to climate manipulation; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H. Res. 720. Resolution concerning protection of human rights in Chile, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DRINAN:

H.R. 11605. A bill for the relief of Mina Cooper; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 11606. A bill for the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann; to the Committee on the Judiciary.

By Mr. TAYLOR of Missouri:

H.R. 11607. A bill for the relief of Tri-State Motor Transit Co.; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 11608. A bill for the relief of Robert H. Glazier; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

365. The SPEAKER presented a petition of the City Committee, Coral Gables, Fla., relative to fuel for the operation of the Coral Gables municipal transit system; to the Committee on Interstate and Foreign Commerce.

SENATE—*Tuesday, November 27, 1973*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Almighty God, who called men of old to the service of the Nation and hast not ceased to call, call us to a life higher than we have ever known or lived. In days which cry aloud for leaders, make us faithful, wise, and good. Reach down into the depths of our being to refine and renew our souls, strengthening us in every endeavor, empowering us in all that pertains to that righteousness which exalts a nation. Across the toiling hours, be the companion of our souls to strengthen our weakness and steady our anxieties, to calm our restless spirits and control our fevered tempers, granting us courage for cowardice, and faith for cynicism. Amid all that is transient and temporal keep us loyal to the transcendent and eternal, testing all our actions by our conscience, and by the words and spirit of One who is Lord and Master, in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 27, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 26, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire recognition?

Mr. TAFT. No, I do not desire recognition at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), was to be recognized for 15 minutes at this time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may be given control of the time allotted to the distinguished majority leader.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask that the time be charged against the time under my control.

The PRESIDING OFFICER (Mr. HUDDLESTON). 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.

LEAVE OF ABSENCE

Mr. GOLDWATER. Mr. President, I request permission to be absent from the Senate from November 30 until December 9 for the purpose of visiting Iran on official business.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10:30 a.m., with statements therein limited to 3 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Office of Oil and Gas" for the fiscal year 1974 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations. Referred to the Committee on Appropriations.

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the U.S. Secret Service of the Department of the Treasury for "Salaries and Expenses," for fiscal year 1974, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation. Referred to the Committee on Appropriations.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON NEGOTIATED CONTRACTS

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on certain negotiated contracts for the period January 1, 1973, through June 30, 1973 (with an accompanying report). Referred to the Committee on Aeronautics and Space Sciences.

STOCKPILE REPORT TO THE CONGRESS

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, the semiannual report to the Congress on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

MONTHLY LIST OF GAO REPORTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office of the previous month (with an accompanying report). Referred to the Committee on Government Operations.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

REPORT ON WAYS TO IMPROVE U.S. FOREIGN TRADE STRATEGIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ways to improve U.S. foreign trade strategies (with an accompanying report). Referred to the Committee on Government Operations.

REPORT ON NEED FOR A FASTER WAY TO PAY COMPENSATION CLAIMS TO DISABLED FEDERAL EMPLOYEES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a need for a faster way to pay compensation claims to disabled Federal employees, Department of Labor (with an accompanying report). Referred to the Committee on Government Operations.

DEFERMENT OF CONSTRUCTION REPAYMENT INSTALLMENTS—KANSAS-BOSTWICK IRRIGATION DISTRICT NO. 2, PICK-SLOAN MISSOURI BASIN PROGRAM, KANSAS

A letter from the Acting Deputy Assistant Secretary of the Interior, reporting, pursuant to law, the approved deferment of the construction repayment installments payable to the United States in 1974 and 1975 for irrigation facilities serving lands in the Kansas-Bostwick Irrigation district No. 2, Pick-Sloan Missouri Basin program, Kansas. Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO REVISE THE BOUNDARY OF THE GOLDEN GATE NATIONAL RECREATION AREA, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to revise the boundary of the Golden Gate National Recreation Area, Calif., and for other purposes (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO PROVIDE FOR THE INCLUSION OF INTEREST AND LEGAL FEES IN JUDGMENTS GRANTED ON SUITS BY SUBCONTRACTORS BASED UPON PAYMENT BONDS

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the act of August 24, 1935 (commonly referred to as the "Miller act") to provide for the inclusion of interest and legal fees in judgments granted on suits by subcontractors based upon payment bonds, and for other purposes (with accompanying papers). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION TO INCREASE THE SIZE OF THE EXECUTIVE PROTECTIVE SERVICE

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to increase the size of the Executive Protective Service (with accompanying papers). Referred to the Committee on Public Works.

AMENDMENT TO THE APPROVED PROSPECTUS FOR THE FEDERAL OFFICE BUILDING PROPOSED AT MT. VERNON, ILL.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, an amendment to the approved prospectus for the Federal office building proposed for construction at Mt. Vernon, Ill. (with accompanying papers). Referred to the Committee on Public Works.

REPORTS CONCERNING THE TECHNOLOGICAL FEASIBILITY OF MEETING LIGHT DUTY MOTOR VEHICLE EMISSION STANDARDS

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, panel reports developed under the aegis of the Committee on Motor Vehicle Emissions during its recent study under the provisions of section 6 of Public Law 91-604, the Clean Air Amendments of 1970, concerning the technological feasibility of meeting light duty motor vehicle emission standards (with accompanying reports). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution adopted by the County Legislature of Suffolk County, Riverhead, N.Y., requesting Congress to enact legislation to establish permanent daylight saving time. Ordered to lie on the table.

A resolution adopted by the Amalgamated Transit Union, relating to National No-Fault Auto Insurance. Ordered to lie on the table.

A resolution adopted by City Commission, operation of municipal buses. Referred to Committee on Banking, Housing, and Urban Affairs.

A resolution adopted by the Amalgamated Transit Union, relating to social security. Referred to the Committee on Finance.

A resolution adopted by the Amalgamated Transit Union, relating to National Health Security. Referred to the Committee on Finance.

A resolution adopted by the city council, city of Philadelphia, Pa., relating to proposed amendment of the Elementary and Secondary Education Act. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the city council, Yonkers, N.Y., relating to aid for research for cure of impaired hearing. Referred to Committee on Labor and Public Welfare.

A resolution adopted by the Amalgamated Transit Union, relating to Workmen's Compensation Protection. Referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes (Rept. No. 93-554).

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

H.R. 1328. An act for the relief of Master Sergeant Eugene J. Mikulenka, United States Army (retired) (Rept. No. 93-555);

H.R. 1694. An act for the relief of Ossie Emmons and others (Rept. No. 93-556);

H.R. 1948. An act for the relief of Edgar P. Faulkner and Ray H. New (Rept. No. 95-557);

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson (Rept. No. 93-558);

H.R. 2207. An act for the relief of Joseph C. Leeba (Rept. No. 93-559);

H.R. 2213. An act for the relief of Cornelius S. Ball, Victor F. Mann, Junior, George J. Posner, Dominick A. Sgammato, and James R. Walsh (Rept. No. 93-560);

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka (Rept. No. 93-561);

H.R. 3530. An act for the relief of Eugenia C. Lyttle (Rept. No. 93-562);

H.R. 3751. An act for the relief of James E. Fry, Junior, and Margaret E. Fry (Rept. No. 93-563);

H.R. 4175. An act for the relief of Manuel H. Silva (Rept. No. 93-564);

H.R. 4448. An act for the relief of First Lieutenant John P. Dunn, Army of the United States, retired (Rept. No. 565);

H.R. 5379. An act for the relief of John B. Clayton (Rept. No. 93-566);

H.R. 6007. An act for the relief of Swift-Train Company (Rept. No. 567);

H.R. 7210. An act for the relief of George Downer and Victor L. Jones (Rept. No. 93-568);

H.R. 8406. An act for the relief of William M. Starrs (Rept. No. 93-569);

H.R. 9276. An act for the relief of Luther V. Winstead (Rept. No. 93-570); and

S. Res. 125. Resolution to refer the bill (S. 1970) entitled "A bill for the relief of Carl Johnstone, Junior" to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 93-571).

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

S. 724. A bill for the relief of Marcos Rojos Rodriguez (Rept. No. 93-572);

S. 774. A bill for the relief of Arline Loader and Maurice Loader (Rept. No. 93-573); and

S. 1922. A bill for the relief of Robert J. Martin (Rept. No. 93-574).

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

H.R. 1316. An act for the relief of Claude V. Alcorn and 21 others (Rept. No. 93-575).

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

S. 1836. A bill to amend the act entitled "An Act to incorporate the American Hospital of Paris," approved January 30, 1913 (37 Stat. 654) (Rept. No. 93-578).

S. 2441. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization (Rept. No. 93-576).

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

S. 389. A bill for the relief of Southeastern University of the Young Men's Christian Association of the District of Columbia (Rept. No. 93-577).

EXECUTIVE REPORTS OF COMMITTEES

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

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

William H. Stafford, Jr., of Florida, to be U.S. attorney for the northern district of Florida;

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California;

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana;

Roger L. Campbell, of Virginia, to be Examiner-in-Chief, U.S. Patent Office;

Walter W. Burns, Jr., of Virginia, to be Examiner-in-Chief, U.S. Patent Office;

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island; and

Elmer J. Reis, of Ohio, to be U.S. marshal for the southern district of Ohio.

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

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Morris Thompson, of Alaska, to be Commissioner of Indian Affairs.

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

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. CURTIS:

S. 2742. A bill to establish improved programs for the benefit of producers and consumers of peanuts, rice, and extra long staple cotton. Referred to the Committee on Agriculture and Forestry.

By Mr. JOHNSTON (for himself and Mr. HASKELL):

S. 2743. A bill to establish a program of loan guarantee to enable independent refiners of crude oil to construct or acquire new or expanded refining facilities in the United States. Referred to the Committee on Interior and Insular Affairs.

By Mr. RIBICOFF (for himself, Mr. PERCY, Mr. JAVITS, Mr. ERVIN, Mr. PASTORE, Mr. AIKEN, Mr. BROCK, Mr. JACKSON, Mr. GURNEY, and Mr. ROTH):

S. 2744. A bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions. Referred to the Committee on Government Operations.

By Mr. MONDALE:

S. 2745. A bill for the relief of Sabir Hussain Dairkee and children: Bilquis Sabir; Aneela; and Fakhera; and

S. 2746. A bill for the relief of Alexander B. Caleb and children, Jennifer Rebecca; Frances Marie; Mark; and Paul. Referred to the Committee on the Judiciary.

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

S. 2747. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

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

S. 2748. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself and Mr. HASKELL):

S. 2743. A bill to establish a program of loan guarantee to enable independent refiners of crude oil to construct or acquire new or expanded refining facilities in the United States. Referred to the Committee on Interior and Insular Affairs.

INDEPENDENT REFINERY GUARANTEE BILL

Mr. JOHNSTON. Mr. President, I am introducing today on behalf of myself and the Senator from Colorado (Mr. HASKELL) a bill that I believe will be of substantial assistance to the Nation in meeting the energy crisis we now so clearly face. The bill, which seeks to stimulate the construction of new and expanded domestic refineries, attempts both to focus legislatively on problems that presently inhibit the expansion of the Nation's refining capacity and to help solve those problems through limited, but important, Federal involvement.

The need for expanding the Nation's refinery capacity is, I believe, clear, Mr. President. The National Petroleum Council estimates that by 1975 the United States will require additional refining capacity of 4.8 million barrels per day in order to meet our domestic needs. It is hardly necessary, in light of recent events, to emphasize the importance to the Nation of our being able to meet our domestic needs with refineries located in the United States. Yet, the expansion of refining capacity has not risen to meet this need. In 1971 and 1972 refining capacity rose only 3.2 and 2.2 percent, respectively. The future looks even bleaker in light of recent developments. Although a number of refiners and potential refiners earlier this year announced plans to make substantial investments for increased refining capacity, the recent suspension of oil shipments from the Middle East has caused grave concern about whether these needed investments will, in fact, be made. Because of the absence of any assurance of a reliable source of crude oil to refine, serious questions are now being raised concerning the availability of the necessary capital to build the domestic refineries we so desperately need.

Mr. President, the bill I am introducing today will, I believe, help to solve this problem. The bill authorizes the Secretary of the Interior to enter into agreements to guarantee up to 10 percent of the principal amount of loans to independent refiners if the proceeds of such loans are used for the construction or acquisition of new or expanded refining capacity. Such guarantees would not apply across the board, but only would be applicable to defaults in the payment of principal and interest that are attributable to the inability of the refiner to obtain supplies of crude oil sufficient to utilize 50 percent of the full capacity of the new refining facility, together with his existing refining facility if any. In addition, an applicant would be required to establish to the satisfaction of the Secretary that

First, the new or expanded refining facilities will increase his refining capacity and will not replace existing refining facilities of another refiner,

Second, the new or expanded refining facilities will be capable of producing refined products in proportions commensurate with the national needs as determined by the Secretary, and

Third, the applicant has been unable to obtain assurance of supplies of crude oil sufficient to utilize the full capacity of the new refining facilities together with his existing refining facilities if any.

In order to prevent abuse, the total liability of the United States on loans guaranteed under the program will be limited to $1 billion, and the Secretary is directed to take appropriate steps to insure that any loans guaranteed represent an acceptable financial risk to the United States. Provisions also are included to authorize the Secretary to approve the lender, the interest rate, and other relevant terms under which any such guarantee is made.

Mr. President, I believe that the bill that I am today introducing is a responsible and necessary stimulus to the much-needed expansion of our domestic refining capacity. I am pleased that the distinguished chairman of the Committee on Interior and Insular Affairs has agreed to the scheduling of prompt hearings with respect to this matter. I would urge that all interested parties file with the committee, at the earliest possible date, written statements with respect to this legislation, so that the committee can proceed with an expeditious, but careful, examination of this bill.

Mr. President, I ask unanimous consent that our bill be printed in the RECORD at this point, to be followed by an article from the November 14, 1973, issue of the Wall Street Journal entitled "A Tighter Squeeze: Refinery Construction Likely To Drop in United States, Prolonging Fuel Crisis," an excellent recent article dealing with this important subject.

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

S. 2743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized to guarantee the repayment of the principal and interest of loans made to independent refiners to enable them to construct or acquire new refining facilities or expanded refining facilities in the United States.

(b) For purposes of this Act, the term "independent refiner" means a refiner who (1) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his refinery input of domestic crude oil (or 70 per centum of his refinery input of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with, such refiner, and (2) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers. Such term also means a person who does not have any refining facilities, and who (3) does not control, is not controlled by, and is not under common control with any producer or producers of crude oil, and (4) establishes to the satisfaction of the Secretary that a substantial volume of petroleum products refined by him will be marketed or distributed through branded independent marketers or nonbranded independent marketers. For purposes of this subsection, the terms "branded independent marketers" and "nonbranded independent marketers" have the meanings assigned to them by section 3 of the Emergency Petroleum Allocation Act of 1973.

SEC. 2. (a) Subject to the provisions of this Act and to such other terms and conditions as the Secretary may prescribe, upon application made by an independent refiner, the Secretary is authorized to guarantee repayment of principal and interest on a loan to be made to such independent refiner the proceeds of which are to be used for the construction or acquisition of new refining facilities, including the expansion of existing refining facilities, in the United States. In order to qualify for such guarantee, an applicant must establish to the satisfaction of the Secretary that—

(1) the new or expanded refining facilities will increase his refining capacity and will not replace existing refining facilities of another refiner,

(2) the new or expanded refining facilities will be capable of producing refined products in proportions commensurate with the

national needs as determined by the Secretary, and

(3) the applicant has been unable, after reasonable good faith efforts, to obtain assurance of supplies of crude oil sufficient to utilize the full capacity of the new or expanded refining facilities, together with his existing refining facilities (if any).

Any guarantee under this subsection shall apply only with respect to defaults in payment of principal or interest which are attributable, as specified by the Secretary at the time of making the guarantee, to the inability of the applicant to obtain supplies of crude oil sufficient to utilize 50 per centum of the full capacity of the new or expanded refining facilities, together with his existing refining facilities (if any).

(b) No guarantee shall be made under this section unless the Secretary has determined that the facilities involved represent an acceptable financial risk to the United States, taking into consideration (1) the financial and security interests of the United States, and (2) the public purposes of this section.

(c) The Secretary shall take such steps as he considers reasonable to assure that loans guaranteed under this section will—

(1) be made by investors approved by, or meeting requirements prescribed by, the Secretary, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary,

(2) bear interest at a rate satisfactory to the Secretary,

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary, and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, or other matters.

SEC. 3. The total liability of the United States on loans guaranteed under this Act shall not exceed $1,000,000,000. Within such total amount, the Secretary shall guarantee loans under this section so as to—

(1) provide the maximum amount of energy by new or expanded refining facilities of independent refiners,

(2) achieve equitable distribution of such new or expanded refining facilities among the various geographic regions of the United States, and

(3) limit the liability of the United States with respect to each loan guaranteed to an amount not to exceed 10 per centum of the principal amount of such loan.

[From the Wall Street Journal, Nov. 14, 1973]

A TIGHTER SQUEEZE: REFINERY CONSTRUCTION LIKELY TO DROP IN UNITED STATES, PROLONGING FUEL CRISIS—MAJOR IMPACT ON CONSUMERS EXPECTED IN 2 TO 3 YEARS; OILMEN FEAR LACK OF CRUDE; TAKING A "HARD SECOND LOOK"

(By Danforth Austin and James Tanner)

HOUSTON.—When Arab oil starts flowing to this country again, don't expect fuels suddenly to be plentiful in the U.S. The shortages will linger on—for years.

The reason: Upheavals of world oil supplies are beginning to cloud the outlook for refinery construction in the U.S.

That, at least, is the assessment of many of the leaders of the oil industry attending an American Petroleum Institute meeting, which ended yesterday.

The oilmen say they would be willing to spend billions of dollars on high-risk ventures to help drive this nation toward the energy self-sufficiency urged by President Nixon. One of the most pressing needs is additional refining capacity. And the oilmen have announced in recent months a blitz of new refineries to be completed in the next two or three years.

But the new plants, designed to use foreign petroleum, can't run without crude oil. And the oilmen are beginning to suspect that they can *never* again enjoy assured supplies of crude from abroad. They cite the surprising case with which the Arab countries mounted effective oil embargoes and production cutbacks, the skyrocketing of petroleum prices abroad and the fierce world-wide competition for oil supplies by the other consuming nations.

STRICTLY FOR THE BOARDS?

The result, the oilmen suggests, is that many of those widely publicized plans for big new refinery projects aren't going to get off the drawing boards.

"A lot of people are rethinking those announcements," says Rawleigh Warner Jr., chairman of Mobil Oil Corp. Mobil, he adds, already has begun a "searching" review of its plan to expand its Paulsboro, N.J., refinery to a capacity of 250,000 barrels a day from the current 100,000 barrels.

Mobil is hardly alone. Most of the major oil companies—and many of the smaller ones—are beginning to take similar steps. Exxon Corp., the world's biggest oil company, earlier announced a $400 million refinery-expansion program for the U.S. But now, "We'll take a hard second look," says M. A. Wright, chairman of Exxon U.S.A., a division of Exxon Corp.

All of this suggests that the worst is yet to come. It indicates that beyond the short-term shortages this winter and next summer, the really big effect on U.S. consumers from the Arab oil moves won't be felt for two to three years. That would be when all those proposed refineries were to have been completed and operating—but presumably won't be.

"The impact is long-term," says Donald O'Hara, president of the National Petroleum Refiners Association.

Despite the uncertainties, a few companies insist that they are going full speed ahead on their refinery projects—at least for the moment. One of these is Energy Corp. of Louisiana, a joint venture of Ingram Corp. of New Orleans and Northeast Petroleum Industries Inc., a fuel distributor based in Chelsea, Mass.

Energy Corp. plans a 200,000-barrel-a-day refinery 35 miles up the Mississippi River from New Orleans. It will be built to handle crude oil from the Mideast. "We'll examine the whole project before going into long-term financing, but we've already got $125 million in materials on order," says Frederic B. Ingram, chairman of Ingram.

Pennzoil Co. earlier this year announced plans to build a 200,000-barrel-a-day facility in Mississippi to process foreign crude oil. The company currently is moving ahead with the project. But Baine P. Kerr, chairman of Pennzoil's executive committee, says that in light of tight foreign oil supplies, "we're considering all the options," including a possible scaling-down in size of the refinery.

"PRESS-RELEASE REFINERIES"

In all, since May, more than 40 companies have announced refinery projects—new ones as well as expansions of existing plants—that would add a total of more than 4.5 million barrels a day to the nation's refining capacity. Not all would have been built even if there hadn't been a Mideast crisis. Called "press-release refineries" in the trade, some are considered to be out-and-out promotions that will never get built.

Most are bona fide, however, and the U.S. can ill afford to lose a single one.

A quarter-century ago, the U.S. had more than 400 refineries. Today, the refineries are bigger but number only 250. The combined capacity is 13 million barrels a day. That's four million barrels a day less than Americans consume in petroleum products. The difference has been made up of imports.

Until the Mideast crisis, it wasn't the lack of petroleum but the lack of refining capacity that was behind the fuel shortages that were beginning to occur in the U.S. Early this year, after completion of Mobil's 150,000-barrel-a-day facility at Joliet, Ill., the oil industry didn't have one new refinery under construction in the U.S.

The reasons were difficulties in bringing in foreign oil because of import controls as well as U.S. product prices, which weren't considered high enough to justify the large capital expenditures needed for new refineries.

Last May, however, Mr. Nixon loosened import controls to stimulate refinery construction. Product prices, meanwhile, had begun the climb. The oil companies reacted with a spurt of plans for projects. But it takes two or three years to build a refinery, and the costs are enormous.

The present rule-of-thumb estimate for the cost of a new plant is $2,000 per single barrel of capacity. That means a 100,000-barrel-a-day plant, about the smallest considered economically feasible today, requires a capital investment of $200 million.

If oil firms knew they could get enough crude, they could justify such vast sums. But U.S. output has peaked, and the only sources of oil for new refineries lie abroad.

By Mr. RIBICOFF (for himself, Mr. PERCY, Mr. JAVITS, Mr. ERVIN, Mr. PASTORE, Mr. AIKEN, Mr. BROCK, Mr. JACKSON, Mr. GURNEY, and Mr. ROTH):

S. 2744. A bill to reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions. Referred to the Committee on Government Operations.

ENERGY REORGANIZATION ACT OF 1973

Mr. RIBICOFF. Mr. President, I introduce the Energy Reorganization Act of 1973. The purpose of this legislation is to establish an independent Energy Research and Development Administration—ERDA—and a Nuclear Energy Commission—NEC. The bill will provide the organizational framework for the short- and long-range solutions to the energy crisis. It is an important step toward making our Nation self-sufficient in energy supply. If we are ever to sever the lines of dependence on foreign energy sources, we must create a scientific and technological operation greater than this country has ever known. The natural resources are already within reach. What we lack today are the means to convert them into power enough to drive our country efficiently and cleanly into the 21st century.

The current energy shortage has come as a surprise to many Americans, but in reality an energy crunch has been coming for many years. Our country contains only 6 percent of the world's population, but consumes over 30 percent of the world's energy. Everyday we use 17.3 million barrels of petroleum products. Nearly a third of this total, 6 million barrels, is imported, with the likely prospect of even greater reliance on foreign production in the future.

The creation of ERDA is intended to reverse this trend. Its mission will be to develop technologies for efficiently using fossil, nuclear, and advanced energy sources so that the United States will have the capacity to produce all the en-

ergy we need. This is the goal I set forth in my recent report to the Government Operations Committee on the emergence of "petropolitics"—"Petropolitics and the American Energy Shortage," November 8, 1973.

ERDA will have a broad charter covering research and development on technology for utilization of all foreseeable energy sources. Liquefication and gasification of coal and conversion of our oil shale reserves are undoubtedly high on the list of priorities. But we must also move forward with efforts to harness geothermal and solar power, winds, tides, and advanced cycles. The Agency will also be responsible for devising new ways of conserving our existing energy supply.

ERDA will be formed by transfer of the AEC's energy R. & D. military applications, basic research, production, biomedical, and environmental programs, the Department of the Interior's Office of Coal Research and Bureau of Mines energy centers, the solar and geothermal energy development activities of the National Science Foundation and portions of EPA's stationary source emissions control and advanced automotive propulsion research programs.

ERDA will be headed by a single Administrator and a Deputy Administrator, who will be appointed by the President with the advice and consent of the Senate. In addition, the bill establishes a balanced structure of five Assistant Administrators, each being responsible for a major program area, as follows: Fossil energy development; nuclear energy development; research and advanced energy system; environment, safety, and conservation; and national security affairs.

The Assistant Administrators will be appointed by the President and confirmed by the Senate.

ERDA's approach to developing safe, efficient energy sources will involve the energy industry to the maximum extent possible. It will supplement existing and planned R. & D. by private industry. After the feasibility of a technology has been demonstrated by ERDA, industry will take the lead in further development and applying it on a commercial scale. ERDA will encourage independent energy R. & D. by working closely with industry in the development of technology and to facilitate a rapid, smooth transfer of knowledge to the private sector. To carry out this policy, jointly funded Federal and private projects will also be encouraged.

While ERDA's basic mission will be energy research and development, it will also have responsibility for research on the environmental protection and public safety aspects of the new energy sources it develops. The bill establishes a separate organizational unit within the Agency to carry out this task.

Mr. President, there is no necessary conflict between our need for energy and our need for a healthy environment. One of the most important considerations in developing a national framework is bringing together the intelligence of conservation and technology. ERDA will bring these two interests together in a harmonious way by assuring that environmental considerations are given proper weight in the development of new energy sources.

In contrast to ERDA, the NEC is not a new agency. It will perform the licensing and regulatory functions of the AEC. The mission of NEC will be to protect the public from the health and safety hazards involved in the use of nuclear materials.

The Commission will consist of the Chairman and members of the AEC, its general counsel, and other units not transferred to ERDA. The Commission will continue to carry out the regulatory functions of the present AEC which include: Policy setting and assessment; oversight of regulatory operations; adjudication of licensing and related cases, and resource allocation.

The regulatory responsibilities of the NEC will encompass the licensing of all nuclear utilization and production facilities for industrial or commercial purposes including the transportation, disposal, import, or export of these materials.

The NEC's regulatory authority will extend to ERDA's demonstration projects of fast breeder reactors and other nuclear reactors when they are operated as part of the power generation facilities of an electric utility system. This will assure that ERDA's research and development work is performed in a manner consistent with public health and safety.

To provide the Commission with the capability to carry out its mission, the bill authorizes it to conduct and support safety and environmental research.

Mr. President, this bill was drafted in cooperation with the Nixon administration. It is intended to fill out and complete the statutory plan for reorganization of our natural resource and energy programs contained in S. 2135. The Subcommittee on Reorganization, Research, and International Organizations, which I chair, has held 3 days of hearings on that bill. This legislation is being introduced as a separate bill so that the Congress can speedily establish the organizational units necessary to carry out the research, development, and regulatory programs which are so urgently needed to meet the energy crisis.

Mr. President, our Nation must realize there are no quick, easy, cheap solutions to the energy crisis. In the short run, some changes in our lifestyle will be required if we are to avoid serious disruption of our economy in the future. The answer to our energy problem lies in research and development of new, efficient sources of power and conservation of the energy sources we now have. This is the path to energy self-sufficiency. And that is our goal for ERDA.

As chairman of the subcommittee with jurisdiction over the bill, I pledge prompt consideration of it, so that the full Senate will soon have an opportunity to act on it.

I support the basic approach of the bill, but, of course, reserve judgment on its final provisions pending the outcome of the hearings.

Mr. JAVITS. Mr. President, I am pleased to join my colleagues as a principal cosponsor of S. 2744, the Energy Reorganization Act of 1973. As the ranking minority member of the Executive Reorganization Subcommittee, I intend to join with our chairman, Mr. RIBICOFF, in moving the bill to hearings within the next 2 weeks.

Decisive action for the short and the long run must be taken in several areas if we are to avert widespread hardship to our people and damage to our economy during the current nationwide energy emergency. The Senate acted swiftly to enact the National Energy Emergency Act last week providing the President with additional legislative authorities needed in order for the Federal Government to deal effectively with potentially severe fuel shortages.

Under that legislation, we must have a priority system and plan for allocating energy fuels equitably and for energy conservation designed to reduce the level of consumption by 25 percent within 4 weeks.

While we are confronted today with an immediate energy crisis during the coming winter months we are also confronted by the fact that we as a nation are too dependent upon foreign forces for oil and other sources of energy.

While we must discipline ourselves in the use of energy and make conservation of those resources our immediate national goal, we must also take new initiatives to assure national self sufficency and independence in the development and production of new and adequate sources and supplies of energy for the future.

Our failure to do so may well result in catastrophe during the next decade for our Nation. It is to facilitate the achievement of this objective, that I join today in introducing the Energy Reorganization Act of 1973.

Long range national energy needs can be met only through more efficient utilization of current energy sources, development of raw energy sources and more effective conservation and utilization practices. The administration has proposed a large scale Federal research and development effort in order to achieve these solutions. A new, central agency is needed to provide the necessary organization, management and technical expertise to achieve these R. & D. goals in the energy area. Our bill therefore proposes the establishment of the Energy Research and Development Administration.

The mission of this important agency will be to develop new technologies for efficiently using fossil, nuclear, and other energy sources in a manner consistent with sound environmental and safety practices. It will have direct responsibility for policy formulation, strategy development, planning, management, conduct of energy R. & D. and for working with industry to assure that new technologies are developed and applied.

In its second title, the bill would change the name of the Atomic Energy Commission to the Nuclear Energy Commission which would continue to perform the licensing and related regulatory functions now performed by the AEC. Regulation of atomic energy resources through licensing will be disengaged from activities relating to their development and promotion, and lodged in the NEC.

Thus, in proposing the ERDA/NEC

reorganization, we seek several important objectives which are critically important to the long-term solution of our national energy crisis;

First. We must develop energy technology to be able to to utilize our vast resources of fossil fuel while carrying on new energy R. & D. to produce adequate amounts of clean energy;

Second. We must develop improved energy technologies in all sources of energy including nuclear, fossil, or solar, and geothermal, and

Third. We must develop better energy conservation technologies such as automotive power systems, electric power generation, and transmission techniques.

Mr. President, all of us in Congress are facing a challenge of extraordinary dimensions. The energy crisis raises profoundly difficult problems relating to the economy, Federal regulation of energy production, supply and distribution and enforcement of those regulations on a fair and equitable basis, levels of unemployment, transportation, consumer protection, environmental standards, international trade, and a whole host of problems relating to the ways in which millions of Americans live their daily lives. The wisdom and fairness with which we accept that responsibility may determine to an important extent the quality of life enjoyed by our citizens for many years to come.

While Congress and the administration will attack this problem on many fronts, I believe the bill we introduce today is a most important building block toward a comprehensive solution.

Mr. JACKSON. Mr President, I join the senior Senator from Connecticut (Mr. RIBICOFF) and other members of the Subcommittee on Reorganization of the Government Operations Committee today in introducing a measure which would create an independent Energy Research and Development Administration—ERDA. The measure is a companion bill to one which was developed in the House Government Operations Committee, and I am pleased to join the subcommittee chairman and ranking minority member in introducing it so that it will be before the subcommittee as the important matter of Federal energy organization is considered.

I am cosponsoring this measure. However, I do not want to imply that I am in complete agreement with its objectives. An administration measure for energy reorganization is already pending and has been under consideration by the Government Operations Committees in both Houses. In the Senate, this measure is S. 2135. It would provide for a comprehensive reorganization resulting in a Department of Energy and Natural Resources as well as a centralized energy research organization.

The principal objective of the bill being introduced today is to isolate the research function from the other aspects of energy organization. I believe that the provisions of the new measure should be considered, but I am reluctant to consider them in isolation from the concerns of overall energy organization.

Other aspects of the measure, in my view, will require careful attention and considerable work before it could be recommended to the Senate. For example, the measure does not set forth congressional guidance concerning the strategy, priorities, and objectives for nonnuclear energy research. The technologies which should be considered, the management approaches which are authorized, and the budgetary levels which might be anticipated are all left to the discretion of the executive branch.

I know that the Congress has given careful attention to these matters in several committees. I believe that we will achieve an effective nonnuclear energy research effort more rapidly if the Congress provides some leadership in setting objectives and priorities for the task.

Other provisions of the measure also require detailed examination. A new Nuclear Energy Commission would be created by the bill to undertake the licensing and regulatory functions currently performed by the AEC. The relationship of the new Commission to the nuclear experimental work which will be done by ERDA is an important consideration. I am not satisfied that the bill adequately resolves it.

The disposition of the military functions of the AEC should also be thoroughly studied.

Federal organizations usually have long lives. They should be carefully designed for the long term, not hastily established in the name of expediency. If the Energy Research and Development Administration proposal is rushed through the Congress, it is unlikely that detailed consideration will be given to the complex and equally significant relationships between energy research and other aspects of energy policy or overall natural resources management.

I fully recognize the urgent need for coordination of Federal energy research programs and the need for sound congressional authority for an expanded nonnuclear research and development program. The Senate Interior Committee, in cooperation with the Public Works, Commerce, and Joint Atomic Energy Committees, has been working on a measure which will provide congressional direction and authority for a nonnuclear energy research and development program. This measure, S. 1283, the Energy Research and Development Act, will be ready for Senate consideration very soon.

Appropriate permanent organizational arrangements also must be established to administer Federal energy policies—including research policies. I intend to cooperate in every way in developing legislation to establish them. I am hopeful that such legislation will be approved as quickly as possible, but with the care and study that the complexity of the issues deserves.

Mr. PERCY. Mr. President, as the principal minority cosponsor of S. 2135, the Department of Energy and Natural Resources bill introduced on July 10 of this year, and the chief sponsor of each of the President's departmental reorganization bills in the last Congress, I am pleased to join today as the principal cosponsor of the Energy Reorganization Act of 1973.

The present energy emergency has dramatized for all Americans the vital need for more research into the potential of new energy sources, and development of these sources. Only a massive and sustained commitment of funds for energy R. & D. can close the widening gap between domestically produced fossil fuels and the projected national demand for energy in the coming years.

In the interests of pressing ahead with this research and development effort, while the Congress continues to develop the more complex Department of Energy and Natural Resources—DENR—legislation, the President has requested separate legislative action on the proposed Energy Research and Development Administration—ERDA—and Nuclear Energy Commission—NEC.

The bill we are introducing today would establish those two agencies without prejudicing congressional consideration of DENR. I fully expect that hearings will continue on the DENR proposal, and that S. 2135 will be reported out early next year. Meanwhile, the Congress should act immediately to create ERDA and NEC.

The bill we are introducing today would establish an Energy Research and Development Administration to bring together and direct Federal activities relating to R. & D. on the various sources of energy, to increase efficiency and reliability in the use of energy, and to perform military and production functions.

In addition, the bill would permit the orderly separation of the licensing and regulatory functions of the Atomic Energy Commission from the research and development functions of the AEC. The licensing and regulatory functions would be performed by a renamed Nuclear Energy Commission.

THE ENERGY RESEARCH AND DEVELOPMENT AGENCY

A massive federally sponsored R. & D. effort has been proposed by the President, providing for the expenditure of $10 billion over the next 5 years, in order to develop energy technologies to meet the Nation's energy needs. A new independent agency is needed to provide the proper organizational framework, management, and technical expertise to achieve the Nation's R. & D. goals in the energy area.

ERDA's mission will be to develop technologies for efficiently using fossil, nuclear, and advanced energy sources to meet growing needs and in a manner consistent with sound environmental and safety practices. ERDA will have a broad R. & D. charter covering the development of technologies for all foreseeable energy sources and utilization systems, including solar, geothermal, oil shale, and hydrogen. The Agency will have responsibility for policy formulation, strategy development, planning, management, conduct of the energy R. & D. and for working with industry to assure that promising new technologies can be developed and applied. In addition, ERDA will continue the weapons production and development programs of the AEC.

ERDA will be formed by transfer of AEC's energy R. & D. military applications, basic research, production, biomedical and environmental programs, Interior's Office of Coal Research and Bureau of Mines energy centers, NSF solar and geothermal energy development activities, and portions of EPA's stationary source emissions control technology

and advanced automotive propulsion systems—AAPS—research programs.

NUCLEAR ENERGY COMMISSION

The separation of regulatory functions from the research, development, and production activities of the present Atomic Energy Commission is another step in the evolution of the Federal Government's involvement in nuclear energy. The five member AEC Commission, including its staff offices and licensing boards, plus the three regulatory Directorates under the Director of Regulation will form the nucleus of the renamed Nuclear Energy Commission—NEC. NEC will be an independent regulatory Commission responsible for licensing the civilian use of nuclear power and materials.

The nuclear power industry has matured rapidly in the last decade and the growth is continuing with the number of licenses issued for nuclear reactors currently doubling every 2 or 3 years. By 1980, 20 to 30 percent of electrical energy will be generated by nuclear reactors.

Maturity of the nuclear power industry requires a full-fledged regulatory agency free of development responsibilities in order to handle this ever-increasing workload in an impartial manner to assure the public health and safety.

NEC's mission will be to insure the protection of the public and the environment from potential health and safety hazards inherent in the use of nuclear materials.

The five member Commission will continue to carry out, but on a full-time basis, the regulatory functions of the present AEC which include: Policy setting and assessment, oversight of regulatory operations, adjudication of licensing and related cases, and resource allocation.

Mr. President, I urge the Congress to swiftly enact this bill. The framework must be established first if we as a nation are to mount the full-scale effort needed to develop vital new energy resources for the 1980's and beyond.

