportation industry.

Summing up, Mr. Speaker, our towboats and ships must have the fuel needed to keep this most vital industry operating. The Nation will suffer with higher costs, more air pollution and a greater fuel shortage if water transportation is curtailed in any way. The message is clearer; if we are to avoid higher transportation costs, greater air pollution and an intensified fuel crunch, the country will have to assure itself that its vessels keep operating. The only way this can be done is with an adequate supply of fuel.

NATION SAFEST WHEN MEDIA ON THE JOB

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, nothing is more disconcerting than to read the few letters which have arrived in my office claiming that all of the President's troubles can be attributed to the Nation's media.

This is a self-serving false accusation embellished by the President's own statements and those of his closest advisers.

Yet many Americans are willing to believe that there would be no Watergate, no ITT or milk dealers gifts, no impoundments, "plumbers," and that we would still have Spiro Agnew in the White House if the Nation's electronic and writing news people would only shut up.

Any intelligent individual knows this is not the case and in fact the needs of our democracy are best served by an aggressive news media. It was no accident that the first amendment to the Constitution preserved the right of free speech. The Founding Fathers of our country knew the importance of this basic freedom to speak and write one's will.

In this regard, I would like to put into the RECORD at this time, a column by Henry J. Taylor which recently appeared in the Pittsburgh Press. I am sure my colleagues will agree with Mr. Taylor's sentiments concerning a free press.

The article follows:

WHEN PUBLIC INFORMED, NATION SAFE

(By Henry J. Taylor)

Countless millions agree with President Nixon's press conference criticism of television and the press. Obvious, many in the media are out to get him.

But a truism still applies:

If the media grow weak or soft, or supinely patronize any government in power, the public is imperiled.

Facts affecting the public interest seldom speak for themselves. They must be sought. Let the public know the truth and the country is safe.

The Behistun Rock on the road to Babylon carries an inscription: "The Reign of the Lie." It was inscribed by Darius the Great.

Darius asserted he had destroyed the lie. He hadn't and doing so remains the task of the media today.

But this is not easy. And it is certainly not a question of Democrats or Republicans.

Once the politician's cap fits a man in public office he usually wears it in his special way—never quite free, never entirely open, never quite what you expect him to be.

Most politicians know that, especially through the power of TV, people can hold a fantasy so stubbornly that it becomes a reality. Many politicians pay more attention to their "image making" than to the realities.

With their intensified manipulation of TV they create their image and contrive the public's favor. Their actual lack of wisdom, substance and integrity hardly emerges.

They grow abstracted into some private world of their own where the end justifies the means and where the word "lie" stops being a lie.

Usually when a politician has something self-serving to say he will telephone newsmen even in the middle of the night—ready and eager to talk.

With this goes the newsman's acceptance of the "leak." It lays some unstated obligation on the reporter. It is, of course, never put in so many words. But there it is just the same.

But if that politician has something to hide the newsmen can't find him with a brace of bloodhounds.

The whole subject inevitably involves—or is made to involve—the right of privacy. And Richard M. Nixon himself had a ringside seat in a U.S. Supreme Court decision regarding it.

Mr. Nixon appeared before the Supreme Court only once. The case (Hills vs. Time, Inc.) dealt with what Justices Louis D. Brandeis and Samuel Warren called in 1890 the individual's "right to be let alone"

Mr. Nixon argued the case with great skill, but he lost the case. It was a benchmark decision.

The Supreme Court extended the power of the press, which absolved Time, Inc., and diminished the right of privacy.

Democracy is difficult to maintain because it requires the active participation—abundantly—of able and selfless public servants, and there are seldom enough for that.

Naturally there is a dark side to the American dream.

Millions despair of the Washington political scene because of the opportunism it entails, the hypocrisy it contains, the nonsense we have to absorb and attempt to decode, the imponderable question of real personalities as against the public "images," the mediocrity of the alternatives offered—the improbability of anything that could honestly be called inspiring coming to pass.

There may be ahead a period of enforced patience while the slow process of revival takes over its part in the transformation. We need a full amount of stoicism to meet today's general decays head-on.

It calls for creative rejuvenation.

But, happily, we can take heart. This has a long, inspiring history of occurring again and again in the United States.

OIL SHORTAGE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MOAKLEY. Mr. Speaker, I am deeply disturbed by the peculiar route by which this Nation has been brought to the brink of disaster. The energy crisis, for most people, is a rather new thing. There had been little discussion of the problems facing us until this year, yet it is now clear that we have been moving steadily toward this day since the American oil industry decided 10 years ago to stop building refineries in the United States.

The American consumer has been told that he is the principal cause of the energy crisis. The President has told us

so; the oil companies are spending a fortune on an advertising program that tells us so. But the story simply does not wash. The individual consumer is directly responsible for a third of the Nation's energy consumption; even a massive 25 percent reduction in consumer consumption can have only an 8 percent impact on total national consumption.

Now certainly, in a crisis, this opportunity for savings cannot be overlooked, but much more must be done.

In recent days, Congress has taken important steps to deal with the crisis. The Emergency Petroleum Allocation Act of 1973, produced by the Subcommittee on Communications and Power, chaired by my distinguished colleague from Massachusetts, Mr. MACDONALD, is now on the President's desk.

The necessary legislation to enable construction to begin on the Alaskan pipeline is also on the President's desk. And now we are preparing legislation to meet his request for emergency powers to deal with the crisis.

Given that there is an energy crisis, none of the actions we have taken could be considered an inappropriate response, but I think fair questions could be made about the amount of coordination involved and grave questions exist in regards to the wholesale surrender of legislative responsibilities to a President who has failed to demonstrate the wisdom or sense of fairness to use these powers for the good of the Nation.

NATIONAL ENERGY POLICY

In order to control runaway inflation, this Congress gave to the President broad, comprehensive powers to impose economic controls. The President has used this power in a sporadic flurry of "on again-off again" controls which selectively ignored or treated more leniently the three most serious inflationary pressures: food, rents, and interest.

In this period, American industry has reaped record profits while the individual consumer still totters on the edge of bankruptcy.

There are already firm indications that the President will equally abuse the powers we are now considering. It is simply not consistent with the record to assume that allocations will be made until the dog-eared list of contributors to the Finance Committee to Re-Elect the President is carefully reread.

In the best of circumstances, under a President who enjoyed the confidence of Congress and voters alike, a wholesale unchecked transfer of legislative authority to the Executive would be constitutionally unsound. In the present circumstances, it would be a violation of the trust our constituents have placed in us.

This is not an objection to the legislation before us. I accept the energy crisis as an existing fact with which the Congress must deal promptly. And it is necessary in the current situation to afford the President a wide range of powers to implement a national energy policy. But it is Congress which must establish that policy. And this we have not yet done.

In this regard, I will soon introduce legislation to create a Select Committee on Energy Policy which would be charged with thoroughly investigating the energy needs of this country and recommending to Congress a comprehensive policy. However, I would be pleased to defer this legislation if the Subcommittee on Communications and Power, which has already undertaken some work in this area, wishes to undertake hearings at which the opinions of the administration, the power industry, oil refiners, consumer groups, and environmentalists could be heard.

Regardless of who undertakes the investigation, such hearings could result in a clear statement of national policy which verifies and estimates the extent of the energy crisis and which proposes long-range solutions and interim priorities. Such a statement of policy would give proper balance to serious concerns regarding employment, the environment, and the energy needs of all segments of the society and the economy.

THE OIL INDUSTRY

An area of serious concern is the role this administration and the oil industry itself have played in the onset of this energy crisis. The crisis has been such a bonanza for industry that many of us are inclined to view the entire matter with some cynicism.

This crisis has proven to be the crowbar with which industry is attempting to dislodge a generation of consumer and environmental progress. The long fight for clean air is to be given up. Governor Love has indicated that the administration wishes to relax such long-standing safeguards as conflict of interest and antitrust laws. Oil prices have been allowed to increase without any proof of increasing costs. Suddenly, in a matter of weeks, industry and the oil companies in particular get everything they have clamored for without success for years.

We must face the serious possibility that this situation exists because of manipulation of supplies by the oil companies.

As a representative of hard-pressed New England, I am particularly grateful for recent legislation which will assure Massachusetts of equitable treatment in meeting its proportionally higher energy demands.

The President already has certain powers under the Economic Stabilization Act to allocate fuels and has simply not used those powers. Even new legislation will come to nothing unless Congress is prepared to force the President to act in the Nation's best interests.

Perhaps one of the most important steps we could take would be to provide for an open market system for the supply of crude oil. A group of oil companies have a virtual stranglehold on this Nation's energy supply. Twenty firms control 94 percent of our oil reserves, 86 percent of our refining capacity and 79 percent of all gasoline sales. I recently contacted every service station in my district and learned that, in the Boston area, major firms account for 97 percent of sales.

This control of a single important product through the entire marketing process is unparalleled. This cartel of oil companies controls our oil supply from the well to your gas tanks and offers unique opportunities for ruthless manipulation of supplies. Many experts have pointed out that we may be dealing with a situation deliberately contrived by the major oil producers.

I am afraid that the only way to open up this market system is to require oil refiners to divest themselves of all oil extraction interests. I am today introducing legislation which requires all refiners to divest themselves of such interest over a 3-year period. This will require refineries to obtain crude oil on a free open market far less subject to manipulation. This is not a harsh law; most manufacturers buy their raw materials on a free market and this has worked to their benefit and the benefit of consumers. This bill will be referred to the Judiciary Committee for their consideration as an antitrust measure.

EMPLOYMENT

Along with other members of the New England Congressional Caucus, I have written to President Nixon asking that he direct the Council of Economic Advisers, the Treasury Department, and the Bureau of Labor Statistics to prepare a comprehensive report on the Nation's industrial energy needs and to submit this report to the Congress for legislative action.

In this trying period we must do all we can to insure that our fragile economy is not further harmed by administration mismanagement. To the extent we are unable to prevent economic dislocations, we must be prepared to offer legislative remedies to economic hardships resulting from the oil shortage.

We are awaiting a reply from the President and I urge other Members of Congress to join us in this request to provide information which will be needed to deal with the legislation that will come before Congress.

INTERNATIONAL TRADE

For many years, while the energy crisis continued to develop, this Nation maintained tight oil import quotas. In response to the danger of shortages, Mr. BURKE of Massachusetts and I introduced legislation to require suspension of oil import quotas. We acted at the opening of this session, but the President did not comply until the situation became critical.

If the President had responded faster, our present situation would be far less critical. But we are continuing to ship petroleum products overseas even while we reduce speed limits and discuss rationing. I am therefore introducing legislation to prohibit the export of petroleum products during the present crisis.

The Arab nations have seriously aggravated the present crisis worldwide by using their supplies as a form of blackmail. In May, I joined with Mr. YOUNG of Alaska in proposing that the President attempt to form an international bargaining conference of oil consuming nations to deal—through a united front—with the block of Arab oil producing nations. The economic survival of the Middle East is dependent on the sale of oil to an even greater extent than we are dependent on their supplies.

Yet this great Nation cowers before

their threats, as though we were in the weaker position, because the President puts more emphasis on détente than he does on heating Boston homes.

FUEL ECONOMIES

The central issue before us now is congressional response to the President's energy message. I think that Congress is going to have to exercise the leadership the President is unwilling or unable to provide.

When the Nation needs leadership on the entire energy question, the President goes on nationwide TV and offers a batch of remedies anyone of us could have sat down at the kitchen table and come up with a year ago. His message communicated none of the bold initiatives that the times demand.

Even while 50-mile-per-hour road signs go up on our Nation's highways, Detroit is continuing to build cars that can't go 10 miles on a gallon of gasoline. No proposal has been made to encourage the building of more economical cars.

TRANSPORTATION

Perhaps the most dramatic area for potential reductions in gasoline consumption is through mass transportation. The automobile is routinely used for travel when public transportation is available. This is true for commuting and for leisure travel.

It is in response to this wastefulness that the administration's record is most dismal. The President would be unable to point to a single important action his administration has taken to encourage Americans to use alternatives to the auto.

I am planning action on several fronts to deal with this problem.

We must stabilize and, in many cases, reduce the cost of mass transit and railroads to encourage rail commutation and intercity travel. We must expand and improve service to encourage people to use mass transportation facilities.

In this regard, we must be prepared to undertake a virtual Marshall plan to salvage public transportation which has been allowed to fall into utter neglect. Our grandparents had a wider choice of trains than we do. This trend must be arrested and reversed. It will be expensive but we cannot afford inaction.

I will also introduce legislation to provide tax incentives to offset additional costs that travelers and commuters incur as a result of leaving their car in the garage to take a train.

And, as a member of the Subcommittee on Urban Mass Transportation, I will support legislation to improve in-city transportation, and to freeze fares on urban mass transit systems and to provide any needed subsidies.

It is possible that all of us in Congress have faced no greater challenge than that now before us. The wisdom and fairness with which we accept that responsibility will pay an important role in determining the quality of the life we make for our children.

ENERGY—WHITHER GOEST US?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Ms. ABZUG. Mr. Speaker, it now appears that the Congress and the public have begun to accept the idea that the quantities of energy apparently going to be available over the next few years will be insufficient. It will take more than this perception, however, and more than the current flurry of emergency legislation now before us, if we are going to have ecologically sound and inexpensive sources of energy. It will also take more than the present rather limited dialogue, involving little more than the Nixon administration, the oil companies, and certain other vested interests like the Atomic Energy Commission.

Energy is an extremely complex subject spilling across a wide variety of disciplines in the physical, natural and social sciences. It is also an extremely political subject in which many conflicting interests are at stake. Despite these problems both the Congress and the public must address this issue forthwith, for we are rushing toward long term choices which are socially and economically dangerous if not disasterous. Evident at the onset is that we simply do not have enough concrete information. Evident also is that there is only beginning to be serious analysis and articulation of what really constitutes the public interest.

Typical of our present dialog is the current state of our thinking about the future benefits and costs of nuclear energy. The GAO has just come out with a study quietly suggesting a major dilemma we will soon face: "Improvements Needed in The Program for the Protection of Special Nuclear Material" (B164105)—the Ford Foundation's Washington-based energy policy project will soon come out with a far longer, more definitive study. Its conclusions, as suggested in an article by Roger Rapoport in the New Times, November 16, 1973, are appealing. Consider "The Deadliest Heist," which is printed at this point:

THE DEADLIEST HEIST

(By Roger Rapoport)

The 87,000 men and women who work in America's burgeoning nuclear-energy empire are expected to live by one dominant rule: don't trust a soul. They are repeatedly warned there is no way to be completely sure of anyone. This message was clearly emphasized during the summer of 1972 when the Atomic Energy Commission (AEC) was suddenly forced to retire its 52-year-old security director, William T. Riley. It seems that during his five years as chief of security for the super-secret agency, Mr. Riley managed to borrow $239,000 from 59 employees of the AEC and its contractors. Of that amount $161,104 had not been repaid. An investigation subsequently revealed that the security chief had spent a substantial portion of the money gambling at Washington-area racetracks.

Although Mr. Riley's departure has attracted little attention in the national media, it does raise an important question among those familiar with the incredible theft and sabotage dangers associated with nuclear weapons, power plants and processing facilities: Just who is protecting the nation's immense plutonium/uranium inventory from atomic-age terrorists, saboteurs and black marketeers?

The answer, in many crucial instances, is no one, according to a frightening new report by the Ford Foundation's Washington-based Energy Policy Project. The 550-page study, *Nuclear Diversion: Risks and Safeguards*, which will doubtless make headlines upon official publication next January, warns: "It seems only a question of time before some terrorist group exploits the possibilities for coercion which are latent in nuclear fuel."

Although the Ford study will not be officially released until 1974, New Times has obtained a draft version independently. The document shows how conspirators could easily steal fissionable material sufficient to produce nuclear devices capable of killing hundreds of thousands of people and causing billions in property damage.

"It is all too easy to imagine innumerable possibilities for nuclear diversion—a parade of horribles," write Mason Willrich and Theodore B. Taylor, co-authors of the Ford report. One of their many scenarios tells how an atom bomb planted beneath an office complex could lethally irradiate 50,000 people. Another scenario does in 100,000 football fans with a midfield detonation at halftime. A third converts a commercial airliner into a nuclear bomber suitable for attacking an entire city. Among the protagonists in these well-documented diversion scenarios are truck drivers, airline pilots, soldiers, guards, guerrillas, scientists and industrialists, as well as managers of nuclear-power plants, fuel-fabrication facilities, reprocessing plants and research reactors.

For years, would-be terrorists familiar with the relatively simple process of manufacturing a nuclear bomb have been thwarted by the unavailability of requisite fissionable material. But there has been a proliferation of nuclear installations in recent years, and with lax security or no security at many key points in the nuclear-fuel cycle, terrorists suddenly find themselves blessed with numerous opportunities to divert fissionable material suitable for building their own nuclear arsenals. Non-nuclear powers now have access to raw materials and relatively inexpensive assembly techniques that can give them atomic might. Uranium and plutonium, nicknamed "nuke," seem destined to take their place alongside coke, smack and speed in the pusher's inventory. With just a little help from black-market friends and access to an encyclopedia, maniacs could join the United States, Russia, Britain, France and China as nuclear powers.

The complete document is so unnerving that top AEC officials who've had an advance look would like to burn it. Because it is written by two of the nation's leading experts in nuclear weaponry and disarmament, the Ford analysis is hard to refute. Willrich, now director of the University of Virginia's Center for the Study of Science, Technology and Public Policy, has served as assistant general counsel of the U.S. Arms Control and Disarmament Agency. He is presently a consultant to that organization and has also been a delegate to the Geneva disarmament conference. Taylor, now president of the Washington-based International Research and Technology Corporation, has dealt with nuclear weapons in various AEC and Pentagon positions for nearly 25 years. From 1964 to 1967 he was deputy director of the Pentagon's Defense Atomic Support Agency (now the Defense Nuclear Agency), which manages America's nuclear-weapons stockpile.

In their Ford study Willrich and Taylor find present AEC safeguards protecting nuclear weapons materials about as tight as security at the 1972 Munich Olympics. Among the gaping loopholes are:

No "specific physical protection requirements for less than two kilograms of plutonium, even though a small fraction of that amount . . . is enough to make a radiation weapon capable of mass destruction."

"No specific U.S. safeguard requirements . . ." for "physical protection of nuclear-weapon material at nuclear-power plants."

"No specific physical protection requirements for shipment of low-enriched uranium (fuel for most of America's 30 reactors) regardless of the amount shipped."

No night-security guards watching the enormous uranium/plutonium inventory at the nation's sole nuclear fuel-reprocessing plant in West Valley, New York.

No "requirement for the presence of armed guards" during highly vulnerable intervehicle transfers or temporary storage of nuclear-weapons material. Also "armed guards are not necessarily required as part of the (nuclear) plant-security force."

No physical protection standards for "nuclear-weapon materiels exported from the U.S. to foreign countries."

The Ford analysis suggests this kind of laxity is an AEC tradition. Through the early '60s this agency erroneously assumed that Plutonium 240, an isotope typically produced in nuclear-power operations, could not be used for explosives. It also mistakenly believed a nuclear-weapons program was beyond the capability of all but the major industrially advanced countries. Soon materiels-accountancy regulations began proving inadequate. In 1965 a private fuel-fabricating plant operator reported unaccountable losses of 100 kilograms of over-90-percent-enriched uranium—enough to make five Hiroshima-size atom bombs. And beginning in 1969 the potential diversion of nuclear materiels during transit became clear when several shipments were lost due to misrouting.

Mismanagement of this kind makes it easy for Willrich and Taylor to suggest dozens of credible diversion scenarios in their new report. For example a devious nuclear-power-plant employee could easily "fake an accident . . . which requires immediate evacuation of all persons from the facility . . . (This) thief might then be able to make off with a significant quantity of (nuclear) material through the emergency-safety exits."

Truck drivers who do not have to pass any specific security-clearance procedures to handle atomic fuel pose another threat. A profit-oriented criminal group might also hijack shipments and manufacture weapons for extortion plots or self-protection.

Black-market potential seems limitless. A loosely affiliated international ring of thieves could target vulnerable nuclear-fuel supplies throughout the world. Do-it-yourself customers would purchase raw nuclear material and the rest would pay a premium for fabricated weapons.

The Ford study is confident that "An initial sale or two of nuclear weapons to petty dictators with dreams of glory might enable" black-market operators "to play on the fears of more responsible leaders." Not knowing which nations have secret nuclear-weapons stockpiles, these leaders would be compelled to buy in self-defense.

Nations that refused to acquire atomic weapons could be in trouble. By 1980, 24 countries presently lacking nuclear bombs will have atomic-power stations. An insurgent political faction might be able to talk a sympathetic nuclear-plant owner or manager into slipping them fissionable bomb material. Alternatively, they might persuade a rebel army unit to help them seize the necessary uranium or plutonium.

Obviously many governments lacking atomic weapons could fight back by diverting nuclear materials from their own atomic-power plants. Cooperative plant managers "might be rewarded by the assurance of favorable future treatment with respect to their business operations." In a pinch they might even be able to borrow a little plutonium from friendly plant managers in other countries.

Another source of weapons fuel is the research reactor found at universities and technical centers throughout the world. Typical models operating in Israel and India produce enough plutonium for at least one nuclear weapon per year. Countries like Argentina and Italy could divert plutonium from pilot nuclear-fuel reprocessing plants. Spain could divert low-enriched reactor fuel into a small gascentrifuge plant capable of producing high-enriched uranium for weapons. Japan and Germany can acquire bomb fuel from their extensive civilian nuclear industry in numerous ways.

Such prospects lead Ford to conclude that nuclear diversion is now a major worldwide peril: "The widespread use of nuclear energy seems to necessitate the rapid development of near-perfect social institutions. If we fail in this regard, the societies that are now the most advanced may well disintegrate."

Certainly the greatest risk is here in America where more than 800 nuclear plants are expected to be in operation by the year 2000. By 1980 tens of thousands of kilograms of nuclear weapon materials will be part of the U.S. atomic-power industry. Just one reprocessing plant set to open in 1975 at Barnwell, S.C. will handle 8,100 kilograms of plutonium annually. Roughly 129 shipments will move in and out of the facility each year. Terrorists seizing just one container will have enough plutonium to make nine Nagasaki-size atom bombs.

IN DEFENSE OF THE PRESIDENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. DERWINSKI. Mr. Speaker, the treatment of the President by the media has, in itself, been a source of great controversy. When the President criticized certain members of the media in his press conference, it stirred up a hornet's nest of commentary from all segments of the media. Therefore, I found it of special significance that the outstanding Polish-American publication, the Polish Daily Zagoda of Chicago, published an extraordinary front page editorial in its Saturday, November 10, edition, in defense of the President.

The Polish Daily Zgoda is published by a subsidiary of the Polish National Alliance of America. I believe the editorial commentary of this publication in defense of the President to be an accurate reflection of the Polish-American community throughout this country.

The editorial follows:

IN DEFENSE OF THE PRESIDENT

(A translation of the Polish editorial in today's issue)

The word "impeachment," like a course, has been viewed with apprehension by citizens conscious of their responsibilities. Historians are agreed that the one vote in the Senate, cast over one hundred years ago to save the presidency of Andrew Johnson was, in fact, a blessing as it sustained the balance between three branches of the government, thus saving American Democracy from degradation and collapse.

When several years ago the extreme right John Birch Society vociferously demanded removal of the Chief Justice of the Supreme Court, Earl Warren, the meaning of the word "impeachment" was brought to low levels. It was then held up to ridicule and mass communications media concluded that the demands that the Chief Justice be removed were a vicious joke perpetrated by the extremist of the right who demonstrated the lack of clear thinking.

Those very same mass communications media are reacting in an entirely different manner now, when radical and leftist-liberal elements, claiming monopoly of ideological purity, demand that hated by them Nixon be impeached or forced to resignation. They were successful in political assassination of President Johnson, but they failed in their campaign against Nixon, who through landslide victory frustrated the plans of rabid leftist doctrinairies and many dictators of the press and television. Therefore, a decision was made to ruin him even at the cost of the fundamental interests of the land.

No crime was proved against President Nixon. In accordance with the law and American tradition, he is innocent until proven otherwise by the court. Mass communications media are very diligent in proclaiming that the doctrine "innocent until proven guilty" is applied to even most inhuman murderers, but they deny the same doctrine to the President elected by a decisive majority of the nation, because they hate Nixon. What is more, many television and press commentators who do not have any authority derived from the fundamentals of our political system, arrogate to themselves the power of an investigative body, prosecution and a court pronouncing sentences on the basis of unproved testimonies, insinuations and gossips.

Vociferous demands for "impeachment" of President Nixon rose almost five years ago, shortly after he took office. The list of "crimes" supposedly justifying his removal from the White House is growing longer almost every day, which includes amongst others the bombardment of North Viet Nam, the "invasion" of Cambodia, aid for South Viet Nam, appointment of judges not approved by the liberal-leftist coterie, and, lastly, removal of the Special Prosecutor Archibald Cox. These certainly are not justifications for their cry of impeachment.

If the President entrusted Cox with a position, he had the right to dismiss him. This logical principle, however, is denied Mr. Nixon. He should be forbidden to remove the "saint" of the liberals, a Professor of the University of Harvard, no less.

Shortly after the removal of Cox, it became evident that he was not entirely "saintly", as he disclosed certain secrets of the investigation to the Senators most strongly opposed to Mr. Nixon. Mr. Cox was given immediate absolution for this "ordinary human error" and the "confessors" from mass media did not even assign any penance to him.

However, Mr. Nixon is not allowed to make any "ordinary human errors". According to the views of many leftist-liberal media, everything that he does is a premeditated transgression.

Hatred is blinding. Those who demand that Mr. Nixon be removed from the White House do not realize (or do not want to realize) the catastrophic consequences it would bring upon the nation to satisfy their hatred. The United States would be deprived of the Chief Executive elected by the people and the free world would be deprived of a leader who knows the imperialistic designs of Communism, who effectively work for peace, can make unpopular decision and execute excellent moves in international politics.

The fact that we do not have a Vice President, adds to the critcal situation. The position of Mr. Nixon would be taken over by

House Speaker Carl Albert, a Democrat from Oklahoma, who does not have administrative or diplomatic experience. Even his political friends do not hesitate to state that he is not of the caliber to be the head of the state and the chief of the government of the most powerful nation in the world, facing extremely critical situation.

Therefore, we most emphatically reject the irresponsible propaganda campaign directed not only against the President, but also against the Presidency itself.

Radio publicist, Maria Gifford, broadcasting from stations KEEL and KMBQ in Louisiana, rightly describes the anti-Nixon campaign as designs for "the killing of the Presidency". It is an exceptionally accurate evaluation which forebodes ill for the well being of the Republic and for the future of our land.

This publicist does not hesitate to state that the campaign of humilitation and slander against the office of the Presidency is nothing other than "killing the Presidency just as bullets killed John F. Kennedy".

Therefore, it is high time to protest with determination and rectitude against amost criminal machinations of a few who constitute a minute minority in our society, but who have influences at their disposal and are able to manipulate them dishonorably. Everything that we presently witness in this area is undoubtedly a kangaroo court against Mr. Nixon, who devastated them in last year's election. It is at the same time, a classical example "of the killing of the Presidency".

American political system place in the Presidency most enduring and most solid principles. If they are to be destroyed, our glorious Republic born of freedom, will be destroyed. We cannot let freedom be transformed into an anarchy, which would undercut the stability of the state and its capacity to govern the land in justice and order.

Should the Presidency be destroyed, all other institutions of the American political system which not only safeguard our internal life but guarantee for the United States the position of world leadership, would disintegrate. Is this what is wanted by the vociferous minority blinded by the hatred toward President Nixon?

It is not an exaggeration to state the current crisis in our political life is a terrible threat for the Republic. The entire nation must cooperate in overcoming this crisis by firm declarations against the designs and manipulations of those who seek revenge for the defeat in the 1972 election.

Since they are hiding behind the mask of idealism, assuring us that they are motivated by desire for justice and clean politics, not only many of the more naive, but some patriots as well are caught in the trap. The patriots, absorbed by every day problems, do not have time to delve into complicated legal and political problems, and some Congressmen and Senators seem unable to oppose the pressures of the mass communications media.

When Mr. Nixon's enemies found out that there were no reasons for impeachment, they changed tactics and now they are importunately demanding his resignation. It remains to be stated unequivocally that as there are no reasons for impeachment, there are also no reasons for resignation. In both instances the outcome would be the same:—America's inertia at the time dangerous for the world and for freedom.