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

S. 2747. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

FAIR LABOR STANDARDS AMENDMENTS OF 1973

Mr. WILLIAMS. Mr. President, on September 6, 1973, just 3 days after Labor Day, Richard Nixon became the first President to veto a minimum wage bill, dashing the hopes of millions of American workers. In doing so, he nullified a 3-year effort by the Congress to fashion a reasonable and realistic piece of legislation.

Mr. President, since 1970, the House of Representatives and the Senate have conducted countless days of hearings on this leigslation, compiling a record of thousands of pages. The bill has been debated on the floor of both Houses in both the 92d and the 93d Congress. What emerged was not the bill that Congressman DENT and I jointly introduced in 1969. Rather it was a bill substantially revised through the legislative process.

Since the President's veto of the minimum wage bill it has often been suggested that the majority has refused to compromise. Let me set the record straight.

In the first place, as I have already noted, the bill which was sent to the White House reflected substantial compromise. Yet, on the day the House failed to override the President's veto of this measure, Senator JAVITS and I instructed both majority and minority committee staff to reach out to the White House to initiate discussions on a potential compromise. That night the White House staff agreed to meet with the committee staff. A meeting did occur in which representatives of George Shultz, in his capacity as Secretary of the Treasury and as counselor for economic affairs, participated. At that meeting committee staff suggested some particular areas of compromise.

The administration personnel said that they would have to review these matters and that they would arrange for a follow-up meeting. To this date, my staff has not heard any further word from these representatives of the administration. In addition, the staff has had nonproductive meetings with Department of Labor officials.

Mr. President, the President of the United States, in his veto message, has pledged cooperation, but none has been forthcoming.

Now our colleagues from Colorado (Mr. DOMINICK), Ohio (Mr. TAFT), and Maryland (Mr. BEALL) have called for a compromise. Yet, the bill they offer. S. 2727, is, in their own terms, "substantially the same as one they offered" as a substitute this year and one that was also offered as a substitute in the House of Representatives this year.

On each of these occasions it was voted down. Yet now it is being offered again as a "realistic compromise." It is, in fact, not a compromise at all, since it was arrived at unilaterally without even a request for discussion with me.

Mr. President, the key issue in minimum wage legislation is, and always has been, the wage rate and its effective date. Today, my colleague from New York (Mr. JAVITS) and I are offering a new bill. In all candor it has only one major revision from the conference report that was vetoed. But that major revision goes to the heart of minimum wage legislation.

The conference report would have imposed the second stage of minimum wage increases next July 1, only 7 months from now. The bill we introduce will delay the second increase until 1 full year after the first increase. That is, at least 13 months from now, with the third following 1 year later, and the fourth 1 year after that.

Although we believe this to be a substantial change from the conference report, we do not offer it on a take it or leave it basis. We are willing to discuss any potential compromise which is not regressive. I believe that the hopes of millions of Americans rest on our ability to achieve a "legislative compromise," a compromise which we in the Halls of Congress can agree is reasonable and equitable and responsive to the needs of the people. I certainly am willing to explore any such compromise.

The demonstrated catastrophe of executive isolation we have seen manifested in the energy crisis, mismanagement of the economy, and other areas, has hopefully brought the administration to a realization that détente is in order, not only with the Soviet Union, but also with the Congress.

If we in Congress can compromise our differences, I am hopeful the President would now be willing to join in the consensus.

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

S. 2748. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MULHOLLAND DRIVE NATIONAL SCENIC PARKWAY

Mr. TUNNEY. Mr. President, today I am introducing legislation to designate Santa Monica's Mulholland Drive as a national scenic parkway. I am pleased to have my colleague, Senator CRANSTON, as a cosponsor.

Last March I introduced legislation to create a Santa Monica Mountain National Urban Park and Seashore to protect the last remaining open space buffer in the Los Angeles Basin. I believe that a logical first step toward reaching this larger goal is to designate Mulholland Drive as a national scenic parkway, connecting State and local parks from Griffith Park to Pt. Mugu.

This 53 miles drive—extending from the Hollywood Freeway to the Pacific Coast Highway—is within 15 miles of the 9 million residents of the city of Los Angeles. The people of Los Angeles have less open space than any other metropolitan area—including New York City. The Santa Monica chain offers such a recreation area, and must be protected against encroaching urban sprawl. The idea of a scenic parkway is to provide the necessary corridor for access to recreation areas but to discourage development of Mulholland as a thoroughfare.

The parkway would not be designed for high density use, but as a connecting link augmented by scenic overlooks, picnic areas, and bike and equestrian trails.

The establishment of a scenic parkway would be a major step toward getting the parks to the people of Los Angeles and would represent a major cooperative effort between the Federal Government and State and local planners and decisionmakers.

This bill is the first in a series of efforts I plan to pursue to meet the comprehensive goal of an urban and seashore park, properly protected and managed, for southern California residents.

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

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

S. 2728

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the Secretary) may designate as Mulholland National Scenic Parkway (hereinafter referred to as the "parkway") the present Mulholland Drive and Highway rights-of-way commencing at the intersection of Pacific Coast Highway and running eastward along the crest of the Santa Monica Mountains to the intersection of the Hollywood Freeway together with adjacent or related sites, for public recreation use and for interpretation of scenic and historic values. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such times as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands (including scenic easements) by donation, purchase or exchange except that in no case shall any such lands or interests therein owned by the State of California or political subdivisions thereof be acquired other than by donation or negotiated purchase.

SEC. 3. The Secretary shall administer the parkway as a unit of the national park system in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 4. The Secretary shall coordinate development of the parkway in close coordination with Los Angeles City and Los Angeles and Ventura County agencies and with the California Department of Parks and Recreation.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 149

At the request of Mr. INOUYE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor to S. 149, to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs.

S. 948

At the request of Mr. MONDALE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 948, to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

S. 1745

At the request of Mr. MONDALE, the Senator from Oregon (Mr. PACKWOOD) was added as a consponsor of S. 1745, the Sudden Infant Death Syndrome Act of 1973.

S. 2385

At the request of Mr. TALMADGE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2385, to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia, as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 2422

At the request of Mr. MATHIAS, the Senators from California (Mr. TUNNEY and Mr. CRANSTON) were added as cosponsors of S. 2422 to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

S. 2506

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 2506, to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

S. 2518

At the request of Mr. MONDALE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2518, the Women's Educational Equity Act.

S. 2643

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2643, the Immigration and Nationality Act amendments.

S. 2702

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2702, to provide that daylight saving time shall be observed on a year-round basis.

HOUSING ACT OF 1973—AMENDMENTS

AMENDMENT NOS. 710 THROUGH 717

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. TAFT. Mr. President, I am gratified that in its markup of proposed housing legislation, the Senate Banking, Housing and Urban Affairs Committee has already accepted several amendments introduced by the Senator from California (Mr. CRANSTON) and myself, which are designed to insure that Federal housing programs devote more attention to the preservation of our existing housing stock. Senator CRANSTON and I have made it clear that we intend to submit more amendments along these lines, and we are submitting all of those amendments today for the benefit of committee members and other interested parties who wish to review them. I ask unanimous consent that a short summary of each of our remaining amendments to the Housing Act of 1973 and the amendments themselves, along with similar material relating to two of my own amendments along the same lines, be inserted in the RECORD at this point.

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

AMENDMENT NO. 710 (TAFT-CRANSTON)

The Committee has already decided to continue the Sec. 312 direct rehabilitation loan program rather than merge it into the community development legislation. Under present law the program can basically be used only in code enforcement and urban renewal areas. However, under the community development bill the program will no longer be subject to such strong area restrictions because each community will have more discretion to define appropriate areas. We support this increased flexibility and feel that it will have positive results. For example, the program should prove valuable in areas which are just starting to decline, as well as in more deteriorated areas which might have been designated in the past as code enforcement and urban renewal areas. Additionally, while "spot" rehabilitation is often a waste of money in otherwise neglected areas which are declining rapidly, a homeowner with limited means in a relatively sound neighborhood may need it desperately.

We feel that the Sec. 312 program is an ideal vehicle through which Federally subsidized efforts to preserve and repair existing housing can be increased and that more flexible area restrictions is a step in the right direction. However, we recognize that if this is to occur, the program must be tightened up so that private rather than Federal money is used for rehabilitation wherever practicable. This is particularly important since the program is a direct loan program.

Our amendment, which reflects these considerations, contains the following major provisions:

1. Sec. 312 could be used, basically, wherever consistent with a locality's community development or housing plans. One of the effects of this language should be to ensure that the program is not used in neighborhoods which are deteriorated past the rehabilitation point, except as part of a comprehensive revitalization effort.

2. Loans for owner-occupants would be limited to applicants who could not otherwise undertake rehabilitation without assuming a monthly housing expense exceeding 25% of income, or a lower percentage set by the Secretary. This test would not have to be applied to those whose income is less than 50% of the median. Except as explained in #7 below, loans for owner-occupants would be further limited to those whose incomes do not exceed 80% of the median income for the community. Loans to owners of multifamily projects could be made only when the loan benefits would "accrue substantially" to citizens within such income limits.

3. Refinancing would be limited to owner-occupants who need it to avoid "an-excessive monthly housing expense as explained in #2 above, and for whom FHA-guaranteed unsubsidized refinancing would not provide the necessary assistance.

4. Loans for rehabilitation of strictly nonresidential property could only be made where the rehabilitation is a necessary part of a community development program.

5. The loan amount could not exceed the lesser of the estimated cost of rehabilitation or $8,000 per family unit, plus the amount of any existing indebtedness refinanced.

The loan amount for multifamily projects would be further limited to the estimated appraised value of the property after rehabilitation less any outstanding indebtedness, taking into account community neighborhood preservation efforts. (This is a check on neighborhood soundness.)

6. Funds would be allocated in a manner which encourages communities to facilitate rehabilitation through their own programs, particularly for owner-occupants in community development areas who cannot afford Sec. 312 loans. HUD is also directed to administer the legislation in a manner which devotes more attention to "transitional areas" rather than slums.

7. Loans would be available to owner-occupants whose incomes exceed 80% of the median only if such loans are supplements to FHA-guaranteed unsubsidized home improvement loans of reasonably substantial amounts, and the Sec. 312 loans are necessary to avoid an excessive monthly housing expense as explained in No. 2 above. The repayment on these loans would be deferred until the private loan is repaid. This arrangement is designed to reduce Federal out-

lays, to help ensure reliance on the private sector for rehabilitation loans where practicable and to encourage local housing agencies which administer the Sec. 312 program to work more closely with local financial institutions.

If such an owner-occupant lives in a neighborhood where home repair financing at affordable rates is otherwise unavailable, the requirement for private money would be waived. However, the direct loan would be made at whatever interest rate the borrower could afford without paying an excessive proportion of monthly income for housing expenses.

8. Owner-occupants who could not otherwise afford essential repairs could have their loan repayment deferred until the property is transferred. (One of the reasons for advancing this provision is to spark a full-scale debate on the proper division of responsibility between the Federal government and the localities in our housing rehabilitation program.)

9. Authorization level: $150 million for fiscal 1974 and $300 million for each fiscal year thereafter.

Provisions of present law to match the above numbers:

1. Loans are available basically in urban renewal or code enforcement areas.

2. Loans are limited in eligible areas only to applicants who cannot find funds "on comparable terms and conditions" (i.e., not effectively limited by this provision). HUD is directed to "give priority" to those with incomes where incomes are below the limits for Sec. 221(d)(3) projects. These limits are compiled in a complicated manner, but in many cases they amount to about the median income.

3. Refinancing is allowed wherever needed to reduce monthly housing expense to 20% of income.

4. No such provision.

5. Loan amounts are limited to $12,000 per family unit, or the cost of rehabilitation, whichever is lesser, plus any amount within such overall limitations which is required to cover refinanced existing indebtedness. There is no such provision relating to appraised value of the property after rehabilitation. These changes will increase the importance under the program of "moderate" as opposed to "gut" rehabilitation, and encourage utilization of the program in transitional areas rather than slums.

6. No such provision.

7. No such provision.

8. No such provision. Such people presently receive (Sec. 115 urban renewal) grants. It is assumed that any outright rehabilitation grants will have to be given by localities as part of community development programs, rather than supplied directly by the Federal Government.

9. Present level is $150 million per fiscal year. The level has not been raised since 1968.

RATIONALE FOR THE INCREASED AUTHORIZATION

The National Association of Housing and Rehabilitation Officials estimated that the demand for Sec. 312 rehabilitation loan funds in 1972 was between $200 and $250 million. We have authorized the present level of $150 million for fiscal 1974 and $300 million starting in fiscal 1975. The increase over the present level takes into account normal increased demand, the demand which was not fulfilled while funds were being held back by the Office of Management and Budget over the past year, and the new provisions allowing more widespread utilization of the program within communities and deferred repayment until the property is transferred in hardship cases. In addition, the increase would indicate that the Committee is serious about funding the program.

AMENDMENT NO. 710

At the end of the bill, add the following new title:

CHAPTER IV—MISCELLANEOUS

REHABILITATION LOANS

SEC. 401. Section 312 of the Housing Act of 1964 is amended to read as follows:

"REHABILITATION LOANS

"SEC. 312. (a) The Secretary is authorized, through the utilization of local public and private agencies where feasible, to make loans to owners and tenants of property to finance the rehabilitation of such property. No loan shall be made under this section unless—

"(1)(A) the property is determined to require rehabilitation, and such rehabilitation is consistent with the provisions and objectives of an approved community development program under the Community Development Assistance Act of 1973, or with any housing plan approved by the Secretary pursuant to the provisions of the Housing Act of 1973 (particularly those provisions of such plan relating to the types of housing preservation or rehabilitation efforts proposed for various neighborhoods); or

"(B) the property has been determined to be uninsurable because of physical hazards after an inspection pursuant to a statewide property insurance plan approved by the Secretary under title XII of the National Housing Act, and the loan is made to the owner or tenant of the property to finance rehabilitation which the Secretary determines to be necessary to make the property meet reasonable underwriting standards;

"(2)(A) if the applicant owns and occupies a single family dwelling unit to be rehabilitated, (i) the applicant's income does not exceed 80 per centum of the median income for the area, as determined by the Secretary in the same manner as such determination is made pursuant to section 402 of the Housing Act of 1973, except as provided in subsection (f); and (ii) the applicant is unable to secure the necessary funds from other sources without paying more than 25 per centum or such lower per centum as the Secretary deems appropriate of his average monthly income for housing expenses, except that this clause (ii) shall not be applied to an applicant whose income does not exceed 50 per centum of the median for the area, as determined pursuant to the provisions of this section; or

"(B) if the applicant proposes to undertake rehabilitation of multifamily housing, the Secretary is satisfied that the benefits of such rehabilitation will accrue substantially to citizens whose incomes fall within the income requirement of clause (A)(i); and

"(3) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan.

"(b) For the purpose of this section—

"(1) the term 'rehabilitation' means the improvement or repair of a structure or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or a statewide property insurance plan to be provided by the owner or tenant of the property;

"(2) the term 'tenant' means a person or organization that meets such conditions regarding length of lease and such other conditions designed to protect the Secretary's interest as the Secretary may prescribe; and

"(3) the term 'Secretary' means the Secretary of Housing and Urban Development.

"(c) A rehabilitation loan made under this section shall be subject to the following limitations:

"(1) The loan shall be subject to such terms and conditions as may be prescribed by the Secretary.

"(2) The term of the loan may not exceed twenty years or three-fourths of the remaining economic life of the structure after rehabilitation, whichever is less.

"(3) The loan shall bear interest at such rate as the Secretary determines to be appropriate, but not to exceed 3 per centum per annum, of the amount of the principal outstanding at any time, and the Secretary may prescribe such other charges as he finds necessary, including service charges and appraisal, inspection, and other fees.

"(4) The amount of the loan may not exceed—

"(A) in the case of residential property, the Secretary's estimate of the cost of rehabilitation, or $8,000 per family unit, whichever is the lesser: *Provided,* (i) That the Secretary may, by regulation, increase such amount per family unit by not to exceed 45 per centum in any geographical area where he finds that cost levels so require, (ii) that the loan may exceed the cost of rehabilitation in order to include an amount approved by the Secretary to refinance existing indebtedness secured by the property if such refinancing is necessary to enable the applicant to amortize, with a monthly payment of not more than 25 per centum of his average monthly income or such lower per centum as the Secretary deems appropriate, such loan and any other indebtedness secured by the property, and (iii) that the amount of the loan shall be further limited in the case of rehabilitation of a multifamily project to the Secretary's estimate of the appraised value of the property after rehabilitation, taking into account any community programs of neighborhood preservation or rehabilitation; or

"(B) in the case of nonresidential property, whichever of the following is the least: $50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that the Secretary determines could be reasonably secured by a first mortgage on the property.

"(5) A loan may not be made under this section to refinance existing indebtedness unless the applicant is the owner-occupant of a single-family dwelling and refinancing pursuant to section 401 of the Housing Act of 1973 would not provide the necessary assistance.

"(6) A loan for the rehabilitation of strictly nonresidential property shall not be made pursuant to this section unless the Secretary determines that such rehabilitation is a necessary part of the community development program being carried out under the Community Development Assistance Act of 1973.

"(7) A loan shall be secured as determined by the Secretary.

"(d) In any case where assistance pursuant to this section other than (or in addition to) a loan is necessary to enable an applicant who owns and occupies a single-family dwelling unit to finance rehabilitation because such applicant cannot afford all or part of the required payments of principal and interest on any necessary loan, the Secretary is authorized to make an advance to such applicant to cover or assist in covering the cost of the necessary rehabilitation. The amount of such an advance shall be the cost of rehabilitation (but not more than $4,000), reduced by the principal amount of any loan made pursuant to this section in connection with the same rehabilitation. Any advance made under this subsection shall be a repayable advance and as such shall create a lien on the property in favor of the Secretary in an amount equal to the amount of the advance, and such lien shall be duly recorded. Such advance shall be repaid and the lien discharged at such time as the property is subsequently sold or otherwise transferred to another person (other than to the owner's surviving spouse) and shall be subject to such other terms and conditions as the Secretary may prescribe.

"(e) The Secretary shall make funds avail-

able pursuant to this section, and otherwise administer the provisions of the section, in a manner designed to encourage communities to undertake programs which facilitate or provide public or private financing of rehabilitation with funds not made available under this section or any other Federal housing program. In the administration of this subsection, the Secretary shall take into account the necessity to address the rehabilitation needs of owner-occupants living in areas affected by community development activies whose incomes are too low to afford loans provided pursuant to this section. The Secretary shall also encourage utilization of assistance provided under this section in a manner consistent with the objectives of section 1601(c) of the Housing and Urban Development Act of 1968.

"(f)(1) The Secretary may make a loan available pursuant to this section to an owner-occupant of a single-family dwelling whose income does not fall within the limitation established in subsection (a) if such owner-occupant has received a property improvement loan pursuant to the provisions of title III of the Housing Act of 1973. The amount of such loan under this section shall be limited to that estimated portion of the rehabilitation which cannot be financed with a loan pursuant to the provisions of title III without forcing such owner-occupant to pay an excessive per centum of his monthly income for housing expenses, as determined by the Secretary. The total amount of the loan under this section, combined with the loan pursuant to the provisions of title III, shall not exceed the maximum loan amount authorized under this section. The Secretary may adopt such regulations as he deems appropriate to insure that the provision of a loan pursuant to this paragraph is contingent upon the provision of a reasonable loan amount by a financial institution pursuant to the provisions of such title III. The Secretary is authorized to provide compensation to the extent he deems appropriate to financial institutions for increased servicing expenses related to loans made pursuant to the provisions of such title III which are supplemented by loans made pursuant to this paragraph. Repayment of any loan made available pursuant to this paragraph shall be deferred until the loan made pursuant to the provisions of title III has been repaid.

"(2) If the Secretary determines that property improvement loans pursuant to the provisions of title III of the Housing Act of 1973 are unavailable in the neighborhood or area of the housing proposed to be rehabilitated with a loan made pursuant to this subsection, and that the application for a loan under this subsection otherwise meets the required criteria, he may make a loan available to the applicant notwithstanding the unavailability of such property improvement loans. Notwithstanding the provisions of subsection (c)(3), a loan made available pursuant to this paragraph shall be subject to such interest rate and such other terms and conditions as the Secretary deems appropriate to allow an applicant to finance rehabilitation without paying an excessive proportion of his average monthly income for housing expenses.

"(g) There is authorized to be appropriated not to exceed $150,000,000 for fiscal 1974 and $300,000,000 for each fiscal year thereafter which shall constitute a revolving fund to be used by the Secretary in carrying out this section. All moneys in such revolving fund shall be available for necessary expenses of servicing loans made pursuant to this section, including reimbursement or payment for services and facilities of the Government National Mortgage Association and of any public or private agency for the servicing of such loans.

"(h) In the performance of, and with respect to, the functions, powers, and duties vested in him by this section, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402 of the Housing Act of 1950 (except subsection (c)(2)).

"(i) The Secretary is authorized to delegate to or use as his agency any Federal or local public or private agency or organization to the extent he determines appropriate and desirable to carry out the objectives of this section in the area involved.

"(j) The Secretary is authorized to issue such rules and regulations and impose such requirements and conditions (in addition to those specified in this section) as he determines to be desirable to carry out the objectives of this section, including limitations on the amount of a loan and restrictions on the use of the property involved.

"(k) No loan shall be made under the authority of this section after July 1, 1976, except pursuant to a contract, commitment, or other obligation entered into pursuant to this section before that date."

AMENDMENT No. 711 (TAFT-CRANSTON)

This amendment requires that as part of a community's 3-year housing plan it identify housing preservation objectives and the type of preservation efforts that are appropriate for various neighborhoods or areas. It recognizes that the success of housing rehabilitation efforts depends greatly upon neighborhood conditions. For example, "spot" rehabilitation may be quite effective in an area just beginning to decline, but a waste of money in an area that has deteriorated to the point where a much more concentrated effort is necessary. The future of another area may be so uncertain that low cost "fix-up" efforts may be justified but substantial rehabilitation is not, unless the community agrees to a full-scale preservation program for that area.

Report language should make clear that HUD's special risk insurance actions in older, declining areas, as well as rehabilitation actions, must be consistent with the community's housing preservation objectives and actions as described in the housing plan.

AMENDMENT No. 711

On page 19, between lines 2 and 3, insert the following:

A housing plan required by this subsection shall contain, in addition to a description of proposed housing construction efforts, an identification of housing preservation objectives and a description of the types of efforts consistent with such objectives, such as property tax adjustments, improvements in municipal services, facilitation of moderate or substantial housing rehabilitation, and encouragement of coordinated rehabilitation action among neighborhood or area residents, which are proposed for various neighborhoods or areas.

AMENDMENT No. 712 (TAFT-CRANSTON)

This amendment would allow home maintenance and management counselling to be given in FHA programs other than the low-income homeownership program to the extent HUD deems useful and appropriate. Such counselling may be quite helpful to unsubsidized homeowners with older homes in declining areas or to tenants in the FHA subsidized programs.

AMENDMENT No. 712

On page 48, line 18, after "section", insert "and, to the extent he deems useful and appropriate, to individuals assisted under any other provision of this Act or any provision of the National Housing Act".

AMENDMENT No. 713 (TAFT-CRANSTON)

If the Committee decides to continue the FHA subsidized multifamily program in the form of a new Sec. 502, mortgagors under this program would be required to deposit regularly into an escrow account adequate funds for maintenance and repair expenses. HUD would have access to the account and if it found, upon investigation done at its discretion or prompted by complaints from tenants or State or local officials, that the building was not being adequately maintained, it would be able to expend escrow funds for the necessary maintenance and repairs. HUD would also be given specific authority to adopt regulations encouraging or requiring on-site management of Sec. 502 projects to the extent it deems appropriate. An additional sentence should increase tenants' communications with HUD with respect to matters concerning the project, by ensuring that they will have the opportunity to present written objections to any proposed rent increases.

Because Sec. 502 projects would be Federally insured, any sanctions which HUD might take against project owners who are not providing sufficient maintenance or are otherwise acting contrary to tenant interests would have to be tempered by the necessity to keep the project economically viable. This consideration makes it crucial that HUD take precautions which, to the maximum extent possible, prevent problems from developing and provide for early detection and treatment of problems which do develop. The provisions of the amendment will help to accomplish these ends.

AMENDMENT No. 713

On page 67, between lines 6 and 7, insert the following:

The Secretary is authorized by regulation to require mortgagors to provide on-site management of projects subject to mortgages insured under subsection (i) whenever and to the extent he determines such a requirement to be necessary to assure adequate management of such projects.

(h) The Secretary shall require any mortgagor subject to a mortgage which is insured under subsection (i) to deposit funds periodically in an escrow account to be used solely for the purpose of performing necessary maintenance and repairs to the property secured by the mortgage. The amount of funds to be deposited shall be determined pursuant to an agreement entered into between the Secretary and the mortgagor based upon the estimated cost of such necessary maintenance and repairs. Such agreement shall also provide that upon any finding by the Secretary, on his own motion or as a result of an investigation of complaints by tenants or by State or local government agencies, that the project is not being adequately maintained, the Secretary shall be authorized to utilize funds in the account to carry out necessary maintenance and repairs.

AMENDMENT No. 714

This amendment allows HUD to use anti-abandonment demonstration money (already authorized) for the purpose of assisting and evaluating "Urban Homesteading" programs. Such programs would attempt to reclaim structurally sound abandoned housing units by making the units available at nominal charge to anyone who will rehabilitate them to meet code standards and live in them for a specified time period. Programs of this type are getting underway in Wilmington, Philadelphia and Baltimore. This is an exciting idea for dealing with one of our most difficult urban problems and HUD should help to explore the concept further.

The amendment also allows this demonstration money to be used for the elimination of health, safety and security hazards which are so often associated with abandoned units.

S. 2182

AMENDMENT No. 714

At the end of the bill, add the following new section:

"DEMONSTRATION WITH RESPECT TO ABANDONED PROPERTIES

"SEC. . (a) The first sentence of subsection (b) of section 505 of the Housing and Urban Development Act of 1970 is amended by inserting after 'process of abandonment' the following: 'or begin to restore viability'.

"(b) The second sentence of such subsection is amended by striking 'and' before '(7)', by striking out the period at the end of clause (7) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following: '(8) the prompt elimination of health, safety, or security hazards with respect to abandoned units; and (9) projects of the type described in subsection (c)'."

"(c) Such section is amended by redesignating subsections (c) through (f) as subsections (d) through (g), and by inserting after subsection (b) the following new subsection:

"'(c) The Secretary is authorized to provide assistance pursuant to this section to localities undertaking projects which he determines would help to demonstrate the feasibility of facilitating rehabilitation of abandoned units and revitalization of areas containing abandoned units, by making such units available at nominal cost to individuals who place such units in a condition which meets State and local housing codes relating to health or safety and who agree to occupy such units for a specified time period. In addition to those project activities listed in subsection (b), project activities supported pursuant to this paragraph may include, but shall not be limited to, inspections to determine the condition of abandoned property, technical assistance to facilitate rehabilitation undertaken personally by such individuals, acquisition by donation from the Secretary of abandoned dwellings to which the Secretary holds title, and necessary rehabilitation assistance for such individuals which is not available under other Federal programs'."

"EXPLANATION

"This amendment allows HUD to use anti-abandonment demonstration money (already authorized) for the purpose of assisting and evaluating 'Urban Homesteading' programs. Such programs would attempt to reclaim structurally sound abandoned housing units by making the units available at nominal charge to anyone who will rehabilitate them to meet code standards and live in them for a specified time period. Programs of this type are getting underway in Wilmington, Philadelphia, and Baltimore. This is an exciting idea for dealing with one of our most difficult urban problems and HUD should help to explore the concept further.

"The amendment also allows this demonstration money to be used for the elimination of health, safety, and security hazards which are so often associated with abandoned units."

AMENDMENT No. 715

This amendment would give HUD the power to make grants or loans from insurance funds to assist single-family mortgagors in curing defaults if there is no other feasible means except HUD acquisition of the mortgage, and HUD makes a judgment that the provision of this emergency assistance is reasonably likely to save insurance funds in the long run by averting the costs associated with foreclosure. Since the average loss to HUD from a default termination under Sec. 235 is now $4,350, the amendment could potentially result in considerable savings to the government. Although the judgment we are asking HUD to make would be a tough one in many cases, HUD should have the authority to take advantage of this method of minimizing losses where feasible.

We would expect this authority to be exercised in a manner which ensures that both the lender (through means such as forbearance) and the mortgagor have first made a reasonable effort to take care of the default problem without government assistance.

S. 2182

AMENDMENT No. 715

On page 99, after line 23, insert the following:

ADVANCES TO PREVENT FORECLOSURE

SEC. 607 (a) Subject to the provisions of subsection (b), the Secretary is authorized to make an advance of funds, out of the mortgage insurance fund carrying the insurance obligation with respect to the mortgage involved, in order to assist a mortgagor whose mortagage involves a single-family dwelling unit in curing a default and thereby to avoid foreclosure in any case in which he determines that—

(1) such an advance is reasonably likely to result in a lower net cost to the fund than foreclosure would;

(2) such an advance is the only feasible means available under the circumstances to avoid foreclosure, other than acquisition of the mortgage by the Secretary; and

(3) there is reasonable prospect of repayment of such an advance.

(b) Any advance under this section shall be made on such terms and conditions as the Secretary may prescribe to carry out the purposes of this section, including such terms and conditions as may be appropriate in any case to effect the repayment of the advance upon maturity of the mortgage or at such earlier time as may be feasible and including a security interest for the government in the dwelling unit or other property.

AMENDMENT No. 716 (TAFT)

This amendment authorizes HUD to undertake demonstrations of ways to improve housing maintenance. Americans' expenditures per housing unit for maintenance, repairs and major replacements actually declined about 20% in constant dollars between 1962 and 1970. According to the President's June 1972 Report on Housing Goals, the average American spends enough on repairs and maintenance to care adequately for a housing unit with only slightly more than half the value of his home. In the case of Federally assisted units, such negligence increases the chance that major repairs will be needed, and this situation in turn can force foreclosures.

In one of the demonstrations to be tried, HUD would encourage Sec. 235 (or 402, if the programs continued) mortgagors to keep a joint escrow account for maintenance and repairs over a specified time period with a local housing-related agency. The agency would cosign withdrawals to be made for these purposes or for emergency expenses. At each withdrawal, the agency would provide any necessary counselling to encourage effective maintenance and efficient use of maintenance funds. This arrangement could be made a requirement, on a demonstration basis, for Sec. 402 mortgagors. Another required demonstration program would make cash bonuses available to families in Federally assisted housing who maintain their units exceptionally well relative to other such families. This type of program, involving $50 bonuses for the best exterior maintenance of Sec. 23 leased public housing units, has been tried on a limited basis in Ohio with apparent success.

After 3 years, HUD would report to the Congress any findings and recommendations resulting from such experiments.

AMENDMENT No. 716

At the end of the bill, add the following:

SEC. . Title V of the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new section:

"IMPROVED MAINTENANCE OF FEDERALLY ASSISTED HOUSING

"SEC. 506. In order to promote improved maintenance practices and thereby to avoid unnecessary housing deterioration and to assist mortgagors whose mortgages are insured under section 235 of the National Housing Act or section 401 of the Housing Act of 1973 in meeting the responsibilities of homeownership, the Secretary is authorized, in carrying out the provisions of section 501 of this title and under such conditions and circumstances as he deems appropriate, to encourage such mortgagors to establish and maintain joint savings accounts for maintenance expenditures with appropriate local agencies which the Secretary determines are capable of providing counseling services to such mortgagors and performing their functions under this section in the prompt and financially responsible manner necessary to fulfill the objectives of this section. No disbursement of funds from such joint savings account shall be made without the authorization of both the mortgagor and the agency providing counseling. A mortgagor shall contribute to such joint savings account an amount agreed upon by the agency providing counseling services and the mortgagor at regular time intervals agreed upon by the parties, taking into account the estimated normal maintenance expense for the dwelling owned by the mortgagor, but such contributions shall not be required when the beginning monthly balance in such joint savings account exceeds $150. The agency providing counseling shall agree to the disbursement of funds from the joint savings account upon the request of the mortgagor if such agency is satisfied that such mortgagor intends to use the funds for home maintenance or for emergency expenses. All such disbursements of funds shall be accompanied by such counseling assistance as the agency providing counseling deems appropriate to encourage effective and improved maintenance practices and efficient use of maintenance funds. The Secretary is authorized to undertake such variations of this demonstration as he deems appropriate, including variations which require mortgagors to establish and maintain such accounts as a condition for receiving assistance under section 402 of the Housing Act of 1973, and to demonstrate other methods of improving maintenance and thereby preventing deterioration of single family and multi-family housing. Such variations shall include the provision of cash bonuses to families in federally-assisted housing who maintain their dwellings exceptionally well relative to other such families in such housing. Within three years, the Secretary shall recommend to Congress under what circumstances and conditions, if any, and by what methods, joint savings accounts for maintenance expenditures such as those authorized by this section should be encouraged or required, and any other measures which he finds will result in improved maintenance of housing. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

AMENDMENT No. 717 (TAFT)

This amendment would allow HUD to guarantee, on a portfolio basis, portions of public, quasi public, and private revolving rehabilitation loan funds containing State, local government, or private money. Such funds could qualify for portfolio insurance

if the rehabilitation being undertaken is consistent with the community's housing and community development plans, loans are limited to those who cannot obtain or afford private financing, there is significant State or local government participation in the rehabilitation program (for example, through financial participation in the fund or provision of increased municipal services) and HUD judges the insurance transaction to meet "special risk" criteria. HUD would be given wide latitude to vary terms and conditions so that such criteria can be met. For example, HUD might agree to reimburse such a fund for 50% of the value of all losses over 5% of outstanding volume during a specified time period. HUD would determine an appropriate insurance premium level for this service.

This amendment would encourage states, local governments and non-profit agencies such as community development agencies to become more involved in housing rehabilitation independently of any Federal funding. It recognizes that a sufficient scale-up of our efforts to assist those who cannot otherwise afford to preserve and improve their housing, cannot and should not be undertaken solely with Federal money. This is true from a cost standpoint and because local groups with a financial stake in rehabilitation efforts may be quite sensitive to patterns of neighborhood viability and other local conditions which are so important to the success of rehabilitation efforts. The infusion of non-Federal money which the amendment would encourage could be brought about conceivably at a quite negligible expense to the taxpayers. In addition, provision of insurance on a portfolio basis would save Federal administrative costs by obviating the necessity for a Federal examination of each and every rehabilitation loan.

Revolving rehabilitation funds of the type contemplated are now operating in conjunction with the Federal Home Loan Bank Board's Neighborhood Housing Services program in Pittsburgh, Cincinnati, Dallas, Oakland, and Washington, D.C. Thus far, these neighborhood-oriented funds have relied heavily upon foundation money, but any expansion of this type of effort would require money from state governments, local governments, or other sources. A Federal guarantee would become quite useful under those circumstances.

I realize that this amendment takes a somewhat new approach to the housing preservation problem and I am certainly open to suggestions for improving or modifying it, but I do believe that legislative action is necessary to encourage the kind of local activity I have described.

AMENDMENT NO. 717

Intended to be proposed by Mr. TAFT to S. 2182, a bill to consolidate, simplify, and improve laws relative to housing and housing assistance, and for other purposes, viz:

On page 21, line 23, strike out "and".

On page 21, line 24, strike out the period and insert in lieu thereof "; and ".

On page 21, between lines 24 and 25, insert the following:

"(7) rehabilitation loan funds insured under section 309.".

On page 36, between lines 10 and 11, insert the following:

"INSURANCE OF STATE AND LOCAL REHABILITATION LOAN FUNDS

"SEC. 309. (a) The Secretary is authorized upon such terms and conditions as he may prescribe to insure any revolving fund administered by a State or local government or by any public or private nonprofit agency or organization approved by the Secretary for purposes of this section against part of the losses which such fund may sustain as a result of loans or advances of credit from the fund pursuant to a loan program which meets the requirements of this section.

"(b) A loan program which meets the requirements of this section shall—

"(1) involve significant participation in the rehabilitation program by a State or local government;

"(2) involve loans to finance rehabilitation of predominantly residential property which meet the requirements of section 312(a)(1) of the Housing Act of 1964;

"(3) provide loans to persons who cannot otherwise obtain or afford private financing; and

"(4) meet such requirements concerning the nature of the loans involved as the Secretary determines necessary so that a guarantee pursuant to this section will meet special risk criteria.

"(c) The Secretary is authorized to establish and collect such insurance premiums or other fees or charges as he determines to be necessary in connection with the administration of this section.".

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 718

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

Mr. DOMINICK (for himself and Mr. TAFT) 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.

COMPENSATION OF THE ATTORNEY GENERAL—AMENDMENTS

AMENDMENT NO. 719

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

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (S. 2673) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

ENERGY EXPORT CONTROL ACT OF 1973—AMENDMENT

AMENDMENT NO. 720

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

AMENDMENT TO S. 2737

Mr. HARTKE. Mr. President, I take the opportunity to amend my bill, the Energy Export Control Act of 1973, S. 2737, to include the energy source of gasoline.

It has come to my attention that there is also a great need to provide surveillance and control over gasoline as well as coal, fuel oil No. 2, propane gas, and methane gas.

In comparing the export figures of gasoline for 1972, with those for the first 9 months of 1973, there has been a drastic increase in the export of gasoline. In the first 9 months of this year, we have already surpassed the amount exported during the entire year of 1972, by over 178,000 barrels. There are 42 gallons in every barrel.