Therefore, citizens who were not misled by the anti-President propaganda, and who want to secure a better future for the Republic, based on truly American ideological and political principles, are obligated to close ranks behind the President.

We have to destroy the misconception that a propaganda-created uproar represents the true attitudes of the society.

The time has come to courageously support the President, who in his address to the nation last week firmly and justly stated that he "will not walk away from the job to which he was elected".

EXPORTS OF IRON AND STEEL SCRAP

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASHLEY. Mr. Speaker, among the industries that are basic to the domestic economy of the United States are the foundry industry and the steel industry. This is self-evident when we consider how many iron and steel castings are integral parts of the machines that we use on farms, in industry, in transportation, and in the home, as well as the steel plate, sheet, and bar shapes that are used in the same machinery. Other steel products that are essential in virtually every construction job are reinforcing bars.

Almost all of our ferrous foundry industry and a significant part of the domestic steel industry use scrap iron and steel as their primary raw material. Those steel works that use scrap rather than iron ore as a raw material are referred to as "cold metal shops." These cold metal shops produce approximately 20 percent of the raw steel that is made in the United States and include the so-called mini-mills, the medium-sized steel companies, and various operations of some of our largest steel corporations. Obviously, the availability of scrap iron and steel is vital to the foundry industry and to these steel producers.

The scrap iron and steel industry consists of many scrap dealers who gather, sort and prepare scrap into numerous grades that differ either by chemistry or physical size. Scrap brokers work with many scrap dealers and usually with several scrap buyers. There are some scrap dealers who are also brokers. The scrap gathered by the dealers and brokers each year is either sold to domestic consumers or exported. In the last 5 years the average total of exports and domestic consumption has been 43 million tons. Twice during this period we have experienced sharp price increases which reflected supply-demand imbalances. These imbalances occurred whenever the annual total of exports and domestic purchases exceeded 45 million tons. During the past 5 years, on the basis of Department of Commerce calculations, this total has not exceeded 46 million tons in any one year.

In the latter part of 1972, scrap exports and domestic purchases climbed to a point where the supply-demand relationship was again strained. In late December the price of No. 1 heavy melting scrap increased sharply. By March the situation was such that the Subcommittee on International Trade of the Committee on Banking and Currency held public hearings on the short supply of scrap iron and steel, as it related to the Export Administration Act of 1969, and my proposed amendments to that act. By June the short supply of scrap iron and steel had become more acute. In our supplemental views accompanying the report of the Committee on Banking and Currency on H.R. 8547 Congresswoman SULLIVAN and I concluded our joint statement with the following:

> It is our view that the situation in recent months with respect to the uncontrolled export of ferrous scrap and the prospective imposition of export controls is one in which the policy criteria set forth in the 1969 Act are met, and that the imposition of export constraints in recent months has been warranted.

Naturally I was pleased to read the statement of the Secretary of Commerce of July 2 in which he stated, regarding scrap exports and domestic supply, that:

> I have determined that the criteria set forth in the Export Administration Act have been met for this commodity.

I know that I was not alone in the expectation then that effective scrap export restrictions would be forthcoming. Unfortunately, such has not been the case. In the months that have followed, scrap exports continued almost unrestricted. The third quarter of 1973 was the first time in many years that scrap exports had been controlled. The third quarter of 1973 also established a new alltime quarterly record for the greatest amount of scrap iron and steel to go into export.

In 1973 the domestic foundry and steel industries have been consuming scrap at a rate well in excess of anything this Nation has ever experienced. Simultaneously, we have been exporting scrap at record levels that are 50 percent higher than the average of the last 5 years. Our current rate of domestic consumption and our rate of scrap exports, if continued for the last 2 months of this year, will produce an annual total of approximately 56 million tons. This would be 10 million tons, or about 22 percent, more than this Nation has ever produced even under the stimulus of the high prices of 1969 and 1970. Late in September the price of No. 1 heavy melting scrap increased by $13 per ton. It appears that we have been consuming inventories for months, and are now getting perilously close to the crisis point. On Monday, November 12, the Wall Street Journal reported that No. 1 grades of scrap were selling for $86 per ton, in comparison with $38 per ton a year ago. Some scrap is currently moving at prices well above the $86 figure.

So now we are faced with the very real possibility of production curtailments in these two basic industries. Alarm is now being sounded in the construction industry about shortages of steel reinforcing bars, traceable to the scrap metal problem. A principal producer of silos for the storage of agricultural products advised me on November 7 that under existing conditions the silo industry will only be able to construct 5,000 silos during 1974, in contrast to the industry's capacity of 13,000 units, due to a shortage of scrap for the manufacture of nine-sixteenth-inch round steel for the construction of domestic silos. This could not come at a less fortunate time, when substantial new acreage is being planted to help restore a world supply demand balance for feed grains and other commodities.

Last week a steel castings company in Detroit, Mich., wired the Department of

Commerce that it was down to its last 3 days of supply of scrap metal, could obtain no more scrap metal, and if something was not done, would shut down. The administration reportedly contacted the Institute of Scrap Iron and Steel, which in turn contacted the original dealer who then offered only 25 tons of ferrous scrap to the castings firm at a a price of $115 per ton. Hence, newspaper quotations of composite steel scrap prices of $86 per ton would even appear to understate the current situation in certain cases.

One foundry in Indiana reports that it has been forced to shut down two full scheduled days due to a lack of cast metal scrap. They are apparently operating on a day-to-day basis.

Another firm in Illinois telegraphs, "Presently unable to procure ferrous scrap at any price for our foundry consumption. Have curtailed operations. Shutdown is imminent if no scrap is received." I have not yet been advised whether scrap dealers, acting at the urging the administration, have moved to cover this foundry's needs.

Still another midwestern foundry reports a 16-percent reduction in operations due to inability to purchase ferrous scrap, and with an inventory of only a few days, shutdown may be imminent.

A Texas firm reports imminent shutdown of two of its foundries employing 400 people in Pennsylvania and New Jersey because no adequate scrap is available at any price.

If these basic industries, iron and steel, reduce schedules because of raw material shortages, the ripple effect into other industries will quickly follow.

This happens to be just the type of situation that the Export Administration Act of 1969 was designed to prevent. That act reads in part as follows:

> SEC. 3 (2) It is the policy of the United States to use export controls . . . to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand. . . .".

On July 2, the Secretary of Commerce recognized that—

> The criteria set forth in the Export Administration Act have been met for this commodity.

Why, then, has action to control scrap iron and steel exports been ineffective? Why in light of the July 2 finding, have scrap exports in the third quarter of 1973 been permitted to exceed those for any quarter in our history?

Price increases for ferrous scrap of the magnitude we are witnessing have been increasing by about $1 billion the cost of operations of foundries and cold metal shops which, I should add, use only one-fifth as much of our scarce energy supply to produce a ton of steel as do ore users. Ultimately, the American consumer pays for these increases.

The Constitution of the United States gives the Congress the authority to regulate foreign commerce. All of us know that the Congress can do this only in a broad way and is in no position to regulate all detailed aspects of our foreign commerce. This approach to policymaking is reflected in the legislation of which I was a principal author, the Export Administration Act of 1969. It was not the intent of Congress to prescribe in the law what commodities would receive export controls, how stringent the controls would be, or the exact time at which they would be applied. The language indicated clearly, however, that should a situation develop, such as we now find in scrap iron and steel, effective export controls should be promptly invoked. As this has not been done, and as the potential adverse economic consequences grow more severe with each passing week, it has now become evident that the Congress should take corrective action immediately.

Mr. Speaker, to ease the present critical short supply problem, I am introducing legislation today to limit exports of iron and steel scrap to 600,000 net tons per month for the remainder of fiscal year 1974.

COLLAPSE OF HIGHRISE CONDOMINUM UNDER CONSTRUCTION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, one of the worst disasters ever to occur in northern Virginia, the collapse of a highrise condominium under construction at Bailey's Crossroads, Va., resulted in the untimely death of a truly outstanding young man, Michael James Frye of Arlington, Va.

Michael's father, Mr. James H. Frye has written a statement concerning the tragedy and its aftermath which he would like to have known to our colleagues and all who are concerned with occupational safety. As I believe many points made by Mr. Frye deserve attention, I insert his statement at this point in the RECORD:

STATEMENT FOR THE CONGRESSIONAL RECORD PART 1. MICHAEL JAMES FRYE

I wish that all the Members of Congress and others could know and feel the great loss suffered by me, my family, Michael's many friends (young and old), the faculty and students at Madison College, and all the future children and young people that would have been touched and guided by his greatness. Michael had completed his student teaching in early December 1972 and was looking forward to teaching elementary school in September 1973 and he was an excellent teacher. He had worked beginning in High School whenever he had the opportunity to help me with the support of a large wonderful family (seven sisters and one brother). This is why he went to work in early December as soon as he had completed his college program. The statements below are a tribute and attest to the great character and integrity of Michael James Frye.

APRIL 3, 1973.

DEAR MR. AND MRS. FRYE: All of us at Madison College were shocked and saddened at the loss of our dear friend and fellow student, Mike. He had the respect of his fellow students, his teachers and the administration. I met Mike when I first came to Madison, saw him develop into an extremely sensitive, fine young man, and knew that he was looking forward to a career of teaching. So all of us feel a deep, personal loss, but we also feel that the teaching profession lost a young man who was genuinely interested in other young people as human beings.

Mike was to receive his diploma on May 12, and we would like very much to present that diploma to you. If it is possible for you to be with us on graduation day, I would like to give you the diploma which Mike so richly deserved.

I know that words are inadequate to replace a son, but for whatever consolation it may be, Mike was a very fine young man and we are proud to have had him as one of our students.

My thoughts and prayers are extended to you during this time of sorrow.

With warmest regards,

Sincerely Yours,

RONALD E. CARRIER,
President, Madison College.

STATEMENT FOR MIKE'S GRADUATION MAY 12, 1973

Mr. President, Members of the Faculty, Graduates and Friends—I feel mighty proud with a deep personal obligation to receive this diploma for my son, Michael. Mike was one of the greatest individuals that I have ever known. His integrity and respect for the feeling and rights of others was truly outstanding. This integrity and respect was equally the same for all ages (young and old). Everyone who knew him should be inspired and guided by the principles and moral code of values that Mike so sincerely practiced every day of his life.

I can truly say that Mike never disappointed me with his decisions or actions. I am so very very proud to be his father. Thank You.

JAMES H. FRYE.

MAY 28, 1973.

DEAR MR. FRYE: I know your sorrow is deep from the loss of Mike. I hope you realize the great respect Mike's classmates had for him.

Your statement about Mike was certainly an accurate reflection of his integrity and respect for others.

My God bless you and your family.

With warm regards,

RON CARRIER.

MARCH 23, 1973.

DEAR MR. AND MRS. FRYE: Mike participated in some of my sociology classes. It was a pleasure to know and learn from a young man such as he.

Sincerely,

DR. BARBARA N. STONE,
Chairman, Department of Sociology, Madison College.

APRIL 2, 1973.

DEAR MR. AND MRS. FRYE: I would like to express my sympathy in your great loss. Mike was always a source of encouragement and inspiration to me.

Through the urging of my sister, Fran, and with the cheerful guidance of Mike, I was introduced to the sport of soccer. Soccer has been a great source of pleasure for me. It is an activity through which I have been able to meet many new friends and to experience the joy of competition and accomplishment. I owe so much to Mike for his interest in helping me begin. Above this, Mike was a good friend. I will always remember his warm gregarious nature, the gratifying friendship for everyone who knew him.

Again, I wish to convey my sympathy for your great loss.

Sincerely,

JOHN OLSEN,
William and Mary College.

[Soccer Newsletter Edition No. 4—Page 2]

OCTOBER 22, 1972.

. . . We expect a big boost in the game as our "old pro" Senior Lineman Mike Frye is expected to be ready to play following two weeks' layoff due to a leg injury . . .

Sincerely,

Coach VANDERWARKER.

[Hand written note]

We need big Red in there for us. He's a great player and a fine young man. More important, he does a fantastic job in his student teaching . . . Best Regards.

[Soccer Newsletter No. 6—Page 2]

NOVEMBER 8, 1972.

. . . Then, as if written by Hollywood, our "old man", Mike Frye playing in his final regular season game, scored on a fine head ball off Fedorowicz's cross . . .

Very Sincerely,

Coach BOB VANDERWARKER.

[Hand written note]

Mike is just a fantastic person. I'm so glad he has been able to enjoy being with us in soccer along with all his other responsibilities this fall. He sure was a happy guy when he scored that goal and we were indeed happy for him.

PART 2. SKYLINE COLLAPSE, RESCUE AND COVERUP

The Skyline collapsed at approximately 2:15 p.m. March 2, 1973. Mike's body was reported found (not rescued) on March 15, 1973. Since my efforts to obtain information and facts were futile, I am including below, information as reported in the newspapers—that I believe to be basically correct.

[Editorial—from The Globe, Mar. 8, 1973; entitled "Tamper, Indeed"]

Fairfax County officials were indignant this week at the suggestion that local, state, and federal government investigators should not have exclusive right to public records relating to the collapsed high rise at Skyline Center. Fairfax County Attorney M. Langhorne Keith took what perhaps was the most supercilious position when he said the impounded inspection records was necessary to prevent their being "tampered with". Possibly, what he was trying to convey was the fact that when the county, as well as the builder, might be found negligent the government rightly perceives that the press becomes dangerous—for the government. Hence, lock up the records, point to that slice of Swiss cheese called the Virginia Freedom of Information Act for your justification, and say "trust us". We would be happy to, except that a 24-story building collapsed practically under the noses of county inspectors, and one is loathe to place trust in any organization with a track record like that. Regardless, of the circumstances, why is the government asking us to trust it? Why does the government suddenly lose its belief in open inquiry? In effect, the provisions of the Freedom of Information Act give the government a crucial degree of latitude in defining when a document is a matter of public record. Let's assume that the county inspectors dept., ever vigilant, had found persistent widespread violations in the construction of the Skyline Center prior to the disaster, had shut down the job, and instituted criminal proceedings against the builder. Would the county then embargo the records? Naturally not. They would have nothing to fear. Multiple copies of inspection records are filled. Additional copies could be made. County personnel were doing their job, following the rules, and would have nothing to lose from public scrutiny of their work as they prepared to go into court fighting the good fight. The county government is concerned with tampering of the records in this case, and naturally we are, too. The best way to keep every one honest is to keep public record public.