Mr. President, I ask unanimous consent that a chart showing the exports of gasoline for 1972 and the first 9 months of 1973, be inserted in the RECORD at this point.

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

Export of gasoline

	(*Barrels*)
1972 (Jan.–Dec.):	
Aviation fuel (100 octane or more)	77,533
Aviation fuel (less than 100 octane)	16,319
Total	93,841
Gasoline, Total	280,894
1973 (Jan.–Sept.):	
Aviation fuel (100 octane or more)	44,044
Aviation fuel (less than 100 octane)	6,247
Total	40,291
Gasoline, Total	459,529

Figures from Bureau of the Census.

Mr. HARTKE. Mr. President, 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.

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

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 721

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

Mr. STEVENSON submitted an amendment intended to be proposed by him 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 debt limit applies to June 30, 1974.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

AMENDMENT NO. 722

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

Mr. EAGLETON. Mr. President, I am submitting for myself and Senators RIBICOFF, HATHAWAY, BROOKE, and STEVENS an amendment which I intend to propose to H.R. 3153, the Social Security Amendments of 1973.

The purpose of the amendment is to guarantee that those aged, blind, and disabled persons who will receive mandatory State supplementary payments under the supplemental security income program will receive the social security/SSI cost-of-living increases provided in the bill without having those increases deducted from their State supplementary payments.

With the enactment of section 212 of Public Law 93–66 last summer, Congress recognized a continuing Federal-State responsibility for the income of those persons being transferred from existing programs of aid to the aged, blind, and

disabled to the new SSI program. Section 212 requires the States to make such payments to these persons as are necessary to maintain their total income as of December 1973—or prior to the cost-of-living increases proposed for 1974.

If we do not require the States to disregard these social security/SSI increases, many States may simply reduce their supplementary payments by the amount of those increases. I believe our responsibility extends to insuring that the 1.7 million persons receiving mandatory State supplements will not be denied an increase in income in 1974.

My amendment would merely require the States to make the same supplementary payments they would have made if the social security/SSI increases had not occurred.

AMENDMENT NO. 723

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

EXTENDED UNEMPLOYMENT COMPENSATION AMENDMENT

Mr. JAVITS. Mr. President, on behalf of myself, Senator TUNNEY and Senators BROOKE, CASE, CRANSTON, HART, PELL, RIBICOFF, and WILLIAMS, I introduce an amendment to H.R. 3153, the social security bill. I had originally intended to propose this amendment as an amendment to the pending debt-ceiling bill; but the unanimous-consent agreement entered into yesterday precludes this. My amendment would amend the 1970 Federal-State extended unemployment compensation benefits program by eliminating and modifying certain of the unrealistic trigger requirements which are now contained in the law. Without this amendment, commencing on December 29, 1973, no State will be eligible to participate in the program any longer; if my amendment is enacted, at least 24 States will be able to regain or continue their eligibility to participate in the program.

According to the most recent Labor Department estimates furnished to me, if this amendment is enacted into law, about 600,000 workers who would otherwise exhaust their benefits during calendar year 1974 would potentially become eligible to receive 13 additional weeks of unemployment compensation. The actual number of beneficiaries would depend on how many States decided to take advantage of this legislation and participate in the extended benefits program.

Under my amendment each State would:

First, be permitted to eliminate the requirement which will be back in present law on December 29, that the current insured unemployment rate in the State be 120 percent of the date during the corresponding period in each of the past 2 years in order for that State to trigger "on." No State can meet this 120-percent requirement at this time.

Second, be permitted to change the other trigger requirement—now 4 percent insured unemployment—to 4.5 percent and to count workers who have exhausted their regular unemployment benefits in determining whether this new trigger rate has been met. The law presently excludes such workers in determining whether the 4-percent trigger rate, which will be back in law on December 29, has been met.

Last June the Senate adopted, as an amendment to the previous debt ceiling bill, an amendment which permitted the States to eliminate the 120 percent trigger requirement. In conference, the Senate amendment was modified by the addition of a proviso changing the existing 4 percent insured unemployment trigger to 4.5 percent. In addition, the amendment was made temporary; it expires December 29, 1973. As finally enacted into law, the amendment helped very few States retain or regain their eligibility to participate in the program. Moreover, as noted above, since even the limited amendment adopted last June expires by its terms on December 29, 1973, after that date, no State will be eligible to participate in the program unless we act before then to change the trigger requirements.

If my amendment is enacted into law the following States would be eligible to benefit from these provisions:

Alaska	Minnesota	Oregon
California	Missouri	Pennsylvania
Connecticut	Montana	Rhode Island
Hawaii	Nevada	Utah
Idaho	New Jersey	Vermont
Louisiana	New Mexico	Washington
Maine	New York	West Virginia
Massachusetts	North Dakota	Wisconsin
Michigan	Oklahoma	Puerto Rico

The changes which would be made by my amendment are necessary not only to permit these States to participate in the program, but also to put the program itself on a more sensible and logical basis. Thus, the requirement in present law that the insured rate in a State be 120 percent of the rate in corresponding periods of each of the past 2 years makes no sense at all except as a way of arbitrarily cutting off eligibility for the program. The purpose of this program is to help States deal with high unemployment; it should make no difference if unemployment is high enough whether it is increasing or decreasing over previous years.

Similarly, it defies commonsense to exclude from counting as the present law does workers who have actually exhausted their unemployment benefits. Obviously such workers should be the first group to be counted in determining eligibility for the program.

Under my amendment each State could decide to change its law to permit this program to go into effect if and when the insured unemployment rate—counting exhaustees—reached 4.5 percent. That is a realistic figure in determining when this extended benefits program should trigger "on" in any given State.

Both the chairman of the Finance Committee and the chairman of the House Ways and Means Committee previously assured each House that they would give this matter of rationalizing the trigger requirement reconsideration. Yet neither committee has in fact, in a deliberate way, reconsidered the matter except in the context of amendments which I have offered on previous occasions to unrelated legislation. I have offered such amendments only because I have no alternative. The fact of the matter is that unless something is done now, not a single State will be permitted to participate in this program and hundreds of thousands of workers who have exhausted their benefits will be required to go on welfare or take jobs which are way beneath their ability.

The precise cost of my amendment is difficult to determine since each State will be free to decide for itself whether to take advantage of its provisions. In the case of those States which do take advantage of the amendment, the cost of the program will be borne 50 percent by the State unemployment insurance trust fund and 50 percent by the Federal trust fund established for that purpose. Assuming that all those States potentially eligible to take advantage of the amendment chose to do so, the total Federal cost of the program would be approximately $186 million and the State cost would be $176 million. However, based on previous experience probably no more than a half of the States potentially eligible to participate in the program will in fact choose to do so. Thus the actual cost of the program will be considerably less than those I have just given.

Also to be noted in this connection is the fact that there is embodied in the present law an 0.05 percent tax which is specifically earmared for the extended benefits program. If my amendment is not enacted and permanent law is permitted to go back into effect after December 29, 1973, that 0.05 percent tax will produce $126 million for the Federal account next year. That amount would be added to the $65 million presently in the Federal account.

What these figures show is that, given a less than 100 percent rate of participation by the States in the program, the total Federal cost of the program will not exceed by much, if at all, the expected revenues from the special tax already in the law to finance the program.

Mr. CASE. Mr. President, I join Senator JAVITS in submitting this amendment to eliminate totally those restrictions which will, on December 29, end the payment of extended unemployment compensation benefits.

The Federal-State Extended Unemployment Compensation Act, enacted in 1970, was designed to deal with the then-rapid surge in unemployment that this country was experiencing. Accordingly, it specified that this 13-week extension of unemployment benefits could not be paid unless a State's unemployment rate was sharply increasing—in technical terms, the rate has to be at least 120 percent of the rate prevailing in that State in the 2 previous years.

The present law simply does not apply to, or deal with, the persistent degree of high unemployment that many States are presently experiencing. In fact, the unanticipated effect of the 1970 law has been to end entitlement in those very States where unemployment has leveled off on a high plateau.

In effect, the thousands of jobless exhausting their 26 weeks of State benefits are told that the degree of unemployment does not matter. They are told that they are entitled to extended benefits only if conditions are becoming still worse at an ever-increasing pace.

Now we are paying the price of this oversight in the 1970 law. At least 24 States, all with unemployment rates high enough otherwise to entitle them to these extended benefits, will lose out strictly because their rates happen to have leveled off. Truly, this represents a cruel "Catch-22" logic that I am certain the Congress never intended.

In my own State of New Jersey, unemployment stands at 6 percent of the work force—far above the national average. Yet, on December 29, over 25,000 workers in my State will lose their entitlement to these extended benefits. And adjustments that may have to be made because of the energy crisis indicate that these figures may be extremely conservative. In all, the New Jersey Department of Labor and Industry estimates that at least 150,000 unemployed workers in New Jersey will be eligible for these payments in the year ahead if this restriction is removed.

As in the other 23 States involved, most of these jobless will have no other recourse except to go on the welfare rolls—and this at a time when State and local governments across the country are hard pressed financially. The Federal Government finances 50 percent of the cost of this program of benefits.

In June of this year, I and a number of my colleagues secured a temporary waiver of this restriction which subsequently enabled the payment of these extended benefits. Unless we act, this waiver will expire on December 29. Once again, I urge my colleagues to rectify this oversight in the present law and support our amendment to strike permanently at the "120-percent requirement" of the Federal-State Unemployment Compensation Act of 1970.

Mr. TUNNEY. Mr. President, I am delighted to join the distinguished senior Senator from New York in cosponsoring this amendment.

California continues to suffer from high levels of unemployment. Many working men and women, through no fault of their own, find themselves out of jobs and out of unemployment compensation benefits and will immediately benefit from passage of this amendment.

Specifically, during the last month for which data are available, more than 16,000 Californians exhausted their unemployment compensation benefits. These people represented just over 8 percent of all those receiving such benefits. Under ordinary circumstances, more than 250,000 Californians could be expected to benefit from the proposed extension of unemployment compensation eligibility in 1974.

Unfortunately, Mr. President, the advancing energy crisis will throw many additional thousands of people in my State onto the unemployment rolls.

We can thus anticipate that the numbers of unemployed exhausting their benefits will rise substantially. The urgency of this amendment is, therefore, greater than ever before.

Mr. President, according to the latest available statistics for the State of California, more than 394,000 members of the labor force are now out of work. On a seasonally adjusted basis, this means that 5.2 percent of those in the work force are presently seeking work without success. Many have exhausted their unemployment benefits and many more will be in the same position in the weeks and months to come.

Chairman WILBUR MILLS of the House Ways and Means Committee has indicated his support for the substance of this amendment. In view of the widely recognized need for extension of unemployment compensation benefits and the favorable prospects for House passage, I urge the Senate to approve this amendment without further delay.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 651

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. CLARK), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. WILLIAMS), the Senator from New York (Mr. JAVITS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of amendment No. 651, intended to be proposed by him to 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.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Ira DeMent, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years, reappointment.

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the Committee, in writing, on or before Tuesday, December 4, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS BY THE SPECIAL SUBCOMMITTEE ON INTEGRATED OIL OPERATIONS

Mr. HASKELL. Mr. President, on December 5 and 6, 1973, the Special Subcommittee on Integrated Oil Operations of the Committee on Interior and Insular Affairs will continue public hearings on competition in the petroleum industry. They will be convened in room 3110 of the Dirksen Office Building at 10 a.m.

The principal issues for the December 5 hearing will be: Are interlocking directorates and financial interties in the petroleum industry a serious anticompetitive problem and are the independents being subjected to an unfair competitive disadvantage relative to the majors? Witnesses expected to appear at this hearing are: Senator LEE METCALF; Congressman WILLIAM GUNTER; Prof. James Patterson, Indiana University; Mr. Kenneth W. Catmull, Autotronic Systems, Inc.; Mr. Charles Shipley, Service Stations Dealers of Michigan; Mr. Samuel Gary, Denver, Colo.; Mr. Charles Binsted, National Congress of Petroleum Retailers; Mr. Gregg Potvin, National Oil Jobbers Council; Mr. John Miller, Independent Petroleum Association of America; and selected directors who hold dual positions with two or more firms in the petroleum industry.

The principal issue for the December 6 hearing will be: Are the major petroleum companies expanding into other fuels areas, and is this economically desirable? Witnesses expected to appear at this hearing are: The Honorable Dixy Lee Ray, Chairman, Atomic Energy Commission; Mr. Alex Radin, American Public Power Association; Prof. Reed Moyer, Michigan State University; Mr. James Ridgeway, author of "The Last Play"; Mr. Arnold Miller, president, United Mine Workers of America; Mr. A. F. Grospiron, president, Oil, Chemical, and Atomic Workers International Union of America; Mr. B. R. Dorsey, Gulf Oil Co.; Mr. J. K. Jamieson, Exxon; Mr. D. A. McGee, Ken-McGee, Oklahoma City; Mr. J. . McLean, Continental Oil Co.; and Mr. C. A. Spahr, Sohio.

Interested or affected parties desiring to file statements for the record are requested to transmit their submissions to the Interior Committee staff. Additional hearings by the special subcommittee will be announced in the future.

NOTICE OF HEARING BY SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. MUSKIE. Mr. President, on August 2, 1973, the Subcommittee on Intergovernmental Relations contracted with a respected public opinion firm, Louis Harris and Associates, Inc., to undertake "A study to measure public perception of the responsiveness of gov-

ernment at the Federal, State, and local levels and to explore ways to increase the responsiveness and efficiency of government at all levels."

This September, Louis Harris and Associates, Inc., personally interviewed a scientific cross-section of 1,596 Americans. In September and October, the subcommittee staff personally interviewed 68 State officials, including Governors, Lieutenant Governors and legislative leaders of both parties in a scientifically selected sample of all States. At the same time, the subcommittee staff conducted a mail survey of 206 officials in 96 scientifically selected sampling points across the country.

The results of those three surveys have been compiled into a report entitled "Confidence and Concern: Citizens View American Government." Louis Harris will discuss that study at 10 a.m., Monday, December 3, at a hearing of the Subcommittee on Intergovernmental Relations. The hearing will be held in room 3302 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON CORPORATE GIANTISM AND FOOD PRICES

Mr. NELSON. Mr. President, I announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume its hearings on "The Role of Giant Corporations in the American and World Economies" on December 10. Sessions on December 10, 11, and 12 will comprise "Part 6—Corporate Giantism and Food Prices."

The hearings will begin at 10 a.m. on each day in room 6202 of the Dirksen Senate Office Building.

At these hearings, the subcommittee will receive testimony from farmers, small business food processors, consumer spokesmen, labor spokesmen, and specialists in the food industry.

A complete witness list will be available at the offices of the Small Business Committee within the next few days.

ADDITIONAL STATEMENTS

CHARGES AGAINST THE SBA

Mr. YOUNG. Mr. President, I was very interested, as I believe most Members of Congress would be, in an editorial appearing in the Forum on November 26, 1973, entitled "House Subcommittee Should Speed Public Hearings on Charges Made Against SBA."

The views expressed by the editor of North Dakota's largest newspaper are in accord with mine and I believe deserve consideration.

Mr. President, the Forum carried another editorial on November 22, 1973, entitled "Americans Have Much To Be Thankful for Even if There Are Some Troubles Ahead." This is a thought-provoking editorial and a very timely one.

I ask unanimous consent that these editorials be printed in the RECORD as a part of my remarks.

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

HOUSE SUBCOMMITTEE SHOULD SPEED PUBLIC HEARINGS ON CHARGES MADE AGAINST SBA

From what we know of the record of a North Dakotan holding a top job in Washington, the subcommittee on Small Business of the House Banking and Currency Committee is doing a disservice to the nation and particularly to the Small Business Administration by failing to call an immediate public hearing on its allegations that criminal misconduct is occurring regularly in SBA business procedures in many parts of the country.

Thomas Kleppe, appointed SBA administrator by President Richard M. Nixon after he lost a senatorial contest in 1968, is unhappy with the injustice of the charges and the manner in which they were made.

At a recent press conference, Kleppe, former mayor of Bismarck and a prominent businessman in North Dakota before going to Washington, stated that it all began when the subcommittee issued a press release charging that there were serious problems in the administration of SBA offices and loans, and that some of these were "so severe that criminal prosecution may be in order."

Kleppe charged that this was given as the excuse for the subcommittee's stopping any further action on the bill that would give the agency the funds it needs to continue its loan-making activities in behalf of small businesses throughout the country. "For all practical purposes, this assistance has been cut off by the action of the subcommittee, even though the Senate approved the bill unanimously on September 23," Kleppe said.

Kleppe complained that he was informed of the subcommittee's action by the press, and all of his information about what the committee has in mind has come solely from press accounts.

At his first press conference since his appointment three years ago, Kleppe declared he had not been advised of any date for his appearance before the subcommittee. He is anxiously awaiting the invitation to appear.

He pointed out that the SBA was created to handle the riskier loans, loans that commercial banks could not handle because the credit rating of the applicants did not qualify them for regular loans. Because of the nature of the loans, these are losses. They run at the rate of about 6 percent of the amount of money loaned. Most of the losses are the direct results of business failures.

Undoubtedly there has been mismanagement or improper conduct, as there always is in anything of such major magnitude, Kleppe said. He did report that the FBI checks every business borrowing funds through the SBA, but not all undesirable situations are uncovered by such investigations. The SBA has uncovered problems, and referred the matters to the Department of Justice.

Apparently the major problems referred to by the subcommittee concern the Richmond, Va., office of the SBA, but the remarks made by subcommittee members are much more inclusive, Kleppe told his press conference that:

One member of the subcommittee was reported in the press as saying that SBA's corruption is pervasive throughout the nation. He guaranteed if the subcommittee member would provide the information, the Justice Department would have the case within the hour.

Another "source close to the investigation" said, "It goes from top to bottom," yet, Kleppe said, SBA has no names, no numbers, no help from the congressional investigators.

Another member of the subcommittee put out an incredible amount of misinformation about what SBA is doing and isn't doing, Kleppe said, but "he hasn't talked with us, and so we haven't had a chance to figure out what he is talking about."

The SBA makes its loans to small businesses under programs legislated by Congress. Congress virtually orders that minority enterprises get special attention and favorable action, even if the credit ratings aren't good.

It would be a good guess that every SBA state administrator could pinpoint the number of times that he has been asked by members of the House and Senate to do everything he can to speed loans for the officeholder's friends. But these political pressures aren't under investigation by Congress.

As Kleppe said, it is time to remove the cloud of suspicions from the entire SBA staff and bring all the charges into the open, and to bring criminal proceedings against those, and only those, who might be found in violation of the law. The subcommittee should speed the public hearings on the charges it has made.

AMERICANS HAVE MUCH TO BE THANKFUL FOR EVEN IF THERE ARE SOME TROUBLES AHEAD

Today is Thanksgiving Day, 1973. So what do Americans have to be thankful for?

Well, there's plenty of turkey available. Unfortunately, it costs almost twice as much as it did last year, but that certainly is better than no turkey at all, or the bowl of meatless soup that will be the main meal for countless thousands in the hungry nations of the world.

While food prices have shot up almost unbelievably in the past year, it hasn't all been bad. In these agricultural states of North Dakota and Minnesota, the farmers feel they are at last getting their rightful share of America's prosperity. And their prosperity rubs off on the rest of us.

Around the corner of the New Year there may be trouble ahead, primarily because of the shortage of petroleum products, specifically gasoline for cars and fuel oil for homes and businesses.

No one can say for certain just how critical the shortages will prove to be. We may find out that the voluntary reduction of room temperatures in the homes, stores and office buildings to 68 degrees from the generally accepted norm of 75 degrees, and a curtailment of our pleasure driving may be enough to see us through the winter.

The gasoline shortage may curtail our vacation plans for next summer, but that won't be as critical as a fuel oil shortage in this part of the nation during the cold months of December, January and February and even March and April.

Still, there is no prospect that things around our homes will be quite as cool as they used to be just a few short years ago. In the 1920s almost every home was heated by coal. That coal fire burned itself down pretty well by morning. The early riser of the household had to put on more coal, open the draft and the furnace and empty the ashes before the heat started flowing again. The household temperature dropped down to a chilly 60 degrees in those uninsulated homes.

If gasoline for our cars gets to be in short supply, we can always find ways to get to work through car pools or even walking. It may be that the youngsters will find that they'll have to walk a mile or more to school, just like their grandparents did.

So far, the only thing that confronts us because of these shortages is inconvenience, rather than hardship.

Our nation is involved in no war. There is no draft into military service of our young men. There is no pending military action. We've just seen war flare up in the Middle East between the Jews and the Arabs—and we have seen both sides accept a cease-fire which could lead to peace in that restless section of the world.

The cease-fire came before the big powers of the world became participants in the land and air battle. Now there is more concerted effort to end the continuing conflict between

Arabs and Jews than there has ever been in the last twenty years and a greater hope that something will be worked out.

There is no promise that peace will be achieved in the Middle East, but certainly we can be thankful that the threat of conflict becomes less as each day goes by.

Yes, America has much to be thankful for, much more so than the pilgrims who instituted this feast day in the early 1600's. We can enjoy our family reunions today in an even happier mood than a year ago, because we have ended our participation in the Vietnam conflict. There may be some troubles ahead, but nothing with which we cannot cope.

DESEGREGATION PLANS OF THE COMMONWEALTH OF VIRGINIA

Mr. HARRY F. BYRD, JR. Mr. President, on November 10, the Office of Civil Rights of the Department of Health, Education, and Welfare rejected the college and university desegregation plans of the Commonwealth of Virginia. The reasons given for this action have been given careful scrutiny by Virginia's press.

The Roanoke Times, whose editorial page editor is Harold Sugg, called the rejection "harassment" and stated editorially that "extraordinary progress is being made—as it was in public school systems before the Federal judiciary and HEW went on a quota and busing kick."

The Ledger-Star, which serves Norfolk, Portsmouth, Virginia Beach and Chesapeake, characterized the HEW objections as "fuzzy and unrealistic." The editor of the Ledger-Star's editorial page is George Herbert.

The Daily News-Record, of Harrisonburg, whose editor and general manager is D. Lathan Mims, disputed the HEW findings point by point.

In its editorial, the Richmond Times-Dispatch scored the Federal action as demanding "precisely the brutish policy that now prevails in our public elementary and high schools." The Times-Dispatch editorial page editor is Edward Grimsley.

These courageous remarks reflect a statewide consensus that the HEW findings are counterproductive and will cause a deterioriation in both race relations and the high quality of Virginia's institutions of higher learning.

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

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

[From the Roanoke (Va.) Times, Nov. 15, 1973]

HARASSMENT

The Department of Health, Education and Welfare (HEW) is harassing the state of Virginia on the question of desegregating colleges and universities. It's an old bureaucratic technique: If a company, an agency or another government is really making progress, make it fill out still more forms.

The Office of Equal Employment Opportunity demonstrated the technique most recently by bringing fierce-sounding charges against precisely those major corporations which are doing the most to give opportunities to minority groups. Virginia has furnished the most details on how it is obeying the law. Therefore, says the technique, let's order Virginia to do more than the states which provided very brief plans.

The fact is that Virginia colleges and universities do not discriminate racially. Most of them are recruiting black prospects and giving them every break they can in class. Extraordinary progress is being made—as it was in public school systems before the federal judiciary and HEW went on a quota and busing kick.

That same way-out-yonder idiocy could damage not only Virginia's colleges but racial amity if it is permitted to succeed. Busing college students the five miles between Old Dominion University and Norfolk State is a stupid proposal; the students have a hard time making schedules on their main campus. Not to recognize that many black students *want* to go to Virginia State College in Petersburg *because* it remains principally black is a failure to understand the feelings of many black people.

A determined mixture of faculties, to achieve some kind of a racial balance, could damage all Virginia colleges. Suppose one of the nation's most distinguished black historians became available; and then suppose that Virginia State College could not hire him because that would tend to make the black-white ratio of faculty members more black. Similarly, a distinguished white historian could not be hired at Virginia Tech or UVa because that would tend to make the ratios more white.

What Civil Rights Director Peter Holmes, of HEW, is probably incapable of comprehending is that proposals like his, at the least nonsensical and at the most counterproductive, kill off the desire to try hard to make de-segregation work. Temptation must be resisted; the desire should stay alive. And Governor Holton should treat the proposals as official nonsense. Could Virginia take the legal offensive and enjoin HEW from harassment? If not, there is a big battle to be fought in Congress.

[From the Ledger-Star, Nov. 16, 1973]

HEW AND THE COLLEGES

The heavy hand of HEW has come down again on Virginia's state-supported higher education system. The U.S. Department of Health, Education and Welfare has directed the state to submit new desegregation plans within 90 days. Eight other states' plans also were rejected.

Virginia's plan, which had been submitted in June, was turned down as being imprecise and incomplete.

Although the HEW letter to Gov. Holton, who has spearheaded a genuine effort to bring the state system into compliance, raised some specific points of objection, much of its criticism seemed fuzzy and unrealistic. Even as the state was trying to carry out some of the latest directives, officials were saying others needed clarification.

There is evidence, too, that the federal department is ignoring special conditions and needs in its pursuit of greater racial balance. A college system offering wide educational diversity and covering a whole state scarcely lends itself to principles that have been applied on the secondary and elementary levels. Indeed the racial balancing that has occurred on these levels has been accompanied by considerable disruption and disenchantment.

HEW also would impose upon individual colleges recruiting responsibilities that, in our view, go beyond what they reasonably should be. For example, it was proposed that all colleges and universities set up active recruiting efforts aimed at bringing in more students of the race currently in the minority in their student bodies.

Here in Tidewater, of course, the presence of both Old Dominion University, which is predominantly white, and Norfolk State College, which is predominantly black, gives the HEW rejection special application.

The two schools have been working in concert both to eliminate duplication where practical and to increase student exchange. Course eliminations have begun; ODU and Norfolk State are bringing their calendars into agreement, and buses are being considered as a means of enabling larger numbers of students to take courses at both colleges.

HEW wrote approvingly of the strides that have been made but seeks precise information on when steps will be implemented and what funds will be required.

A failure by the state to satisfy the federal government as to the desegregation of its campuses not only would threaten federal grants but also could lead to legal action by the Justice Department.

Virginia, it seems to us, has moved positively to bring more racial mix into its colleges and has instituted specific programs and policies to support this claim. This is being done within the context of the state's twin overall goals of improving the system of colleges and universities and of expanding the educational opportunities for black and white students alike. HEW's goals, by contrast, appear to be interference and harassment.

[From the Daily News-Record, Nov. 17, 1973]

FEDERAL MEDDLERS

The Department of Health, Education, and Welfare has issued a ukase to Virginia, commanding the Commonwealth to submit within 90 days an improved plan for desegregation of all state institutions of higher learning, "from community colleges to schools on the doctoral level." Madison College was among schools singled out for their low percentage of minority enrollment.

Let us say at the outset that we believe race should be no bar to anyone at any college; those who apply should be considered on the basis of their promise, as well as that can be judged, and race is a factor that should not be taken into account. This said, the fact remains that the HEW directive orders Virginia to do four things that are either impossible on a rational accounting or undesirable in any college.

First, the state is asked to ensure "that high school counselors will not channel students toward colleges in which their race predominates." Obviously the state has no power over the decisions of the thousands of persons involved, and in any event the final decision is the student's. Who can say whether a counselor or a student is responsible for the latter's choice of a college? And will any counselor in his right mind attempt to dissuade qualified white students from attending, say, the University of Virginia, or William and Mary?

Second, there should be a "method to insure that the attrition rate of black students in predominantly white institutions will be no greater than that of white students." Preposterous! The only method that could possibly effect such a result is a dual grading scheme and a special program to look after the welfare of minorities. Both are highly discriminatory, and the former is unethical as well. Nor should college students require to be coddled: *in loco parentis* disappeared from campuses in the 60s.

Third, curricula should be realigned "at particular institutions to enable them to compete aggressively for students of the race not traditionally identified with those institutions. Virginia State College, we suppose, will have to initiate a White Studies program. Since the order recognizes in effect that academic standards are lower at the predominantly black institutions, must they raise their standards while the others lower theirs, in order to achieve a racial mix acceptable to the authorities in Washington?

Curriculum changes are made only with the consent of the college departments involved. For government at any level to im-

pose them is an invasion of the prerogative of the faculty; yet that is what HEW is directing Virginia to do.

Fourth, there should be "remedial courses and compensatory services for the "culturally deprived and those from 'low socio-economic groups' at all state-supported institutions."

The high school is the proper place for remedial and compensatory work: it is a familiar environment to almost every boy and girl, at least to the age of 16, and it is close to home. Students from the lower classes, who may be intimidated by strange surroundings, have a better chance to develop latent abilities in places where they feel at home.

In any case, the purpose of a college, especially if it goes by the name of liberal arts, is the pursuit and diffusion of knowledge. Students when they arrive should have a command of the basic tools. If they do not, they do not belong in any four-year college, where remedial work is a misuse of space, time, and personnel—not to mention money.

Finally, are colleges supposed to ignore race as a criterion, or not? HEW seems to be saying that it should be ignored when it works to the advantage of minorities, and taken into account when it works against them. Do blacks and other minorities really want to be the objects of such bureaucratic paternalism, or do they wish to make it on their own, without discrimination either for or against?

We hope that Madison and all other Virginia institutions will continue to accept applicants on the basis of their promise, as well as that can be judged, and regardless would make that impossible.

[From the Richmond Times-Dispatch, Nov. 15, 1973]

WORTH FIGHTING FOR

With all the legal resources at its command, Virginia should oppose the latest Procrustean college desegregation edict from the Department of Health, Education and Welfare. This is no call for a return to massive resistance; it is a call for a return to sanity. For HEW's arrogant decree is one of the most insane orders ever to be issued by Washington's bureaucracy, and its implementation could have a tragic impact upon the quality of higher education in this state.

Ignoring the fact that physical, social and academic diversities contribute to the vitality and appeal of colleges and universities, HEW would transform them into institutions of dulling sameness. In a misguided effort to improve the quality of some colleges, HEW would worsen the quality of others. All, as a result, would become simply mediocre.

Today students are free to choose their colleges for a variety of reasons. They choose a college because they like its academic programs. Or its traditions. Or its location and physical characteristics. Or the composition of its student body. Or, perhaps, because Dear Old Dad went there.

And this is as it should be. College students are adults and they should be free to make some major decisions for themselves. Moreover, the pursuit of a college education is a highly individualistic undertaking in which the performance of each student is determined largely by his own attitudes and aspirations. Educators may find the herd approach unavoidable in elementary and secondary schools, but it is counterproductive in colleges.

Yet it is the herd approach that HEW would follow. It would restrict the right of students to choose their own colleges by effectively establishing racial quotas for the student bodies of both predominantly black and predominantly white institutions. Virginia State College and Norfolk State College, both predominantly black, are told that they should increase their white enrollments until whites constitute "at least one third of the student body" at each. Certain predominantly white institutions—Virginia Military Institute, Madison College and Christopher Newport College among them—are warned that they must increase their percentage of black students.

There is no way, no way in the world, that state officials could guarantee the achievement of HEW's statistical goals without making direct or indirect force a component of college admissions policies. One way or another, some students would have to be required to attend specified colleges. This is precisely the brutish policy that now prevails in our public elementary and high schools. Are the young people of this nation, the greatest democracy on earth, to be given no freedom of choice at any point in their educational careers?

It should be enough to open all state-supported institutions of higher learning to students of all races on equal terms. Virginia has done this and more. Most of its predominantly white colleges and universities make conscientious efforts to attract additional black students. But this is not enough for HEW. It seems to be especially rankled by the fact that Virginia State and Norfolk State remain predominantly black. Yet many black educators, including Virginia State President Wendell P. Russell, are convinced that predominantly black institutions perform a vital educational role. In their opinion, predominantly black colleges can be far more effective than predominantly white institutions in meeting the educational needs of some young Negro men and women. But the protests of distinguished educators like Dr. Russell sail right over the heads of HEW's bureaucrats, who, if they could, would destroy both Virginia State and Norfolk State.

HEW's insanity does not end with its admissions decree. Incredibly, it would inject race as a factor in college grading systems, for under its edict colleges would be expected to develop "a method to insure that the attrition rate of black students in predominantly white institutions would be no greater than that of white students." In other words, colleges are to see to it that white and black students pass, fail and drop out at precisely the same rates. Obviously, this is something that no academically honest college can promise.

HEW's order should not go unchallenged. Gov. Linwood Holton should do all that he can to have it cancelled or modified, not as an act of defiance but as an act of reason. And though they might not be successful, Virginia's congressmen should make an effort to amend the Civil Rights Act of 1964, which HEW cited as authority for its action. At stake is the future of higher education in Virginia, and that, HEW should be made to understand, is worth fighting for.

TRIBUTE TO THE LATE REPRESENTATIVE JOHN P. SAYLOR

Mr. FANNIN. Mr. President, I wish to add my voice to the many who have paid well-deserved tribute to Representative John P. Saylor, of Pennsylvania. His unexpected death was a shock to all of us who have known him and worked with him over the years.

John Saylor was a man well-known far from the borders of his own home district. His leadership on the House Interior Committee made his name a household word in my home State of Arizona. His deep concern for my State's natural beauty and resources was understood and appreciated by our people.

He was a tough legislative fighter—a man who was a forceful ally or a tenacious opponent. He spoke his mind and worked diligently for preservation of such national treasures as the Grand Canyon.

John Saylor was an environmentalist before the term became a national catchword.

He also had a most commendable record of working for the benefit of our veterans.

As a member of the Senate Interior Committee and more recently as minority leader of this committee, it was my privilege to work with Representative Saylor in his capacity as minority leader of the House committee. I know that he was a gentleman of high intelligence and utmost integrity.

Our Nation has lost one of its greatest legislators, and I join with those who have extended sympathy to the family.

ARMS CONTROL

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues an excellent article by William Epstein, former Director of the U.N.'s Disarmament Division, which appeared in the New York Times on November 17.

Mr. Epstein argues that the present debate in the U.N. General Assembly on arms control provides an urgently needed opportunity to discuss the curtailment of military budgets—first by the five nuclear powers and the two Germanys and then, eventually, by all countries.

I am sure that my colleagues share Mr. Epstein's concerns over continually escalating military budgets among the major powers. But he recognizes that "it would be better to leave it to the individual countries to decide in what sectors they would carry out the agreed reductions."

Mr. President, I ask unanimous consent that Mr. Epstein'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 New York Times, Nov. 17, 1973]

THE WORLD COULD BE OUTFITTED WITH PRUNING HOOKS

(By William Epstein)

UNITED NATIONS, N.Y.—Once again the General Assembly is debating arms control and the reduction of military expenditures—the biblical injunction of Isaiah to turn spears into pruning hooks—at a moment in modern history when nation has lifted sword against nation. The superpowers in recent days have observed their sophisticated weapons tested in the sands and over the skies of Sinai; blood has flowed on both sides of the Suez Canal. Whether hot war, cold war or détente, the military budgets spiral upward.

The arms race exacts an appalling toll in terms of human welfare in the rich as well as the poor countries. On both the national and the international level the world is afflicted by the threat of the three p's—poverty, population and pollution. To grapple with them, the enormous sums wasted in the futile arms race must be rechanneled to economic and social goals.

The paradox of the escalating arms race, despite more than a dozen arms control agreements, is all the more puzzling because of the recent improvement in the international climate. China and the two Germanys are now members of the United Nations, the

United States and the U.S.S.R. in their SALT agreements have agreed to stabilize the deterrent and give up the race for nuclear superiority.

Soviet-American détente seems to have survived the latest Middle East war, though subjected to severe strain. In the long run it may even have been strengthened by mutual efforts to end the conflict. A new opportunity was provided for the two superpowers to halt or curtail arms deliveries to the Arab and Israeli combatants. But instead of trying to increase security in the area at a lower level, the two powers have used the war as a testing ground for new weapons and are still feeding enormous quantities of arms to each side. The military establishments in both the U.S. and the U.S.S.R. will no doubt use the fighting as an excuse for another round of budgetary increases.

The problem of the arms race should be met head on, not by interminable debate about limiting or reducing specific weapons and the number of troops but by cutting military budgets—by the five nuclear powers, the two Germanys, eventually by all countries. It would not even be necessary to specify how and where military budgets should be cut; it would be better to leave it to the individual countries to decide in what sectors they would carry out the agreed reductions.

Times have also changed with respect to verification of any agreement for mutual reductions. The great powers now have a much better knowledge of each other's economic systems and technologies and have developed new techniques of economic monitoring; satellite and telecommunications surveillance can alert each side to any significant changes in the other side's activities; and intelligence information provides an additional alert to any evasions.

Foreign Minister Gromyko has proposed in the General Assembly that the five permanent members of the Security Council (the five nuclear powers) reduce their military budgets next year by 10 per cent and that a portion (10 per cent) of the savings be used to help the developing countries. This would leave 90 per cent of the savings for domestic purposes. Since these five countries are responsible for about three-quarters of the total of world military expenditures, the reduction, although a modest 10 per cent to begin with, would amount to about $15 billion.

The developing and third world countries of course favor the idea, and it is likely that it will be approved in some form or other by the General Assembly. The United States and its allies have been notably cautious in their reactions and China has been hostile to it, calling it a fraud and hypocritical. Nevertheless, on reflection, all powers might find it in their interest to agree on budgetary cuts.

DELAYED FUNDING OF NATIONAL EDUCATION PROGRAMS

Mr. DOMENICI. Mr. President, I wish to speak today with regard to what seems to me an apparently endless delay in appropriating funds for our national education programs. Continuing resolutions are becoming more and more the rule rather than the exception.