[Editorial—The Globe Mar. 15, 1973; entitled "Keeping it Muddled"]

While the Skyline Center Disaster throws into question the adequacy of county building inspection procedures and codes, it also highlights a lack of agreement over what agencies have overall authority to supervise rescue and investigation. The U.S. Dept. of Labor's Occupational Health and Safety Administration has denied it has authority to investigate safety compliance. Instead, there seems to have arisen a vague coalition of state and local authorities plus private construction and demolition companies, supposedly being coordinated by Acting Fairfax County Executive Robert W. Wilson, to handle the delicate and crucial question of cause. To allow so many interests, often competing ones, to take an active role in deciding life and death questions—such as, should the building be searched for survivors before being demolished—as well as questions of fact and procedures on how to investigate such an incident is irresponsible. Furthermore, if federal authorities are taking a back seat on the safety procedures at the disaster site, are they doing the same at other buildings currently under construction? Acting County Executive Wilson says he is pursuing the difficult job of coordinating often "overlapping" jurisdictions in investigating Skyline. Yet, state officials pass the buck concerning jurisdiction to the federal level; and federal officials pass it right back again. It seems to us that, under the circumstances Wilson is somewhat exaggerating, if not misrepresenting, the nature of his role. On the other hand, Wilson is the employee of the board of supervisors which itself has shown seriously bad judgment in this affair through such tactics as calling for an in-house investigation of the county inspections department. At this point, we can only conclude that officials have agreed the best approach is to keep things muddled. Only the dead are beyond confusion.

[Editorial—The Globe Mar. 22, 1973 "The Ripples Are Spreading"]

Particles of the rubble which flew from the collapsed Skyline Plaza highrise at Bailey's Crossroads are continuing to land in many heretofore placid pools of institutional indifference and irresponsibility, and the ripples are providing a good indication that the problem of the collapsed building is more than one of "finding the culprits". One question that must be raised is the genuineness of the Fairfax County Supervisors' avowed commitment to represent and defend the public interest. The disclosure that Supervisor Moore's request for an investigation conducted independently of the government was met with vociferous opposition by her colleagues behind closed doors is important, but the consternation created by that request in the public session beforehand was plain to everyone. The speed with which they retreated to a bogus session was indication enough of their position that the best thing to do is to do nothing at all. Now that Commonwealth Attorney Robert F. Horan, Jr. has made a preliminary presentation to the supervisors on the results of his investigation, it is practically a sure bet that the supervisors will try to keep the inspections records under wraps as long as possible. For surely they now know, as virtually every homeowner and aware citizen already knows, that the county building inspections department is a mere shell.

After trying to get information and waiting six months for some of the government officials or businesses involved to come forward without any results, I made inquiries of several government officials and agencies, still, without any results. Some of my inquiries were as follows:

AUGUST, 31, 1973.

Mr. ALEXANDER G. GILLIAM,
Special Assistant to Governor.

DEAR MR. GILLIAM: Is there no human decency left in the Commonwealth of Virginia? My son Michael James Frye was killed in the Skyline building collapse at Baileys Crossroads, Va. on Mar. 2, 1973. Mike's body was found (not rescued) on March 15, 1973. To this date, none of the government or company officials involved in this outrageous tragedy have offered any condolence or expressed any sorrow to myself or my wife. As a matter of fact, in our inquiries for facts and information we have been treated terrible.

The builder was not issued a "stop work order"; I was forbidden to search for my son; and government officials did little or nothing to direct and supervise a disaster rescue operation. It was reported that the builder voluntarily stopped work on the site 17 days after the collapse.

Several weeks later, the builder was allowed to meet secretly with the Fairfax Bd. of Supervisors and was given permission to resume work at the site of the collapse, yet at the same time I am forbidden to see the police file on the finding (not rescue) of my son's body.

It was reported that the builder was given permission to resume work because he was losing money. My son had just completed college and was assisting me with the support of a large wonderful family. The government has not shown any interest in my financial loss.

The state of Virginia and America does not need more luxury condominium apartments but they are in need of young men such as MICHAEL JAMES FRYE. The moral decay and lack of integrity is running rampant through America and only young men and women such as Mike can reverse the trend.

It is respectfully requested that this letter be given to the Governor and someone contact me, because in desperation, I need answers to the following questions. 1. What does the state of Virginia intend to do about this terrible tragedy? 2. Does the state of Virginia intend to meet its obligations to the families involved? 3. Does the state of Virginia intend to search, find and punish those responsible for this great tragic loss of human life? 4. Does the state of Virginia intend to do anything about the conduct and behavior of government officials concerning the collapse and rescue?

JAMES H. FRYE.

SEPTEMBER 24, 1973.

DEAR GOVERNOR HOLTON: On September the 5, 1973, I mailed a package of material to Mr. Gilliam. At the same time I mailed copies to Congressman Broyhill and Senator Byrd. I have had two responders from Congressman Broyhill and one from Senator Byrd. To this date I have not had any response from Mr. Gilliam or anyone in your office. Am I to assume that no response is forthcoming?

Very truly yours,

JAMES H. FRYE.

OCTOBER 6, 1973.

DEAR MR. GILLIAM, Jr.: Enclosed you will find a copy of a letter I sent you over a month ago. I also sent a copy to Governor Holton September 24, 1973. I sent copies to several other people and some of these people have responded two or three times. I assume after 30 days that you and the state of Va. have no intentions of responding to my letter and other material. Therefore, I am returning Michael's refund check for 1972 and the company's withholding for 1973 state income taxes withheld in Jan. and Feb. 1973. The state of Virginia can just keep the money.

Sincerely,

JAMES H. FRYE.

The above type of information has been requested from the following without any meaningful results to date. 1. OSHA; 2. Federal Safety Council; 3. The Arlington County Board, in regards to collapse at Crystal City (same builder as skyline), and others. I have not received any answer at all from the Governor of Virginia's Office.

At Skyline Mike was operating a concrete grinding machine that stirs up a lot of concrete dust and also makes a lot of noise. He was one of a few that was trusted to work alone without any supervision and as work-

ing alone on the 14th floor when the collapse occurred. To my knowledge no attempt was made to warn him of the danger. This was his reward for being an excellent and trustful worker. Is this a true example of the rewards for honesty and integrity in the American system? Do truly great people such as Michael go unrecognized and doomed?

It is immoral, wrong and sometimes illegal for individuals and small business men to do certain things but moral, right and legal for government officials and big business men to do the same things—a conflicting core of values—A system such as this is destined to destroy itself Skyline construction could only begin with the permission of the government, it would only continue with inspection approval and permission of the government, a builder could only continue with the permission of the government to work at a site with human beings buried under tons of concrete and steel. These are the facts dictated by the nature of government we have. *I sincerely hope that each member of Congress will take a stand against this enslavement by government, corruption in government, deficit spending and the general decay in the morals of our society that led to the collapse of skyline and will lead to many other disasters that will come in many different ways.*

I have had chronic osteomyelitis since I was fifteen years old and go to Richmond every four weeks for medical care. Michael drove me when he could and had driven each month since he had completed his college program—this trip, every four weeks, for the past seven months has been torture for me an now no one in the Governor's office will even acknowledge my letters to them. My Doctor in Richmond has been quite upset over this terrible tragedy, also—he was 81 years old in September 1973 (Dr. Thomas F. Wheeldon, 114 North Mulberry St., Richmond, Va. 23220—A truly Great Man).

An engineering study to determine the strength of A-5 was performed prior to an August 6, 1973 secret executive session of the Fairfax Board. As a result of this study, the Supervisors approved completion of the building. The partially-built A-5 is located next to highrise, A-4 that collapsed March 2, 1973. Consulting engineers retained by both Skyline developers and Fairfax County to perform the study failed to uncover the fact that a structural column was 12 inches off the center of the concrete pier beneath it. The technical report did recommend he repair of this column and others which were found weak after sonic test. The error was found when workmen accidently broke through the concrete slab which separates the column and the pier, only to find the column was off center. The builder elected to raze the building, rather than wait for the extensive structural analysis needed to correct the error.

And so the tragedy of errors and coverup goes on.

PART 3. A LACK OF PROTECTION OF WORKMEN AND THEIR FAMILIES UNDER THE DOCTRINE OF SOVEREIGN OR GOVERNMENTAL IMMUNITY AND THE WORKMENS COMPENSATION LAWS OF VIRGINIA

The doctrine of sovereign immunity as it presently exists in the Commonwealth of Virginia has been derived solely from judicial interpretation of obsolesent English law. Where sovereign immunity is allowed to stand, we have a conflicting code of values. Therefore, a man injured or killed through wrongful acts or negligence of a state or its damages while a man injured or killed by a private party may recover compensation. If, in fact a culpable injury has been done and goes unchastised by the law because of the doctrine of sovereign immunity, that doctrine protects injustice for no better reason than its source is the state. And the concept becomes this: "The king can do no wrong." In the first suit concerning the Skyline collapse, the Judge dismissed Fairfax County. The Board of Supervisors and The State of Virginia based on "The king can do no wrong".

The Virginia Workmen's Compensation Act, denies an employee the right to recover damages which he may have "against any other party" unless the latter is not "employed in the work" in which the employer of the injured employee is engaged. Additionally, if the work being performed by the injured employee's employer is part of the trade, business or occupation of an owner, that owner is likewise immune from common law negligence claim. Therefore, the Virginia Workmen's Compensation Act is unjust, unfair, and deprives citizens of due process and the right to file suit under common law. Therefore, the Act protects government officials and businessmen against any acts of negligence, intentional or not, from liability and discriminates against the individual workman to the extent of encroachment upon any civil rights and, in effect, enslaves him. This inequitable situation is in contradication with the standard of equal protection of the laws enunciated in the Fourteenth Amendment to the Constituion of he United States.

I would like to know, why Fairfax City Government employees are apparently covered by the D.C. Workmen's Compensation Act (underwritten by the Hartfort Co.)? Why aren't other companies employees working in Fairfax City, Virginia covered by the D.C. Act? The benefits are much greater in the District of Columbia (which is governed by the Longshoreman and Harbor Workers Compensation Act) vs. the State of Virginia.

Public Law 91-596, 91st Congress, S. 2193, December 29, 1970; Sec. 27—Provided for a "National Commission on State Workmen's Compensation Laws." This Commission was to study and make recommendations to correct inequities in the laws. What has happened concerning this provision of this Public Law?

PART 4. REQUEST FOR CONGRESSIONAL INVESTIGATION

It is respectfully requested that the Congress investigate the Tragic Skyline collapse and the lack of protection under current laws (State and Federal) afforded workmen and their families who are injured or killed in such a careless and useless tragic event such as the Skyline collapse.

The Watergate investigation and political contributions and payoffs bu builders and developers are of prime interest to the Congress and the public at the present time. Therefore, the Congress should investigate for itself, the Skyline collapse, the rescue and the lockup of vital important records and facts, to determine the following:

(1) Did political contributions or payoffs influence the start of construction, the continuation of construction and the eventual collapse?

(2) Are building standards and codes, at the Federal and State levels, adequate and safe an are Feeral and State Agencies capable of policing and enforcing the standards and codes?

(3) What was the responsibility of OSHA in the establishment of safety procedures and inspection of the construction at the Skyline complex? And how did they satisfy these responsibilities?

(4) Did improper collusion between Representatives of liability insurance carriers and government officials take place after the collapse?

I ask one question—If a builder, a construction Company and other related firms can "cut corners", utilize inferior materials and violate safety and building codes, which result in huge profits, and only be fined a few hundred or thousand dollars—Then where is the force to correct this terrible situation which lead to this terrible tragedy?

In addition, Congress should investigate, for itself, the inequities against the workmen that have been highlighted by the Skyline collapse, and take action, as soon as possible, to correct any inequities that currently exist.

In conclusion, I ask all those involved in the Skyline collapse to come and tell us who and what they are.

(1) Are they politicians asking what their country can do for them, or (2) zelaous ones promoting good will and integrity among men.

If they are the first, then they are parasites; if the second, then they are like an oasis in the desert.

(3) Are they Business men utilizing the need of society for a place to shelter itself, for coercive monopoly (collusion with government officials) and exorbitant profit?, or (4) sincere, hardworking and diligent men facilitating the exchange between the supplier and the consume· and charging a reasonable profit as middlemen between supply and demand?

If they are the third, then they are criminals whether they live in a palace or a prison. If they are the fourth, then they are men of integrity whether they are thanked or denounced by the people.

I sincerely request that the Congress make every effort to determine—*who and what they are?*

MORE MEDICAL TREATMENT FACILITIES NEEDED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASPIN. Mr. Speaker, Mr. John J. Byrnes, an attorney from Elkhorn, Wis., has brought to my attention a disturbing fact which I would like to share with my colleagues. Mr. Byrnes' letter follows:

ELKHORN, WIS.,
November 2, 1973.

Hon. LES ASPIN,
U.S. House of Representatives,
Washington, D.C.

DEAR LES: I wrote recently to Mayo Clinic for a routine examination in response to which I received a post card giving me an appointment for December 10, 1974. Copy of the card is enclosed herewith.

This points up the disturbing shortage of medical treatment facilities we seem to have in the country—at least good medical treatment facilities—and particularly, doctors.

It would seem that through the help of the federal government we should be able to set up more training and treatment facilities. Anything you can do along that line would be appreciated by the folks in this area, I am sure.

Best wishes,

JOHN J. BYRNES.

Upon reading this letter, I think we all are aware of the conclusion to be drawn. National priorities should reflect a concern for the health and welfare of every American citizen and I feel Mr. Byrnes' letter clearly illustrates an area urgently in need of reform.

INEQUITY OF TITLE I ESEA PROVISION REQUIRED RECOMMITTAL OF H.R. 8877

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. EILBERG. Mr. Speaker, on Tuesday of this week I voted with 271 of our colleagues to recommit the report on H.R. 8877, the Labor-HEW appropriations bill for fiscal year 1974, to the Committee on Conference. I did this because the formula according to which title I—ESEA money was to be distributed was clearly inequitable. I had hoped to have the opportunity to specifically instruct the conferees that the language in amendment 32 of the conference report be deleted and that a revised report be returned to the House giving local school districts 90 percent of the amount they received in 1973 and permitting local agencies to receive as much funding as they are entitled to, providing that States, in the aggregate, not receive more that 120 percent of the amounts they received in 1973.

The proposed change in the formula of distribution would have permitted shifts in population which have occurred since 1960 to be more accurately reflected both between and within States. Simply put, the revised formula, providing for use of the latest census data available to us, would have been more equitable. The result of the inequity in the conference committee report would have been felt most severely in those States and cities where the need for assistance is greatest. In my own State of Pennsylvania adoption of Congressman QUIE's "revision" formula would mean $77,997,749.78 during the present fiscal year, whereas retention of the existing distribution plan would provide $74,747,-843.47.

The disparity is even more striking in the case of my constituency of Philadelphia which has been so heavily burdened in recent years with the most difficult of financial problems in keeping its schools open. Enactment of the conference report for H.R. 8877, as presented, would have provided the city of brotherly love with $23,865,296.98 whereas the QUIE formula would provide $31,375,928.09 in sorely needed money.

Now I want it clearly understood that I make no apology for presenting Philadelphia's brief in this matter. As I see it, that is what I am here for. But, I want it understood that the point before us is chiefly one of equity. With the needs of constituencies such as my own being so manifest, how can this House seriously entertain the idea of basing the distribution of almost $2 billion in Federal money on patently outdated census figures?

Regrettably, the Chair did not consider the motion, with instructions, offered by the gentleman from Minnesota, Mr. QUIE, to be in order. However, an overwhelming majority of this body—272–139—then voted to recommit without instructions. Thus, I call upon my good friends who will be this House's Representatives to the conference committee to work expeditiously in making the appropriate changes in amendment No. 32 so that fairness may be done for the children of this land.

PITTSBURGH LABOR LEADERS LEAVE CITY: ONE RETIRES; ONE PROMOTED

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, two of my very best friends in the Pittsburgh labor movement will leave our city soon, for different reasons.

Joe Sabel, former president of Food Employees Local 590, has retired and will move to Florida.

I have known Joe Sabel for years. He has merged his strain of strong trade unionism with an equal quantity of community spirit to give the Pittsburgh area, not to mention the men he lead, one of the most politically and civically active men our area ever has known.

Another union man, just as devoted to the public will as well as the interests of the union movement, is Anthony "Bud" Lutty.

Bud Lutty will go onto St. Louis to become director of the Amalgamated Meatcutters Union, whose Pittsburgh Local 590 he headed after succeeding Joe Sabel.

My sincere best wishes go to both these men and while I hope their respective days are nothing but productive happy ones, I cannot help but wish they could stay on in Pittsburgh and continue their exemplary service in the Steel City.

Ed Verlich, labor editor of the Pittsburgh Press, has written an article on the careers of Joe Sabel and Bud Lutty. I would like to put that article in the RECORD at this time:

LABOR REPORT: SABEL RETIRING, LUTTY MOVES; IT IS A LOSS OF TOP-NOTCHERS

(By Edward Verlich)

One of the Pittsburgh area's outstanding labor leaders, Joseph H. Sabel, will be leaving the district soon for a deserved Florida retirement.

Mr. Sabel, former president of Food Employees Local 590, is proof that nice guys don't finish last, because a nicer guy you just can't find.

His credits over a 30-year labor career are varied and many, from state deputy labor secretary to one of the Top 10 Press Old Newsboys who carried the ball for Children's Hospital.

There are a lot of solid points to talk about in reviewing his performance.

Mr. Sabel, first of all, was a strong local union president who dealt from a position of strength and not weakness. He knew his union and its industry of chain food stores. His members fared well under his guiding hand.

Among his proudest accomplishments were the pension and health and welfare funds for the 10,000-member local union that grew under his guidance.

Conscious of the community, he always helped in labor disputes whenever he could—whether or not his own union was involved.

Deeply involved in politics in a period running from Gov. George M. Leader to Sen. Edmund S. Muskie, "Joe" served as director of the Allegheny County Labor Council's Committee on Political Education.

While there may have been later misgivings, he also was the labor chairman for the initial election of Mayor Pete Flaherty.

Another loss on the labor scene here is the departure of a close associate of Mr. Sabel, Anthony "Bud" Lutty, who went to St. Louis last week to become director there for their parent union, the Amalgamated Meatcutters.

Mr. Lutty leaves here at a time when, as president of the Allegheny County Labor Council, he had the labor movement on the way back into the mainstream of the community.

While in a position of leadership, Mr. Lutty started some positive efforts, such as the Greater Pittsburgh Labor-Management Advisory Council. His efforts should be continued by his successors.

To Mr. Sabel, a well deserved retirement, and to Mr. Lutty, keep up the good work. You two gentlemen are what the labor movement is all about.

PROTECTING THE SPECIAL PROSECUTOR

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HOGAN. Mr. Speaker, there is unanimity among the American people that everyone engaged in wrongdoing in connection with Watergate and its fallout extensions should be brought to justice. There is also agreement that there should be a special prosecutor to pursue these matters without interference.

There has been controversy on whether or not the special prosecutor should be appointed by the judicial or executive branch. An editorial appeared in today's Washington Post which I would like to insert in the RECORD at this point for the benefit of my colleagues.

In addition to its views on the administration-appointed special prosecutor, the Post "argues forcefully against legislation now pending that would authorize the appointment of a special prosecutor by the U.S. District Court."

There are constitutional risks inherent in the bill reported out by the House Judiciary Committee. We should, therefore, avoid the possibility of a court battle as it would only prolong the continuation of the Watergate investigation.

The editorial follows:

PROTECTING THE SPECIAL PROSECUTOR

("Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court.")

The quotation comes from U.S. District Judge Gerhard A. Gesell's memorandum explaining his decision in an important Watergate-related case the other day. Judge Gesell made his observation in the course of de-

claring that Acting Attorney General Robert H. Bork had acted illegally in firing Special Watergate Prosecutor Archibald Cox on October 20. Taken together, Judge Gesell's admonitions concerning the proper role of the courts and his interpretation of the law as it concerns the Special Prosecutor's tenure seem to us to argue forcefully against legislation now pending that would authorize the appointment of a Special Prosecutor by the U.S. District Court. The question is whether such legislation is either necessary or desirable, and we believe the answer on each count is, no.

The purpose of the congressmen and senators who are supporting the creation of a court-appointed prosecutor is admirable: it is to guarantee an independent, impartial, pressure-free prosecutor's office, one that is not subject to the will, whim or threat of those under investigation. And, not incidentally, it is to assure that the appearance of all this will be equal to the reality, so that people will be able to have confidence in the integrity of the prosecutor's office. However, we believe that this purpose would best be satisfied by other means—specifically by the enactment of legislation requiring Senate confirmation of the administration-appointed Special Prosecutor and also giving even firmer statutory basis to the office of the Special Prosecutor.

Judge Gesell's reading of the law is relevant here. He did not find that Acting Attorney General Bork had acted illegally in firing Mr. Cox by reason of any breach of the commitments given the Senate by Elliot Richardson concerning Mr. Cox's position. Those commitments, Judge Gesell said—whatever the "moral of political" implications of abandoning them—"had no legal effect." Rather, he found the illegality to reside in Mr. Bork's violation of a Justice Department regulation authorized by statute and setting forth the conditions governing the Special Prosectuor's job. Those conditions, as Judge Gesell observed, included the following: "He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that 'The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.'"

What is particularly interesting and apt about this judgment is that the Justice Department regulation, which Judge Gessell sees as having had "the force and effect of law" and which he also sees as preventing the President himself from dismissing a Special Prosecutor, is back in effect. In other words, its terms extend to and protect Leon Jaworski, the new Special Prosecutor who has just been named to the job by Acting Attorney General Bork. It seems to us that an administration-appointed Special Prosecutor whose views and purposes had been examined by the Senate in confirmation hearings, whose subsequent confirmation made him in some appreciable degree answerable to Congress and whose job security had been enhanced by strengthening of the statutory basis of his office would be as free of administration pressure and dictation as could be guaranteed by any process—including the process of having him appointed by and answerable to the U.S. District Court.

We would argue that such a prosecutor would have another special advantage: it is the likelihood that any findings he made or charges he brought against the President of the United States would be credited by the public. Here we find ourselves taking an entirely opposite view from those who hold that a court-appointed prosecutor would enjoy more public confidence than anyone—Mr. Jaworski included—who owed his appointment to the Nixon administration. On the contrary, it seems to us that his appointment by the administration would at once oblige him to demonstrate his prosecutorial independence and give particular force to his position, especially as he pursued investigations of those intimately connected with the administration. It is important now that people believe in the integrity of the Special Prosecutor. But it is not nearly as important as it will be if and when the Prosecuor comes into direct conflict with Mr. Nixon, as Mr. Cox did, or actually implicates him in criminal activities.

These are essentially political considerations, and it seems to us that they weigh equally in the scale when you are thinking about the Special Prosecutor's freedom to pursue the work Mr. Cox began. High among those considerations we would list a new political restraint on Mr. Nixon's: at what cost could he repeat his performance of the weekend of Otcober 20? The President is only now recovering—and just barely—from the repercussions of that event and to the extent that he is recovering at all, he owes everything to a hasty retreat from his position on releasing the subpoenaed tapes and on abolishing Mr. Cox's office along with Mr. Cox's appointment.

What with the Ervin Committee, the House Judiciary Committee and the Special Prosecutor's office already in existence, it seems to us that the addition of a court-appointed prosecutor would only dissipate energy and promote confusion in the task of bringing the Watergate offenses to light and the Watergate offenders to justice. There is, in fact, too much confusion, distraction and overlap now. We think the center of action should be the Special Prosecutor's office. And we think the tools are at hand for Congress to guarantee that this is so.

YEAR-ROUND DAYLIGHT SAVING TIME

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. COLLIER. Mr. Speaker, as a sponsor of H.R. 11233, I commend the Interstate and Foreign Commerce Committee for taking prompt action this week in reporting legislation providing for daylight saving time on a year-round basis. I do so because it is of vital importance to assist in easing the severe energy crisis facing our country.

The extra hour of sunlight each day that would result from passage of this bill would make a substantial contribution toward reducing our consumption of electrical energy.

According to the Department of Transportation, year-round daylight saving time would result in a net savings of between 1 and 2 percent of our nationwide demand for electrical power. While the 1 to 2 percent savings might sound small, we have reached the point where small economies must be added together to make a large difference—the difference between minor inconvenience and major disruption of our economy and standard of living.

Based on figures in the 24th annual electric industrial forecast, a 2 percent net saving on the estimated total electrical output of the United States this year would have amounted to about 40 billion kilowatts.

Because the concept of year-round daylight saving time has been proposed in the past—before the energy crunch developed to its present emergency level—several Federal agencies have commented on other pros and cons of the idea. In my opinion, the favorable aspects of their reports far outweigh the inconveniences mentioned.

For example, according to the Department of Agriculture, there would be no significant effect on farm production from a scientific standpoint. There might be varying effects in individual cases, according to the Department, but one shift to year-round daylight time would put an end to the problems caused by the twice-yearly change which occurs with our present April to October system.

No hard statistics are available on the effect of daylight time on the incidence of crime, according to the Justice Department. However, estimates are that the change would greatly reduce the number of murders and muggings which occur during the hours from 5 p.m. to nightfall.

In the area of traffic safety, the Department of Transportation does not have conclusive statistics relating the frequency of automobile accidents during daylight and standard time. Available information indicates that with year-round daylight time, evening rush hour accidents would decline, but this reduction would be partially offset by an increase in morning accidents.

Another frequently mentioned potential problem concerns schoolchildren traveling to classes in early morning darkness during the winter months. The Department of Health, Education and Welfare suggests that in areas where this would be a definite problem, perhaps school starting times could be postponed to overcome the difficulty.

I feel it is indeed reassuring that these Federal agencies indicate many possible benefits from year-round daylight saving time, but the overriding concern facing us now is to conserve energy so we can avoid major disruption of our economy and way of life.

As a sponsor of legislation to institute year-round daylight saving time as one way of easing our energy crisis, I respectfully urge my colleagues to give prompt and favorable consideration to the Interstate and Foreign Commerce Committee's bill when it reaches the floor for action.

THE FATHER OF THE BLUES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 1973

Mr. RANGEL. Mr. Speaker, today is the 100th anniversary of the birth of William Christopher Handy the "Father of the Blues." Throughout America cities, universities, community groups, periodicals, and individual citizens are honoring W. C. Handy for creating a brilliant and poetic musical idiom. An idiom that Handy wanted to convey the bitter impact of slavery on black America. It was created to express his feelings about growing up in America in the late 19th century, but it still expresses the lingering impact of slavery in the late 20th century.

Mr. Speaker, I think it is quite fitting

that Congress honor W. C. Handy today. To that end I place in the CONGRESSIONAL RECORD articles on Mr. Handy from three newspapers: the New York Amsterdam News November 17, 1973, the Christian Science Monitor November 15, 1973, the Washington Post November 16, 1973.

[From the New York Amsterdam News, Nov. 17, 1973]

A DEVOTED FAMILY OF BLUES LOVERS—HONORS ITS REVERED "FATHER"

Few American musicians have become more famous than William Christopher Handy, the "Father of the Blues."

He made Memphis famous, put St. Louis in song and gave the whole world a new form of music, but he belongs to Florence, Alabama.

On Sunday, November 18, Florence will honor its most famous native son with the second W. C. Handy Music Festival. The Sunday Night concert will conclude a week-long celebration featuring open house at Handy's restored, log-cabin birthplace and the W. C. Handy Museum, a festive parade through downtown Florence, a special jazz fest at halftime of the Florence State-Jacksonville football game and a reception for members of the late composer's family.

Born to former slaves on November 16, 1873 in Florence, Handy achieved worldwide fame as a composer, bandmaster, cornetist and music publisher before his death in New York City on March 28, 1958.

As a struggling, young musician, Handy traveled throughout the nation with a minstrel band playing for dances and parades. He was often abused by whites and condemned by many blacks who claimed, "show folks ain't nothing but dirt," and his minister father who called Handy's first horn "the devil's plaything."

But during his lifetime, he would be recognized as a true American musical genius and wined and dined by the cream of American society. "I have always felt that the miseries of my early life bore fruit in song—Yes, music cheered me on and played an accompaniment to my hard knocks," Handy said.