As we all are well aware, Congress never did pass an education appropriations bill for fiscal 1973, and now, almost halfway through fiscal 1974, we are still authorizing funds under a continuing resolution, Public Law 93-124. Even when Congress does agree on an appropriations bill, its passage frequently has been delayed until October or November—well into the start of the fiscal year being funded. This kind of appropriations process is obviously irresponsible, resulting, I believe, in grossly inefficient utilization of our tax dollars.

The people who suffer the most by congressional delays are the school district officials, and, ultimately, the children themselves. Even in so-called normal years when Congress passes an appropriations bill at the beginning of the fiscal year, school districts are subject to great strains in their planning for the next school year. Every month of delay in passing an approprations bill causes more and more turmoil at the district level.

When dealing with education programs, delayed funding can have several major consequences which should be avoided. We all are aware of the fact that agencies like to spend the full amount of their appropriations. When funding is delayed, only minimal planning is possible and frequently programs are started which would have benefited by longer time on the drawing boards. There is no excuse for this kind of irresponsible grantmaking initiated by time pressures to use funds just because they are miraculously available. Furthermore, operating under a continuing resolution frequently results in the continuation of ineffective and outmoded programs—programs which have long existed beyond their usefulness. This is a kind of waste we simply cannot afford.

School officials operate with different calendar schedules than Congress. They do not have the freedom to indulge in political debates without causing serious losses to their programs. Hiring of new teachers and support staff usually takes place during April and May as does contract renewal of current staff. For many districts, hiring new personnel and retaining many currently employed is contingent upon receipt of Federal funds. Not knowing whether, when, or how much Federal money they will receive makes responsible budget planning almost impossible.

The losers in this deplorable situation are the children, the target of the well-intentioned funds. With inadequate resources to begin with—the funds we can allot to education being limited by other crucial demands on the national budget—we cannot afford to waste them on account of political and bureaucratic delays.

I have talked with several school superintendents representing a number of districts. These professional educators and administrators assure me that they would prefer a Federal commitment for a lesser amount of money at the time school budgets are determined rather than the indefinite prospect of possibly more money at a later date. It is impossible to hire teachers with only a promise of Federal funds; unfortunately teachers cannot eat and live on promises.

To emphasize the damage done by delayed Federal funding, which has been a problem for a number of years, I would like to quote from the first report of the National Advisory Council on the Education of Disadvantaged Children on title I of ESEA:

There is no doubt that implementation of Title I was greatly hampered this year by the non-availability of funds until after the school year began. Most personnel in needed specialties were already under contract, and school administrators were forced to plan projects almost overnight. The pressures of time gave State departments of education little opportunity to revise substantially many quickly conceived programs. We strongly urge the Congress to enact the next Title I appropriations bill as early as possible but not later than early summer 1966, to permit more careful program development and thus assure more effective use of funds.

Obviously, educators have been laboring beneath an unnecessary fiscal burden for years. The facts are the same today as they were in 1966. It is time to stop bickering and get moving on the fiscal 1974 appropriations bill. We must also think about ending this problem of delayed funding. Our goal is to help school districts—not to hinder their progress.

USE OF OUTDOOR RECREATION FUNDS TO CONSTRUCT INDOOR FACILITIES, A SENSIBLE IDEA

Mr. MONDALE. Mr. President, several days ago, the Fargo Forum printed an editorial concerning a bill that was recently introduced by Senator BURDICK.

This proposal would permit money from the land and water conservation fund to be used to enclose outdoor recreation facilities when climatic conditions and increased use would justify the cost.

According to the Forum:

One example shows the wisdom of such an approach. In North Dakota, outdoor swimming pools can be used only sixty to seventy days a year, or at most ninety days, from Memorial Day to Labor Day. Put a roof over the pool, provide heat and the same outdoor pool can be used the year round.

I would like to compliment my colleague from North Dakota for his leadership in developing legislation which would enable people who live in communities that normally experience long winters to enjoy greater opportunities for traditionally outdoor forms of recreation.

Mr. President, I ask unanimous consent that the full text of the Forum's editorial be printed in the RECORD.

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

[From the Fargo (N. Dak.) Forum, Nov. 8, 1973]

USE OF OUTDOOR RECREATION FUNDS TO CONSTRUCT INDOOR FACILITIES SENSIBLE IDEA

On the face of it, the granting of outdoor recreation funds to construct indoor recreation facilities sounds like an intentional illegal use of federal grants. There is, however, a lot of common sense to this idea as incorporated in a bill proposed by Sen. Quentin Burdick, D.-N.D.

He is sponsoring a measure in Congress that would allow municipalities and park districts, for instance, to use grant money from the Federal Land and Conservation Fund to bring some outdoor recreation facilities inside.

Sen. Burdick explained that the bill would permit the states to use 25 per cent of their annual apportionments from the fund to enclose certain traditionally outdoor recreation facilities where land or climatic conditions provide no feasible alternatives and increased public use justifies the cost.

One example shows the wisdom of such an approach. In North Dakota, outdoor swim-

ming pools can be used only sixty to seventy days a year, or at the most ninety days, from Memorial Day to Labor Day. Put a roof over the pool, provide heat and the same outdoor pool can be used the year around.

Sen. Burdick said, "While the increase in construction costs for such a facility are estimated to be 30 to 40 per cent, the public could enjoy five hundred per cent more swimming time. In addition, the year-around pool would be more sanitary and easier to maintain."

Or you can reverse the situation. An outdoor skating rink has a limited time use, because there is no telling when the first hard freeze will arrive or when a January thaw will put the ice out of condition for two or three weeks at a time. Put the same rink under a roof with artificial ice-making facilities, and the skating season is extended from three months to six or seven months—or all year-around if there is a public demand.

The money could only be used to protect recreational activities that are traditionally outdoor activities. It could not be used for bowling alleys, billiard rooms or theaters. It could be used for tennis, swimming pools, skating rinks. We doubt there would be enough money available to put a roof over a full-scale golf course, but riding arenas for horse lovers might quality.

The federal grants for outdoor recreational facilities are going to be made. Burdick's proposal would only permit the states to spend the money in the ways in which the public use of those facilities could be greatly increased at a relatively low cost.

EDUCATIONAL OR VOCATIONAL OPPORTUNITIES TO VETERANS

Mr. HANSEN. Mr. President, the current GI bill, Public Law 89-358, which became effective on June 1, 1966, was enacted by the Congress to provide educational or vocational opportunities to veterans whose plans may have been delayed because of service in the Armed Forces after January 31, 1955.

By recognizing the importance of educational opportunities for our men and women in uniform, these same opportunities were later made available to servicemen on active duty who had completed more than 180 days of service.

Mr. President, it is noteworthy that in 7 years since the enactment of the Vietnam-era GI education programs, participation rates have surpassed the record of the World War II GI bill.

I applaud the efforts of the Veterans' Administration in achieving this significant record.

A recent VA press release, highlighting this subject is at hand and I ask unanimous consent that it be printed in the RECORD.

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

VETERANS' ADMINISTRATION NEWS

More college students have already received educational benefits under the current G.I. Bill than were trained during the entire World War II G.I. Bill program, Donald E. Johnson, Administrator of Veterans Affairs, reported today.

During October, Johnson said, nearly 801,000 G.I. Bill college students were enrolled. This surge pushed the cumulative total during the seven years since the newest G.I. Bill was enacted to 2,258,158 trainees.

College enrollments during the entire 12 years of the World War II G.I. Bill numbered 2,230,000. The total for the seven year program under the Korean G.I. Bill was 1,158,109.

College trainees under the current G.I. Bill include 91,312 servicemen and 2,166,846 veterans. Military personnel on active duty were not eligible for training under the two earlier G.I. Bills.

The number of college trainees in the present G.I. Bill program is expected to far outstrip the World War II college trainee total in the years to come since Vietnam Era veterans have eligibility for eight years following release from service.

In terms of percentage of all G.I. Bill trainees who trained at the college level, Johnson noted, only 28.6 percent of the World War II veterans went to college. That percentage jumped to 50.7 percent for the Korean G.I. Bill, and to date stands at 56.1 percent for Vietnam Era veterans.

A major reason for the big increase in college level training today, the VA Administrator added, is the higher level of pre-service education attained by present day veterans. During World War II only 38.5 percent of servicemen had completed high school. Some 85 percent of the Vietnam Era servicemen were high school graduates, and thousands of others were able to complete high school training under military educational programs while in service.

A NOVEL APPROACH TO ENERGY CONSERVATION

Mr. HATHAWAY. Mr. President, a Maine banker, Mr. Arnold Sturtevant, president of the Livermore Falls Trust, has come up with what I believe is a novel approach to energy conservation which I would like to share with my colleagues and which I hope some other industries may follow.

I ask unanimous consent that an article entitled "L. F. Trust To Initiate Energy-Saving Hours and Employees Bonus Plan," and published in the Livermore Falls, Maine, Advertiser of November 22, 1973, be printed in the RECORD.

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

[From the Livermore Falls (Maine) Advertiser, Nov. 22, 1973]

L. F. TRUST TO INITIATE ENERGY-SAVINGS HOURS AND EMPLOYEES BONUS PLAN

If you find Livermore Falls Trust a little darker and a little cooler—(in temperature, not friendliness, that is)—then you are experiencing the results of that bank's energy conservation program.

The bank has undertaken some rather unusual measures that it expects will result in substantial savings of fuel and electricity in the months ahead.

Turning back the thermostat, switching off lights and paying its employees an "energy bonus"—(based on the actual savings that result)—are just a few of the ways that this Maine banking institution hopes to do its part in conserving the nation's critically short energy supply.

The most unique aspect of the bank's program is its bonus plan. To arouse a greater awareness of the crisis—and to promote individual participation in helping to solve that crisis—the bank will pay its employees a bonus of $2.00 for every $1.00 of fuel and electrical costs saved. (The measure of savings will be determined by applying the unit costs for fuel and electricity to the actual kilowatt hours and gallons of fuel saved over normal operation. (Although energy conservation will thus end up costing the bank twice as much as the cost of energy, its management considers it a worthwhile contribution to the solving of a true national emergency; and it feels that this incentive to economize at work can't help but result in beneficial carryover to each employee's home life.

Arnold Sturtevant, president of the bank, reports that employees are enthusiastically participating in the incentive program—already having found ways to cut over 18,000 watts from the institutions normal illumination needs; and a 20 per cent cut in commuting mileage will present added opportunities for conservation of gasoline.

In addition, the bank has announced a new energy-saving schedule of operations. New hours will allow it to run its furnaces and lights less while, at the same time, providing just as many hours of service to the public. This savings will be accomplished by closing its main office lobby on Mondays and adding the normal hours that it is open on that day to the remaining days of the week.

Bank management states that it has been demonstrated that significant energy savings can be effected by closing its main office lobby for three consecutive days (Saturday through Monday).

Starting the first week of December, its main lobby will be open to the public from 9 a.m. to 5 p.m. each Tuesday, Wednesday, Thursday and Friday. (It has normally closed at 3 p.m. on Tuesday through Thursday.)

The bank's main office drive-ups and walk-up windows will continue to be open every weekday afternoon until 5 p.m. and Saturday morning from 9 a.m. until noon. However, to help compensate for the lost Monday hours in the main lobby, these facilities will extend their hours to include Monday mornings—operating 9 a.m. to 5 p.m. on that day. The bank felt this added service would be especially useful to those businesses that need bank services after each weekend. These drive-in and walk-up service facilities can be operated with little expenditure of fuel and electricity, as they are separately heated and are compact self-contained units.

Livermore Falls Trust's branches in Jay and Chisholm have been on a Tuesday through Saturday schedule for several years; and their hours will remain unchanged.

The bank's Family Finance Center, considered a part of the main office will now be closed on Monday; but, like the rest of the main office, it will be open from 9 a.m. until 5 p.m. on other weekdays—(expanding from its former hours). In addition, the Family Finance Center will continue its past practice of accepting appointments for Saturday mornings.

Sturtevant says that he is sure that these measures will result in significant energy savings, undertaken in voluntary compliance with the President's request for all Americans to make a sincere effort to conserve scarce resources; and he fully expects that many others—(both businesses and individuals)—will be increasingly involved in doing their part.

IMPOUNDMENT, OFF AGAIN—ON AGAIN

Mr. HARTKE. Mr. President, I would like to call attention to a booklet that was sent to all Members of Congress entitled "Impoundment of Health Funds by the Nixon Administration; an Analysis and Case Study: Colleges of Podiatric Medicine versus Ash and Weinberger." I ask unanimous consent that the text of that cover letter sent by Mr. Robert A. Heil, executive director of the American Association of Colleges of Podiatric Medicine, be printed in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF COLLEGES OF PODIATRIC MEDICINE,
Washington, D.C., November 20, 1973.

DEAR SENATOR HARTKE: As you now realize, the U.S. District Court for the District of Columbia recently granted a motion for summary judgment in our anti-impoundment suit against HEW Secretary Weinberger and OMB Director Ash. The twenty day stay of the order has now lapsed, so apparently the case will not be appealed.

Because ours was the first anti-impoundment suit to be filed by a health group, great interest has been shown in the suit and in circumstances which led the Association to file the court action.

John T. Grupenhoff, Ph.D., and Robert G. Vaughn, LL.M., have authored the enclosed book which discusses legal aspects of impoundment generally and which uses our suit as a case study. It includes all the relevant suit documents in the appendix. We learned of the book before it was published and were so impressed that we decided to provide you a copy, feeling certain that you are interested in the subject.

We are hopeful that this book not only will provide you an insight to the legal issues but also will afford you an understanding of the problems faced by the colleges of podiatric medicine.

Sincerely yours,

ROBERT A. HEIL, *Executive Director.*

Mr. HARTKE. Mr. President, I point out that an important milestone was reached by the October 26 decision of Judge George Hart, of the U.S. District Court for the District of Columbia. The decision ordered the Department of Health, Education, and Welfare and the Office of Management and Budget to release fiscal 1973 capitation funds for the colleges of podiatric medicine and for the colleges of pharmacy and optometry which had been impounded by the administration. This decision was in response to the first important suit of its kind filed by a health group.

Now this decision is threatened by an administration proposal in the nature of a substitute for the conference report to the Labor-HEW appropriation bill which has been recommitted to conference. The lever being applied to Congress by the administration offers a signed Labor-HEW appropriation bill in exchange for a provision which would nullify all of the impoundment suits that have been tried and won in the courts and would cancel any lawsuits on which a final ruling has not been made. While the question of constitutionality of such a substitute has not been determined, this action is also in direct violation of the separation of the executive, legislative, and judicial branches of our Government. I would urge my colleagues to take heed of this action in view of the court decisions handed down to release these funds appropriated by the Congress and impounded by the administration.

PROFESSOR BARRETT, UNIVERSITY OF CALIFORNIA, ON THE ATTORNEY GENERAL SALARY BILL

Mr. FONG. Mr. President, last week, testimony was heard before the Judiciary Committee from Assistant Attorney General Robert G. Dixon, Jr. and Prof. William Van Alstyne, Duke University, concerning S. 2673, the bill to reduce the Attorney General's salary.

Both of these individuals concluded that the enactment of this bill would effectively clear the way for the proposed nomination and confirmation of Senator SAXBE as Attorney General. Additional support for this position is found in the letter from Edward L. Barrett, Jr., professor of law, University of California, to the distinguished chairman of the Judiciary Committee, Senator EASTLAND.

For the benefit of the Members who wish to further inform themselves on this subject, I ask unanimous consent that Professor Barrett's letter be printed in the RECORD.

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

UNIVERSITY OF CALIFORNIA,
Davis, Calif., November 15, 1973.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: I understand that you are holding hearings on S. 2673 and that the question has been raised whether it would be constitutional to appoint Senator Saxbe (or any other current member of Congress who was a member when the salary of the Attorney General was last increased) to the position of Attorney General should this bill become law.

A reading of the debates in the Constitutional Convention gives some flavor of the problem that Framers were attempting to solve when they adopted this provision. They saw the English experience as demonstrating that persons might become legislators in order to get offices for themselves and their friends, a source of corruption which could ruin the government. 1 Farrand, The Records of the Constitutional Convention 376 (Yale U. Press 1911). They thought that making legislators eligible to offices would give too much power to the executive. 2 Farrand 490. Thus the initial draft made Members of the Congress ineligible for appointment to any office during the time for which they were elected or, in the case of Members of the Senate, for one year afterwards. See, *e.g.*, 2 Farrand 166. There was much discussion of the inconvenience of making ineligible to office those who might be the best qualified and keeping them out for long periods of time. After much discussion the matter was compromised by limiting the disqualification to newly created offices and to those for which the emoluments were increased during the term to avoid similar evils. See *e.g.* 2 Farrand 286–290. See also the discussion by Madison in the debate in the Virginia Convention, 3 Farrand 314–317.

When the compromise was made in the Convention, those opposed to making members ineligible during the terms for which they were elected proposed an amendment restricting the ineligibility to offices created during their terms. Proponents of the original version rejoined that the incapacity ought to be extended at least to cases where salaries should be increased as well as offices created during their terms, and this was then accepted as the compromise. 2 Farrand 490–492.

The problems which concerned the Framers, dealing as they were with a situation in which the first Congress would create all offices and in which the Congress would be limited in number, do not seem to be of similar importance today. At any rate the history is clear that the Framers did not want to make able Members of Congress ineligible for long periods to appointment to government office. They imposed then a rather narrow limitation to those situations in which there would be danger that a legislator would use his position to create an office or to increase its compensation in order to be appointed to it.

Hence, it would appear that reading the Constitution to permit the appointment of a Member of Congress to an office the salary of which though increased during his term has been reduced to its origial level would be quite consistent with its general spirit and intent. No new office would have been created nor would an existing office be financially more attractive at the time of the appointment. The fact that similar action was taken without challenge in 1909 to permit the appointment of a Senator to be Secretary of State lends weight to this interpretation.

In short, I would find it quite consistent with the way in which many clauses in the Constitution have been interpreted to apply their general spirit and intent to the problems of modern times to interpret Article I, Section 6, Clause 2 to permit the appointment of a Member of Congress to an office created before his term but the compensation for which was increased during his term so long as the compensation were reduced to the level it had on his election prior to his actual appointment.

I should add that I am expressing my personal opinion and am not speaking for or on behalf of the University of California.

Sincerely yours,

EDWARD L. BARRETT, Jr.,
Professor of Law.

A STRONG RESPONSE FROM THE STATE OF DELAWARE

Mr. BIDEN. Mr. President, as the winter draws near and an energy shortage with it, Gov. Sherman W. Tribbitt, of Delaware, has acted forcefully. Addressing an extraordinary session of the general assembly on November 16, the Governor criticized the Government for not taking stronger measures and requested that the State of Delaware initiate programs designed to lessen the effect of the energy crisis on the citizens of our State. As the Governor stated:

We are at the very epicenter of an enormous energy earthquake that will shake our expectations for the future and alter our Earth forever.

We have usurped our resources . . . and now we must pay the ultimate user-fee . . . we do not have access to resources we had counted on.

And there are precious few resources left readily available today—let alone tomorrow. Now we must fully develop what has been sitting untapped.

And that is not meant as a "scare" tactic. It is merely calling a shortage, "a shortage."

Outlining a proposal that included closing off nonessential rooms, curtailing outdoor advertising, reducing voltage during selected hours, and many others, the Governor has recommended strong measures to deal with the energy crisis.

Mr. President, I commend the Governor for his efforts to help the citizens of Delaware through these troubled times, and I ask unanimous consent that the entire text of the Governor's speech be printed in the RECORD.

There being no objection, the speech

was ordered to be printed in the RECORD, as follows:

Mr. Speaker, Mr. President, Mr. President pro tem, Ladies and Gentlemen of the 127th General Assembly, Members of the Congressional Delegation, Members of the Cabinet, distinguished guests, fellow Delawareans: A crisis forces us together this afternoon.

An energy crisis that threatens our State and our Nation.

A crisis that could rock our economy.

It is absolutely essential that you members of the legislature act this very afternoon to pass the emergency legislation I have drafted . . . and grant me the broad powers I need as your Governor to meet this crisis head-on. . . . To meet the crisis with all the powers of my office. . . . To meet the crisis wisely and promptly.

Although we are gathered in an extraordinary session today, the energy problem is not a newly-exposed issue.

As far back as January of 1973, both *Newsweek* and *Time* magazines ran cover stories on what they labeled "the energy crisis."

We all watched it come cannon-balling down the track to us. . . . And many stood there, frozen in their paths.

And this winter, we may all suffer if we don't do something quickly.

The problem is that although we were warned about it, although people in the know talked about it, the problem was more real than it was apparent.

And if the public couldn't feel the effects of lessening oil and gas reserves. . . . If the public couldn't watch their pockets empty as the gas tank filled up. . . . Then they weren't ready to believe it.

Now everyone must believe.

We are at the very epicenter of an enormous energy earthquake that will shake our expectations for the future and alter our earth forever.

We have usurped our resources . . . and now we must pay the ultimate user-fee. . . . We do not have access to resources we had counted on.

And there are precious few resources left readily available today—let alone tomorrow. Now we must fully develop what has been sitting untapped.

And that is not meant as a "scare" tactic.

It is merely a question of calling a shortage, a shortage.

The one thing I find so staggering is that the Nixon Administration sat and sat. . . . And did nothing. . . . While America's energy reserves dwindled.

President Nixon did not act. He declined to act. He should have acted.

Finally, when he did address the Nation with an energy statement. . . . Months too late. . . . What he ultimately did was to deliver a message that was more homily than hard-nosed.

And in effect, the President slapped the problem on the desks of the 50 Governors. . . . who have little or no power to fight a national crisis, and total inability to develop the required comprehensive national policy.

But that did not preclude me from recognizing the problem even before I came into office in January of 1973. . . .

And it did not preclude me, as one Governor, from issuing a series of executive orders concerning the problem.

Let's take a quick look back. . . .

On January 18th of this year. . . .just two days after my inauguration. . . .I signed executive order number one, directing all State Departments and Agencies to start a program to conserve energy in all State-owned or leased facilities.

On the fourth of May, I signed executive order number eight, creating the Delaware Energy Emergency Board to study the conservation and allocation of gas, diesel, and other fuels being in short supply during the coming months.

On the twelfth day of June, 1973, I signed executive order number twelve dealing with energy conservation in State facilities during the summer.

The primary purpose of that executive order was to insure that air-conditioning facilities would be used sparingly.

On the 24th of August of this year, I addressed a letter to John Love, the President's "Energy Czar, urging that the Nation proceed with the mandatory allocation program for middle distillates as soon as possible. . . . and before the onset of the coming heating season.

Unfortunately, mandatory controls on home heating fuels did not become mandatory until November first. . . .well after the onset of the heating season.

And I might add, the forms which should have been in our hands on or before November first, from the Federal government, were bogged down. . . .and did not reach the office of the Division of Emergency Planning and Operations in Delaware City until the 13th of November. . .a full 12 days late.

My next step was to designate the Director of the Division of Emergency Planning and Operations as the head of the Mandatory Fuel Allocations Program in our State.

Heading that program, which went into effect on November first is Lieutenant Colonel James McCloskey.

In order to maintain orderly channels of communication to other levels of government, I propose to ask the appropriate officials in each of the three counties to designate an individual to work closely with Colonel McCloskey in his office.

In that way, each county and its elected officials can be constantly aware of the State's efforts to find solutions to the problems in the counties as they come to our attention.

Two weeks ago, I initiated steps to establish a public awareness campaign to awaken the people of Delaware to the energy crisis.

I felt it was critical to make information available to our citizens through the newspapers, radio and television.

Among steps taken to date is a statewide toll-free "WATS" line into Colonel McCloskey's office so that any citizen . . . regardless of his location in the State . . . can call Colonel McCloskey at no charge and obtain help with home heating or other related problems.

Next, I arranged for advertising to be prepared for insertion in the newspapers to explain how consumers can help conserve energy.

Also, radio spots are now being prepared—and will be distributed to all radio stations in the State—which will publicize energy conservation tips as well as the "WATS" telephone number.

I am pleased to say that all of this has been arranged by the State at no charge.

And I am proud to say that this is a definite sign of the support and the concern of the business community for the problems of the energy crisis.

Continuing with my efforts . . . on November 9th, I signed Executive Order Number 25 which reduced at once the speed limits of all State vehicles to 50 miles an hour.

And finally—just yesterday—I declared a state of emergency in Delaware. Now I turn to you of the legislature to grant me the necessary authority to move to combat the crisis.

In that state of emergency proclamation, I called for the return of this general assembly in extraordinary session for that sole purpose—of considering legislation to grant the Governor the authority to take actions as are appropriate in this crisis.

They are broad measures that I ask you to adopt to help conserve energy and to assist the Governor in doing what is possible to preserve the health and welfare of the citizens of Delaware, as well as bolstering the economy of our State.

But I say to you now . . . and I point a finger of guilt at Washington . . . that if the energy challenge had been handled in a timely, forthright, and judicious manner by our Federal Government, we would not be here today trying to perform a patchwork operation on a patient that is half dead.

And now I turn to you, the members of our general assembly to demonstrate your leadership and vision by joining with me and acting with dispatch on my legislative proposal which will be before you shortly.

This legislation will grant me, as Governor, extensive powers.

Its passage is essential.

Similar legislation was passed by the Maryland legislature earlier this week.

My proposal, when enacted into law, will give the Governor the power to take any and all action deemed adivsable to mitigate the energy crisis, recognizing our limited powers as a State.

Among other things, my proposal will empower the governor to promulgate orders, rules, and regulations to:

Establish and implement programs, controls, standards, priorities, and quotas for the allocation, conservation, and consumption of available energy reserves.

Control the type, composition, production and distribution of energy reserves.

Monitor the days and hours public buildings and commercial and industrial establishments are open for business.

Coordinate Delaware's energy reserve control programs and actions with those of the Federal Government and those of our sister states.

Suspend or modify air quality control standards insofar as the State has not been preempted by the Federal Government, keeping in mind our citizens' health and welfare.

With respect to modifications of the "clean air standards," unless the provisions of that law are superseded by emergency Federal legislation, the amount of latitude available to the States in terms of granting variances during this emergency situation is limited by the requirements to maintain air quality at a level designed to protect public health.

If the current oil shortage situation continues and energy conservation measures fail to alleviate the problem, we may inevitably be faced with the necessity of having to decide to temporarily compromise the environment, and the health of the citizens of Delaware in order to supply the energy to keep Delaware and the rest of the Nation moving or refuse to make that compromise.

The air priority region of new Castle County is most critically affected by this dilemma.

It has been estimated that about 19,000 tons of additional sulphur-oxide could be emitted into new Castle County's atmosphere before the primary sulphur-oxide standards are reached.

Considering that the required one per cent sulphur fuel is virtually impossible to obtain, and the required .3 (3/10) percent sulphur content home heating oil also is in short supply, it is anticipated that the sulphur emission reserve may be quickly allocated to those regulated parties seeking variances.

Fortunately, the air priority situation in Kent and Sussex Counties is less critical.

Those are some examples of the prob-

lems on which I may act if you grant me this needed broad power.

However, the bill contains certain restrictions.

I may not authorize, for example, the establishment of any major capital facility such as deep water ports or oil refineries.

Moreover, the bill creates a bipartisan joint legislative committee to review and endorse my action.

I will now list for you some of the steps I propose be taken immediately upon passage of this essential legislation:

Reduce the maximum speed limits in Delaware to 50 miles an hour. A ten percent fuel saving can be effected, and there may be the secondary impact of allowing the refineries to produce other necessary fuels.

(Let me add at this time that Senators Berndt and Hughes and Representative Spence demonstrated foresight on June 6, 1973, when they co-sponsored Senate Bill No. 321 to achieve precisely that goal of reduced speed limits.)

Inventory all energy reserves in Delaware and request anticipated demands for energy through July, 1974. The inventory process is aimed at eliminating hoarding of energy reserves.

Restrict student driving to schools.

Make firewood available. The wood from land-clearing operations can be made available to the public at cost. Prison labor may be used for cutting the wood.

Consolidate work areas—close off nonessential rooms. This can be done in both the public and private sectors.

Eliminate unnecessary security lights. Users will be required to investigate and utilize minimum lighting for safety and security purposes.

Curtail outdoor advertising lighting. Power can be conserved by curtailing outdoor advertising.

Power plants to reduce voltage during selected hours. Power companies will be directed to reduce voltage in selected areas during selected hours to minimize the fuel used for generating electricity. Such reduction in voltage can be achieved without affecting electric appliances or lighting.

Minimize nighttime lighting of large office buildings.

Reduce street lighting. However, public safety will be the criterion.

Survey all State buildings to correct heating deficiencies. The heating and ventilating systems of all State buildings will be surveyed and appropriate actions taken to minimize energy loss.

Suggest car pools. Every employer will be requested to investigate employee carpooling to maximize gasoline conservation.

In the next ten to fifteen days I will study and decide the feasibility of taking further action in the following areas:

Change employee working hours to 8:00 a.m. to 4:00 p.m. with a half-hour for lunch or . . . request industry to initiate a staggered working hour program.

Require power companies to investigate methods to reduce peak load consumption. Power companies will be asked to look at methods of stretching fuel usage for power and production purposes and such efforts may require reduction in peak load consumption and the spreading of that load.

Mandatory burner inspection at least once each year. Every fuel burner in the public and private sector should have fuel burning equipment inspected at least once a year to assure maximum efficiency of fuel usage.

Eliminate outside Christmas lighting. This will assist in reducing electricity demand during the cold winter months. Late last night I learned that Almart's stores have decided on their own initiative to ban all Christmas lighting this year.

Extend the Christmas vacation for school children through January 7, 1974.

I will also consider implementing additional action if necessary in the next 30 to 60 days in the following areas:

Investigate reduction of shopping hours. The amount of fuel used in shopping centers could be reduced by selectively cutting down shopping hours on certain days.

Eliminate extra-curricular activities and programs at our public schools during the evening hours.

Establish a four-day school week beginning in January and extending through March 15, 1974. The lost time can be made up by using vacation days or extending the school term or by other methods determined by the state board of education in cooperation with local school districts.

So far I've spoken about the need for action, the lack of direction from Washington, my legislative proposal, and the steps to be taken following its passage.

But there is more to the energy crisis. There is the probability of serious economic impact. An impact on Delaware—an impact on the nation.

But before generalizing about the impact, let us review some of the facts which in and of themselves outline the magnitude of the energy crisis.

1. The two million barrels a day of middle Eastern crude imported into this country has been embargoed at the source.

2. It is probable that the last shipments of Arab crude will have reached our shores by November 25.

3. Much of that crude will have been refined by December 15.

4. Obviously with world short term oil tanker charter rates down 80 percent, there must be a large idle tanker capacity.

5. The two million barrels of crude per day from the Middle East represented 6 percent of the Nation's energy resource. And it may have represented as much as 25 percent of the energy resource of the north eastern United States—including Delaware.

6. Even without the loss of the Arab crude, it is probable that America's energy demand would have exceeded supply this winter by some two percent. It would be still greater if the winter is extremely cold.

7. Critical shortages will be felt in home heating oil, diesel fuel, and gasoline.

8. Implementation of gas rationing would have immediate impact on Delaware's auto assembly and retail industries.

9. Gas rationing or very high gas prices would have a negative impact on State revenues—the motor fuel tax, for example.

These are just a few of the facts—facts which will become ever more apparent, ever more important.

Before touching in some detail the potential impact which may occur over the next six months, let me make one point. If Arab crude becomes available again soon, the impact of the crisis could be considerably softened. However, President Nixon has failed to brief the Governors on this important, compelling aspect of the crisis.

Therefore, I cannot in good conscience plan on that energy resource soon again becoming available. I hope and pray that it does.

However, my plans and my sense of urgency about this matter are based on the assumption that if it does become available, I will find out about it only through the news media.

While I appreciate the earnest efforts of the media to relay information, a situation as critical as this deserves direct President-to-Governors contact—from the Chief Executive to the 50 chief executives. And I call upon the President at this time to brief the Governors on this important subject immediately.

Now, based on the assumption that Arab crude will not be available for the next several months or more, we project that America's oil supply will be reduced 11 to 12 percent this winter. Since oil accounts for 46 percent of the Nation's total energy supply, energy nationwide will decline by roughly five percent.

If it is assumed that public conservation measures can absorb half of this reduction, then industrial output will probably decline by two-and-a-half percent.

It is conceivable then that total personal income may not increase at all during this period and may even decrease as much as two percent. In the long run, major increases in unemployment are likely. In the short run, unemployment will be less visible.

Increases in the cost of crude oil—as much as 100 percent in the last 12 months—suggest that the retail price of gasoline may climb to 65 cents a gallon within three to six months. If price rationing through imposition of an energy tax occurs, gas prices could reach one dollar or more a gallon. This could mean the demand for automobiles—especially larger models of the types assembled in Delaware—would decrease resulting in possible reductions in output, employment, and corporation and personal incomes in the State's auto assembly plants.

Reduced demand in the automotive industry will also impact the chemical and plastics industry which is a major employer in Delaware and supplier to the auto industry.

The retail and wholesale sector of our economy may be affected if it becomes very expensive to drive to stores. . . . or if rationing is imposed. This could severely reduce nonresident shopping in Delaware.

The Sussex County tourist industry could be seriously affected if the energy crisis continues longer than six months due to vacationers' dependence on the automobile.

Since transportation is a built-in cost of most goods and services, there could well be an increase in all prices merely due to increased petroleum prices alone.

Hopefully, increased car pooling and use of mass transit would occur automatically.

If the public recognizes the crisis will last more than a few months, there may be significant changes in commuter patterns—such as relocation of residences closer to places of employment.

State general fund revenues will be affected as a result of the anticipated economic slowdown.

Decreased production is almost a certainty due to the decrease in the available energy supply.

This will result in lower corporate income than expected. . . . And the growth rate of total personal income also will decline . . . although it is difficult to estimate the extent.

These events, of course, would result in lower State revenues.

Travel becomes more expensive, pari-
than expected. . . . And the growth rate of
racetrack fans.

We could speculate on these and other matters at great length.

We see the danger signals; however, we do not yet have the final answers.

Therefore, I have gathered a group of economists and analysts from both the private and the public sector.

They will hold their first meeting Monday afternoon.

Their job will be to gather data from all sections of the economy, weigh that data, and promptly submit to me a detailed analysis of the probable economic impact of the crisis.

I realize this has been a grim speech, but I don't want any of you to give up hope. We can and we will survive this crisis.

More than that, we will surmount it.

But, if the Arab crude remains embargoed, it will be a long, hard, up-hill fight taking years to get back to where we were.

But the people of our State and our nation are not soft.

They can and they will rise to the occasion.

Steps will be taken, I know.

For example, railroads could be moving more coal right now. More coal mines will be opened. More hopper cars will be built and old ones rebuilt. I am sure that coal gasification processes will be improved. I suspect that the Federal Government will allow east coast continental shelf oil exploration. And if oil is found, they will permit its exploitation.

These are just some of the positive steps that will be taken.

But they will take time—some will take years.

But be assured each and every one of you that I will do everything in my powers to lessen the impact of the crisis on the people of Delaware.

However, the overriding consideration is the immediate establishment of a sound, hard-nosed policy by the Nixon Administration.

Now, let me thank each and everyone for coming today and let me ask the General Assembly to favorably consider the legislation I propose.

Finally, let me leave you with the famous words of the late President John F. Kennedy. They are especially meaningful today—

"Ask not what your country can do for you. . . . Ask what you can do for your country."

Thank you.

EILEEN GALLAGHER

Mr. MONDALE. Mr. President, the University of Minnesota has for some time run a highly successful program—HELP—whose purpose has been to make it possible for welfare mothers to attend college. The outstanding record of this endeavor has been most encouraging. Mrs. Eileen Gallagher—who testified recently to the Senate Finance Committee about this program and what it has meant to her family—provides an excellent example of what this program offers.

Eileen Gallagher is an exceptional woman. She is the outspoken, 41-year-old Irish mother of nine, who has been supporting her family on AFDC funds.

In the middle of heated criticism, Mrs. Gallagher decided to return to college and obtain a degree. It has taken her 5 years and a great deal of courage and patience, but she has achieved that goal. She has now been taken off the welfare rolls and is employed at $12,500 a year as the director of the Episcopal Neighborhood Center School.

Mr. President, I would like to share Mrs. Gallagher's story with my colleagues and the public. I ask unanimous consent that a story which appeared in the Minneapolis Star be printed in the RECORD.

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

A NEW AGE FOR A MOTHER OF NINE

(By Jim Klobuchar)

It was almostly unanimously predicted in 1967 that Eileen Gallagher would flop as a 41-year-old coed.

Some of her neighbors offered the view that she not only would, but should.

Mrs. Gallagher was the kind of woman who had no difficulty attracting antagonism.

She was the mother of nine children, living in a fatherless home in Minnetonka. Her marriage ended in divorce in 1961. Her husband had never been a rock of stability, and so when the time came for alimony the court's award might be generously described as microscopic.

She had to accept the public dole, aid to dependent children.

From the Olympian outlooks which some ascend in judging those who have to live on welfare, this tended to put Mrs. Gallagher on the road to social exile.

Her decision a few years later to enroll at the University of Minnesota with nine kids on AFDC payments practically assured her banishment from the community of the just and worthy.

An account of her first months as a struggling college freshman received widespread attention. Between and around classes in American Lit and English composition she would drive to the grocery store for milk, find Kevin's shoes, help with the dishes, sew clothes, serve dinner in shifts, and referee the congestion at the bathroom door so that Mark and Mary could make the bus for Minnetonka high.