On his way to being rightfully acclaimed "Father of the Blues," Handy composed some of the greatest blues works, including "St. Louis Blues," "Beale Street Blues" and "Memphis Blues."

"Handy did more to bring the blues into the mainstream of world music than any other man," says the biographical dictionary of the American Society of Composers, Authors and Publishers.

The American Record Guide says, "W. C. Handy was responsible for the popularization of the blues and for giving the blues real status as a recognized music form." Handy's influence left its mark on the world of both popular and serious music, starting with its influence on George Gershwin and going back to William Grant Still, considered America's first black composer of serious music.

The "Father of the Blues" not only composed some of the world's greatest blues work, he was the first to put blues on paper and he preserved for America's musical heritage the "blues folk songs" of countless, unknown originators who preceded him.

The song often referred to as Handy's masterpiece "St. Louis Blues," is an enduring classic of American popular music and has been performed in an endless variety of arrangements and on every conceivable musical instrument.

The U.S. Postal Service honored him with a six-cent stamp, his life was brought to the screen in "St. Louis Blues" in which the late, great Nat King Cole played the role of Handy. Called "The Dean of American Music," and "Tin Pan Alley's Grand Old Man," Handy's fame spread in his latter years.

Vincent Lopez performed his "Evolution of the Blues" at the Metropolitan Opera House. He twice led his own band at Carnegie Hall, Memphis dedicated a park to him and re-named Beale Street to Handy Street.

Florence named a school, a housing project, a recreation center and more recently an American Legion post to him in addition to restoring his home and building a museum to house his famous golden trumpet, piano and hundreds of other personal articles.

But perhaps the greatest of all tributes to Handy is the annual W. C. Handy Music Festival staged each year in the town of his birth and sponsored by the Florence Chamber of Commerce. The first festival was held in 1970 when the Handy Home and Museum were dedicated and Florence Chamber of Commerce has decided to make it an annual affair beginning this year.

Some of the nation's top entertainers in the blues and jazz field will perform during this year's festival. The world-famous Olympia Brass Band, just back from a tour of Europe; The Ronnie Kole Trio; Blanche Thomas, "Queen of the Blues," who has starred at New Orleans' Heritage Hall for almost 50 years; Louis Cottrell and his All-Stars from New Orleans; Eubie Blake, Handy's contemporary composer who recently appeared on "Evening at Pops"; Maxine Sullivan, film and singing star who sang "St. Louis Blues" in the movie version, and others.

Many of the musicians from New Orleans and New York will participate in a parade Saturday, November 17 at 10:00 a.m. and at halftime of the Florence State-Jacksonville game that afternoon. The reception for the Handy Family will be held Sunday Afternoon.

"I don't know how we're going to top the first festival, but now that we have his home restored and the museum open, we also want to have a commemorative celebration that will do justice to the memory of W. C. Handy and all he meant to the world of music," said Jim Odum, Executive Director of the Florence Chamber of Commerce.

Reports pouring in from across the country confirm that the centennial of the birth of W. C. Handy is being honored in ceremonies, festivals, concerts and exhibits in at least six states and the District of Columbia. Handy, internationally hailed as Father of the Blues and a distinguished member of the American Society of Composers, Authors and Publishers since 1924, was born in a Florence, Alabama log cabin on November 16, 1873. Son of former slaves, he died in New York City on March 29, 1958.

The governor of Alabama is designating November 16th W. C. Handy Day, and so are the mayors of St. Louis, Memphis, New Orleans and Florence. This is hardly surprising for Handy's most successful song was the "St. Louis Blues" and his other big hits include "Memphis Blues" and "Beale Street Blues"—the latter celebrating a street in Memphis, New Orleans Mayor Moon Landrieu is recognizing Handy's lasting contribution to the blues-jazz heritage which still thrives, and Florence is honoring its most famous native son.

Memphis and Florence will have week-long celebrations, including street parades and concerts by nationally known musicians and singers. Florence's galaxy will include Eubic Blake, Maxine Sullivan and the Olympia Jazz Band of New Orleans. The Yale University School of Music has scheduled a concert of Handy's spirituals and hymns, and Howard University in the District of Columbia is planning a two-day concert program honoring Handy and the Blues. Rutgers University's Institute of Jazz Studies in Newark has announced a Handy exhibit, and the Music Division of he Library of the Performing Arts at Lincoln Center is collecting memorabilia for a Handy show set for January.

The Voice of America is going to tape the Memphis and Florence festivals for overseas broadcast, and the news departments of two major TV networks are planning vedeo reports on the centennial. Many colleges and two professional fooball teams will feature Handy medlies in their half-time entertainment on Nov. 17th and 18th.

It isn't surprising that Bill Handy should have such a big birthday party," said ASCAP President Stanley Adams who knew Handy for many years. "He was a big talent and a big man, and he has left a big mark. All of his 21,000 colleagues in ASCAP join in this celebration, proud that he lives on in his music"

[From the Christian Science Monitor, Nov. 15, 1973]

W. C. HANDY'S AMERICA: LAND OF THE RED, WHITE, AND BLUES

(By Amy Lee)

"I hate to see de evenin' sun go down. . . ."

Does anyone need to be told who wrote that American classic?

Tomorrow is the 100th anniversary of the birth of "St. Louis Blues"—composer William Christopher Handy, and his birthplace, Florence, Ala., will be celebrating. So will other cities—Memphis, New Orleans, Washington among them—in kickoff events for ongoing observances throughout this Handy 100th Anniversary Year.

Florence has declared Nov. 16 as W. C. Handy Day and has scheduled three major events for this weekend: a parade through downtown Florence on Saturday afternoon, Nov. 17, and in the evening a special halftime show at the football game between Florence State University and Jacksonville State at Braly Stadium. On Sunday, Nov. 18, there will be a W. C. Handy Music Festival Concert at Florence State's Norton Auditorium.

According to Wyer Owens Handy, of Handy Brothers Music Company in New York, who is W. C. Handy's only living son, the festival concert will feature "some of the finest talent from New Orleans," such as the Olympia Brass Band and other groups who took part in dedicating the restoration of the Handy Home (the original log cabin where the composer was born) and Museum. Ragtime pianist Eubie Blake and singer Maxine Sullivan have been invited to perform.

BIG EVENTS

"We are confident that this 1973 Handy Music Festival will be America's greatest jazz and blues event," said Jim Odum, of the Florence Chamber of Commerce. Proceeds from the festival will be used to perpetuate the memory of W. C. Handy.

On and on the blues will roll in every possible interpretation! Arthur Fiedler will feature a performance of "St. Louis Blues March" Nov. 24 in Baltimore. And in New York on Nov. 26 at the Overseas Press Club, Gregg Buchanan of the United States Navy Band will play "St. Louis Blues" on the harp.

During December and January, the New York Public Library at Lincoln Center will feature an exhibit of Handy's music and memorabilia, and slated for release this month is a special album of W. C. Handy's music by Earl "Fatha" Hines on Audiophile Records called "Hines Comes in Handy."

SACRED MUSIC

But overshadowed by his vast reputation as "Father of the Blues" is the fact that W. C Handy had a deep interest in sacred music particularly his beloved Negro spirituals. In his Author's Note in W. C. Handy's Second Collection of 37 Spirituals he wrote: "Masterful choral or symphonic arrangements [of the spirituals] may probe deep into my emotions, but none can supersede that happy feeling of possession which is mine when, closing my eyes, I can become transplanted once again to my own native Florence, Alabama, and the African Methodist Episcopal Church, first to be built by my grandfather [William Wise Handy, first ordained minis-

ter of the first black church in North Alabama] and from whose pulpit my father [Charles Bernard Handy] preached many a sermon . . . Florence's First Baptist Church . . . taught me many of the Spirituals I have learned. . . ." Handy arranged nearly 40 spirituals for mixed voices, male voices, and vocal solos with piano accompaniment.

Recently, Wyer Handy and his sister, Katherine Handy Lewis (only living daughter of W. C. Handy), and her son Homer D. Lewis, Jr., recalled their father's love of hymns:

"He was prolific in the field of sacred music," they noted. "He wrote the anthem 'They That Sow in Tears' [based on Psalm 126, verses 5–6, 1–2] and hundreds of other sacred compositions."

Wyer has sent letters to over 1,000 churches throughout the country, reminding them of his father's roots in the church and the spirituals, and inviting their participation in the anniversary celebration. Several colleges and universities, he said, are planning band concerts and classroom study programs of W. C. Handy's music, and tributes during televised valves of football games. Copies of Handy band music have gone out to 300 colleges and universities.

CITIES SALUTE HANDY

As the city memorialized in two Handy classics—"Memphis Blues" and "Beale Street Blues"—Memphis has special reason to salute the memory of the composer-bandleader-trumpet player who spent some of his most fruitful years there. It started its Handy celebrations on Nov. 12 with a program of band arrangements of Handy compositions by the Memphis State University Band, and through the week is staging parades, performances by high school bands, and football half-time programs featuring Handy's blues.

In Washington, D.C., the Department of Afro-American Studies and the Institute of Arts and Humanities of Howard University have planned a two-day festival: "Homage to Handy and the Blues," to be held at Howard Nov. 16 and 17. It will include music and drama from Howard, and bands and music from other universities and high schools in the Washington area. Plans also include performances by Washington church choirs of spirituals and gospel hymns, which have contributed so much to the rich variety of blues and jazz music. Scholars of the blues will be invited to read from their works and discuss the role W. C. Handy played as source for today's proliferating rural and urban blues.

Dr. Stephen Henderson of the Howard faculty is organizer of the festival and is himself completing a book on the blues. It is expected that Walter Washington, mayor of the nation's capitol, will issue a proclamation to honor the memory of W. C. Handy and his contribution to blues and the world music.

New Haven, Conn., jumps on the Handy anniversary bandwagon with a special concert event, Professor Willie Ruff of Yale, bassist member of the former Willie Ruff-Dwike Mitchell Duo that made history as the first modern jazzman to play in the Soviet Union (1959), has transcribed 12 of W. C. Handy's choral arrangements of spirituals for symphony orchestra and chorus and several of his blues for performance Nov. 17 by the Yale University Orchestra, featuring Marian Williams, gospel singer, with the 75-voice Gibson Chorale.

[From the Washington Post, Nov. 16, 1973]

THE MAN WHO MADE THE BLUES

(By Joel Dreyfuss)

W. C. Handy, who was born 100 years ago today, listened to music in his father's church, to the work songs in Alabama fields and the lament of black singers, and made the "blues" a part of the American vocabulary.

Best-known as the composer of "St. Louis Blues," he is the subject of a two-day tribute which begins today at Howard University and will retrace his contributions as a bandleader, arranger and popularizer of the blues.

"A Tribute to W. C. Handy and the Blues Tradition" is sponsored by the university's Institute for the Arts and the Humanities and will feature workshops, concerts and a film biography of Handy, who died in 1958.

"A Howard alumnus came to us with the idea," said Jeanne-Marie Miller, assistant director of the Institute "and we took it from there."

George Starkes, Howard's ethnomusicologist in residence, helped plan the festival.

"His 'Memphis Blues' was the first published blues that gained any degree of popularity," said Starkes. "Up until Handy's time, the blues had primarily been the province of black people. Handy made whites aware of that tradition.

"He did the same thing with blues that Scott Joplin did with ragtime."

While Handy has been called the "father of the blues," he also had a deep interest in church music and arranged nearly 40 spirituals for a variety of voices and musical instruments.

Born in Florence, Ala., in 1873, Handy left home at 18 because his father, a minister, objected to a musical career. One day Handy had brought a guitar home and was ordered by his father to exchange the "devilish instrument" for his dictionary.

He eventually obtained a battered cornet and began his career in music by playing in a minstrel show at the 1896 Chicago World's Fair. For seven years he was a wandering musician.

"In the days when I had to sleep on the levees and cobblestones I heard the roustabouts singing on the steamboats and it hung in my ears," he once recalled.

"Memphis Blues," which raised him to prominence, was originally written as a campaign song for E. H. Crump, who was running for mayor of Memphis in 1909. Among his other successful songs were "Beale Street Blues" and "Yellow Dog Blues."

Some musicologists have dismissed Handy as a commercializer who contributed to the dilution of the blues but Starkes does not agree.

"This was music that had never been notated until his time," said Starkes. "When music is put down on paper, something is invariably lost. One important thing was that Handy drew upon his heritage."

Handy went to New York in 1918 and formed a music company, Handy Bros. Music Co., still operated by his children, who recall both good and bad times, according to Starkes.

Other festivals are scheduled in his hometown this weekend, in Memphis, New Orleans and other cities.

The Howard programs begin at 10 a.m. today with tributes by poet Sterling Brown, author John O. Killens, playwright Clay Goss and others.

Jazz trumpeter Clark Terry will lead a workshop on jazz improvisation at 1:30 p.m. and will participate in an evening concert featuring traditional singer Mabel Hillery, bluesman Eugene "Buddy" Moss, the Billy Roberts Big Band and the Howard University Jazz Orchestra.

The 1958 Paramount biography of Handy, "St. Louis Blues," starring Nat King Cole, will be shown on Saturday afternoon and the program will conclude with another concert on Saturday night featuring Flora Moulton, Louise Robinson, Greg Buchanan and the Howard Chorale.

ENERGY CRISIS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROSENTHAL. Mr. Speaker, I am pleased to learn the President has finally recognized that we are in the midst of an energy crisis. The cutoff of oil by the Arab States came as no surprise and has only hastened the shortage that had been forecast years ago. We must, of course, take decisive steps to conserve fuel to the maximum feasible extent, and we must do everything possible to keep the price of energy low and prevent windfall profits to the oil companies. We must also begin a crash research program to develop alternative sources of energy.

The President complained in his November 7 television speech that the Congress has done little about the energy crisis. The record shows just the opposite—the Congress has done more about energy than the administration and has been calling on the President for more than 2 years to show some leadership in solving the problem.

But throughout the developing energy crisis Mr. Nixon has shown more concern for the profits and prerogatives of the giant oil companies than for the energy needs of the American people. All the energy-conserving measures asked for by the President should have been requested a year ago when the shortages were already a palpable threat. In fact, many of his latest proposals could have been implemented as much as 2 years ago by the simple stroke of the Presidential pen.