For her brazenness in wanting a higher education while she was accepting public money to preserve her family, Eileen Gallagher was denounced as an ingrate, a negligent mother and a slothful woman; in addition she was enthusiastically suspected of being a hussy.

Her largest sin in retrospect appears to have been a certain Irish feistiness of temperament and the stubborn belief that a woman does not have to forfeit all of her individuality and her ambition in order to meet society's test for "the right kind of AFDC mother."

"I tried some jobs that fell through," she said. "I had an offer of a $200-a-month job that would have put me on the road all the time, but what kind of life would that have been for the kids? Nobody had to tell me about the awkwardness of being a woman on AFDC. After a couple of years I could have written the book on it. I didn't want the money that way.

She decided the best way to shake any kind of social stigma from her kids was to go to college and to emerge not only as a fulfilled person but a better provider. It took five years, loans, federal assistance, 18 hours a day and one breakdown, but the lady graduated.

Her children gave a party for the scholar. Some in the neighborhood congratulated her, but she is still not likely to poll many votes for local mother of the year.

She looked for work, but had little trouble avoiding suffocation under the offers. She began doing volunteer work at the Episcopal Neighborhood Center. Her energy and innovations earned the admiration of superiors. She began speaking publicly, on problems of welfare mothers and those of drop-out high school kids.

A few weeks ago the Episcopal Neighborhood Center named Eileen Gallagher, the director of its Center School, at $12,500 a year.

We lunched a couple of days ago, our first since six years ago when the reformed tomboy from Holy Angels decided she would assault the walls of academe.

"Three of the kids married," she said. "One of them went to Vietnam. One is at the university and another is between colleges. We still have a household of six, and maybe now and then a foster kid I take in. You called me once a snappy, energetic Irish girl with notions to be a middle-aged Joan of Arc. I think that may have been close to it. But the crusades are not just for welfare mothers but for this alternative school for kids who would otherwise go down the drain.

"I'm a happy kind of person. But I'm not going to deny some leftover bitterness about some of the things that were said to my kids and the dirty and malicious phone calls I got. I'll repay the loans. Somebody asked me if I don't think I owe the public something for all of the AFDC money I got. I think it came to something like $50,000 in 10 years. I am grateful. But now I'm paying for somebody else, gladly.

"If the work I'm doing now can save just two or three kids, or even one, shouldn't the debt be square?

"How do you value a salvaged young life?"

PAGE NELSON KEESEE, OF JOHNSTON, S.C.

Mr. THURMOND. Mr. President, Page Nelson Keesee of Johnston, S.C., has recently retired as editor of the South Carolina Legionnaire, and I am pleased to call to the attention of the Senate the good work he has done on behalf of our veterans.

Nelson Keesee deserves the thanks of all of our veterans for a job well done. I wish him a pleasant and happy retirement with his family and many friends, and a complete recovery from his recent illness.

A. B. Fennell, former veterans employment representatives for South Carolina, has been unanimously appointed to fill in as editor. Abe Fennell knows and understands the problems of our veterans, and South Carolina veterans are indeed fortunate that his services are available to them.

The November issue of the South Carolina Legionnaire contains several accounts and an editorial about Nelson Keesee and Abe Fennell.

Mr. President, I am pleased to call these articles to the attention of my colleagues, and I ask unanimous consent that they be inserted in the RECORD.

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

[From the South Carolina Legionnaire, November 1973]

KEESEE RESIGNS EDITOR'S POST

Page Nelson Keesee, who has been editor of the South Carolina Legionnaire for several years, suffered a heart attack several weeks ago, but has returned home after having been hospitalized at Self Memorial Hospital in Greenwood.

Legionnaire Keesee, who also served as Department Adjutant for some ten years, is reported well on the way to recovery and is now back at his home "At Anchor" in Johnston.

Mr. Keesee has been advised by his doctors that he must drastically cut back on his activities and has indicated that he can no longer serve as Editor of the South Carolina Legionnaire.

Those of us who are engaged in publication of this issue of the S. C. Legionnaire join with his many friends among members of The American Legion in wishing Nelson a quick and complete recovery.

A. B. "Abe" Fennell of Columbia is the newly appointed editor of the South Carolina Legionnaire, succeeding Page Nelson Keesee of Johnston who retired last month after suffering a heart attack.

"Abe", longtime and active American Legionnaire, is a past department commander and served as Chairman of South Carolina American Legion baseball program

for three years after having served 21 years as state director of the program. He also was on the Legion world series staff for 11 years.

With a record of many years in newspaper work, "Abe" brings with him strong credentials as he assumes the vital post as head of the official newspaper of our Department.

After a meeting of the Department's Public Relations Committee Nov. 4th at which "Abe" was the unanimous choice as editor, Chairman Robert S. Powell stated:

"The Public Relations Committee feels fortunate in obtaining the services of an outstanding Legionnaire such as "Abe" Fennell and feel he will do much to help instill and promote a strong interest in Legionnaires to become more active in the noteworthy programs of the American Legion. We pledge him our cooperation and urge the rank and file of our Department to join in this support."

Continuing, Chairman Powell expressed appreciation to Legionnaire Keesee for his years of service as editor of our official newspaper. "The Public Relations Committee of our Department join with Legionnaires across the state in wishing Nelson a speedy recovery," Powell said.

[From the South Carolina Legionnaire, November 1973]

A TRIBUTE TO PAGE NELSON KEESEE

Page Nelson Keesee, who served as department adjutant of the Department of South Carolina of the American Legion, who headed up the Boys State program for many years and served as editor of this newspaper both before his retirement as department adjutant and since that time, has, on the advice of his physician, resigned as editor of the South Carolina Legionnaire.

Nelson, as he is known to most of us, served 30 years in the U.S. Navy before returning to his beloved home "At Anchor" in Johnston after his retirement. But he didn't really retire. He became active in his "home" Legion Post and was a prime mover in "Teen Town", one of the better community youth programs in South Carolina. He was most active in other projects, but his real love was The American Legion's Boys State program, which he directed for many years. Under his leadership, the South Carolina program became recognized nationally. The program grew to over 600 Boys Staters and Mr. Keesee was recognized nationally by being selected several years as a member of the Boys Nation staff, an honor reserved for the outstanding Legionnaires in the Boys State program. Known affectionately to literally thousands of the finest young men in South Carolina as "The Admiral", he stepped down after the annual Boys State gathering this year. It was a crowning glory for him that the 1973 President of Boys Nation was the first Boys Stater from South Carolina ever so honored.

His service as department adjutant was a great factor in the great progress made by the department during the ten years he served. He made many friends for himself and the department both within the borders of our state and on the national scene.

As editor of the South Carolina Legionnaire, Page Nelson Keesee performed still another great service to The American Legion and its members—a service which will long be remembered. The South Carolina Legionnaire—thanks to his dedication and ability—ranks as one of the better Legion publications in the country.

Every Legionnaire and every Boys State graduate will wish for Page Nelson Keesee a quick and complete recovery, as well as many more pleasant years of retirement at his lovely ancestrial home in Johnston, as will every person who knows what he has done for The American Legion and especially for the youth of South Carolina.

SOCIAL SECURITY: IN NEED OF OVERHAUL

Mr. HARTKE. Mr. President, there have been countless articles and books written during the past 2 or 3 years on the glaring inequities of the present social security system. When Congress passed H.R. 1 last year (Public Law 92-603) I stated that the promise of reform contained in that legislation was more illusion than reality. We have yet to tackle the difficult question of reform which plagues both the retired and those still in the working force.

I have introduced several pieces of legislation this year which would bring about major social security reforms. Among them is S. 1838 which provides for partial general revenue financing of retirement and health benefits and which also establishes a reduced social security payroll tax for low-income individuals. I believe S. 1838 is essential if we are to bring equity to the current working generation and adequate benefits for the retired.

Mr. President, recently, an article by Carolyn Shaw Bell on the myths and inequities of social security appeared in the Washington Post. I ask unanimous consent that this article be printed in the RECORD.

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

SOCIAL SECURITY—MYTHS AND INEQUITIES

(By Carolyn Shaw Bell)

Since the beginning of social security in 1935, the myths surrounding it have hardened into dogma. Yet it is time to acknowledge that it is not insurance but a massive income-transfer program containing many elements of welfare, and that it contains a number of serious inequities that need correcting.

Most of us believe, of course, that we pay social security into insurance funds and get it back later; that we all earn our social security benefits—the more we pay in, the more we're entitled to get back; and that social security is something we work for and are entitled to, unlike welfare which is a government handout.

Actually, the monthly social security checks currently received by, among others, widows, retired workers and the dependent children of disabled workers come from only one source: the payroll taxes collected by the Social Security Administration on the current earnings of some 93 million workers. It is a flow of funds—about $4.6 billion a month—from earners to non-earners.

Once the system is correctly identified, controversial issues of equity arise:

Financing the system by a payroll tax calculated at a flat percentage makes it highly regressive, posing more of a burden for those earning low wages than for those receiving high salaries. For most Americans, the sums withheld in social security contributions exceed those withheld for federal income taxes. Yet most of those receiving social security benefits need not have (and probably have not) remitted any such contributions.

The Social Security Administration calculates benefits partly on the basis of income maintenance, and Congress has approved the notion that the system should provide a family with an income adequate to meet its basic needs for food and shelter and clothing. Yet such welfare considerations do not exclusively determine the amount of benefits, for they also reflect past earnings and hence contributions.

The system taxes individuals as workers, and for families with more than one worker, the tax burden rises accordingly. Yet the system benefits individuals not only as retired or disabled workers but as dependents in a family. Hence the relation between taxes paid and benefits received is far less generous for a family with two or more earners than for a single-earner family.

People with incomes below the poverty level are exempt from the federal income tax, but must pay social security taxes. Yet social security benefits are themselves exempt from income tax.

These and other inequities surely require extensive public discussion, rather than being confined to congressional committee hearings and to disputes among experts.

THE TRUE FLOW OF FUNDS

From the beginning, the terms "contribution" and "social insurance" have been used to describe social security, although it was never seriously contemplated that payments to trust funds would in any sense be saved intact or invested to provide future benefits to the workers taxed. The notion that people have "rights" to social security, based on their contribution, has also persuaded many to envision a flow of funds from some kind of accumulation to those who helped build up the accumulation, and are therefore entitled to benefits.

Little effort has been made to get people to appreciate the true flow of funds, from taxpayers this year to beneficiaries this year. The revision in the 1972 legislation which put the entire system on a pay-as-you-go basis has not been particularly publicized. It may well be that public faith in the system, and to some extent in the federal government which administers it might be severely shaken if people suddenly discovered that no vast pile of funds existed. ("What did they do with all the money?") But changing the system to meet the true needs and wants of the people who support it will never occur without more widespread understanding of what now exists.

Because of the emphasis on retirement provisions, the income transfers brought about by social security is frequently described as one between generations—that is, between workers and retired workers. Yet over half the people on social security obtain allowances as dependents; they may or may not be of a different generation than the working population which furnishes their income. They include over 4 million children and an equal number of widows (including widowers), mostly elderly. Another 3 million wives (and a few thousand husbands and parents) of disabled or retired former workers (who are themselves drawing social security benefits) also receive allowances. These people may or may not have contributed social security taxes themselves, but they receive their benefits as dependents of some other person. Benefits also go to those who have left the labor force because of disability rather than age: almost 2 million of them today. In other words, today's workers help support millions of people their own age, or younger, who for various reasons do not earn income from employment. Only $2.4 billion of the $4.6 billion in monthly benefits goes to retired workers.

REDISTRIBUTION OF INCOME

Because the system emphasizes a link between contributions and benefits, the impact of its transfer payments on the distribution

of the nation's income has been overlooked. To most people, perhaps, the phrase "redistribution of income" conjures up some vision of equalizing income, of taking from the rich to give to the poor, but such is not necessarily the case.

Social security beneficiaries receive their payments as a matter of eligibility defined by law, and a "means test" or other income definition does not determine this eligibility. As far as the dependents are concerned, their eligibility status turns on their family relationship to someone working in so-called "covered" employment. (Most workers who do not pay social security taxes are enrolled in some government pension plan.) The amounts received depend on the contributions of the "covered" worker and, for dependents, on the nature of the family relationship.

The sums contributed by any worker reflect, of course, both length of employment and the earnings derived. In general, people who have earned higher wages over a given number of years are entitled to higher benefits than those who earned less.

Because the level of benefits has depended on the level of earnings in this way, the system has been stoutly defended as one of "social insurance" and its payments as "contributory." One can also argue that it reflects the American belief that people have unequal incomes at least partly because people work with different skills and degrees of effort. There is no clear majority, or even plurality, in this country in favor of a completely equal distribution of income. And if it is equitable for those with special skills to earn more than the untrained or less ambitious, it seems equally appropriate for such people to enjoy higher retirement income, "paid for" out of their earnings. But this argument does not apply to social security as a whole, because the complex formula used to determine benefits does not consistently provide more to those who pay more.

First, those with low incomes receive more generous benefits, compared to what they have contributed in taxes, than do those with higher incomes. For example, a worker whose monthly earnings averaged $300 would be entitled to a retirement benefit of $193, which is 64 per cent of what he had earned. Someone employed at a wage level twice as high, with years of work at a salary of $600 a month, would of course be entitled to higher benefits. But they are not twice as great. The retirement pay for such a worker amounts to $309, or only 51 per cent of the average earnings.

Secondly, those coming under the system in recent years will benefit, in proportion to what they pay in, far more than those who have worked in "covered employment" for many years, or who have paid taxes since the system began in 1935. And, to cap it all, each time that Congress adjusts the conditions of eligibility or the benefits paid (and this has occurred 10 times so far) the relation between taxes paid and benefits available changes, generally toward more generous treatment of the newly eligible.

Together with the graduated scale of benefits, these policies reflect the goal of providing adequate family income. Thus the surviving widow of a covered worker who leaves four children receives a higher total benefit than does the widow with a single child. The system must insure sufficient income for families and individuals to purchase the primary necessities of life, whether or not the covered worker's contributions would generate this amount of income. Such provisions justify describing the system as one of income maintenance; a system of income insurance would calculate benefits in a consistent relation to contributions.

BENEFITS VERSUS HANDOUTS

This ambiguity about the goals of the system—whether it should provide income insurance or income maintenance—has assumed threatening proportions with recent efforts to alleviate poverty in this country.

Next January a new supplementary security income program (SSI) will replace old age assistance (OAA), the welfare program for older people now administered by the several states. Under SSI all elderly people in need will be guaranteed a minimum level of income, uniform throughout the country. The payments scheduled, however, will exceed many benefits now being paid to retired workers under social security—some of whom may have been receiving additional funds from OAA.

Accordingly, the two programs will be integrated so that the elderly who were formerly covered workers, or retired people who have contributed to social security, will receive higher payments than those paid with SSI alone. For example, the basic SSI payment for an elderly individual will provide $130 monthly. A single person now receiving a retirement social security benefit of $84.50 will be entitled to the new minimum, $130, but will also be allowed to receive part of the social security payment as well. The total monthly income will be $150.

The retired worker thus does get more—$20 a month more—than the person receiving only the basic security income. But this difference, $20, can also be regarded as the sum total of the retirement benefits "earned" by all the social security taxes paid in previous years. To many retired workers, the income thus yielded by their contributions will look very small indeed.

It is true, of course, that retired workers get substantial psychic income in addition to their social security checks. These returns can be described in terms of self-respect, of pride at having "earned" the benefit, of a moral righteousness or satisfaction with the fulfillment of a contract. Obviously, for some, these feelings are enhanced by invidious comparison to those on welfare who receive "government handouts." (The hardworking couple who've paid social security taxes all their lives claim they deserve more income, when they retire, than the indigent welfare types who never paid a dime to the government but now expect to be taken care of for the rest of their lives. And who is to deny their claim?)

In fact, of course, because benefits have not been calculated in a consistent relation to contributions, strong welfare elements exist in the present system of social security. A large part of the benefits paid have not been "earned" by the recipients any more than the sums paid to dependent children have been earned by the youngsters involved. Nevertheless, the public, and especially that portion of the public receiving social security benefits, differentiates sharply between the two programs.

Although SSI clearly takes the first step towards an overall income maintenance program, the strong feelings about social security, and the widespread ignorance of its welfare content, will probably prevent any easy substitution of such a program, financed from general revenues, for social security. Precisely because the system has been described for so many years in terms of insurance and of contributions, the public may be unwilling to relinquish the myth of self-support in favor of income maintenance.

OUTDATED ASSUMPTIONS

This brings up the other basic conflict in the social security system as a whole: that among the differing economic roles played by an individual during his or her lifetime. The system receives its funds from workers as individuals: all wage-earners pay the same rate of tax without regard to their family situation; no provisions exist for joint filing or for figuring total family income. Benefits, however, go to individuals and their dependents who are identified in terms of a family. The amount of income received, therefore, reflects the family situation rather than that of the individuals in the family. Major inequities arise when more than one individual in a family has contributed to social security, for the system does not yet provide that benefits can be calculated on the basis of two sets of earnings.

An example may help: This year the social security base (the maximum earnings to which the tax is applied) amounts to $10,800, which means about $590 in taxes for a man earning this amount. If this man marries a woman earning $6,000 who pays social security taxes of $351, their combined "contributions" amount to $941. But a man whose salary equals that joint income—that is, someone earning $16,800—would not pay that amount of tax. His total social security contribution is the $590 payable on the first $10,800 of earnings.

The problem can also be revealed by comparing benefits. If both men are married, and each have the same years of earnings, their social security disability or retirement benefits will be equal. Each will be entitled to the same monthly payment, plus one-half the dollar amount for his wife. The fact that one wife has, herself, worked at covered employment and contributed to social security may or may not provide the family with additional income. If the benefits she is entitled to, in her own capacity as a retired (or disabled) worker, exceed her allowance as a dependent wife, then she may, of course, collect the higher sum. But in over one million cases the return is negative: That is, the elderly woman who has worked receives more as her husband's dependent wife or widow than she would from her own retirement benefit. In millions of other cases the difference is very small and in many cases falls short of the annual social security taxes paid before retirement.

There are other anomalies in the system's treatment of two or more earners in the same family. They can nearly all be traced to the simplistic notion of dependence used to define family relationships.

The basic assumption pervading the system (and probably American society as well) is that a family is dependent upon the husband and father, a woman is a dependent wife or widow, and children depend on their father for economic support and on their mother for care.

In economic terms, these statements have been meaningless for a good many years. Over 6 million families have no husband or father to support the woman and children. Only 1 out of 3 married couples depends on the husband as the sole earner; the majority of married women earn income from their employment. That these women have entered the labor market by the millions over the past decade has done more to reduce the number of families below the poverty income level than any other single occurrence. The contributions of women earners to their families' income cannot be easily measured, in terms of their human significance, by simple quantitative statements about average dollar sums or median wages. But clearly economic dependence for the family can no longer be defined in terms of the male breadwinner as the means of support.

Aside from defining economic dependency, the family has also been accepted as the basic unit of analysis for many social phenomena.

Social security benefits, welfare programs and the whole concept of income maintenance merely symbolize or reflect this fairly widely accepted construct. Yet the notion that children require the mother's care and attention may itself be questioned since young mothers with small children are joining the labor force more rapidly than older women or than men.

From 1960 to 1971, the number of families headed by men increased from 40 to 47 million, or about 16 per cent, while the number headed by women rose from 4 to 6 million, or about 38 per cent. Only a few among these latter families receive any support for the children from their fathers.

UNFAIR TO WOMEN

These changes in the economics of the family pose special problems for women. Social security benefits they earn tend to be much smaller than those for men, chiefly because working women are confined to low-wage occupations. A woman who works full-time, year-round, earns 57 per cent of what her male counterpart does—a substantial decline from the 65 per cent fraction of a decade ago. It follows that the regressive nature of the payroll tax also bears more heavily on women; for the increasing number working to support their children, the protection offered by social security may not seem worth the cost.

On the other hand, the economic work women perform at home does not count as "covered" employment under the Social Security Act so there is no way for women outside the labor force to earn rights to disability or retirement income. Hardship results for the divorced woman, whose years spent in caring for husband and children may have precluded her taking a paid job, and for the widower with young children, who has to pay for domestic services.

This problem points up the conflict in the system between taxing individuals as earners but paying benefits to family member and dependents. If benefits should be calculated on the basis of family needs, then why not tax wage earners on the basis of total family income, rather than regarding them as separate individuals? If, on the other hand, the present system of allowances for wives and widows recognizes their economic contribution of household care, then why not vest their rights to social security benefits in themselves as people, rather than requiring a state of dependency? In the more advanced social security systems of some European countries, this approach has been explored, with, for example, tax credits granted to women on maternity leave, and pensions provided elderly women in their own right as retired wives and mothers.

Another special problem under the present social security program concerns older people who continue to work after age 65. Their retirement benefits are reduced by $1 for every $2 they earn over a sum of $2,100 anually.

For example, assume that most of the 3 million workers over 65 are entitled to the average social security retirement benefit of $163.70 monthly. To supplement this income, the older worker cannot expect to earn equal wages to those paid younger people, but take the case of someone earning half the median wage, or $4,500. For an elderly person, the net yield from employment paid at this rate is $3,300 and the loss in income of $1,200 represents an effective tax rate of over 36 per cent. In the schedule of federal personal income taxes, such a rate applies to incomes over 20 times as great. Of course, the elderly worker also pays social security tax on the earnings, and has occupational expenses as well to reduce take-home pay.

This provision clearly exposes the conflict between income maintenance and income insurance. If retirement benefits are designed to replace earnings (i.e., income insurance), then clearly they should not be paid at all when earnings exist. But since retirement benefits provide very low incomes to many people, the goal of income adequacy results in their being allowed to supplement their social security payments with earnings, albeit earnings taxed at extremely high rates.

THE IMPACT ON POVERTY

Another conflict over the goal of maintaining adequate incomes is seen in the impact of the social security system on those with low incomes. The average payments for retired workers amount to less than the poverty level income for elderly single people, although the benefit to retired couples averages slightly above the poverty level. This means that many beneficiaries have not "earned" from their "contributions" sufficient income to keep them out of poverty. With significant increases in social security benefits last year and this year, the number of poor people over 65 has, however, dropped from almost 5 million in 1969 to about 3 million today.

Among poor people who are not 65, the system works hardship because of the import of taxes. Families and individuals with incomes below the poverty level pay no federal income tax: in 1972 a family of four with about $4,500 of income or a single person with an income of $2,163 would have been so exempted. Of the 5 million families classified thus as "poor" in 1972, about half contained at least one person who was employed, and in over a million families two workers brought home wages and salaries. Despite the fact that their earnings were insufficient to raise the family out of poverty, these people paid social security taxes at the same rate as the highest salaried executive in the country. Especially for the two-earner family, total income might well have exceeded the poverty level had it not been for social security.

These controversial issues cannot be easily solved. They pose hard questions about goals: Do we want income insurance or income maintenance? What are the demands of equity and of ethics? But they cannot honestly be dealt with until the additional question about people as earners and as family members can be squarely faced. If the system taxes each worker as an individual, it should pay the beneficiary as an individual; if it pays benefits in terms of family status, it should tax the worker on the basis of family status.

NEED FOR A NATIONAL GROWTH POLICY

Mr. HARTKE. Mr. President, earlier this year I introduced the National Growth Policy Planning Act (S. 1286) because I believe it is essential that this country adopt a rational scheme for its continued growth and development. Our cities are overcrowded and strangling amidst pollution and neglect, while urban areas are suffering economic blight.

There are hundreds of Federal programs to meet urban and rural needs, but there is little coordination among them. Some of these programs actually work against each other; most have little relationship among themselves.

S. 1286 would utilize local and regional planning to develop a national growth policy plan. This would be a flexible plan based on local needs and desires. It would seek to conserve that which is best about our metropolitan and rural areas and to change what should be changed. All of this would be done in a rational, well-thought manner, rather than the crisis-to-crisis approach which seems to be the mode of most governments.

Mr. President, recently I read a research proposal prepared by two members of the faculty of Stanford University in California, Profs. Willis W. Harman and John T. McAllister, Jr. Their proposal seeks to make an assessment of the institutional requirements for developing and implementing a national growth policy. The introduction to their proposal explains the need for a national growth policy, and I ask unanimous consent that it be printed in the RECORD.

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

AN ASSESSMENT OF THE INSTITUTIONAL REQUIREMENTS FOR DEVELOPING AND IMPLEMENTING NATIONAL GROWTH POLICY

(By Willis W. Harman and John T. McAlister, Jr.)

I. NATIONAL AND SOCIETAL NEED

I. Need For National Growth Policy

The half-century between 1920 and 1970 was one of the most dramatic periods of growth—especially in economic output—that any nation has ever experienced. During these fifty years, America's GNP increased by more than ten times (from under $90 billion to almost $1000 billion) and our population more than doubled (from 100 million to over 200 million).

As beneficial as this growth has been to most segments of American society, there is now a recognition that it has demanded a high price in social disorientation, ecological degradation, and public alienation. Rapidly growing public concern with these adverse consequences of uncontrolled national growth has led to increasing awareness of the need to assert greater public control over the direction of future growth. The President clearly articulated this concern in his State of the Union address of 1970 when he called for the formulation of a National Growth Policy to direct government activities towards achieving balanced growth:

". . . For the past thirty years our population has been growing and shifting. The result is emptying out of people and of promise—a third of our counties lost population in the sixties.

". . . The violent and decayed central cities of our great metropolitan complexes are the most conspicuous area of failure in American life today.

". . . I propose that before these problems become insoluble, the nation develop a *national growth policy*.

". . . In the future, government decisions as to where to build highways, locate airports, acquire land, or sell land should be made with the clear objective of aiding a balanced growth for America.

". . . If we seize our growth as a challenge we can make the 1970's an historic period when by conscious choice we transformed our land into what we want it to become."

This call for explicit national growth policy clearly recognizes that many public actions, such as highway construction, already have a substantial impact on the pattern of national development. America, in fact, has a long history of public involvement in the process of national growth. For example, the Federal government actively encouraged migration westward by subsidizing railroads, opening public lands for homesteading, and so on. Management of the national economy for the purpose of achieving high employment and stable growth has also long been a concern of the Federal government. More recently, programs such as the Appalachian Regional Development Act have been created

with the explicit purpose of promoting the development of lagging regions.

Perhaps more important than these explicit policies, however, have been the many implicit policies affecting national growth. As the report of the National Goals Research Staff noted:

"The fact is that while the Federal Government has no cohesive population policy, it is continually developing policies that have secondary consequences for the migration and distribution of our population:

". . . FHA and VA mortgage insurance, the interstate highway system, Federal and State tax policies, State and local land use programs, all contributed to the massive suburbanization of the last 25 years."

". . . Defense contract awards have accelerated the population booms in southern California and along the gulf coast.

". . . Agricultural research and support programs have accelerated depletion of the rural population."

"These policies make individually positive contributions to society, but their collective impact may not be desirable from the standpoint of distribution of population and economic opportunity."

The point of these remarks is that while many public actions have a substantial impact on the magnitude and distribution of national growth, these impacts are frequently unforeseen, unintended, and in some cases undesired. The major purpose of developing explicit national growth policy, therefore, is to provide a framework which can serve as a basis for coordination of programs intended to affect growth, and that can ensure that growth impacts are explicitly considered in the formulation and implementation of other programs whose primary purpose is not directly related to growth.

The first major step in responding to this challenge came with the Housing and Urban Development Act of 1970 which established, in effect, a Congressional consensus for the development of a national urban growth policy. While this Act once again called for rational and efficient growth, it did not establish either policies or policy-making mechanisms to achieve this goal. However, it did recognize the requirement for further problem assessment, data gathering, and analysis for developing a national growth policy, and it directed the President to prepare a biennial report on national growth, the first of which was issued in Ferbuary 1972.

During early 1972, two major reports appeared which once again called attention to the need for national growth policy. The American Institute of Architects issued a report in January which recommended that growth policy be organized around the neighborhood as a basic unit for future growth. The AIA report, as might be expected, was almost exclusively concerned with the quality of the physical growth of the nation—especially urban living areas. In March the President's Commission on Population Growth and the American Future (the Rockefeller Commission) issued a report, which explicitly called for a national population policy which would influence the geographic distribution of population as well as its overall rate of growth.

These examples illustrate a major obstacle to focused debate on national growth policy: a tendency to define the issue so broadly as to make it almost useless for policy purposes. Underlining this point, the President's 1972 *Report on National Growth* noted that "the term 'national growth policy'—and even the term 'urban growth policy'—has come to embrace virtually everything we do—privately and publicly—that shapes the future of our society. As a result, a 'national growth policy' is often viewed as a panacea for all our social ills." For example, while the ACIR report *Urban and Rural America: Policies for Future Growth* focuses heavily on urban and metropolitan development, the report of the National Goals Research Staff *Toward Balanced Growth: Quantity with Quality* includes education, basic natural science, technology assessment, and consumerism as topics relevant to growth policy. An initial objective of our study will, therefore, be to clarify this ambiguity by developing an operational definition of national growth policy.

One way of analyzing the concept of national growth policy is to identify the dimensions of growth which such policies should specifically address. This approach would consider, for example, whether national growth policy should deal with such growth issues as population distribution, utilization of natural resources, and so on. As we have indicated, we must draw some boundaries around the issues to be grouped together under the heading of national growth policy if we are to keep it from becoming a catch-all phrase referring to practically all domestic policy.

On the basis of our previous work on the subject, we feel that it is useful to limit our consideration to policies dealing with (1) aggregate growth such as growth of the GNP, the rate of utilization of natural resources, the rate of population increase, and the environmental impacts of growth and (2) the geographic pattern and distribution of growth, including patterns of metropolitan and urban development, regional difference in economic activity, and the geographic distribution of population. This definition would exclude, for example, such national welfare objectives as provision of aggregate levels of health and educational opportunity as well as income maintenance. We expect to refine these restrictions during the first phase of our study.

A second way to define national growth policy is in terms of the specific policies and programs that it would subsume. This approach recognizes that national growth policy would not be a single "super-policy," but rather many interrelated policies and programs developed and implemented on a continuing basis through various forms of interaction between all levels of government. As we have noted earlier, many elements of national growth policy already exist in the form of explicit policies concerning such aspects of growth as the aggregate level of economic activity, environmental pollution, and so on. However, in other areas, such as population distribution, no explicit policies exist, although it can be argued that a national policy is implied by the many public programs, such as the Interstate Highway System, that affect settlement patterns. Development of comprehensive national growth policy would, therefore, entail both the formulation of explicit component policies dealing with those aspects of growth that are at present inadequately treated, and the establishment of a framework for relating these policies to each other in order to eliminate conflicts or inconsistencies insofar as possible.

The second part of our definition of national growth policy, then, will be an identification both of the existing programs and policies having the greatest impact on the dimensions of growth in which we are interested, and of the major policies that have been proposed for dealing with relevant growth issues that are not yet covered by explicit public policy.

APPOINTMENT OF AN INDEPENDENT PROSECUTOR

Mr. BAYH. Mr. President, early next week the Senate will consider legislation designed to insure true independence for the Watergate Special Prosecutor. The Judiciary Committee has reported two bills to the Senate without recommendation, the Bayh-Hart-Kennedy bill, S. 2611, and the Hruska-Taft bill, S. 2642. Our bill would vest appointment and removal power in the District Court thus removing the Prosecutor from being subject to the control of the President, while under the Hruska-Taft proposal the Prosecutor would still be the President's nominee, responsible to the President, and subject to being removed by the President. Some concern has been expressed about the statements of Judges Gesell and Sirica expressing disapproval of such court appointment. In that connection, I would like to draw the Senate's attention to an excellent editorial that appeared earlier this week in the Des Moines Register concerning this point. As the editorial points out:

When judges render legal judgments on matters that have not been briefed and argued before them, their views are entitled to no more weight than the views of other lawyers. Distinguished constitutional scholars such as Paul Freund of Harvard Law School and Philip Kurland of the University of Chicago believe it is desirable and constitutional for Congress to establish a special prosecutor appointed by the courts. So does the American Bar Association.

I am firmly convinced that the only way in which the American people can be assured of a full, fair, and independent investigation is to establish by law a procedure which prevents the executive from investigating itself. I ask unanimous consent that the full text of the Des Moines Register editorial be printed in the RECORD.

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

PROSECUTOR AND COURT

Senator James Eastland (Dem., Miss.), chairman of the Senate Judiciary Committee, wrote to Federal Judge John Sirica recently asking Sirica's views on pending legislation providing for court appointment of a special prosecutor. Sirica responded that he disapproves of such a court appointment. He said eight other federal judges with whom he discussed the question agree. Sirica added that he approves statements made earlier by Federal Judge Gerhard Gesell.

Gesell had ruled that the firing of special prosecutor Archibald Cox was illegal. In the course of the judge's ruling, he warned Congress against providing for court appointment of a successor to Cox:

"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 courts should remain neutral. They stray from neutrality when they give advisory opinions to Congress and offer legal judgments on matters that are not before them. It was improper for Senator Eastland to ask Sirica's opinion and improper for Judges Sirica and Gesell to express opinions on a legal issue in an effort to influence Congress.

When judges render legal judgments on matters that have not been briefed and argued before them, their views are entitled to no more weight than the views of other lawyers. Distinguished constitutional schol-

ars such as Paul Freund of Harvard Law School and Philip Kurland of the University of Chicago believe it is desirable and constitutional for Congress to establish a special prosecutor appointed by the courts. So does the American Bar Association.

Article II, Section 2 of the Constitution states: ". . . Congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments."

As Professor Freund has observed, "That justice shall be done and shall be seen to be done is a paramount and legitimate concern of the Congress. That concern requires no extra-constitutional powers. It does serve to caution against raising barriers to the exercise of the power expressly granted by Article II."

The chief argument against creating a special prosecutor named by the courts is that prosecution is an executive function and vesting the appointment of a prosecutor in the courts violates separation of powers. Senator Birch Bayh (Dem., Ind.) has demolished this argument.

"On the contrary," he wrote, "court appointment of an independent prosecutor may be the only means of affirming the separation of powers, and its corollary doctrine of checks and balances.

"The separation of powers is not a formal, rigid doctrine dividing our government into watertight compartments. Rather, it is a functional doctrine to assure that checks and balances prevent one branch of government from assuming unreasonable powers. In the situation now confronting us, it would do violence to this concept of checks and balances to leave within the executive branch the authority for an investigation of the executive branch."

The House Judiciary Committee has approved legislation calling for the judges of the U.S. District Court in Washington, D.C. to pick a panel of judges to appoint a special prosecutor. This is the direction Congress must move to assure independent prosecution in keeping with the separation of powers.

ANNALS OF INDUSTRY: CASUALTIES OF THE WORKPLACE

Mr. MONDALE. Mr. President, the November 5, 1973, issue of New Yorker magazine contains an article by Paul Brodeur entitled "Annals of Industry: Casualties of the Workplace." The article deals with an asbestos plant in Tyler, Tex. and the workers employed at the plant. The article is noteworthy and deserves the attention of my colleagues because it represents one of the most frightening accounts I have ever read of the effects of unsafe working conditions—in this instance, exposure to asbestos fibers—on workers.

The author details his interviews with workers in the asbestos plant. For example, the author's interview with Frank Spencer, a worker who had handled asbestos for more than 20 years, is described:

"I'll be sixty-six years old in May," Spencer said. "And I swear I'm just about the onliest one I know that's left alive from that McGregor plant. Except for my son, of course, he's already got trouble with his lungs. I've had trouble with mine for years. I finally had to quit the Tyler plant in 1968. They disabled me. Just couldn't hardly breathe no more. Now I'm out of breath all the time. Can't do nothing. Can't walk any distance at all. When I quit, they started giving me some retirement payments—eighteen dollars a month. I should've done what Ed Land did. He quit around about 1962. He couldn't breathe, either, because a lung collapsed on him. I heard he was going to sue, but they settled with him."

I asked Spencer if he was receiving any medical attention, and he smiled for the first time. "I've been going to these local doctors for my lungs for years," he said. "I spit up an awful lot, and I'm always out of breath, and I've got a funny-sounding cough. I guess I've been to just about every last doctor in that Medical and Surgical Clinic. All of 'em have told me I had something wrong on my X-rays. Some of 'em have told me I got emphysema, and some of 'em say it's asthma, and at one time they even thought I had cancer, but not one of 'em ever said it was on account of asbestos. Well, they're a bunch of quacks. I know what I got now. I got what Ed Land got. I got what Harold's got. And all the others. I got that dust disease. That dust has ate us up."

As Yandle and I left a few minutes later, Spencer rose from his rocking chair, saw us out the door, and stood on the porch and bid us goodbye. As we went down the steps, I turned to thank him, and saw him leaning forward, hands on his knees, rocking his head up and down. He was gasping for air.

The conditions at the Tyler plant were uncovered as a result of the dedicated and courageous work of Mr. Anthony Mazzocchi, the director of the legislative department of the Oil, Chemical, and Atomic Workers International Union, which represents the workers at the plant. Mr. Mazzocchi and Mr. Steven Wodka of the union have been active in the field of occupational safety and health for many years. For several years, they have been holding conferences for factory workers around the country to point out the hazards existing in the industrial environment and to give workers guidance on how to deal with them.

According to Department of Labor statistics, more than 200 thousand workers across the Nation risk serious disease from direct occupational exposure to asbestos, and asbestos fibers are being found in the lungs of people who have had no industrial exposure to the mineral at all. The article by Mr. Brodeur provides a shocking picture of the results of inadequate laws, lax enforcement, industry indifference, and lack of worker knowledge.

Mr. President, I ask unanimous consent that the article entitled "Annals of Industry: Casualties of the Workplace" by Mr. Paul Brodeur from the November 5, 1973 issue of New Yorker be printed in the RECORD.

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

ANNALS OF INDUSTRY—CASUALTIES OF THE WORKPLACE

II—THAT DUST HAS ATE US UP

(By Paul Brodeur)

In the summer of 1971, a young doctor named William M. Johnson, who had just joined the Division of Field Studies and Clinical Investigations of the Department of Health, Education, and Welfare's National Institute for Occupational Safety and Health, discovered data in the files of his predecessors which showed that grossly excessive and dangerous asbestos-dust levels had existed for years in an amosite-asbestos-insulation plant in Tyler, Texas, owned by the Pittsburgh Corning Corporation. Realizing that men working at the plant were in danger of developing asbestosis—scarring of the lungs resulting from the inhalation of asbestos fibres—as well as lung cancer, mesothelioma, and other malignant asbestos-induced tumors, Dr. Johnson and the newly appointed director of his division, Dr. Joseph K. Wagoner, took the unprecedented step of sending the information to Anthony Mazzocchi, the director of the Legislative Department of the Oil, Chemical, and Atomic Workers International Union, which represented the sixty-three workers at the factory. At Mazzocchi's request, Dr. Pohnson and several of his associates from the division conducted a survey of the Tyler plant in October of 1971 which showed that dust levels there were far in excess of the federal standard (twelve asbestos fibres per cubic centimetre of air); that asbestosis was already afflicting seven of the workers there and that since 1954, when the factory opened, a total of eight hundred and ninety-five men had been employed there in conditions that posed grave danger to their health.

In the meantime, Mazzocchi and other trade-union leaders, supported by Dr. Irving J. Selikoff, who is the director of the Mount Sinai School of Medicine's Environmental Sciences Laboratory and a pioneer in the field of modern asbestos epidemiology, had been urging Secretary of Labor James D. Hodgson to declare an emergency standard for occupational exposure to asbestos of two fibres per cubic centimetre of air. However, in spite of the fact that Dr. Selikoff and Dr. E. Cuyler Hammond, who is vice-president for epidemiology and statistics of the American Cancer Society, had provided incontrovertible evidence that one out of five asbestos-insulation workers was dying of lung cancer, and that almost half of these men were dying of some form of asbestos disease, Secretary Hodgson, apparently searching for some middle ground that he hoped would satisfy both industry and labor, declared a temporary emergency standard of five fibres per cubic centimetre in December of 1971. Another indication that the government was seeking a compromise between the well-being of workers and the interests of industry came when the Department of Labor's Occupational Safety and Health Administration, which has the responsibility for enforcing the provisions of the Occupational Safety and Health Act of 1970, inspected the Tyler plant late in November of 1971, as a result of Dr. Johnson's report that a critical occupational-health situation existed there. Although major deficiencies in the factory's ventilation system constituted serious violations of the Act—those likely to result in disability or death—the Administration chose to consider them as nonserious, and fined Pittsburgh Corning just two hundred and ten dollars.

There has since been considerable speculation in government circles, among trade unions, and within the independent medical and scientific community about the lenient attitude adopted by the Occupational Safety and Health Administration toward Pittsburgh Corning after the November survey. Apologists for the Administration claim that because the Secretary of Labor announced the emergency standard for asbestos after the survey was conducted harsher penalties might have been interpreted as unfair harassment of the company. Some people say that, with the Administration in the process of redefining safety and health standards for workers, the regional inspectors in Dallas had received no clear guidelines from Washington about over-all policy and, fearful of exceeding their authority, were simply trying to muddle through an administrative vacuum.

Other observers feel that the Administration was reluctant to invoke the letter of the law in the case of the Occupational Safety and Health Act, because to have done so would have opened a Pandora's box of health violations in other industries, which the Administration was ill-equipped to handle,

since it had only forty industrial hygienists to enforce standards in some four million workplaces. And still others, including Mazzocchi, believe that the Administration's people were highly embarrassed by the National Institute of Occupational Safety and Health report on the Tyler plant, which pointed up the Department of Labor's failure to enforce the standards of the Walsh-Healey Act at the factory after a department inspection on February 13, 1969. Indeed, Mazzocchi believed that the Administration's people were hoping that if they slapped Pittsburgh Corning lightly on the wrist with some nonserious violations the whole affair would blow over.

Whether the truth lies in any one of these theories or, as seems more likely, in a combination of them, it became apparent in December of 1971 that the Tyler affair was not going to blow over. That it did not, as so many other occupational-health scandals had, was largely the result of the efforts of Mazzocchi, who was determined to make it a *cause célèbre*. For several years, he and his associates in the union's Legislative Department, aided by Dr. Glenn Paulson, a young scientist working under Professor René Dubos, at the Rockefeller University, had been holding conferences for factory workers around the country to point out the hazards existing in the industrial environment and to give the workers guidance in how to deal with them. It was a considerable undertaking, for the hundred and eighty thousand members of the union were being exposed to thousands of potentially toxic substances. Indeed, in certain factories men were working with more than five thousand different chemicals, yet federal standards existed for fewer than four hundred and fifty of them.

Since Mazzocchi found that the lack of government standards was accompanied by lax government enforcement of existing health regulations and an attitude of almost total callousness on the part of industry, he became convinced that industrial workers were victims of a conspiracy designed to suppress knowledge of occupational health hazards and to delay the passage and enforcement of laws to cope with them. A blunt-spoken man in his middle forties, with a fiery temperament, piercing eyes, and an unruly mane of black hair, he had begun to brood over what he considered the gross immorality that attended the plight of men who were either dying or being disabled early in life as a result of exposure to substances such as asbestos, whose adverse health effects had long been known to and ignored by a medical-industrial complex consisting of company doctors, industry consultants, and key occupational-health officials at various levels of the state and federal governments.

Consequently, when the situation at Tyler was brought to his attention by Dr. Johnson in September of 1971, Mazzocchi saw it as, in his words, "the epitome of what was wrong with the way our country was dealing with the problem of industrial disease." However, he decided against making any public disclosure of conditions at the Tyler plant until the National Institute for Occupational Safety and Health survey had been conducted and written up. "I wanted to marshal all the facts and then choose the forum that would enable me to use the example of the Tyler plant to best effect, and to bring help to the unfortunate men who were working there," he has said. "I wanted the whole country to know in detail what had happened at that factory, and to understand that what had gone on there—the fruitless Bureau for Occupational Safety and Health inspections, the lack of enforcement by the Department of Labor, the company's disregard for the men, the whole long, lousy history of neglect, deceit, and stupidity—was happening in dozens of other ways, in hundreds of other factories, to thousands of other men across the land. I wanted people to know that thousands upon thousands of their fellow-citizens were being assaulted daily, and that the police—in this case, the federal government—had done nothing to remedy the situation. In short, I wanted them to know that murder was being committed in the workplace, and that no one was bothering about it."

The forum Mazzocchi chose was the annual meeting of the American Association for the Advancement of Science, which was held at the Sheraton Hotel in Philadelphia on December 26th, and was attended by some fifty thousand scientists from all over the country. Along with Ralph Nader and Dr. Sidney. Wolfe, the director of Nader's Health Research Group, Mazzocchi addressed eleven hundred of the delegates at a symposium entitled "Workers and the Environment," which was moderated by Professor George Wald, the Nobel Prize-winning biologist from Harvard. Nader and Dr. Wolfe spoke about occupational-health problems in general, and Mazzocchi zeroed in on Tyler as the quintessential example of the ignorance, neglect, and subterfuge that characterized government policy toward industrial hygiene. The complete and final report of the survey made by the National Institute for Occupational Safety and Health (known as NIOSH) had been sent out on December 21st, and he was thus able to document his charges with devastating effect. Mazzocchi was hoping that his disclosures about conditions at the Tyler plant would be picked up by newsmen covering the meeting and relayed to the nation. As things worked out, however, press coverage of the symposium tended to emphasize the more general aspects of occupational health that had been discussed by Nader.

In the meantime, notwithstanding the mildness of the penalties that accompanied them, the Administration citations had caused considerable consternation to the management of Pittsburgh Corning by setting March 31, 1972, as the date for completing extensive improvements in the ventilation- and dust-control systems of the Tyler plant. Combined with the failure of a company plan to use mineral wool as a substitute for asbestos in the manufacture of high-temperature pipe insulation, and the union's insistence that there be strict compliance with the recommendations of the NIOSH report, the deadline meant that the company would at long last be forced to clean up the plant or close it. Faced with this choice, Pittsburgh Corning's board of directors met in the middle of December and decided to shut the factory within a few months—after using up as much raw-asbestos stock as possible—in order to avoid further penalties.

The decision to close the Tyler plant rather than to spend the necessary time and money to make it safe obviously appealed to the managers of the company as the best way out of their difficulties. However, it did not solve the problem faced by Dr. Lee B. Grant, the medical director of one of Pittsburgh Corning's parent corporations, PPG Industries, and medical consultant to Pittsburgh Corning. Dr. Grant appears to have felt that his professional reputation had been called into question by the findings of the NIOSH survey.

On December 13th—five months to the day after he had told Dr. Johnson that the health situation at Tyler wasn't serious—Dr. Grant visited Dr. Johnson at the Division of Field Studies and Clinical Investigations to discuss the medical condition of the seven Tyler workers who showed signs and symptoms of asbestosis and, as Dr. Grant put it, "to avoid further misunderstanding" between NIOSH and Pittsburgh Corning. According to Dr. Johnson, the meeting was somewhat strained, for Dr. Grant was attempting to minimize the asbestos problem at the Tyler factory. "He tried to imply that our medical findings on the seven men were based more on epidemiological data than on clinical examination," Dr. Johnson recalls. "I replied that rales, finger clubbing, dyspnea, and reduced pulmonary function were well-recognized clinical evidence of asbestosis.

Furthermore, I told him that back in October Dr. Richard M. Spiegel, of our division, was given to understand that some of the X-rays taken by Dr. George A. Hurst—the superintendent of the East Texas Chest Hospital, in Tyler—showed evidence of pulmonary fibrosis. I also reminded Dr. Grant that in 1970 a manager of the plant had died of mesothelioma. Dr. Grant then informed me that the company was willing to release Dr. Hurst's X-rays to us—they had been made at Dr. Grant's request—but only on the condition that we come back to Tyler early in January, so that we could sit down and review them together. I got the distinct impression that he was trying to make it appear that NIOSH and Pittsburgh Corning had been working jointly on the problem from the very beginning. However, we wanted to get our hands on those X-rays, so I agreed to the meeting, even though I saw little reason for it."

On January 5, 1972, Dr. Spiegel and Richard A. Lemen, an epidemiologist who had also been a member of the original NIOSH survey team, returned to Tyler, and the following morning they met with Dr. Grant, Dr. Hurst, and William Farkos, Pittsburgh Corning's director of personnel and industrial relations, in a conference room at the East Texas Chest Hospital. The five men reviewed the medical reports on all of the employees—results of X-rays and pulmonary-function tests done by Dr. Hurst, and results of examinations for rales, finger clubbing, and dyspnea done by the NIOSH team—and concluded that seven of the employees had asbestosis. Then Dr. Hurst announced that his superiors at the Texas State Health Department would not release the chest films to NIOSH. But Dr. Grant said that the release would be acceptable to Pittsburgh Corning, and it was decided that he and Dr. Spiegel would fly to Austin to try to get permission from the Texas State Health Commissioner.

By arrangement with Pittsburgh Corning, Steven Wodka, of the Oil, Chemical, and Atomic Workers Legislative Department, arrived in Tyler on the afternoon of that day to tour the plant and to meet with members of the local union committee. Wodka was accompanied on his tour by Herman Yandle, the chairman of the local committee; by Farkos; and by Charles E. Van Horne, the plant manager; he found conditions in the factory to be much as they had been described in the NIOSH report. Huge piles of loose asbestos fibre lay on the floor of the plant, and visible clouds of dust were erupting from several operations. After the tour, Wodka—who had learned only the previous day that men from the Occupational Safety and Health Administration had inspected the plant in November—asked to see the citations they had issued, pointing out that the company was required to post them publicly for the information of the workers.

When Van Horne and Farkos produced them, they professed to be ignorant of this requirement, although each citation sheet states that "a copy of the enclosed citation(s) shall be prominently posted in a conspicuous place at or near each place a violation referred to in the citation occurred." They also assured Wodka that the items marked for immediate compliance had been taken care of. Then they told him that Pittsburgh Corning planned no extensive changes in the ventilation- and dust-control systems by the March 31st deadline, and that the factory would be shut down sometime in the middle of February.

At the same time, they rejected a request by Wodka that in the meantime the company provide in-plant facilities for storing respirators and for changing work clothes, so that the employees would not continue to contaminate their cars and homes with asbestos dust and thus expose members of their families to the risk of incurring asbestos diseases.

That evening, Wodka held a meeting with several members of the local union committee to discuss the health situation at the plant. At the outset, he informed them of the results of a mortality study Dr. Selikoff and Dr. Hammond had made of men who had worked at an amosite-asbestos-insulation plant owned by the Union Asbestos & Rubber Company, in Paterson, New Jersey, between 1941 and 1954. (When the company closed the Paterson plant in 1954, it transferred its asbestos operations there to the Tyler factory, which was later purchased by Pittsburgh Corning.)

As it happened . . . found a gross number of excess deaths resulting from asbestosis, lung cancer, and mesothelioma among the Paterson workers, and since the two plants had been operated in a similar manner, the doctors' findings obviously had frightening implications for the men who were employed at Tyler. "It was a sombre moment, for it was the first time that they had been told how serious their situation was, and how precarious it would remain in the future," Wodka recalls. "However, they accepted the news stoically. They even seemed relieved to know the facts. You see, they had been living in doubt ever since the NIOSH survey, and still hadn't been informed that any of them had been diagnosed as having asbestosis."

The next morning, a final meeting was held at the East Texas Chest Hospital. In addition to Dr. Grant and Dr. Hurst, those present were Farkos and Van Horne, of Pittsburgh Corning; Dr. Spiegel and Mr. Lemen, of NIOSH; and Wodka and Yandle, of the union. Dr. Grant began by saying that when he first visited the Tyler plant, in 1965, he had realized that a potential health problem existed there, and had done everything in his power to have the situation corrected. He took credit for instituting a number of surveys and studies of the plant's ventilation equipment, and blamed the Bureau of Occupational Safety and Health and Dr. Lewis J. Cralley, who had been in charge of field studies and epidemiology for the bureau, for not following through on a proposed medical study of the workers.

Dr. Grant also insisted at the meeting that asbestos-dust levels at the Tyler plant were always within the legally specified limits, and he claimed that respiratory protection was made mandatory for all workers in the factory as early as May of 1969—a contention that was disputed on the spot by Yandle, who had worked in the plant for more than ten years, and who declared that, with a few exceptions, the wearing of respirators was not required until the summer of 1971. For his part, Dr. Spiegel listened to Dr. Grant's assessment of the history of the plant in silence. "I was not there to argue with him about what had or had not happened, or why," he recalls. "I was there to reiterate NIOSH's medical conclusions about the workers we had examined during our survey, and to bring back the X-rays taken by Dr. Hurst in August.

In my opinion, however, Dr. Grant was trying to absolve himself and the Pittsburgh Corning Corporation of all responsibility for the conditions that had existed in the Tyler plant over the years, and for the lack of attention paid to the health of the workers. His speech sounded like a legal brief more than anything else. As I sat listening, I kept wondering why on earth he had not kept calling Dr. Cralley to insist that the bureau undertake its proposed medical studies, or, failing that, why he didn't get back to Dr. Hurst sooner than he did. Surely, in all the years since 1965 he could have found *someone* to examine the workers."

After Dr. Grant's opening summary, he and Dr. Spiegel formally announced their joint conclusion that at least seven of the eighteen workers with more than ten years of employment in the Tyler plant had symptoms and signs consistent with asbestosis. Dr. Grant and Farkos then said that Pittsburgh Corning would pay for the treatment of any disease that was occupationally related, provided that the treatment was performed at the East Texas Chest Hospital, but they were vague about whether the company would pay for any long-term medical followup of the sixty-three workers then employed at the plant. (In his December meeting with Dr. Johnson, Dr. Grant had suggested that such a program should be undertaken and financed by NIOSH.) There was also no discussion whatever of any medical followup of the eight hundred and thirty-two men who had previously been employed at the Tyler plant, and who would carry the asbestos they had inhaled in their lungs for the rest of their days, presumably because no one could be held legally responsible for what might happen to them.

After the meeting, Dr. Spiegel and Dr. Grant flew to Austin to obtain permission for the release of the X-rays. The chest films had been an item of dispute between NIOSH and Pittsburgh Corning from the beginning; now the Texas State Department of Health people were apparently concerned about being in the middle of such a dispute, and they may well have begun to entertain second thoughts about the propriety of Dr. Hurst's having accepted a contract from Pittsburgh Corning to examine workers for occupational illness at one of the department's hospitals, when the department itself had never seen fit to conduct a health inspection of the Tyler plant during the plant's entire seventeen years of existence. By that time, practically everyone who had been involved in the Tyler affair seemed to be trying to cover his tracks.

While Dr. Spiegel and Dr. Grant were en route to Austin, Wodka and Lemen, the NIOSH epidemiologist, stayed behind to conduct a thorough investigation of Pittsburgh Corning's practices of dumping asbestos waste in the vicinity of the plant and of selling burlap bags contaminated with asbestos dust to local nurserymen. (Both practices had been mentioned in the NIOSH report, which informed Pittsburgh Corning and the Texas State Department of Health that they presented a serious health hazard, and recommended that all asbestos waste and used burlap bags be buried.) That afternoon, Wodka, Lemen, and Yandle drove out to a group of dumps in an inhabited area near a sewage-treatment plant, about a mile north of the factory. One of the dumps was the size of half a football field, and was covered to the depth of at least two feet with asbestos scrap.

Thick vegetation sprouting through a covering of asbestos in surrounding gullies showed that the dump had been in use for many years. Yandle told Wodka and Lemen that asbestos scrap was still being trucked there daily, and his statement was substantiated by the presence of wads of asbestos fibre covering the access roadway. Since the company had undertaken to put soil over two dumps adjacent to the factory which had been seen by the NIOSH investigators during their October survey, its continued use of this third, more remote dump site could be construed only as an act of blatant disregard and deception. However, for sheer brazenness the Pittsburgh Corning people outdid themselves a few weeks later, when they learned that the third dump had been discovered. At that point, they simply posted an armed guard at the site, with instructions to turn all unauthorized persons away.

After taking photographs of the dump, Yandle, Wodka and Lemen drove to the Eikner Nurseries, a huge outfit on the west side of Tyler, where they interviewed Elbert Fenton, the man in charge of sales and distribution. Fenton told them that a shipment of thirty thousand burlap bags, costing twelve hundred dollars, had been received from Pittsburgh Corning some months before, and he took his visitors out to a barn where some fifteen hundred of the bags were stacked in piles.

The bags were visibly contaminated with asbestos, and even as Lemen and Wodka were telling Fenton about the hazard of using them, a woman worker entered the barn, picked up a bag, and, after shaking it vigorously to remove the dust, slung it over one shoulder and walked out. With Fenton's permission, Wodka and Lemen took two sample bags away with them in sealed containers for laboratory analysis; then, bidding Yandle goodbye, they drove back to Dallas and flew home. Meanwhile, Dr. Grant and Dr. Spiegel had met with the State Health Commissioner, who gave permission for the X-rays of the Tyler workers to be mailed to NIOSH headquarters in Cincinnati.

At the beginning of 1972, the Tyler affair was like one of those simmering quarrels between small nations that threaten to disrupt the balance of power in a sensitive geopolitical area where a number of larger nations have interests. The Oil, Chemical, and Atomic Workers saw it as an outright test of the Occupational Safety and Health Administration's willingness to enforce the provisions of the Occupational Safety and Health Act; the NIOSH people, who had exposed the situation at the factory to begin with, were waiting to see how the Occupational Safety and Health people would dispose of the recommendations that had been made to correct it, in order to gauge the effectiveness of the advisory role they themselves had been given under the Act; and the Occupational Safety and Health people, who had not seen fit to tell the union about the minor nature of the penalties they had imposed upon Pittsburgh Corning, could not have failed to view the affair as a potentially embarrassing scandal coming at a most inopportune moment.

Under the provisions of the Occuptional Safety and Health Act, the emergency standard for asbestos that had been declared by the Secretary of Labor on December 7th had to be replaced by a permanent standard within six months. The law also required the Department of Labor to hold public hearings before it promulgated a new standard, and notice that hearings on the asbestos standard would begin in March was to be published in the *Federal Register* on January 12th. Since the permanent-standard on asbestos was the first ruling the Occupational Safety and Health Administration would make under its mandate to redefine occupational-safety-and-health regulations, industry and labor were prepared to look upon the ruling as an indication of how determined or easygoing the Administration would be when it came time to set new standards for other hazards, such as lead berillium, carbon monoxide, mercury, silica, utraviolet light, and cotton fibres.

The public hearings on asbestos, then, loomed as a crucial test of strength between the independent medical and scientific community and the medical-industrial complex. On the one hand the NIOSH people were preparing to send the Administration a document recommending that the permanent standard for occupational exposure to asbestos be set at two fibres per cubic centimetre, which was the standard that the British Inspectorate of Factories—the Administration's English counterpart—had set in 1968, the one that Dr. Selikoff had advocated in 1969, and the one that the

A.F.L.-C.I.O.'s Industrial Union Department's ad-hoc Committee on the Asbestos Hazard had urged upon the Secretary of Labor in November of 1971. On the other hand, the major asbestos companies, led by the giant Johns-Manville Corporation were preparing testimony to show that the five-fibre standard would prevent disease from occurring among asbestos workers, and economic statistics to demonstrate that a two-fibre standard would drive them out of business.

In order to weigh all the evidence and decide upon a safe level of exposure to asbestos, the Occupational Safety and Health Administration would obviously have to conduct itself in a completely impartial manner, for, even under the best of circumstances, its decision was bound to be controversial. As things stood, however its claim to impartiality was in question, because of its failure to enforce even the standards for asbestos that it was now compelled to consider obsolete. And since its failure had nowhere been more recently and nakedly apparent than in its handling of the critical situation that existed in the Tyler plant, and the Administration was unhappy about the possibility that the citations and penalties it had sent Pittsburgh Corning in December might become public knowledge. The fact that under the provisions of the Occupational Safety and Health Act such information was public property seems to have been forgotten.

Already stung by the disclosures Mazzocchi had made at the science meeting, and eager to avoid future embarrassment, the Occupational Safety and Health Administration now sought to place itself above reproach by publicly revising its attitude toward occupational exposure to asbestos. On January 4th, George Guenther, who was the Assistant Secretary of Labor and the director of the Occupational Safety and Health Administration, held a press conference in Washington to announce the start of a target health-hazards program designed to control five toxic substances that were in widespread use in American industry—silica, lead, carbon monoxide, cotton dust, and asbestos.

At this time, a special health-hazard fact sheet on asbestos was distributed to newsmen (and, presumably, to the Administration's regional administrators and inspectors), informing them that more than two hundred thousand workers across the nation risked serious disease from direct occupational exposure to asbestos and that asbestos fibres were being found in the lungs of people who had had no industrial exposure to the minerals at all. The fact sheet reminded everyone that the emergency standard for asbestos was an eight-hour average of five fibres greater than five microns in length per cubic centimetre of air, and it stated unequivocally that any exposure exceeding this level would henceforth be considered a serious violation of the Occupational Safety and Health Act.

It soon became apparent, however, that it was one thing for the director of the Occupational Safety and Health Administration to announce a new policy on asbestos in Washington and quite another for that policy to be put into effect by his subordinates in the field. On January 13th, a week after Farkos and Van Horne had assured Wodka that all conditions on which the Administration had called for immediate compliance had been corrected, the Tyler plant was reinspected by Clarence R. Holder, an assistant administrator in the Dallas office of the Occupational Safety and Health Administration, and John P. Boyle, an industrial hygienist, who together had conducted a similar inspection at Tyler nearly two months before.

Holder and Boyle found on their second inspection of the plant that, contrary to recommendations made after their first visit, the workers had not been examined to determine whether they were physcally able to wear respirators, that required improvements on a block saw and on feeding-machine enclosures had not been made, and that clean-up procedures in the feeding and building areas of the plant remained inadequate. The two men reviewed the situation with Van Horne, but when they stressed the necessity of cleaning up asbestos waste around the feeding machines and the builder units, the plant manager asked them whether this meant that the factory would have to be kept as clean as a dairy.

In spite of the company's reluctance to take this inspection seriously, Holder and Boyle issued no new citations but simply sent Pittsburgh Corning a notification of failure to correct three of the original violations and a list of proposed additional penalties. Moreover, in spite of the new policy on asbestos that had been announced by Assistant Secretary Guenther ten days earlier, they still chose to consider the violations at the Tyler plant nonserious. Therefore, the proposed additional penalties were based upon a schedule of a hundred dollars for each day of noncompliance, plus fifty per cent of the original fine. The period of noncompliance ran from December 21, 1971, to January 13, 1972, and the total additional assessment amounted to six thousand nine hundred and ninety dollars.

The notification of failure to correct violations and the list of new penalties were mailed to E. W. Holman, Pittsburgh Corning's vice-president in charge of manufacturing and technology, on January 17th. It is not known whether Holman received them prior to his telephone interview with the Tyler *Courier-Times* on January 19th, nor is it known whether he had read the citations that were mailed to him on December 16th; whether he had been informed of two NIOSH reports—one describing the critical occupational-health situation at the Tyler plant and the other the symptoms of asbestosis in seven of the workers there—that were sent to Dr. Grant, in November and December; whether he had been told by Dr. Grant of the death of Van Horne's predecessor from mesothelioma; or whether he was aware of the admissions about the incidence of asbestosis among the Tyler workers which Dr. Grant had made in Dr. Hurst's office, on January 7th. If Holman did not know of these things, he must surely have been one of the most ill-informed vice-presidents in corporate history. Whatever the case, on January 19th he told the *Courier-Times* that he knew of no Pittsburgh Corning employee suffering any significant illness as a result of working with amosite-asbestos insulation.

By that time, with the Tyler affair not just bubbling but about to boil over, practically everyone involved in the situation was maneuvering for position. The Texas State Department of Health had already put some distance between itself and the stove; Pittsburgh Corning was backing toward the door; the Occupational Safety and Health Administration had little choice but to sit on the lid; and the union and NIOSH were separately gathering fuel for the fire. On the very day that Holman talked to the *Courier-Times*, Lemen sent Wodka a report containing the results of tests performed by Roy M. Fleming, an engineer in the Environmental Investigations branch of NIOSH's Division of Field Studies and Clinical Investigations, on one of the burlap bags that had been taken from the nursery in Tyler on January 7th.

The bag, still in its sealed container, was placed in front of a chair in a room that was free of asbestos. A man wearing a respirator and two dust samplers entered the room and sat on the chair. Taking the burlap bag out of the plastic container, he turned it inside out; then, standing, he shook the bag for sixty seconds. Next he sat down, spread the bag on his lap, and wrapped it around the base of a small tree. After tying the corners of the bag with wire, he placed the tree on the floor, stood up to brush off his clothes, and left the room. During the four minutes this operation required, the average concentration of asbestos fibres longer than five microns around the worker was four hundred and ninety fibres per cubic centimetre of air—ninety-eight times the emergency five-fibre standard and more than forty times the old twelve-fibre one.

(Indeed, had he not been wearing a respirator, the man would have inhaled some four million fibres during the four-minute period.) In a covering letter that was sent with a copy of the report to the Texas State Department of Health on January 17th, Lemen and Fleming described the use of burlap bags that had contained asbestos as a potentially serious health problem, and, by way of documenting this charge, pointed out that a recent report in the *British Medical Bulletin* referred to cases of mesothelioma in women who had been engaged in cleaning such bags.

In the meantime, Wodka had been trying without success to get information from John K. Barto, the regional administrator of the Occupational Safety and Health Administration, in Dallas, on the Administration's actions about Tyler. Finally, on January 28th, Barto told Wodka that he was under orders from his superiors in Washington "not to disclose anything on the Tyler case to anybody." He did, however, tell Wodka about the followup inspection made by Holder and Boyle on January 13th, and about the additional proposed penalties levied against Pittsburgh Corning as a result of it.

Barto refused to release the report of the Department of Labor's 1969 inspection of the Tyler factory or of the dust counts that Holder and Boyle had taken there in November, claiming that he felt obligated to withhold them because of the possibility that Pittsburgh Corning might contest the fines and send the Tyler case into litigation. Since Wodka and Mazzocchi considered this a lame excuse designed to cover up the Department of Labor's failure to implement the provisions of the Walsh-Healey Act in 1969, and the regulations of the Occupational Safety and Health Act in 1971, they now determined to make a fresh attempt, as they put it, to "blow the lid off the Tyler affair and focus national attention upon it."

The two union officials were well aware that their decision amounted to a declaration of open war upon the Occupational Safety and Health Administration and Pittsburgh Corning. Indeed, for several weeks Wodka had been compiling a history of the Tyler plant for a confidential report entitled "Occupational Health Tragedy," which amounted to a battle plan for the approaching hostilities. In the concluding section of the report, Wodka urged that a press conference be held in Washington to provoke the Environmental Protection Agency into taking action on the open-air dumps and contaminated bags, to force the Occupational Safety and Health Administration to declare an imminent-danger situation at the Tyler factory under the provisions of the Occupational Safety and Health Act, and to denounce Pittsburgh Corning for its callous disregard of the health of the Tyler workers. Realizing that much of the opprobrium for what had gone on in the Tyler plant was bound to be offset by Pittsburgh Corning's decision to close the plant, Wodka concluded his report by saying:

"We have a responsibility to point out what protection Pittsburgh Corning failed to provide for the workers at Tyler and, instead, what utter contempt this company displayed for the lives of those workers, their families, and that community. The Tyler case is unique in that this company was

aware as early as 1963 that something was wrong in Tyler. Pittsburgh Corning was not ignorant, but was fully aware of what was going to happen to those men in that plant. The company would very much like to see the plant shut down, the men quietly fade away, and the Tyler pin removed from their corporate map. The last place the company wants to be is on page 1."

The press conference that Wodka had requested was held on February 10th at the National Press Building in Washington, and was conducted by Mazzocchi, who opened the proceedings by reading telegrams that had been sent on February 8th by A. F. Grospiron, the president of the union, to William Ruckelshaus, the Administrator of the Environmental Protection Agency, and to Assistant Secretary Guenther. The telegram to Ruckelshaus urged him to take immediate action regarding the open asbestos dumps in Tyler and the tens of thousands of contaminated bags that had been sold to nurseries in the Tyler area, and to place Pittsburgh Corning under surveillance to prevent the repetition of such practices in other places. The telegram to Guenther pointed out the Department of Labor's laxity in not having enforced asbestos regulations at the Tyler plant in the past, and urged him to investigate Pittsburgh Corning's operations in other places.

Mazzocchi next reviewed the chronology and the findings of the various inspections of the Tyler factory over the years, and then he launched into an angry denunciation of the callousness and ignorance that had allowed the conditions there to go uncorrected. "Industry doctors and government officials who cover up vital life-and-death information about worker health are guilty of the My Lai syndrome," he declared, and he went on to note that what had happened at Tyler was probably happening in hundreds of other plants in America, and was symptomatic of the occupational-disease problem in this country. He concluded by describing Pittsburgh Corning's reaction to the NIOSH survey and the Administration citations. "This company was receiving a subsidy in terms of years of men's lives," he said. "When that subsidy was terminated by belated government intervention, the company decided to quit the asbestos business altogether." Neither Guenther nor Ruckelshaus responded to the telegrams sent by Grospiron, and only two major newspapers ran articles on Mazzocchi's charges.

Down in Tyler, however, the Pittsburgh Corning plant got back into the news by way of a dispatch from United Press International that was based upon a press release issued by union headquarters, in Denver, on February 9th. The release was concerned chiefly with the contaminated burlap bags. As a result, when the story appeared in the Tyler papers, the *Courier-Times* and the *Morning Telegraph*, on February 17th, there was no mention whatsoever of the NIOSH report, of the Administration citations and fines, or of the fact that serious illness had already manifested itself among the sixty-three-man work force at the Tyler factory. The report in the *Morning Telegraph* was carried beneath a banner headline that read "Threat of Cancer Alleged," the article in the *Courier-Times* appeared beneath the caption "Company Denies Claims by Union," and both pieces consisted mostly of charges levelled by a union official about the contaminated burlap bags and denials of the charges by Gerald J. Voros, a public-relations spokesman for Pittsburgh Corning. According to both accounts, however, Voros admitted that "workers at the plant had been given physical examinations to determine if any of them exhibited contamination symptoms," and that "those whom the examinations revealed had been affected were referred to their personal physicians."

He was quoted as saying when asked by the *Telegraph* what the company would do if any of these afflictions could be attributed to asbestos dust, "I don't know. We'll just have to wait and see." Voros was, of course, being noncommittal only about Pittsburgh Corning's responsibility to the sixty-three workers who were employed at the Tyler plant when it was shut down, on February 3rd, since neither Pittsburgh Corning nor the Union Asbestos & Rubber Company, the factory's previous owner, can be held legally accountable for what may happen to the eight hundred and thirty-two other men who toiled in the factory at one time or another during the seventeen years it was in operation.

Thus, in the middle of February Pittsburgh Corning found itself compelled for the first time to issue public denials of wrongdoing in connection with its Tyler plant, even as it took steps to deny public access to the factory and its adjacent dumps, and to bury as much of the equipment and machinery from the place as possible. That the company should be placed on the defensive over some dumps and burlap bags, and not because of the awful jeopardy in which it had put the health of hundreds of its workers and their families, seems ironic. It should not, however, come as any surprise.

Much of industry in the United States has long operated on the assumption that it could endanger the lives of its employees with relative impunity—and without embarrassing publicity and possibly damaging repercussions—as long as it did not overtly threaten the health and safety of the community at large. Underlying this assumption is the further assumption that workers are not so much a part of the community as part of the equipment and machinery of production. As such, upon being proved defective they become expendable. They can be replaced or transferred, or, if worst comes to worst, given workmen's compensation (which in most states is minimal) and retired. At that point, they cease to be anyone's responsibility. Like the eight hundred and ninety-five men who worked in the Tyler plant over the years, they are out of sight and out of mind. In a sense, therefore, like much of the factory itself, they are buried.

I first heard about the Tyler plant when I attended the press conference that Mazzocchi held in Washington on February 10, 1972. Later, at my request, he provided me with copies of all the inspection reports, surveys, and studies that had been made of the factory over the years, and after studying them I decided to go to Texas and talk with some of the people who had been involved in the whole sad affair. On Monday, March 6th, I flew to Dallas, where I paid a call on Barto, the regional administrator for the Occupational Safety and Health Administration. Barto is a heavyset, bejowled man in his early fifties. I was ushered into his office shortly after noon, and when we had shaken hands I took a seat at a conference table in front of the desk and explained why I had come to see him.

"Look," he said, "NIOSH referred the Tyler situation to us, and we confirmed what NIOSH had discovered. It's as simple as that."

I told him that I was familiar with the contents of the NIOSH report and with the results of the Occupational Safety and Health Administration's subsequent inspections, and that I was particularly interested in knowing more about the inspection of the factory that the Dallas office of the Department of Labor had conducted on February 13, 1969.

Barto replied that he had not arrived at the Dallas office until July of 1970, so we would have to discuss the matter with Holder, the assistant regional administrator, who had been there since 1961, and he buzzed Holder on an intercom and asked him to bring a copy of the 1969 inspection report. While we waited, Barto told me that when he took over as regional administrator there had been no industrial hygienist in the office and there had been only three inspectors for the region, a five-state area comprising Texas, Louisiana, Oklahoma, Arkansas, and New Mexico. "A plant as small as Tyler simply couldn't be checked under those conditions," he said. "Believe me, that was a minuscule problem compared to others we had."

Holder came in and took a seat opposite me at the conference table. He struck me as being an archetypal Texan—a tall, lean, tanned man in his late forties, with wavy blond hair and a rugged, seamy face. After Barto had explained the purpose of my visit, I asked Holder if the Department of Labor had ever inspected the Tyler plant before February 13, 1969. He shook his head. I then asked him if he knew of any previous inspections that had been conducted by agencies with enforcement power, such as the Texas State Department of Health. He replied that he did not. When I told him that I was particularly interested in learning more about the 1969 inspection conducted by the Dallas office, he replied tersely that on that date the Tyler plant had been found to be unsatisfactory according to the provisions of the Walsh-Healy Act. (This was an Act, still effective in 1969, that established occupational-safety-and-health standards for employees of companies holding contracts of ten thousand dollars or more with the federal government.) I then asked Holder on what specific grounds the factory had proved to be unsatisfactory, and he answered that the exhaust systems were deficient in terms of airflow, and that there was excessive dust.

At that point, I inquired what steps had been taken to determine whether the Pittsburgh Corning people had corrected the unsatisfactory conditions in the Tyler plant. Holder replied that the company had agreed that it would initiate a research-and-development program to improve the ventilation system, that it would study the possibility of replacing asbestos with a substitute material, and that it would provide respirators in the meantime, to protect the workers in the particularly dusty areas of the plant. He went on to say that the Walsh-Healy Act allowed the company to exceed the asbestos-dust standard if respirators were issued and worn, and that the issuance of respirators had therefore satisfied him as far as any violations of the Act were concerned.

I asked Holder how he knew that the employees in the Tyler plant had received respirators.