The President has had authority since 1969 to restrict oil exports, but he is permitting three times as much fuel to be sent out of the United States this year as was exported in 1972. He did not even ask the oil companies voluntarily to stop exports of precious crude oil. The President has constantly opposed abolition of the oil import quota law even though such a move would have permitted the United States to increase its supply of oil prior to the Arab oil embargo.

Congress recognized the impending crisis by authorizing the President last April to institute mandatory fuel allocations. He not only opted for a voluntary program that quickly failed, his spokesmen deliberately stalled legislation requiring a mandatory program. This week the Congress passed and sent to the President legislation requiring him to allocate crude oil and refined petroleum products, including gasoline, in an effort to distribute equitably all fuels in short supply.

Last July 10, when service stations all over the Nation had begun to close, the administration said it was prepared to announce a comprehensive energy plan within a week. No such plan was ever forthcoming.

Even to this day the administration does not have a basic energy policy nor does it have the basic decisionmaking machinery necessary to deal with the en-

ergy crisis—all it really has is a public relations operation.

The Congress will act on the President's proposals where we agree that the power is necessary and will be used wisely, but we will not be rushed into precipitous action simply because the President claims he needs special authority in order to act.

There is no evidence that any of the seven pieces of legislation which he recommended in April would have better enabled the Nation to survive the shortages which are undoubtedly in store for us this winter. For example, he asked for deregulation of the price of natural gas at the wellhead. This would not produce any more energy for this Nation, in my opinion, but it would send prices for consumers soaring. The President also has asked the Congress to roll back a decade of environmental protection legislation.

The Congress has acted decisively on the energy issue independent of the White House. It is nearing completion on legislation to establish year-round daylight savings time; this was begun long before the President endorsed the move. The Congress also has voted operating subsidies for mass transit systems in an effort to get people out of their cars and into public facilities in an effort to cut pollution and save gas. The President has threatened to veto this legislation. Oil prices are soaring and so are the profits of the oil producers, but the President continues to oppose an excess profits tax. He has failed to confront the problem of continued production by Detroit of high-horsepower gas-guzzling cars.

Cutting speed limits to conserve gasoline will be helpful, but it appears we are heading for rationing of higher gasoline taxes in order to cut fuel consumption significantly. Higher gasoline prices alone are, in my opinion, inequitable and constitute a regressive tax that most directly hurts working people because so many depend on their cars for their livelihood. A slight increase in the Federal gasoline tax, however, when tied to an excess profits tax on the oil companies would be helpful in financing the Government's cost of development of new energy resources, new technologies and mass transit. In place of the higher gasoline tax, however, I would favor tying the excess profits tax to rationing in an effort to be sure that consumers who need gas the most can get it, and those who do not need it, regardless of their wealth, would have to do without.

I regret that the President has done what he always has—come down hard on the common man, the average hard-working consumer and allowed the rich corporations to escape their responsibilities in this grave crisis. The Congress and the American people must not tolerate such an approach.

IN MEMORIAM: BRIG. GEN. BONNER FRANK FELLERS, 1896–1973

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. DORN. Mr. Speaker, our dear and respected friend, Brig. Gen. Bonner Frank Fellers, who passed away on October 7, 1973, will long be remembered by many of us here in the Congress. General Fellers served our Nation with a sense of loyalty and dedication rarely seen. General Fellers had an outstanding loyalty to General MacArthur, whom he served, and General Fellers was right about the Far East. He shared friendships with many of us here in the Congress. It is my honor to say I knew and worked with this fine gentleman and his devotion and service to our Nation, to the world community, and his lifelong desire and efforts for world peace will be a lasting tribute to his memory.

Mr. Speaker, I extend my deepest sympathy to General Fellers' family. To his widow, Dorothy; his daughter, Nancy; and the four grandchildren, Amy, Mary, Georgianna, and Dorothy Lear. We all share in their loss.

Mr. Speaker, I commend to the attention of my colleagues and to the American people the official Army biography of the late Gen. Bonner Frank Fellers:

AS OF NOVEMBER 12, 1973: RÉSUMÉ OF SERVICE CAREER OF BONNER FRANK FELLERS, BRIGADIER GENERAL, [redacted]

Date and place of birth: 7 February 1896, Ridgefarm, Illinois.

Years of active service: Over 28.

Present assignment: Retired 30 November 1946. Died 7 October 1973.

Military schools attended: United States Military Academy, Army War College, Command and General Staff School, Artillery School, Basic Course, and Chemical Warfare School, Field Officers Course.

Educational degrees: United States Military Academy—BS Degree.

Major permanent duty assignments (last 10 years):

Assistant Military Advisor, Commonwealth of Philippine Islands, Manila, Philippine Islands, from February 1936 to December 1937.

Liaison Officer to Commonwealth Government of Philippine Islands, Manila, Philippine Islands, from January 1938 to May 1938.

Student, Army War College, Fort Humphreys, D.C. from July 1938 to June 1939.

Assistant Professor, United States Military Academy, West Point, New York, from July 1939 to August 1940.

Assistant Military Attache, Defense Attache Office, Madrid, Spain later Cairo, Egypt, from September 1940 to June 1942.

Assigned Military Intelligence Department, War Department General Staff, Washington, D.C., from July 1942 to October 1942.

Junior Army Member, Planning Group, Office of Strategic Services, Washington, D.C., from January 1943 to October 1943.

Chief, G-3 Planning Section later Assistant Chief, G-1, Headquarters Southwest Pacific Area, from October 1943 to November 1944.

Military Secretary to the Commander-in-Chief, General Headquarters, Southwest Pacific Area later United States Army Forces, Pacific, from November 1944 to December 1945.

Secretary General, Allied Council, General Headquarters, United States Army Forces, Pacific, from February 1946 to June 1946.

Assigned Separation Center, Fort George G. Meade, Maryland (for record purposes only), from August 1946 to November 1946.

Retired in grade of Colonel 30 November 1946; Advanced to grade of Brigadier General on the USA Retired List, 16 August 1948.

DATES OF APPOINTMENTS

Promotions, temporary, and permanent

Second Lieutenant, 1 November 1918.
First Lieutenant, 1 October 1919.
Captain, 3 December 1934.
Major, 1 July 1940.
Lieutenant Colonel, 15 September 1941, 11 December 1942.
Colonel, 15 October 1941.
Brigadier General, 11 December 1942 (terminated 31 January 1946).
Lieutenant Colonel, 1 February 1946.
Colonel, 1 February 1946.
Brigadier General, 29 June 1948 (advanced on USA Retired List).

Medals and awards: Distinguished Service Medal (with Oak Leaf Cluster) and Legion of Merit.

Source of commission: USMA.

TRIBUTE TO DR. VINCENT FONTANA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BIAGGI. Mr. Speaker, today it is my distinct honor to pay tribute to Dr. Vincent Fontana, a man who has been the leader in the fight to rid this country of the evil scourge known as child abuse and neglect. In the words of Dr. Milton Halpern, Chief Medical Examiner of the city of New York—

> Dr. Fontana is without doubt the most knowledgable, articulate, and effective spokesman on the shocking subject of child abuse, neglect, and maltreatment.

Dr. Fontana and I share one fundamental thing in common. We both recognized the need for strong Federal legislation to deal with this problem long before it became fashionable. While I am proud to be known as the father of child abuse prevention legislation in the Congress, I remain appalled that no legislation including my own Child Abuse Act—H.R. 10968—has yet to be acted upon by the Congress.

Dr. Fontana has dedicated his career toward eliminating the problem of child maltreatment in our society. He published the first major work in this field in 1964, and since that time has served in various capacities all aimed at providing research into and solutions to child abuse.

Some of his more prestigious positions include chairman of the mayor's task force on child abuse and neglect for the city of New York, director of pediatrics at St. Vincent's Hospital in New York as well as professor of clinical pediatrics at New York University Medical Center. I am also happy to report that effective January 1, 1974, Dr. Fontana will assume the full time medical directorship of New York Foundling

Hospital as well as a special assistant for medical affairs to the Foundling Hospital's executive director Sister Marion Cecilia Schneider.

I have had the pleasure of working closely with Dr. Fontana for many years, and can assure you of his intense interest in this area. During the 5 years in Congress when I have been working with the issue, I owe Vincent Fontana a tremendous amount of gratitude and thanks for the inspiration he has provided in the formulation of my Child Abuse Prevention Act. His expertise in the field is unquestioned and can best be illustrated in his newest book, "Somewhere a Child Is Crying" a gripping exposé which discusses some of the more blatant cases of child abuse in this country.

What is central to both Dr. Fontana's and my thinking is the overwhelming need for Federal intervention in the area of child abuse prevention. Yet, there are still those on the State and Federal level who insist on playing politics in the formulation of effective legislation to curb this problem; yet while they play politics, more and more children are being maimed and killed daily by depraved parents.

As Dr. Fontana so eloquently observed in his testimony given during the recent hearings on my child abuse prevention bill:

> It is time for us to pour some of the natural outrage we seem to have reserved for such questions as Watergate, into a crusade for the rights of children to live and be cared for. I find it very strange that we continue to virtually ignore the great crippler and killer of children, child abuse and neglect.

It is time for the long and tedious efforts undertaken by Dr. Fontana to be translated into meaningful and effective legislation to curb this outrage of child abuse. The passage of H.R. 10968 would represent an important first step, and above all would be a fitting tribute to this great man, humanitarian, and friend, Dr. Vincent Fontana.

PSRO BLASTED BY MEDICAL DOCTORS AS AN UNWORKABLE SYSTEM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. RARICK. Mr. Speaker, as the January 1, 1974, implementation date of professional standards review organizations draws closer, many medical doctors are expressing their concern over the "deep repercussions" that will occur if this radical procedure goes into operation.

Medical people, as well as a growing number of patients, see an inherent danger in PSRO in that the quality of medical care will actually suffer as a result of this new level of bureaucratic intervention in medical practice.

PSRO will result in higher medical costs to those paying patients not covered by the various Government-sponsored health programs. Patient treatment will suffer, because doctors will become encumbered by additional, time-consuming Government redtape. Unfortunately, PSRO will limit the medical activity of qualified personnel, rather than combat quackery or lower the cost of medical care to the average American consumer.

My bill H.R. 9375 has gathered additional House support from across the country. This bill will simply repeal the PSRO section of Public Law 92-603, a section of the Social Security Act that was added by the other body.

In order that our colleagues can better understand the objections voiced by many doctors in this country to PSRO, I insert the related letters at this point:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., October 22, 1973.

Hon. JOHN RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: In the October issue of *Physician's Management*, I noticed a statement that you are seeking support for a proposal which might strike out the P.S.R.O. requirements from SSA Title XI.

As Chief of Staff of a large University Hospital, I would like to pass along to you several opinions since we have been working hard to obey the provisions of the law. The purpose of P.S.R.O. is, of course, cost containment of hospitalization costs. As we have been tooling up to implement P.S.R.O. provisions, I am afraid it is going to add to hospital costs, not reduce them. First of all, from a personal standpoint: the amount of committee work, consulting with others and the like has seen my time cut in half and I have had to give up the acceptance of any new patients. This is costing me circa $10-15,000 per year and at age 63, it simply is not prudent for me to continue as Chief of Staff for the sake of my family and retirement. Last week I formally requested that (1) my salary be augmented accordingly and, (2) that I be furnished with a secretary, file cabinets, etc. and, (3) a modest support budget. Lacking this type of support, I simply cannot continue as Chief of Staff. However, the point of this is that these requests will result in increased costs and they can only come from hospital charges to patients. In addition, members of the medical staff and others are spending literally hundreds of hours in committee meetings to plan and implement the P.S.R.O. requirements. I cannot estimate the dollars cost of this but it is substantial. In addition, committee work takes time from patient care and the teaching of medical students.

If I was convinced that P.S.R.O. represents a likely way of reducing hospital costs (and without reducing quality of care) I would support it, but I am deeply concerned that it will have the opposite effect. I am also very much concerned that P.S.R.O. implementation may adversely affect patient care by locking physicians into an unworkable system.

In short, I would vote strongly to rescind P.S.R.O. requirements. Since no one can state with certainty that P.S.R.O. will reduce or raise hospital costs, the obvious approach would be to obtain some hard data by several well-planned pilot projects financed by HEW (so that sick people would not have to pay for it). It seems to me fool-hardy to launch an essentially untried scheme upon the country without having some firm data that the scheme has within it the elements of success; i.e., to reduce hospital costs without sacrificing quality of medical care.

Most sincerely,

DONALD W. HASTINGS, M.D.

OHIO STATE UNIVERSITY HOSPITALS,
Columbus, Ohio, September 28, 1973

OPHTHALMOLOGY STAFF MEETING

Present: James Andrew, M.D.; Morris Battles, M.D.; William Biersdorf, Ph.D.; Mr. Joe Bitonte; Elson Craig, M.D.; William Havener, M.D.; Fred Kapetansky, M.D.; Robert Magnuson, M.D.; T. A. Makley, Jr., M.D.; Robert O'Dair, M.D.; Richard Olson, M.D.; Ted Suie, Ph.D.; and Joel Wachtel, M.D.

Professional standards review was the subject of the September meeting of the Department of Ophthalmology. This subject is of enormous importance to every physician, legislator, sick person, potentially sick person, and taxpayer in the U.S.A. In short, PSR is enormously important to everyone.

As a starting point, we discussed frankly the question of the quality of eye care rendered within our own hospital. We consider this care to approximate the best currently achievable. It isn't perfect. Dozens of minor mistakes occur in the hospital daily—late medicine, misplaced paper work, even wrong drops. Most of these minor errors do not matter for the simple reason that the procedure itself has little if any correlation with the final outcome of the eye problem. For example, cryoextraction of cataract works just as well whether or not preoperative atropine is used. (We do not want to encourage a cavalier attitude towards the carrying out of medical orders—while an occasional error may not really count, the sum total of many errors is uniformly disastrous and an occasional critical error may be overwhelming by itself).

Large mistakes *rarely* occur, but they do happen. They are as easy to recognize afterwards as is the error of an intercepted pass leading to a critical touchdown. Unfortunately, the medical judgment or the quarterback decision is not quite so obvious at the instant of necessity. The conditioned responses of long training and anticipation of possible choices under various circumstances usually enable us to perform reliably, but cannot meet all contingencies.

We considered the factors responsible for good care to be the environment and the individual. Our environment is the togetherness of enough capable ophthalmologists to permit easy exchange of information. Both Staff and residents participate in this exchange. The individual is a rigidly selected, supertrained, and highly motivated physician. By normal standards, he could only be described as compulsive and obsessed by a need for perfection in his own performance standards.

Does formal internal review of performance contribute to better medical care in such a group of physicians? Would check-off criteria lists or regulations improve the health outcome of our patients? It is quite apparent to us that spontaneous and voluntary group interactions constantly update and improve our performance. It is equally apparent that a group-developed protocol on cataract extraction, for instance, would not improve our patient care. That a Washington-originated protocol would do so is even more unlikely.

As presently proposed, the PSRO concept assumes that computer evaluation of some type of data would improve our medical performance. This hypothesis is inherently attractive and plausible. However, critical consideration of the preceding paragraphs will reveal that we concluded the PSRO approach will be of no value in improving pa-

tient care and will actually be counter productive because of the inherent wastefulness of a regulatory system. This conclusion was not emotional or intuitive, but represented the unanimous reasoned judgment of a group of mature individuals with a combined experience of several hundreds of years of delivery of medical care.

We know that our expression of doubt as to the wisdom of PSRO mechanisms will generate more heat than light and will be discounted as invalid. Since the published word enjoys more credibility, we cite The New England Journal of Medicine 288: 1323, June 21, 1973, "Quality-of-Care Assessment: Choosing a Method for Peer Review", by Robert H. Brook and Francis A. Appel and also the editorial on p. 1352, "Evaluating the Quality of Medical Care".

Originating from the Johns Hopkins University (certainly a center that should receive credit for delivering acceptable care) this paper studied the care delivered to 296 patients, making the evaluations by 5 different methods of peer review criteria.

One method of evaluation established by group agreement was a list of predetermined criteria that were considered essential to the delivery of care of acceptable quality. This method was used twice, different sets of criteria being generated by different physician groups. Incidentally, this is the approach generally considered by computer-oriented people and by the Medical Advances Institute here in Ohio. Judged by these criteria, 4 of the 296 patients (1.4%) received acceptable care when evaluated by one list of criteria and 6 of the 296 (2%) received acceptable care when evaluated by the other list.

Another method of evaluation relied upon the subjective opinion of an expert physician reading the case summary—no predetermined criteria were used. By this method only 23% of patients were judged to have received adequate management.

The outcome of a case, rather than the documented management, might be considered a better criterion of adequacy of care. Expert judgment of the outcome indicated this to be of acceptable quality in only 63% of patients. Evaluation of outcome by predetermined criteria indicated acceptable care in only 40% of patients.

What does this mean? Critics of our health care system will infer these statistics condemn the system, just as they have said. A more valid conclusion would be that none of the evaluation systems (or at least most of them) are of any accuracy. A student whose examination paper received grades ranging from 1.4% to 63% when scored by different professors would understand and sympathize with this point of veiw.

The authors emphasized that the patient records subjected to this study originated from a teaching center observing the highest standards of care and completeness of evaluation and recording. They predicted that successful compliance with the method of evaluation requiring predetermined criteria would have required tripling the amount of physician and laboratory effort.

What would be the effect upon our medical care system of requiring nationwide a work-up three times as complete as the Johns Hopkins current methods? We don't think anyone would benefit from such a computerized disaster. The quality of documentation is not the same as the quality of care.

In Ophthalmology, we don't believe it is possible for the computer to tell whether a knife entered an eye correctly or incorrectly, at the right or the wrong time.

A negative attitude, without useful suggestions, is not very helpful. We deplore the lack of teeth in our Medical Board (which is more the fault of society than of the Board). The performance of medical acts by nonphysicians is generally considered to be acceptable. Quackery by licensed physicians is impossible to combat. Attempts to limit medical activity to qualified personnel are generally considered to be "restraint of trade". If quality of care is a significant concern, then the Medical Board needs more teeth. This is the only constructive way we can suggest to eliminate gross incompetence, but we doubt its feasibility in the present political climate.

The cost of medical care is a legitimate concern but is not synonymous with the quality of care. Establishment of a base price reimbursable to the patient for a given disease by the insurer would be an effective method of limiting costs. The principle of assessing extra costs to the patient is necessary to secure his participation in reducing cost. A full pay system will always be abused by the patient. Again, this may not be politically acceptable.

In summary, we predict the computer will fail to improve the health of the nation and will do so expensively.

Quality of care is an educational rather than a regulatory process. You can't legislate a physician to deliver better care than he knows how to give.

TRIAD SUBMITS PLAN TO TURN RIVERS INTO RECREATIONAL PARKS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Arthur Harris, president of the Three Rivers Improvement and Development Corporation—TRIAD—has spearheaded a campaign to turn Pittsburgh's riverbanks and waterways into usable public facilities.

TRIAD has done research, commissioned studies, organized seminars and water programs, all with an eye toward making people in Allegheny County and western Pennsylvania aware that we have wonderous opportunities to turn the Allegheny, Monongahela, and Ohio rivers and their banks, into valuable recreation, housing, and public facility realities.

TRIAD's most recent effort is a 74-page report to the public with suggestions for developing 10 riverside parks and for putting Pittsburgh proposed Convention Center on the riverfront.

I would like to include in the RECORD at this time, for the information of my colleagues, a recent Pittsburgh Post-Gazette editorial and a news article from the Pittsburgh Press, on the efforts of TRIAD and its president, my good friend. Art Harris:

[From the Pittsburgh Post-Gazette, Nov. 12, 1973]

DON'T MISS BOAT ON OUR RIVERS

The rivers were the historic and commercial reason for Pittsburgh. Now to many they seem a polluted blight and a nuisance in constricting traffic to crowded bridge crossings.

Yet the three rivers are the key to Pittsburgh's future in terms of that elusive element called "quality of life."

That's the significance of the proposal by the Three Rivers Improvement and Development Corp. (TRIAD), calling for 10 riverside recreation parks along our rivers. Nine would be park sites or boat-launching facilities along the Allegheny and the 10th would be a combination boat-launch and park facility at Sewickley on the Ohio.

Arthur V. Harris, TRIAD president, said the 74-page report was made to present the public "with ideas." TRIAD also stands ready to help obtain private or public funds. The County Commissioners were enthusiastic about the plans, but wary of promising funds. They said they'd help in seeking federal and state grants.

Planners at the Southwestern Pennsylvania Regional Planning Commission (SPRPC) say that as leisure time grows and as we clean up air and water pollution in this area, our three rivers will become greater assets. Even our dilapidated mill towns, now a liability, may become assets as riverfront sites are cleared. Residents of those towns—whose vision of the rivers literally has been cut off by plants and smokestacks—may no longer turn their backs to their rivers, but, instead, claim them as a pride and joy.

This, we hope, will be true even along the Monongahela which, it should be noted, had no sites in the TRIAD survey.

But for this promise to be fulfilled, two things must happen. One, we must continue to clean up our rivers and our air. The recreation possibilities in a sewer-like stream under a smoggy sky are nil.

Secondly, we must acquire and safeguard for the public promising recreation sites along the rivers before they become too high priced or are taken permanently out of the public domain. If we the public do not appreciate the potential, private enterprise services will, and they may build "fences" in such a way that the general public is forever shut out.

The TRIAD proposals give us an excellent place to start. Let public agencies not be afraid to use tax funds and let private foundations and corporations help in insuring that our children and their children have this "quality of life" for Pittsburgh which its unique river system can provide.

If we don't, our descendants may hark back to this TRIAD report of 1973 and wonder why we missed the boat.

[From the Pittsburgh Press, Oct. 9, 1973]

FOURTEEN MILE ISLAND TO BECOME HUCK FINN DREAM

It's a throwback to the days of Huckleberry Finn.

That's how officials characterize plans to convert Fourteen Mile Island into a first-rate campground for kids.

The scenic Allegheny River island is slated to become a summertime paradise for city youngsters.

$58,000 FOR PROJECT

If all goes well, there'll be sleeping shelters and a dining pavilion on the 25-acre island by next summer—an arrangement that will make it easier to accommodate thousands of kids who attend day camp and stay overnight at the recreation center.

It'll cost $58,000 to provide all the necessary facilities for the would-be Huck Finns and Tom Sawyers.

They're mostly youngsters from Pittsburgh ghettos. Perhaps few of them have ever had a chance to wet a fishin' line or skip a rock off the surface of the placid river.

The price tag for putting the island into shape for visits by 4,000 youths per season was calculated by the Allegheny County Planning Commission, which is cooperating with the Three Rivers Improvement and Development Corp. (TRIAD) in the blueprinting of improvements.

It'll be up to TRIAD, which leases the island from the Western Pennsylvania Conservancy, to implement the plan.

14 MILES FROM POINT

The island is situated 14 miles up the Allegheny River from "The Point," hence its name. Harmar Twp. lies to the north of the island and Plum Borough is to the immediate south.

Thomas Vogel, TRIAD staffer, said his organization is now lining up funds, materials and aid to carry out the proposed improvements.

Army Reserve units in the Pittsburgh area have agreed to help with construction chores.

"For relatively modest sums of money, we can install fire circles so day campers and overnight guests can heat up victuals the old-fashioned way," he said.

That means opening cans of baked beans and heating them hobo style over red-hot coals.

There'll be nature trails through the thick stands of willow that envelop the island.

Marine cables already have been placed in the riverbed to supply electricity. But the lines have not yet been energized. So there still is no way to run the motors on the pumps in wells used for the island's drinking water supplies.

"We need electricity for refrigerators and for equipment in the dining hall and to illuminate all our proposed facilities," said Vogel.

PROGRAM ON 4 YEARS

TRIAD has conducted a summertime recreation program the past four years on the island for underprivileged children.

But the major focus has been on day camp activities. Overnight stays have been available only for youngsters who have a pup tent or camping gear.

Youngsters who visit the island while away their time fishing and wading along the shore of the river. A TRIAD-owned boat serves as a ferry and sightseeing vessel.

Biggest feature of all, however, is escape from the city's noisy, teeming streets.

"Many of the youngsters have never been on the river before or slept out overnight," said Vogel.

The emphasis of the TRIAD program is on simple pleasures.

Like sitting under a willow tree and watching the blue-green river slide by.

LATVIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PEYSER. Mr. Speaker, I would like to call your attention to the fact that November 18 marks the 55th anniversary of the Latvian declaration of independence. It is time for us to give pause and remember that there are still millions of people throughout the world who do not enjoy the fruits of freedom and self-government.

When the Latvian people finally became independent in 1918 it was the result of centuries of struggle. There followed a period of economic and cultural growth unparalleled in their history. Their record of growth still has not been equalled today. Instead, due to the Russian invasion and occupation in 1940, "suppression of human rights and fundamental freedoms and terrorism are the marks of the Soviet occupation in Latvia." The Latvian people, 23 years after the occupation of their country, are still paying the price of colonization and domination by a foreign government.

This is a sad reminder to us all in the United States that we must continue to insist on the right to self-government for all. Latvia and its citizens are proud of their heritage and culture; they look to the day when they will be able to celebrate them.

FEDERAL EMPLOYEE UNJUSTLY ACCUSED

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, recently a career Federal employee was unjustly accused in a Washington Post news item of using an alleged relationship with a Member of Congress to obtain a promotion. The newspaper falsely states the relationship as a fact in spite of advance information to the contrary and infers that the employee would not have been promoted on a merit basis.

I insert a letter I wrote to the editor of the Post in an effort to set the record straight. Inasmuch as the news item has been reprinted in the CONGRESSIONAL RECORD, I hope my insertion will set that record straight:

OCTOBER 31, 1973.

Mr. BENJAMIN BRADLEE,
Editor, The Washington Post,
Washington, D.C.

DEAR MR. BRADLEE: Recently, in a story entitled "Political Abuses Cited in CSA Hiring" you printed false information about my connection with one individual after your reporter was twice informed of the error in fact.

The story refers to one person receiving a promotion at GSA as a "former sister-in-law" of mine and infers that she was given favoritism treatment because I had improperly used by influence in behalf of a relative.

Your reporter first discussed this story with two members of my staff on the evening before the story was printed. Both of these staff members told the reporter that they did not believe there was a former sister-in-law by that name. One of my aides specifically urged your reporter to call the person involved to inquire about this relationship question and also recommended that the reporter call me with the same question.

Your reporter did call me at my home that evening and I told him that I did not know of any relative by that name.

In spite of these two conversations the false information and the unfair insinuation were not changed in the story. Please advise me if it is your policy to print information known to be false just for the purpose of dramatizing your news articles. I realize that a newspaper increases circulation and thus increases income when news stories are of greater interest. I certainly hope, however, the profit making motive does not put lies in your news items.

Inasmuch as your reporter called after office hours it was not possible to give him a specific answer regarding whether or not I had sought to help the alleged "former sister-in-law." I have now had the opportunity to check my files and find that I did not take any action in her behalf in this or any other matter.

The Post has done harm to the reputation of this career Federal employee and has failed to meet the obligation of accuracy that goes hand-in-hand as an obligation to match the freedom of the press. I suggest you print this letter with your apology to the GSA employee.

I do want you to know that had the person in question called, written or visited to ask me or any member of my staff for assistance she would have received help in full measure. I believe every citizen has a right to expect assistance from his representative in transactions with their government. I am proud of my service in this aspect of my Congressional duties and I intend to continue helping my constituents to the best of my ability.

With best wishes, I am

Sincerely,

JOEL T. BROYHILL,
Member of Congress.

SENATE—*Monday, November 19, 1973*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Our Father God, we lift our morning prayer to Thee for strength and wisdom beyond our own. We thank Thee for every human endowment of intellect, reason, and emotion, and we pray that to these gifts Thou wouldst add the gift of Thy presence and power. Amid the darkness of these disturbing days make us grateful for the shining light of Thy presence, for the reality of things that cannot be shaken, for beauty and truth, for goodness and love, for all in this earthly life which speaks of the eternal. Make us to know that though we work as citizens of this land, we are also citizens of a higher order, the maker of which is God, the law of which is love, the judgments of which are pure and righteous. And to Thee shall be all the praise and glory forever. Amen.

COMMITTEE REPORT SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 15, 1973, Mr. MAGNUSON, from the Committee on Commerce, on Friday, November 16, 1973, submitted a report on the bill (S. 2176) to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes (Rept. No. 93–526), which was ordered to be printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 16, 1973, be dispensed with.