"Because the company had to issue them in order to come into compliance with the Walsh-Healy Act," he replied.

Rephrasing the question, I asked him if he had any first-hand knowledge that the company had complied.

For a moment, Holder remained silent. Then, quickly, he asked me if, by any chance, I was hard of hearing.

I replied that I didn't think so but that perhaps I had not understood him.

"Well, I think you must be hard of hearing, fella," he continued, "because didn't I just explain all that to you?"

I repeated that perhaps I had not understood him, and, rephrasing the question once more, asked him how he could be certain that Pittsburgh Corning had issued respirators to its employees following the 1969 inspection. After glancing at Barto, Holder said that the company had assured him at that time that it would undertake a study to improve the ventilation system and that it would issue respirators. He had no reason to believe that Pittsburgh Corning had not kept its word, he added.

I asked Holder if it was normal procedure to accept a company's statement of intention as evidence of compliance with occu-

pational-health regulations, and he replied that he felt it was.

I then asked him if he or anyone else from the Dallas office had ever reinspected the Tyler plant to determine whether the company had come into compliance.

At that, Barto held up his hand. "No sense beating around the bush with this," he said. "What Holder's saying is that we did not reinspect. Let's leave it at that."

Since this seemed the only sensible course to take, I got to my feet, thanked both men for their time, and left the room. Holder followed me out, and engaged me in conversation as I was putting on my coat. "You know, the trouble with respirators out there is some of those boys really like their chewing tobacco," he told me in a confidential tone. "Why, you can't get them to wear a mask no way."

I asked Holder if he knew that asbestos inhalation could cause not only pulmonary scarring but lung cancer, mesothelioma, and other malignancies. He replied that he had never heard of mesothelioma and that he doubted if there was any real proof that asbestos could cause cancer.

"If such proof existed, would you still characterize the violations at Tyler as nonserious?" I asked.

"You know, this health business is always being exaggerated, in my view," Holder said. "I didn't see any serious danger in the Tyler situation, and I still don't. How can there be a serious danger if it doesn't hurt you right away? I mean, how can it be called serious if you can go right on working with it?"

Half an hour later, I was driving a rented car east on Interstate 20, toward Tyler, about a hundred miles away. For the first fifty or sixty miles, the country was flat and dotted with grazing cattle; then it became hilly and wooded. Here and there, a pale-green wash of buds on bushes growing in wet draws signalled the approach of spring, but the hint seemed lost against a larger background of brown fields, skeletal trees, red clay soil, and a vast sky filled with circling buzzards. At about four-thirty in the afternoon, I turned off Interstate 20 and drove south on U.S. Highway 69 to a motel on the outskirts of Tyler, where I had made a reservation. At the turnoff, there was a large billboard, erected by the Peoples National Bank of Tyler, that read "Life Is a Bed of Roses."

When I got to the motel, I telephoned Dr. Hurst, at the East Texas Chest Hospital, and made an appointment to see him the next afternoon. Then I got in touch with Yandle, the local union chairman, who lives in Hawkins, a small town eighteen miles north of Tyler. Yandle has no telephone, but his wife's grandmother's house is next door, and she went over to get him. I had called him from New York and told him I wanted to talk with him, and when he came to the phone a few minutes later he said he would be along within an hour. While I wanted for him, I drew up a list of questions for Van Horne, Pittsburgh Corning's plant manager, whom I planned to see the following day.

Yandle, who arrived shortly before six o'clock, proved to be a tall, heavyset man with an engaging grin and an easygoing manner. He came into the room, stuck out a hand, and plopped down in an easy chair. I asked him to tell me something about himself and his work history, and he said that he was thirty-six years old and had gone to work at the Tyler plant in the autumn of 1961. He had spent three and a half years in the production department, he went on, working on the feeder and scrap machines, and for the past seven years he had been in the shipping department.

The first time he had ever worn a respirator was in July of 1971, he told me, and it was also the first time he had even seen any of his co-workers wearing respirators except for a short period in the spring of 1969, when two or three men working in very dusty areas had requested them. "It was more or less voluntary in 1969," he explained. "And after a few weeks the guys stopped wearing them."

I asked Yandle when he had first been told that asbestos was hazardous to work with, and he said it was in August of 1971, when Dr. Grant came down to give the men a talk. "We were real mad about the masks," he said. "Heck, I'd been working there ten years without one, and they were a pain in the neck to wear, especially in the summer, when it got so hot in there you'd sweat and couldn't get enough air through to breathe. So when Dr. Grant called my shift into the shipping supervisor's office, the first thing we asked him was how long we were going to have to wear the respirators. He said no longer than a year, because the company was going to shift over from asbestos to mineral wool. He had a blackboard set up in there with a lot of complicated words and numbers on it that none of us could make head or tail of.

I remember he said that the company could make the whole plant dust-free but they couldn't make the finished product safe for the insulators to use. When somebody asked him about better dust collectors, he said that profits wouldn't allow them now. He said that the amosite mines in South Africa were running out and that the rates were getting too high for the company to bear the cost. He also said it had been known since 1963 that asbestos could hurt us. At the same time, he said that amosite asbestos didn't cause trouble if you didn't smoke—that it wasn't proved medically that it could cause trouble. He had it written on the blackboard that seventeen per cent of the people who work with asbestos have lung cancer, but he told us that was another kind of asbestos. He claimed that if you didn't smoke you didn't have any more chance of catching cancer in the plant than you did walking out in the street. He also wrote a word I can't pronounce—meso-something."

"Mesothelioma?" I asked.

"That's it," Yandle replied. "Dr. Grant said for us not to worry about that, either. Especially if we didn't smoke. Cigarettes and asbestos don't go together is what he told us. Next thing we knew, they were sending us over to Dr. Hurst at the East Texas Chest Hospital for X-rays, lung-function tests, and blood tests."

I asked Yandle if he had ever been X-rayed before then, and he said he had, on two occasions. "Both times, it was at the Medical and Surgical Clinic in Tyler," he told me. "They're the ones who handled all the accident work and medical stuff for Pittsburgh Corning. The first time I got X-rayed was in 1961, when I went to work there, and the next time was in the spring of 1969, not long after the Department of Labor people inspected the plant. According to Van Horne, all the X-rays they took of us in the spring of 1969 were good. We never saw them, of course, and wouldn't have known what to make of them if we had.

I came across them, just by accident, last October, though, when the NIOSH boys were down here making their big inspection. I was taking them through the plant as the union representative, and I spotted a whole stack of something on a shelf high up in the men's room. So I climbed up there and took a look. It turned out to be our 1969 X-rays, but they were so old and cracked and covered with dust and dirt you couldn't have made out a thing."

I asked Yandle what he and his fellow-workers were told about the X-rays and tests that Dr. Hurst had performed the previous August, and he said they were not told anything until a few weeks before the NIOSH inspection in October. "Early in October, two of us went over to the hospital to ask Dr. Hurst for our medical reports," he went on. "Dr. Hurst said that he had sent them to Van Horne and Dr. Grant. He explained that he was obligated to Pittsburgh Corning, because he had done the tests for them, but that, as a medical doctor, he was also obligated to us. He said we had no asbestosis on our diagnosis, and that if there were shadows on the X-rays they were probably not related to asbestosis.

He said that as far as he could tell there were no health problems that were related to our work, but there were people who had emphysema and bronchitis, which he said was on account of smoking. When a NIOSH doctor examined me a few weeks later, though, he said he was sure I had a good dose of asbestosis. Also, I'd begun to think back on things and to wise up on my own. I remembered when Willie Hurtt had to quit a few years ago because he was spitting up blood. And Robert Thomas, a neighbor of mine up in Hawkins, who hasn't been able to breathe good for a long time now. And Ed Land, with the same trouble. And Bill Morris, who was spitting up blood, too, and took himself over to the Gladewater Municipal Hospital in 1969, where they found spots on his lungs and made a biopsy. And a whole bunch of others I could name. So when Steve Wodka and I went over to the East Texas Chest Hospital in January to meet with Hurst, Grant, Farkos, Spiegel, and Lemen, and I heard that seven of us who'd worked in the plant for ten years had symptoms of asbestosis, I wasn't surprised. Wodka and I asked for a thorough medical reading on the health problems of each and every man in the plant, and after that we began to hear a different tune.

"Early in February, Van Horne put up a notice on the factory bulletin board scheduling appointments with Dr. Hurst for twenty-three of us, who, it turned out, had something wrong on our medical tests. I went over there on the ninth with Arthur Bearden, who'd worked in the plant for about sixteen years. I went in first, and Dr. Hurst read off a lot of numbers and said that after a recheck of my tests they'd made a new diagnosis. He told me that I had symptoms of early asbestosis but that my condition wasn't so bad as some of the others'. He said that a few more weeks in the plant wouldn't hurt but that after it shut down I shouldn't try to find work in a foundry or a welding shop, or anyplace where it's dusty, and he advised me to look for a truck-driving job. He told the exact same thing to Arthur Bearden. Naturally, one of the things I asked Dr. Hurst was what I could do for myself. And that's when it dawned on me that I was in real bad trouble, because he said that there was no medicine or cure for asbestosis, and that I had to keep coming back every two years for another examination to see if it was getting worse."

I asked Yandle how he felt these days, and he said not bad. "It's kind of hard to explain," he went on. "But if I exert myself real fast, I kind of just give out." Yandle added that in addition to Bearden and himself, Robert Thomas, Mitchell Walker, Tom Belcher, and Harold Spencer had been told by Dr. Hurst that they had symptoms of early asbestosis, and had been advised not to work in dusty places. "There's a seventh guy with the same trouble, but he's a supervisor and he won't talk about it," Yandle said. "We hear that the company settled six months' pay on all the supervisors. These other fellows I told you about, though—they'll talk, and if you want I can introduce you to some of them."

I told Yandle I would like to meet them, and anyone else he could think of who could help to give me a clear picture of what had gone on in the Tyler plant.

"Well, then, you ought to talk to Frank Spencer," he said. "He's Harold's father, and the interesting thing about him is that he used to work at the old Union Asbestos & Rubber Company plant in McGregor, down by Waco. Old Frank's got an awful problem

breathing these days, so he's almost always at home. Why don't I call him up now? I might as well call Ray Barron, too. Ray lives right close, and he's part of the maintenance crew they've kept on to clean up the plant."

Yandle telephoned Spencer and arranged for us to visit him at his house later in the evening. Then he called Barron and invited him to come to the motel. When he had hung up, I asked him to tell me what he knew about the burlap bags that asbestos was shipped to Tyler in and that were later sold to nurseries in the Dallas-Tyler area.

"That's a real laugh," he said. "I mean about them recalling thirty-five thousand of those bags from the local nurseries. You see, the amosite came in hundred-pound bags from South Africa to New Orleans and Houston, and then it was freighted over here on the Cotton Belt Route. Now, I happen to know that from 1963 to 1967 Pittsburgh Corning sold those bags to the Coastal Bag & Bagging Corporation, of Houston. Then, after 1967, they started selling them locally—mostly to the nurseries. Anyway, what I'm getting at is that the thirty-five thousand bags are just a drop in the bucket. Look at it this way. We used two hundred sacks of amosite a day in production, and we worked a five-day week. That makes a thousand bags a week, and fifty-two thousand bags a year. Is that right?"

"Right," I said.

"O.K.," Yandle went on. "Fifty-two thousand bags a year for ten years gives you how much?"

"More than half a million," I replied.

"More than half a million," Yandle said quietly. "And you know what? They leaked like crazy—all of them. I know, because I used to help unload them from the freight cars. They leaked like crazy, and they were dusty as could be."

It was nearly seven when Ray Barron arrived—a handsome, strapping, dark-haired man of thirty-four, with a soft-spoken manner. He told me that he had worked at the Tyler plant for six years, first as a bag feeder, then in the building department, and now as a maintenance man. "I was a bag feeder for about six months," he said. "It was my job to empty the amosite out of the burlap sacks and into the feeding machines. I fed about seventy hundred-pound bags of asbestos on every eight-hour shift I worked. Trouble was, the asbestos wouldn't just pour out. It was packed in so tight we had to dig it out with our bare hands."

I asked Barron if he had ever worn a respirator when he was a bag feeder, and he shook his head. He had never worn one until August of 1971, he said, when the company suddenly made it mandatory for the entire work force to wear respirators. "Some of us were issued respirators a few years ago, but it was voluntary if we wanted to wear them, and since no one told us until last August that asbestos was dangerous to work with, we didn't, he said. "All of us in the maintenance crew are wearing 'em now, though. Except for Van Horne, who keeps saying that asbestos won't hurt you. He claims that none of our medical problems are caused by asbestos. My own X-ray is supposed to be clear, and my other tests are O.K., and I don't have finger clubbing, so they told me I was probably all right. What worries me is that word 'probably,' and whether I'll be all right five or ten years from now. When I think back, all I can remember is the dust. Why, most of the time I worked there you couldn't see from one end of the place to the other—especially when there was any sunlight coming through the windows."

Barron then said that for the past several weeks he and three other maintenance men had been dismatling machinery and equipment with acetylene torches and burying most of it in a dump next to the plant. "The little that's left is either being shipped up to Pittsburgh or being sold for scrap," he went on. "When we get through, the place'll be empty except for the surplus fiber that's still in the warehouse."

"How much of that is there?" I inquired.

"There must be about ten thousand bags," Barron answered. "I hear they've already sold it to some outfit up in Canada."

"Do you know who they are or where in Canada they are?"

"No," Barron said. "It's suppose to be a secret. But we'll be busy full time down there for at least six more weeks, so I might hear something. We've only just begun to bury the ventilation pipe, and we still have to finish cutting up the conveyor belts, carriages, ovens, and cyclone machines."

Barron left shortly after eight o'clock and then Yandle and I drove out the loop highway—one of a series of roads that girdle Tyler—to the east side of town, where Frank Spencer and his wife live. We climbed the porch steps, and Yandle knocked on a screen door that opened into a small living room. Mr. and Mrs. Spencer were inside, sitting in rocking chairs and watching a quiz show on a large color TV set. Spencer, a white-haired, man, was wearing blue-and-white striped overalls. His wife, also white-haired, was wearing a plain calico dress. After Yandle had introduced us, I sat down on a small couch and asked Spencer to tell me about his experiences working with asbestos.

"Well, I worked with asbestos for twenty years or so," he said. "I started in 1948 or 1949 in the old plant down in McGregor, where we used to live. The factory was in the Bluebonnet Ordnance Plant area, where they'd made bombs for the Air Force during the Second World War, and the government began reactivating the place in 1952, so Union Asbestos & Rubber moved out and came up here in '54. There was about sixty of us on the work force at McGregor, but there was a big turnover. Most of us were farmers, and there was a lot of young farm boys who came and went. Harold, my own son, worked there, too. In fact, I signed a paper saying he was eighteen, but he was really only seventeen. That's so he could get the job."

I asked Spencer if he had ever worn a respirator at McGregor, and he gave me a look of amazement. "Wore a respirator!" he exclaimed. "Why, I wore one all the time down there. They never said a word to us about asbestos being dangerous, but they made us wear our respirators. Actually, it wasn't the company that did that. It was the insurance underwriters who said we had to wear 'em. I guess they must have known that that dust couldn't be doin' us much good, eh? But, goodness' sakes, insurance underwriters or not, you would have *had* to wear a respirator down there—you couldn't have breathed otherwise. Most of the time, I couldn't hardly see the man working next to me!"

"Do you ever get back there?" I inquired.

"We used to go back all the time to see our friends and relatives," Spencer replied. "But, one by one, just about all the men who worked with me at that place have died. Mostly, they just seemed to stop breathing."

"Some of them died of cancer, too," Mrs. Spencer added, without taking her eyes from the TV set. "Chest cancer, the womenfolk told me."

"I'll be sixty-six years old in May," Spencer said. "And I swear I'm just about the onliest one I know that's left alive from that McGregor plant. Except for my son, of course, and he's already got trouble with his lungs. I've had trouble with mine for years. I finally had to quit the Tyler plant in 1968. They disabled me. Just couldn't hardly breathe no more. Now I'm out of breath all the time. Can't do nothing. Can't walk any distance at all. When I quit, they started giving me some retirement payments—eighteen dollars a month. I should've done what Ed Land did. He quit around about 1962. He couldn't breathe, either, because a lung collapsed on him. I heard he was going to sue, but they settled with him."

I asked Spencer if he was receiving any medical attention, and he smiled for the first time. "I've been going to these local doctors for my lungs for years," he said. "I spit up an awful lot, and I'm always out of breath, and I've got a funny-sounding cough. I guess I've been to just about every last doctor in that Medical and Surgical Clinic. All of 'em have told me I had something wrong on my X-rays. Some of 'em have told me I got emphysema, and some of 'em say it's asthma, and at one time they even thought I had cancer, but not one of 'em ever said it was on account of asbestos. Well, they're a bunch of quacks. I know what I got now. I got what Ed Land got. I got what Harold's got. And all the others. I got that dust disease. That dust has ate us up."

As Yandle and I left a few minutes later, Spencer rose from his rocking chair, saw us out the door, and stood on the porch and bid us goodbye. As we went down the steps, I turned to thank him, and saw him leaning forward, hands on his knees, rocking his head up and down. He was gasping for air.

At eight o'clock the next morning, Yandle came by the motel in his battered blue pickup. We had a cup of coffee in the dining room and then drove out to Arthur Bearden's house, on the east side of town. Bearden's place was a faded-green frame dwelling that sat on cinder blocks, like most of the houses in the area, and in the front yard there was a twenty-five-foot-high, symmetrically rounded, and wonderfully festive holly tree, so full of shiny green leaves and bright-red berries it looked as if it had been hung by hand.

Bearden came to the door, ushered us inside, and immediately offered to brew us some coffee. He is a grave-faced, soft-spoken man in his middle forties, and when Yandle told me he was famous for making strong coffee he responded with a broad grin of delight. Then, seating me at a table in the dining room, he disappeared into the kitchen. Yandle went to get Harold Spencer, who lived in a trailer next door.

When Bearden returned from the kitchen, he sat down across from me and told me that he had gone to work at the Tyler plant in March of 1955, a few months after it began operating. "I worked there until 1960," he said. "Then I was laid off for a year, but I went back in April of 1961 and stayed until the plant closed down last month. So, all in all, I figure I worked with asbestos about sixteen years. During that time, I guess I worked in most areas of the production department. I never wore a respirator until last August, and I never saw anyone else wearing one except for a few fellows on the feeder machines and in the saw room back in 1969. Those were probably the dustiest areas in the plant, but the whole place was so dusty it's hard to tell for sure. Most days, you couldn't see from the middle of the building to either end."

At this point, Yandle returned with Harold Spencer, a man in his late thirties, who wears a grin that masks a diffident manner and an air of fatalism. When I told him I had met his father and mother the night before, he simply nodded and grinned a little wider, and sat down at the table. I asked Spencer how long he had worked with asbestos, and he thought for a few moments and said he guessed for about seventeen years. "I worked at the Union Asbestos & Rubber plant in McGregor from '51 to '53," he said.

"Then I worked at Tyler from '55 to '57, and then I came back in 1960 and worked steady from then on until the plant closed down last month. Nobody ever told me the stuff would hurt us, and I never wore a respirator until last August, when everybody had to start wearing them. Back around last Thanksgiving time, I got called over to the East Texas Chest Hospital by a Dr. Seaman,

who told me I had a spot on my left lung. He didn't say what it was, but he offered to treat me as an outpatient.

"He said I could keep on working at the plant that way. I went to him for about two months. During December and January, I went once a week, on Tuesday morning. They took X-ray pictures of me every time. Most mornings, they just took a couple, but one morning they took eleven—one standing up and ten flat on my back. Another time, they swabbed out my mouth with anesthetic, put in some kind of a coating, and looked down into my chest with some kind of a tube. Afterward, Dr. Seaman told me my left lung wasn't functioning properly. I asked him if it was on account of the asbestos, but he said he couldn't say. All he could say was that there wasn't any surgery for it. Then, on February 9th, I got sent over there to see Dr. Hurst. He said I had what looked to him like asbestos scar tissue in my lungs. He told me not to work in dusty conditions anymore, and he said to come back and see him in two years. By that time, I was real worried and didn't know what to think. What worried me most of all was what a doctor from NIOSH told me back in October. He had listened to me breathe, and he had looked real careful at my fingers, and he had told me I had a case of asbestosis."

"That's what we all got," said Bearden, looking around the table at his friends and then at me. "We just better hope we don't get cancer. You know, some people have already died of cancer who worked there. Mr. McMillan—he was plant manager before Van Horne—he died about a year and a half ago of some kind of cancer in the chest. And Marvin King, one of the supervisors—he took sick back in 1958, I think it was, and died of lung cancer. And Chester Hickman, who'd been night watchman since the place opened—he died of cancer in June of 1971."

Bearden went out to the kitchen and brought back coffee for everyone. It turned out to be as strong as any I had ever tasted, and when I told him so he grinned with delight again. "Spencer here was the only one of us that got treated as an outpatient," he said. "Back in October, Dr. Spiegel told me I had a bad sound in my lungs, but I didn't see Dr. Hurst until I went over to the East Texas Chest Hospital with Herman here in February. Dr. Hurst told me I had early stages of asbestosis with rales in my lungs, and that I shouldn't try to find a job anyplace there was dust. The thing that bothers me is I should've realized something was wrong back in 1968. I was off from work then with a bladder infection and got sent over by the company to see Dr. Smyth, at the Medical and Surgical Clinic. He gave me a physical examination and listened to my chest and took some X-rays. A few hours later, he called me back and listened to my chest again, but he didn't tell me anything."

"Funny thing," Spencer murmured. "Back in 1969, I got my first X-ray at the Medical and Surgical Clinic, and a Dr. Marshall over there told me I had a spot on my lung. He said he'd be in touch with me, but after I waited six months without hearing from him I got worried and went back and saw a Dr. Whetsell there. Dr. Whetsell gave me a check-up, and when he was through I told him I thought that maybe I ought to change jobs, but he said he couldn't guarantee I'd be hired anywhere else, because I might not be able to pass a physical."

While Spencer was talking, we were joined by Willie Hurtt, whom Yandle had invited over. Hurtt is a gaunt man in his late fifties, with sunken cheeks and a shy manner. He told me that he had started work at the Tyler plant in January of 1956, and had stayed until November of 1969, when he quit. "I worked mostly on the feeding machines and the ovens, and I hardly ever wore a respirator the whole time," he said. "I remember, though, that around the end of May of 1969 some fellows from the union committee went in and asked Van Horne how come a few of the boys were suddenly wearing masks. Van Horne told them it was on account of the dust levels were high in the saw room and the feeding-machine area. So they asked him if the dust would hurt us, and Van Horne just said that even if it did there wasn't any way anybody could be sure of it.

Of course, by that time I was beginning to get some idea of my own that the stuff wasn't good to breathe. I'd been coughing bad for nearly three years, and I'd been to a lot of doctors. I went to see Dr. Thomas and Dr. Smyth at the Medical and Surgical Clinic, and I went to Dr. Knight at the Glenwood General Hospital, in Tyler. Dr. Smyth told me I ought not to work in dust, but he never said I'd be disabled. Dr. Knight said I had emphysema in both lungs. He kept me at the Glenwood General Hospital for a week after I quit the plant. He took a lot of X-rays and asked me where I worked, but he didn't tell me anything about the X-rays and he didn't say anything about asbestos. Now I'm not worth a hoot to do anything. If I walk just a little piece, I can't even breathe."

"Same with me," said Bearden. "I hoed a row in the garden the other day and I was out of breath entirely."

"The worst thing of all is we can't pass a physical to get another job," Spencer said.

Bearden nodded soberly. "I got an application in at a plant that manufactures air-conditioners," he told me. "But I'm a-scared to death of the physical. I'll take it, but I'm afraid of it, 'cause I know I won't pass it if they take an X-ray or listen to my lungs." For a moment, Bearden was silent, looking around the table at his friends. "You know," he said reflectively, "not everybody was as dumb as we were. I remember a new man walking in a few years ago. It was in 1970, I think. They had told me to explain the feeders to him, and it was nighttime and the lights were on and the dust was so thick it was fogging the lights. This fellow—I'll never forget him. He took a look at the feeders, and he walked partway down the plant floor. Then he turned and walked back past me and gave his head a shake. And then he went right on out the door, without a word to anybody, and he never came back."

It was about eleven o'clock when Yandle and I returned to the motel. I had an appointment to see Van Horne in an hour, and Yandle had to do some work around his house. We arranged to meet there late in the afternoon. Half an hour later, I drove east to U.S. Highway 271, where I turned north at a huge foundry that was belching smoke into the sky. About eight miles down the road, I passed a large, modern brick building surrounded by expansive lawns. A sign identified it as "East Texas Chest Hospital." A few hundred yards past the hospital, I turned west onto State Highway 155, where there was a sign pointing the way to the Owentown Industrial District. At the bottom of a hill, about a mile northwest of the hospital, I came to a flat valley filled with sheds, prefabricated buildings, and some wooden warehouses that had once been part of Camp Fannin, a Second World War training center and P.O.W. camp. The whole place was criss-crossed by spurs of the St. Louis Southwestern Railway. After winding through the area for five or ten minutes, I came upon a pair of long, low sheds with peeling wooden facades and corrugated roofs, and saw a sign affixed to the side of one of them which read "All Persons Entering This Area *Must* Wear Approved Respirator Protection." It was a new white sign with bright-red lettering, and against the shabby background it shone like a beacon. At one end of the sheds was a green cinder-block office building with a sign reading "Pittsburgh Corning Corporation."

I parked the car out front, went inside, and gave my name to a receptionist in an anteroom, who announced my arrival on an intercom. A minute later, Van Horne came out, shook my hand, and ushered me into his office, where we sat down near his desk. He was a gray-haired, self-assured man in his middle forties, and he was wearing horn-rimmed glasses and a mustard-colored sports jacket. When I told him that I wanted to talk with him about the plant, he said he had been in touch with the Pittsburgh office an hour before and had received certain orders. "I have been instructed to read a statement to you," Van Horne continued. "It is an authorized statement, and after I am done reading it I will have no further comment."

Having said this, he got to his feet, picked up a sheet of paper from the top of his desk, adjusted his glasses, and, in the firm, measured tone of a schoolmaster explaining the rules to a new and possibly recalcitrant student, began reading. "Pittsburgh Corning, on its own initiative, has closed the Tyler, Texas, plant and has ceased asbestos production entirely," the statement said. "We have no plans for further use of the Tyler plant and are making every effort to insure safe disposal of any remaining waste material. We sincerely regret the adverse economic impact that the plant closing might have on our employees and their families. Since 1967, we have made efforts and investments to reduce dust levels at the plant and have kept government agencies advised.

"It has become economically impossible to reach the increasing rigid dust levels established by the federal government. Each of the employees at the plant have been given complete physical examinations and, in cooperation with local officers of the Oil, Chemical, and Atomic Workers Union, we have established a job-counselling service to aid men in locating other work. There is no substantiation for the claim that burlap bags from the plant are a health hazard. Despite this, we have recently bought from nurserymen in the Dallas-Tyler area some thirty-six thousand bags, which may have come from our plant."

When Van Horne finished reading, there was a moment of constrained silence; then I got to my feet, thanked him for giving me his time, and asked him if I could have a copy of his statement. He rang for the receptionist, who came in, took the statement, went out, and returned with a Xerox copy. Van Horne handed me the Xerox, shook my hand, accompanied me to the front door, and wished me a pleasant trip back to New York City. I told him I was planning to stick around town for a while. Then I got into the car and drove away.

When I got back to the motel, I went to my room to make a few phone calls. While I was looking up some numbers in the local directory, I happened upon a description of the town, and learned that it had been established in the early eighteen-forties and named for President John Tyler, who had advocated the annexation of Texas to the United States. According to the phone book, Tyler had been "a small agricultural town with an aristocratic background" until 1930, when the great East Texas oil field was discovered. At that point, the phone directory said, "Tyler became the office headquarters for two hundred and sixty-seven independent and major oil producers, operators, and refiners working in the fields surrounding the city." Beneath the description was a box with the heading "Some Interesting Facts About Tyler."

One of the interesting facts was that Tyler has a twenty-eight-acre municipal garden containing twenty-five thousand rosebushes in three hundred and fifty varieties. Another interesting fact was that "more than half of the field-grown rosebushes supplied to the entire nation come from within a fifty-mile radius of Tyler." The most interesting fact about Tyler I saw, however, was that

it is the medical center of East Texas, with an expanding complex that includes the Medical Center Hospital, the Mother Frances Hospital, two other general hospitals, four private clinics, and, on the outskirts, the East Texas Chest Hospital, which has eight-hundred and twenty-five beds.

After lunch, I drove out to the East Texas Chest Hospital to keep my appointment with Dr. Hurst. It was a windy afternoon, with clouds scudding across the sky, and on a flagpole in front of the main entrance to the hospital the American and Lone Star flags were flapping to the accompaniment of rattling grommets. A lot of Texas redbud trees on the grounds were just beginning to bloom, and they cast a sheen of purple against the well-trimmed green lawns. Some distance off, ramshackle wooden barracks with sagging roofs, peeling clapboard walls, and verandas evolving into debris indicated that, like the nearby Owentown Industrial District, the site had once been part of Camp Fannin.

After spending a few minutes in a waiting room, I was directed to the office of Dr. Hurst, whom I found to be a tall, thin man in his late thirties, with dark hair, an earnest manner, and a mild way of speaking. Born in Minas Gerais, in Brazil, where his father was a missionary, Dr. Hurst received his training at the University of Texas Southwestern Medical School, in Dallas; he then became a specialist in pulmonary disease, and for several years was a member of the staff of the Chest Division of Woodlawn Hospital, in Dallas. In 1964, he was appointed clinical director of the East Texas Chest Hospital, and in the autumn of 1970 he became superintendent of the institution. He told me that the hospital had been founded in 1949 as a tuberculosis hospital, and that its major work had always been in the field of tuberculosis treatment. "Since 1967, however, we've been treating patients afflicted with other kinds of pulmonary disease," he said. "The fact is that when Dr. Grant, as medical consultant to Pittsburgh Corning, approached me late in 1966 about conducting a medical survey of the workers in the asbestos factory here, it promised to be a real departure for us."

"What reasons did Dr. Grant give you for wanting the study performed?" I asked.

"He told me that the men were working with amosite asbestos, and that the company wanted to know if they were encountering any medical problems as a result of their exposure."

I remarked on the irony of the factory's proximity to a hospital specializing in pulmonary disease, and asked Dr. Hurst if he had known of the plant's existence before Dr. Grant's visit.

Dr. Hurst shook his head somberly. "No," he said. "I'd never heard of the place."

"Did Dr. Grant give you any indication that he suspected the men might be getting sick because of their exposure to asbestos?"

"No, he did not," Dr. Hurst replied. "Obviously, he knew that exposure to asbestos could cause pulmonary fibrosis. He simply told me that the company had been using the Medical and Surgical Clinic, and that it now wanted us to undertake a comprehensive medical survey of its workers."

I asked Dr. Hurst if he had ever been consulted by any doctor at the Medical and Surgical Clinic about any worker at the Pittsburgh Corning plant who had had to stop work because of pulmonary insufficiency.

"No," he said. "Never. I only examined men sent me by the company, who were working and were apparently well."

I told Dr. Hurst that several of the asbestos workers I had talked with had said that doctors at the clinic had told them they were afflicted with emphysema or bronchitis, and that I had not yet met anyone who had been told by any doctor at the clinic that he was afflicted with asbestosis. I asked Dr. Hurst if this seemed strange to him.

For a moment, he was silent. Then he said, "You know, there's an awful lot of ignorance about occupational disease. The average doctor tends to minimize the danger of it. Some doctors tend to blame everything on cigarettes."

I asked Dr. Hurst if he had learned at any time that Dr. Cralley, of the Bureau of Occupational Safety and Health, in Cincinnati, had not performed the medical survey of the Tyler workers he had agreed to back in 1967.

"No, I did not," he answered. "I assumed that the study had been conducted, as Dr. Grant had indicated it would be."

"What reasons did Dr. Grant give when he called you last August and once again proposed that you examine and test the workers?" I inquired.

"The same reasons he gave nearly five years before," Dr. Hurst replied.

"Did he tell you that Pittsburgh Corning had filed a request with the Department of Labor for a variance from occupational-health regulations, and that the request for a variance stated that the company had already expanded its medical-examination program?"

"No," said Dr. Hurst.

When I asked Dr. Hurst to describe the tests that were performed on the Tyler workers at the East Texas Chest Hospital in August of 1971, he told me that they included ventilatory studies, to determine how fast air goes into and out of the lungs; lung-volume studies, to show how much air the lungs can hold; blood-gas studies, to indicate how efficiently oxygen is getting into the bloodstream; diffusion studies, to indicate what happens to oxygen and carbon dioxide in the lungs; and chest X-rays.

I then asked Dr. Hurst when he first suspected that some of the workers were afflicted with asbestosis. "Well, that took a while, because we weren't able to pull all our data together until November," he said. "By then, we knew there was evidence of fibrosis, or scarring of the lungs, on some of the X-rays. Some of the men also had dyspnea, or shortness of breath, and there were decreases in diffusion capacity as well. In fact, all but one of the seven men in real trouble had low diffusion. The trouble was, we had made a mistake in our formula for the diffusion studies, and didn't discover it until December. That's why it took us so long to come up with a positive diagnosis of asbestosis."

I then asked Dr. Hurst if he or anyone else was planning to perform followup medical studies of the Tyler workers or their families, or of former workers or their families.

"I've talked about that with Dr. Johnson, at NIOSH, with Dr. Norman Dyer, of the Environmental Protection Agency, in Dallas, and with my superiors in the Texas State Department of Health," he said. "I really can't say what's going to happen, however. I suppose it's a question of where the money will come from."

Next, I asked Dr. Hurst if the East Texas Chest Hospital had ever before examined workers on a consultant basis with a company.

"Not to my knowledge," he replied.

"Would you do it again?"

"I don't know," Dr. Hurst said slowly. "The studies we performed for Pittsburgh Corning were good studies, and once we rectified the error in our diffusion tests they were thorough. But whether we should have got involved with the company in the first place is something I'm not sure about."

It was about three-thirty when I left the hospital, so I took the shortest route to Yandle's house, driving north on State Highway 155, past the Owentown Industrial District. I continued, through Winona, to the town of Big Sandy, where I turned west on U.S. Highway 80, toward Hawkins. At one point, I crossed a bridge over a muddy, meandering stream, and then the road passed through mile after mile of pecan groves, where snow-white cattle grazed among thousands of frail black trees, whose delicate branches formed an intricate tracery against the sky. The center of Hawkins consists of four corners, where U.S. Highway 80 is bisected by State Highway 14. A sign there says that the town has a population of nine hundred and seventy-seven. I turned north on State Highway 14 and, within a mile or so, arrived at Yandle's place—a small white frame house—and found Yandle standing in the driveway.

Yandle and I spent the rest of the afternoon hunting up men who had worked in the Tyler plant. A mile down the road, we paid our first call, on Dale Peek, a lean, good-looking fellow in his late twenties, whom we found in the yard behind his house, bending over the engine of a car. Peek was wearing a navy-blue wool watch cap, a shirt with the sleeves cut out, and Levi's. After we shook hands, he stuffed his hands into the hip pockets of his Levi's, sat down on a fender of his car, and told me that he had worked at the Tyler plant for five years. "Like most of the other boys, I had a whole bunch of jobs," he said. "I was a feeder, a builder, a saw-room laborer, and a scale man.

"Scale men are the ones who weigh the boxes carrying the finished product. I finally quit the place in July of 1969, on account of the respirators they had started making some of us wear. I couldn't breathe through the damn thing. I just couldn't get any air into me, so I quit. Now I work making corrugated boxes at the Continental Can plant. That's in the Owentown Industrial District, too. The spring before I quit, I'd been elected chairman of the union committee, and I went in to Van Horne to ask him about some articles that some of the fellows were reading that said asbestos was bad for you. Van Horne passed it off with a shrug. He said that as far as he knew the doctors had no way in the world of knowing for sure that the stuff caused you to get sick."

With Peek accompanying us, Yandle and I drove west about fifteen miles to the town of Mineola, to see Tom Belcher, one of the seven men whose symptoms had been diagnosed as those of asbestosis, and who had been advised by Dr. Hurst not to work in a dusty environment. On the way, Yandle told me that Belcher had worked in the plant for sixteen years, and that he had started as a feeder operator.

"Him and Willie Hurtt," Peek said. "They're real old-timers at that place. I used to see them shaking down the dust collectors. Why, the stuff was so thick on them you couldn't hardly make out their hair or faces. I remember Tom sometimes wore a mask. It wasn't a real mask, though. It was one of those gauze ones, like you see them wearing in hospitals on the TV."

Belcher was a florid, heavyset man in his late forties, and as Yandle, Peek, and I stood talking with him in the front yard it was obvious that he was having difficulty breathing. "No one ever told me the damn stuff was dangerous," he said bitterly. "About two years ago, though, I started to feel different in my chest. It felt tired all the time, and it hurt a lot. Its been that way ever since, and these days I cough so much in the morning I can't hardly stand it."

A few moments later, Belcher's wife called me into the house and showed me a copy of Dr. Hurst's diagnostic report. According to the report, Belcher had a reduction of forced vital capacity, which is the maximum amount of air he can take into his lungs; a twenty-five-per-cent reduction in total lung capacity, which is the amount of air his

lungs can hold; and a slight reduction in the amount of oxygen that gets into his bloodstream. In addition, his X-ray films showed an increase in bronchovascular markings on the lower left-lung field. Mrs. Belcher said that her husband's chest was giving him a great deal of pain, that he was worried about it, and that she was worried about his worrying, because in addition to his pulmonary problems he had high blood pressure.

When we left the Belchers, Yandle, Peek, and I drove to a place about seven miles north of Hawkins, where J. C. Yandle, Herman's brother, lived with his wife and family, and worked as a tenant rancher. He had a typical small Texas spread, with a long blacktop drive leading up to a native-rock farmhouse that was surrounded by pastures separated by well-kept fences. We found J. C. Yandle in a field adjacent to the house, fixing a cultivator rig. He was a tall, thin, lean-faced man in his middle forties; he was wearing Levi's and a denim jacket, and he looked as if he had stepped right out of a scene in "The Last Picture Show."

After Herman introduced us, J.C. leaned against a corral fence and, speaking very deliberately, told me that he had gone to work at the Tyler plant in November of 1961. "I worked there steady until the place shut down last month," he said. "During that whole time, no one ever told me or anyone else I know that asbestos could harm you. Why, I can remember some of our supervisors saying it not only wouldn't hurt you but was *good* for you. They even used to tell us you could *eat* it. They were saying that right up till August, when all of a sudden we have to wear respirators.

First thing I heard about my X-rays was on the ninth of February, when Dr. Hurst called me in and said they didn't show up anything wrong. He told me I was breathing in better than I was breathing out, though. I asked him why. He said some people do that. He said maybe I was smoking too much. Funny thing is, I roll my own and I don't smoke an awful lot. About half a pack a day, maybe. But I am sure awful short-winded, and for the last few years it's been getting worse and worse. I been coughing up a terrible storm in the mornings, too."

After we said goodbye to J. C. Yandle, his brother and Peek and I drove toward Hawkins on State Highway 14 and, about a mile before Herman Yandle's place, stopped at a frame house with brown asbestos siding where Ray Hicks, a former Tyler worker, lived with his mother. Hicks wasn't at home, so we drove a little farther along the road, to a house where Hubert Thomas, another of the Tyler workers, was visiting some friends. As we were getting out of the car, Hubert's brother Robert drove up, with his wife, and parked just in front of us. Robert Thomas was fifty years old; he had worked at the Tyler plant for ten years and three months, and he was one of the seven men whose symptoms had been diagnosed as those of asbestosis. "At the end, just before they closed the place down, I was working in the finishing department," he told me.

"It was my job to push cartons of finished insulation down along the factory floor. Trouble was, I just couldn't push the damn things without stopping every hundred feet to get my breath. My chest's been hurting something awful lately, and I've been short of wind for the past five or six years. I also cough a lot these days. When I got called in by Dr. Hurst last month, he told me that he and the other doctors at the hospital had decided I probably had emphysema or bronchitis. He also said I could have symptoms of a disease caused by all the dust I'd breathed over at the factory. He advised me not to accept any work near dust, like at one of the local pipe or foundry outfits, and he told me to quit smoking. He said that I should have another X-ray soon and that the ones they'd already taken showed something wrong. I think he said it was some enlarged tissues down there.

When he told me that, I remembered something funny that happened back in the last part of 1970. I'd hurt my back, and the company had sent me to the Medical and Surgical Clinic, which shipped me over to the Mother Frances Hospital for some X-rays. After they took the X-rays, I was lying in my bed when a nurse came into the room with a clip board. She looked at the clipboard for a minute, and then she asked me if I was there for my back or for my lungs. I told her I was there for my back, and she shook her head and said that that was odd, because there sure was something wrong with my lungs."

At that point, I said goodbye to Robert Thomas, and walked up a driveway toward the house. The driveway crossed a deep culvert by the roadside, and on the other side of the culvert was a large tank full of channel catfish, which are a delicacy in that part of Texas. Two children, armed with long-handled dip nets, were trying to catch a pair of them for a customer who had stopped off to buy his supper. The catfish were surprisingly agile, and the children were having a lot of fun but not much luck. When Hubert Thomas strolled over to see if they needed a hand, I introduced myself to him, and we stood talking for some time beside the tank.

He told me that he had gone to work at the Tyler plant in October of 1961, and he had stayed on until the factory was shut down. "We're all kind of worried about what's going to happen to us," he said quietly. "Especially those of us that's got a lot of years in that place. Nobody's told me anything about my medical examination yet, which may be a good sign, but I can tell you something for sure. I'm so shortwinded these days it's ridiculous. I can't even walk from the tank here to my house without getting out of breath. Why, I not only have to stop a couple of times to get it back but sometimes I have to sit right down on the ground!"

I asked Thomas if he had ever worn a respirator and if anyone had ever told him before Dr. Grant's visit that asbestos was dangerous to work with.

He shook his head. "I never wore a respirator until last summer," he replied. "And nobody ever said to me that the stuff could hurt you. No—come to think of it, that ain't right. There *was* a man who told me asbestos was dangerous. That was Mr. McMillan, who was plant manager before Van Horne. Way back, when I first went to work there, he told me the stuff could be harmful. He never said to wear a mask, though, so I didn't. I got to respect that man, because nobody else from Pittsburgh Corning was ever that honest with me. But it's funny, ain't it? I mean, Mr. McMillan knew it was dangerous, and he died of cancer himself not long ago, but he never said to wear a mask. So I didn't. None of us did."

It was growing dark and when Yandle, Peek, and I left, we drove south on State Highway 14 and stopped again at Ray Hick's place. His mother came to the door and told Yandle that Ray had come and gone since we were there before but that she was pretty sure we could find him at the service station down by the four corners in Hawkins. A few minutes later, Yandle spotted Hick's car at the service station, and when I drew up beside it he climbed out to get him. Hicks, a tall, thin, handsome, pale man in his early thirties, got into the back seat with Peek and Yandle got in front with me, and we spent a few minutes chatting. Hicks told me that he had gone to work at the Tyler plant on April 30, 1962, and had worked there until the factory was shut down. "That makes nine years and ten months, and I never wore a respirator except for the last six months I was on the job," he said. "I never knew it was dangerous to work with asbestos until last summer, when Dr. Grant came down. He told us it was hazardous, but he said you didn't get any symptoms in less than ten or fifteen years."

I asked Hicks how he felt, and he said that he felt pretty good—that, unlike a lot of his friends from the plant, he wasn't experiencing any short-windedness. "Dr. Hurst took X-rays of me in August of 1971, but I never heard from him, so I guess that means I'm O.K.," he added.

"Hey, why don't you tell us what Van Horne told you when he called you in last month," Yandle said, with a smile.

"Oh, that," Hicks said with a sheepish grin. "Why don't you guys lay off that?" Hicks then shook his head and smiled ruefully at me. "Well, Van Horne called me into his office just before the place shut down." he said. "He told me a report on my X-rays indicated that there was a little spot on the lower lobe of my left lung, and he said I'd better stop smoking. I told him I'd never smoked in my life—except cigars. So he asked me if I drank a lot of milk."

When Hicks said this, Yandle began to chuckle. Then, joined by Peek, who had broken into a guffaw, both men leaned back in their seats and gave way to gales of laughter.

"And what did you tell him?" asked Yandle, making a vain attempt to stifle his laughter.

"I told him I drank a little milk now and then," Hicks said. "That's the truth, too. I don't drink all that much milk."

"A little bit?" said Peck, who was suddenly overtaken by another paroxysm of truth. "Just a little bit?"

"And what did Van Horne say when you told him that?" Yandle cried, still laughing.

Hicks glanced at me but he had begun laughing himself now, and suddenly he doubled over as the mirth bubbled out of him. "Van Horne told me I had a calcium deposit in my lungs, and said I must be drinking too much milk."

At this point, Hicks broke down completely, and I began to laugh myself. For some moments, the four of us sat rocking with laughter, unable to speak; then Hicks straightened up and managed to get partial control of himself.

"I walked out of there real mad," he said. "But when I told my friends back on the floor, all they did was laugh, and they've been ribbing me ever since."

"But, Ray, we was worried about you!" Yandle protested. "We was worried about you on account of all that milk you've been drinking."

This comment started everybody laughing again, and we were still laughing when we climbed out of the car, a few minutes later. I thanked Yandle for all his help, shook hands with each of them, and bade them farewell and good luck. Then I got back into the car and started for Tyler. As I drove away, I caught a glimpse of Yandle, Peck, and Hicks in the rearview mirror. There they were, in front of the filling station, with their arms around each other's shoulders and their heads thrown back—three Texans standing beneath the stars of the immense night sky and laughing to beat the band.

In the morning, I ate breakfast, paid my bill, and checked out of the motel. I was planning to drop by the Medical and Surgical Clinic to ask the doctors there why none of the men who had come to them with pulmonary problems had been told that the trouble might be the result of the place they were working and what they were inhaling on the job. Some of the men I had spoken with had been told they had bronchitis, and others had been told they had emphysema,

but none of the doctors at the clinic, as far as I could make out, had ever told them they were suffering from asbestosis, which is, of course, what was afflicting many of them, and was the reason they were experiencing such difficulty in breathing. However, after sitting behind the wheel of my car for a few moments I decided not to go to the Medical and Surgical Clinic.

What good would it do to ask a bunch of local doctors how they could have failed to diagnose a lung disease that had been well known and well defined in medical circles for more than fifty years, when men such as Dr. Grant, medical consultant to Pittsburgh Corning, medical director of PPG Industries, president of the American College of Preventive Medicine, and the holder of several other high posts in distinguished industrial health organizations, and Dr. Lewis J. Cralley, director of the Division of Epidemiology and Special Services of the United States Public Health Service's Bureau of Occupational Safety and Health, not only had known for years that workers at the Tyler plant were being subjected to levels of asbestos dust that could cause asbestosis but had neglected to give them medical examinations that would have ascertained this beyond a doubt?

All of a sudden, I felt I had asked enough questions for the time being, and I was ready to accept Dr. Hurst's explanation that most doctors are ignorant of occupational disease and prone to blame cigarettes for pulmonary trouble. In any case, what sort of judgment could one make about the doctors at the Medical and Surgical Clinic, who, after all, had had a close working arrangement with Pittsburgh Corning over many years?

Having decided not to go to the Medical and Surgical Clinic, I thought I would return to Dallas and fly home. I wanted to take a last look at the factory, however, so I drove out past the East Texas Chest Hospital and turned north on State Highway 155. It was about 10 a.m. when I came to the Owentown Industrial District, and as I wound my way through the area, which is about a mile long and half a mile wide, I saw several hundred cars parked outside the factories, sheds, and warehouses of the other industries there.

Among those industries were the Continental Can Company, where Dale Peek now made corrugated boxes; the National Homes Corporation, makers of house trailers and prefabricated-housing units; the Ty-Tex Rose Nursery; Levingston-Armadillo, Inc.; National Casein; and the Texas Tubular Products Company, next door to the Pittsburgh Corning plant, which Ray Barron and the other men of the maintenance crew were dismantling and burying. All in all, there must have been close to fifteen hundred men and women working in that industrial park, and, remembering the case of the proprietor of a junk yard adjacent to an old asbestos plant in Paterson, New Jersey, who had died of mesothelioma, and the documented cases of dozens of other mesothelioma victims whose only exposure to asbestos was simply that they had lived or worked in the vicinity of asbestos factories, I could not help wondering what would happen to these Owentown workers. Then I remembered the case of the daughter of the engineer who developed the product that had been manufactured in the Tyler plant for seventeen years—she had died of mesothelioma, though her only known exposure to asbestos had occurred when she played with samples of asbestos products her father brought home from time to time—and the cases of dozens and dozens of other mesothelioma victims whose only known exposure to asbestos was that as the wives of asbestos workers they had washed their husbands' work clothes, or as children and relatives of asbestos workers they had simply lived in the same house, and I found myself wondering about the fate of the families of the eight hundred and ninety-five men who had been employed at the factory during its seventeen years of operation. At that point, the Owentown Industrial District became too depressing for me, and I drove away. A few miles down the road, I came to Interstate 20, and turned east toward Dallas. It was a warm, sunny morning; buds were bursting everywhere, and the green sheen I had noticed on the way to Tyler two days before had become palpably greener. Overhead, the buzzards were out in force.—PAUL BRODEUR

BILL SCOTT REPORTS

Mr. WILLIAM L. SCOTT. Mr. President, this month's report to constituents may be of interest to my colleagues in the Senate, and I ask unanimous consent to have printed in the RECORD a copy of my regular monthly report.

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

BILL SCOTT REPORTS

Our office receives more mail and citizens generally appear to be more concerned about the energy crisis and the crisis of confidence than most other matters. There is, of course, a continued concern about the high cost of living and taxes.

THE PRESIDENT

The charged atmosphere in Washington due to Watergate, the resignation of Vice President Agnew, and the call for impeachment of the President by a segment of the media, the head of the AFL–CIO and a variety of others, disturbs most Americans and adversely affects the stability of our government. Our office received more than 100 letters per day shortly after the firing of the Special Prosecutor, 90% of which urged that the President resign or be impeached.

A survey, however, indicated that the great bulk of the correspondence came from people who had not supported the President in the past. A copy of our analysis of this correspondence will be made available upon request. Let me add that the mail now has changed and is approximately 2–1 in favor of the President's continuance in office.

While I do not condone any wrongdoing on behalf of public officials, I am not aware of any act justifying the resignation or impeachment of the President. He has been elected to serve as our President for a 4-year term by an overwhelming majority of the people of the country and barring a new development showing an impeachable offense, I feel that the people of the country should unite behind him so that he can effectively carry the heavy responsibility of his high office and can effectively deal with both domestic and international problems as they arise.

In my opinion, the continued, almost constant criticism and attempt to reverse the electoral process is harming the country and can only react against the best interests of the people as a whole.

SILENT MAJORITY

Reasonable people can always disagree on a course of action in a given situation. However, the orderly processes of government require confidence in elected officials and participation in the formation of public opinion by all segments of our population. In other words, the so-called "silent majority" should, in one way or another, let public officials know their feelings on issues as they arise from time to time or the officials may feel that the activists who do contact them, or special interest groups, reflect the feeling of the entire population.

Members of Congress often hear from special interest groups, from labor and management, from ecologists, and others who have deep feelings but concentration in a very limited field. We know that if this "noble experiment in self-government" is to succeed, it must be through the active interest and participation of the vast majority of the people of the country. In my opinion, there is no greater force in our land than an aroused public opinion. Elected representatives, the press, and all segments of our population will respond to concerns expressed by the general population. But, unless the general public is aroused and activated, we will continue to have minority views carrying greater weight in the decision making process than their numbers warrant.

ENERGY EMERGENCY

We have all heard the bleak prospects for fuel to heat our homes and operate our industries this winter. With 6 percent of the world's population, we are told that our nation consumes one-third of the earth's total energy output. Not only is the shortage of energy caused by the cutoff of fuel from the Middle East, but also from inadequate domestic production and environmental constraints. The National Energy Emergency Act passed by the Senate a few days ago gives emergency power to the President for a period of one year. While he is given authority in the Senate bill to ration fuel, the President has publicly stated that this will only be done as a last resort.

Some have criticized the Congress for giving vast authority to the President in this field, but it is extremely difficult, if not impossible, for a legislative body to make specific laws to govern the day-to-day operation of a conservation plan. The measure does attempt to have the President submit his plans to the Congress within 15 days after the enactment of legislation, to have states and major metropolitan areas submit their own plans to implement the Federal programs within 10 weeks after the announcement of the programs, directs conversion of some plants from oil to coal or other fuel, government regulatory agencies to take steps to conserve fuel within the transportation industry, provides incentive plans for the use of public transportation, waives some requirements of the Clean Air Act, provides grants to states and major metropolitan areas to assist in developing programs for conservation, and reserves the right of the Congress to approve or disapprove in whole or in part plans submitted by the Chief Executive. Of course, this is only a one-year emergency program which is subject to termination by the Congress at the end of six months.

NEW VICE PRESIDENT

The Senate Rules Committee has unanimously recommended confirmation of Congressman Gerald R. Ford of Michigan to be Vice President and the Senate is expected to confirm his nomination within a few days by a huge majority. The Judiciary Committee of the House of Representatives, however, may take a somewhat longer time to bring his nomination before the House. It is expected that when the mattter is brought before the House of Representatives for consideration, only a small percentage of the Members will oppose him. Therefore, barring some unforeseen development, I feel there is a good possibility that Mr. Ford will be confirmed as Vice President before the end of the year.

MORE ENERGY

There is no doubt that our country needs to become more self sufficient in its energy supply. The enactment of the Alaska Pipeline measure is a step in this direction. Had legal action not been taken by environmental groups several years ago, we might now be utilizing oil from Alaska. The Congress has, however, amended the law and authorized the project to proceed.

Research is being done by a number of Senators and their staffs to prepare legislation to find ways to further expand our energy resources. My own staff is participating in this research. Apparently incentives to explore and develop new gas wells and other sources of energy are needed; for example, fuller utilization of offshore fields and shale oil, as well as negotiating for additional oil from friendly nations. Authorization for deep water ports is under consideration by our Special Committee which may result in super tankers docking some miles off our shores and piping fuel to storage tanks or refineries on the mainland. We also need to expand the use of our vast coal reserves, to find ways to utilize nuclear energy, water power, and solar energy to far greater extents. The emergency legislation passed by the Senate can only be a temporary sharing of limited supplies while government and industry work together to find more permanent solutions.

Our Public Works Committee will probably act within the next few days to postpone requirements for compliance with automobile emission standards; and perhaps early next year to change the non-degradation requirement of a recent Supreme Court decision which could preclude construction of new energy facilities for suburban and rural areas. Congress may have acted too hastily in responding to pressure groups in the past few years, and I believe our present energy crisis will necessitate the adoption of a rule of reason in balancing the need for additional energy against a corresponding need to have a clean, wholesome environment.

MILITARY BILLS

As you know, the Senate has passed and sent to the President a Military Procurement Bill calling for the expenditure of $21.3 billion for military equipment and supplies. Although this represents only a cut of $659 million from the Defense Department's request, the Congress has attempted to limit defense spending without seriously undermining our need to have a strong military force.

The intent of Congress to maintain a strong fighting force is reflected in the authorization calling for full funding for the development of new nuclear submarines in the Trident program, the F-15, F-111 and A-7D aircraft and tank purchase program.

In the area of military construction, the Congress has approved a measure calling for expenditures of $2.6 billion. However, this appropriation is less than the requested amount of $2.9 billion. When this measure becomes law, it is expected to have a favorable impact upon Virginia since it will authorize construction on our military bases in excess of $90 million.

RICHMOND VISIT

My next visit to the Richmond office, located on the 8th floor of the Federal Building, 400 North 8th St., will be on Thursday, November 29. While I am scheduled to speak at 9 a.m. at the annual meeting of the Virginia Farm Bureau Federation in Richmond, this will permit me to be at the office to speak with constituents any time after 10 a.m. Should you desire to stop by and discuss a problem or to talk with me regarding any matter, please feel free to do so.

PAMPHLETS AVAILABLE

Among pamphlets available in the office for distribution upon request are the following:

Energy, America and You—Nine steps private citizens can take to conserve energy.

Johnny Horizon Kit—Describes things children can do to help preserve the environment

Banned Products List—List of toys and other products banned by Food and Drug Administration.

Seven Ways to Reduce Fuel Consumption in Household Heating Through Energy Conservation

Please let us know if you would like for us to forward any of these pamphlets to you.

WAR POWERS ACT

As you know, the President's veto of the War Powers Act was recently overridden by the Congress. It is the first time the Congress has ever overridden a veto of President Nixon's. The bill endeavors to define the authority of the President as Commander in Chief of the military forces of the country and the constitutional power of the Congress to declare war.

Basically, it permits the President to commit our troops to combat without a formal declaration of war in the event of an attack upon the country, its territories, possessions or armed forces anywhere in the world but prevents military activities from continuing for more than sixty days without Congressional consent. Congress may also halt military activity at any time by a concurrent resolution of both Houses, and such a measure is not subject to Presidential veto.

It seems reasonable to define the authority of the President and the Congress at a time when we are at peace rather than when troops are committed and when we would be hesitant to jeopardize the safety of members of our armed forces by cutting off funds or showing lack of support or unity within the country.

Should a major emergency arise, the Congress and the President can jointly meet the emergency in a very short period of time and the bill, as passed, does permit the taking of all action necessary to protect our troops or civilian citizens anywhere in the world.

Committing this Nation to war is one of the most serious actions that can be taken and I feel that before such action is taken, it should have the support not only of the President, but the Congress and the people as a whole.

QUESTIONNAIRE RESULTS

Opinions of constituents on a variety of matters were requested in our last newsletter. The results have now been tabulated and are shown below. While some of the results appear to be contradictory, there is a definite consensus against increasing taxes and for expanding supplies and productivity. I appreciate your responses.

	Percent		
	Yes	No	No opinion
1. To control inflation, would you:			
(a) Reduce Federal spending	88	8	4
(b) Impose tough economic controls	36	50	14
(c) Increase taxes	16	73	11
(d) Tighten money supply	32	47	21
(e) Expand supplies and productivity	67	13	20
2. U.S. troop strength in Europe should be:			
(a) Continued at present levels	35	48	17
(b) Reduced through mutual agreements with Communist countries	54	32	14
(c) Unilaterally reduced	36	42	22
(d) Increased in number	3	74	23
3. Should Federal laws and regulations generally be strengthened in the following areas?			
(a) Occupational health and safety	44	41	15
(b) Consumer protection	66	26	8
(c) Environmental pollution controls	55	36	9
(d) Small business activities	30	48	22
4. Do you favor efforts to increase U.S. trade with Communist China and the Soviet Union	60	34	6
5. What action should the United States pursue regarding military spending:			
(a) Increase spending for military research and weapons	47	42	11
(b) Increase benefits to active and retired servicemen and dependents	28	55	17
(c) Reduce spending for military research and weapons	27	58	15
(d) Reduce benefits to active and retired servicemen and dependents	14	67	19
(e) Continue personnel benefits and weapons purchased at present levels	47	31	22

CONGRESSIONAL ADJOURNMENT

Each year the leadership in the Congress speaks of an early adjournment and I believe a serious effort is made to expedite necessary action. But, the passage of required appropriation bills which provide funds for the operation of the government always seem to hold up final adjournment as is true again this year. The earliest date now mentioned for adjournment is December 8 and it may even be a week or two later. Under the Constitution, the second session will commence on January 3 unless a different date is set by joint action of the House and Senate. Regardless of the date of adjournment, I believe Congress will have a period of about thirty days between the adjourning of the first session and the convening of the second session of the 93rd Congress.

MYTHS OF THE ENERGY CRISIS ANSWERED

Mr. HANSEN. Mr. President, no one yet knows just how severe the coming fuel shortages will be.

One thing is sure. We are in serious trouble. Another fact should be obvious and that is the urgent need to get on as rapidly as possible with the job of increasing supplies of energy.

There is enough blame for everyone—the Congress, the President, the oil companies, the Arabs and the Israelis. But continuing to point the finger of blame and further harassment of the energy industries will not do one thing to increase the supply. Rationing will not, either.

So let us forget the myths about the energy crisis and get on with the job of doing what we should have been doing for several years.

Two excellent articles on our energy dilemma were published in the latest issue of Future, the U.S. Jaycee magazine.

One, "Whither Energy," explodes the myths of the energy problem and the other, an interview with Senator DEWEY BARTLETT, is an excellent assessment of how we got in this mess.

I would recommend both to my colleagues and ask unanimous consent that they be printed in the RECORD.

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

WHITHER ENERGY?

(By Robert L. Feuquay, Jr.)

Herewith *Future* tackles one of the most mind-boggling problems facing contem-

porary society: The energy crisis. Read fast, your kilowatts may go anytime.

First, the bad news. The U.S. is facing the most severe threat to its existence in history. That statement takes into consideration the Civil War and both World Wars. What those two great calamities could not do the energy crisis could very easily accomplish; that is, the U.S. could go out of business as a nation. And it could happen literally almost overnight.

Sounds like a gigantic scare tactic, doesn't it? We have been raised for so long with the myth that only a nuclear holocaust could crumple us that it is virtually impossible to believe that a cessation of energy could do us in. But the new fact remains: A termination of our energy sources would cripple us faster and more completely than an all out nuclear attack! And our chances for recovery would be nil.

It is perplexing that, facing this unparalleled crisis, there is yet so little genuine public concern over it. While the top boys in government are trembling in their boots, the energy crisis has yet to mark a profound reaction on the citizenry. Certainly, it can't be for lack of coverage; the popular press has devoted millions of words to the crisis over the past two years. Then why so little alarm? I believe that the public does not understand what energy is. Misconceptions on the subject are rampant. Energy is an abstract word, war a concrete one. We have an instant gut reaction to the latter because we know what it is, but the former means little to us in a positive sense. Millions of barrels of oil, deadweight tonnage, pipelines—what do these things mean? They're not sinister or threatening terms, they are simply the ingredients of a very large business. So what's a little oil more or less? Or who cares where it comes from as long as it doesn't hurt anything or mess up the land? Lights, air conditioners and car ignitions are turned on by switches, so what's the big fuss?

The above are just a few of the dozens of energy myths that cloud the thinking of the average man and woman. This article will attempt to deal with some of those myths.

Myth: *The energy crisis is a fabrication of the oil companies.*

The popular reasoning here is that the oil companies are crying wolf in an effort to ultimately win public approval for sweeping price increases. Wrong. The oil companies are screaming because they are scared. Domestic oil production is drying up, U.S.-owned foreign oil is threatened by mercurial political situations, and a *producing* business does not like to have to buy its product from other sources—it understandably wants to produce it.

Now that is not an apology for the U.S. oil industry. It is evident over the years that deep brotherly love has not been the prime motivating fact of the oil industry. Something more like profits has been the guiding star, but then no one has ever confused business with churches. Money making is the name of the game in our society and we have done quite well by it. Although where oil is concerned the "bigness" of the game is truly staggering: The yearly sales of Standard Oil of New Jersey and its affiliates are more than the yearly gross national product of Austria ($18.7 billion for Jersey in 1971).

Still, the oil companies are not the villains in the energy crisis. The only legitimate trouble-maker is supply and demand. We are simply demanding more energy than is available. The crisis is that we *must* meet the demand for, as we will see in a minute, it's not a question of turning the clock back. The servant, energy, has become the master; we are utterly powerless as a nation not to heed this new and total dictator. We are all presently enslaved to the giant—the oil companies as much as the man in the street.

Myth: *Running out of energy is not so bad. Our grandparents did without it. We can too.*

"A termination of our energy sources would cripple us faster than all out nuclear attack."

This rationale is so simplistic that it is amazing that well educated, thinking people could support it. It is the favored logic of some environmentalists and many, many others. It is no less harebrained than still insisting that the world is flat. People who believe this myth apparently conjure up visions of a return to pot belly stoves, the horse and buggy, candle light, and other staples of Currier and Ives prints.

Okay, here's the true story: We are exactly like the 10 year coma victim who, when the brain suddenly returns to normal life, discovers that his legs have become so shrunken from disuse that he is no longer able to walk. He is a permanent cripple. We are that patient in regard to energy. We have slept through five generations while our energy servants built us an entire new world of power, ease, and leisure. It is impossible to return to the old; we have lost our legs.

Here are some things we face if our energy supply should halt. All major cities would become deserts. Of course New York and Chicago were around a hundred years ago, but they were not the same cities that they are today. And they can't be rebuilt to what they were then. Without electricity and central air conditioning and heating virtually every major office building in the U.S. would be rendered immediately inoperative. In the summer, office windows could be smashed to let in air (the majority are sealed), and a 10, 30, or 50-story climb would do many a world of good.

As for urban home life, it too would vanish. Without fuel, trains and trucks could not supply food. That would spell an immediate evacuation to the farm lands—on foot or bicycles since gasoline would not be available. Millions would starve to death.

It is pointless to continue with these scenarios since it is inconceivable that the logic of the situation is not immediately apparent. Even our vaunted national defenses would be useless without energy. Not even Clint Eastwood could hurl an anti-ballistic missile at an aggressor; it reaches its target with fuel.

It is quite alright for those who wish to go back to nature to do so. They can go into the wilderness and build their cabins and trim their wicks (no, that involves kerosene; they'd have to make candles), and live out their lives in the manner they choose. But this nation of 200 million can't do it and survive as a nation. We have come too far.

Myth: We'll get out of this without any serious problems by developing forms of energy other than oil and coal.

At least this myth has some fact. Our long term salvation is in other energy sources, a weaning away from our present oil dependence. But time is the essence of this myth for those who invoke it imply that we will somehow switch over to nuclear, solar, or some alternative forms of energy overnight. It just ain't so, McGee. Nuclear energy, which offers the greatest promise as a new major energy source, now supplies a slim one percent of our energy needs. Nuclear power will not be a large scale reality (indeed, it may die a premature death) until the late 1990s.

An important point should be made here: It is easy to conceive of new energy sources, but developing the technology to translate those conceptions into working facts is a different matter. Thus, no one questions the reality of solar energy. It is an indefatigable source but it is not yet ready to be harnessed on a large scale. The technology simply does not yet exist and many years will pass before it will. The same is true of tidal energy, hydrogen, and all the other possible sources of power.

The one bright hope for the immediate future is plain, old fashioned coal. Since the oil ascendancy, the black rock has become the ugly sister of the energy team. Oil and its counterpart, natural gas, are clean, efficient, and easily transportable. Coal is bulky, dirty and somewhat inconvenient to use. But we have mountains of it, literally. Our known coal reserves at our present rate of energy consumption are sufficient for 400 years! And our unproven reserves probably 10 times that.

The question is what to do now? Coal means mining and mining means disturbing the land. Additionally, coal technology is outdated and that certainly covers present mining equipment. Coal trains have become practically a thing of the past and yet they are essential to coal's transportation.

But the real coal bugaboo is environmental. How much of the land do we sacrifice to satisfy our energy appetites? Here is where the hard core environmentalists become rabid. The very word "strip mining" is enough to send them into seizures. Now I do not mean to come down hard on environmentalists. Heaven knows we've done enough to wreck this planet, and if it weren't for the voices crying in the wilderness there probably wouldn't be any wilderness. Anyone who has driven through the stripping disaster that is West Virginia, or the oil hell hole that fringes Newark, New Jersey, knows how well energy companies respected the environment in the past. (I once showed a picture of a filthy rigging operation—the land torn asunder for as far as the eye could see—to an executive of the American Petroleum Institute. He warned me that it would never do to show such a picture of our Alaskan oil operations. The picture was actually a Soviet shot of a Siberian undertaking.)

But the point at hand remains that we cannot have it both ways. We must maintain our energy level, indeed, expand upon it if we are to remain secure as a nation. Only a fool would agree that America would continue unmolested if we were brought to our knees by a precipitous energy decline.

ENERGY, THE PICTURE TODAY

During each day of the year, the U.S. consumes more than 15 million barrels of oil. Over a year's time, that averages more than 27 barrels for every man, woman and child. Remember, this is only oil. To that must be added the vast daily consumption of power from natural gas, coal, hydroelectric and, on a smaller scale, nuclear energy.

More than any nation in the history of the world, the U.S. is dependent on energy sources in every form. We put gasoline and diesel fuel into our motor vehicles; coal, natural gas, and residual oil into our generating plants for electricity and heat, and into our industrial plants for millions of products; bunker fuel into our ships and jet fuel into our planes; light fuel oil and natural gas into our homes.

It is no coincidence that our country and others with high rates of energy consumption also rank at the top in living standards. Studies have shown a marked correlation between a nation's rate of energy consumption and its per capita income.

At present, we get our energy from these sources: oil, 44 percent; natural gas, 32 percent; coal, 20 percent; hydroelectric power, four percent; nuclear, slightly under one percent.

Thus, fossil fuels provide more than 95 percent of our energy. These ratios will change some over the next 30 years, but the increased volume of energy required from each source will continue to be tremendous.

Of course, fossil fuels are those finite fuels

which are in the land and under the water. When they are gone, there isn't any more. This fact has caused many people to demand an immediate cessation to the use of fossil fuels in an effort to preserve them. This reasoning is faulty. There is absolutely nothing wrong per se with using every bit of fossil fuel up to the last drop or ounce. It is of no use whatsoever to any living creature if it just lies in, on, above or below the ground. Not using fossil fuels because they will eventually run out is akin to not eating because the food will then be gone.

The proper argument should not be whether to use fossil fuels but how and in what manner to use them. Of even greater importance than that question is the need for an immediate decision to go full steam ahead on complete development of alternative energy sources. We should not be stuck with only fossil fuels—we should have a chance to utilize many and varied energy sources. We could then tailor the types of energy to specific jobs, something that is not possible as long as we remain tied to three prime energy sources: oil, natural gas, and coal.

These decisions must be made now.

ENERGY AND GOVERNMENT

Many politicians are scared of getting embroiled in the energy impasse. Not a few have come close to losing their heads over it in the past, and the memories linger on. Still, the government has a responsibility to the people to see that we do not freeze to death, or spend every dollar we have paying for fuel.

Mr. Nixon's recent energy appointments, statements and collateral actions demonstrate his awareness that the problem won't vanish of its own accord. The Congress similarly has assumed a leadership role in its historic vote to proceed with the trans-Alaska pipeline, although when producing at top capacity all of Alaska's tremendous oil will provide only 10 percent of the nation's needs.

But government must do much more if we are to survive this crisis intact. Government's mild exhortations to use our blenders less, turn off the bathroom lights, and wear less heavy clothing in order to reduce our air conditioning needs is Alice in Wonderland double-talk. The really thorny problems that need to be tackled immediately are such things as fuel rationing, commercial travel curtailment, fuel consumption penalties (he who wants to drive a big car must pay for the privilege), and private automobile travel restrictions. The proposal of these or any other personal freedom infringements is enough to turn most Congressmen ashen. Yet there is no present alternative. The picture is vividly clear: We cannot continue our profligate expenditure of energy. We must cut back drastically and we will only do that when we are so ordered by law. The great majority of Americans are not going to voluntarily walk three blocks to the supermarket if there is any possible way of getting their cars there. Congress had better realize this and get hopping on methods to conserve energy. We need to be curtailed in our energy uses for our own well being regardless of how repugnant the idea is. The time has come for sweeping legislation, not feeble stop-gap measures.

Rapid transit is also a government concern. It is the only solution for getting millions of cars off the streets, thereby saving billions of gallons of gasoline. The freeing of funds from the highway tax for rapid transit development is a step in the right direction. Now time is of the essence.

Perhaps the most pressing energy item now for legislative concern is the oil import situation. We are presently importing slightly more than 25 percent of all of our oil, most of this from nine highly unstable countries in the Middle East. (These are member nations of the Organization of Petroleum Exporting Countries. They are. Abu Dhabi, Iran, Iraq, Kuwait, Quatar, Saudi Arabia, Algeria, Libya, Indonesia, Nigeria and Venezuela.)

As the U.S. becomes more frantic in its search for petroleum, the more it plays into the hands of the oil-rich Middle Eastern nations. Already some OPEC members have moved to "nationalize" U.S.-owned petroleum companies within their countries, and this cry is sure to gain momentum. Were the OPEC nations to halt petroleum sales to the U.S., which is an ever-present threat, we would be in desperate straits immediately. And, of course, few people are saying what oil-inspired leverage could be brought against us at any time in regard to our stated pro-Israel position. International events have turned frequently on far less explosive issues than our rising dependence on Middle Eastern oil. It is our government's solemn obligation to extricate us from this critical import net quickly. This can be done by opening the doors to more domestic oil and natural gas production as well as incentives for coal retrieval. The Middle East dependence is a critical issue, and only Congress and the Executive can defuse the time bomb.

SOME UNPOPULAR PROPOSALS

The present energy situation is one of the few national crises—perhaps the first—where the average citizen is more or less powerless to help remedy the state of affairs. Naturally there is the power of the vote, of making ourselves heard in Washington, but there are few direct actions we can take to ease the situation. The brunt of the problem lies with big business, international machinations, and U.S. state and foreign policy. Cutting back a bit individually in electricity and fuel consumption is to lock the barn door after the horse has bolted. It should be done but it won't save us from our present predicament.

Three things must now happen to alleviate the energy crisis. Some very bitter medicine is contained herein.

1. We must rapidly promote the development of energy sources other than fossil fuels. Since the technology necessary to the production of nuclear energy is already known, we have no choice but to proceed full apace. As it now stands the construction of nuclear reactors for energy is at a standstill owing to fierce legal battles waged by environmentalists and communities where such reactors are planned. But the arguments must stop, building must begin. The inherent risks in such construction, grave as they may be, do not offset the calamity we face if we postpone or delay too long. We must live with the danger for the time being.

Naturally we must also push ahead development of other energy sources, but since nuclear energy is presently the most advanced, we must proceed down that road immediately.

2. Coal must be brought into greater play. If we must offer the coal industry greater incentives for new mining, then so be it. And, of course, we will have to rescind in some measure many of our present air quality environmental laws. Coal, as a rule, is higher in sulfur content than oil or natural gas. But it would be better for the time being to allow some additional levels of sulfur dioxide into the air than to bend to the harsh demands of the oil exporting nations.

3. We must encourage the domestic production of petroleum and natural gas. This again means that some environmental rules are going to be severely bent or suspended for awhile.

The easy-to-reach petroleum deposits in the U.S. southwest have been pretty well depleted. That means we must encourage, rather than hinder, domestic offshore exploration. (It is an interesting statistic that of the more than 16,000 offshore oil wells now present only three have blown out effecting major spills.)

Of course, we need not kowtow to the oil industry but we must learn to live with it and even try to understand some of its many problems. There is evidence that, prompted in large measure by public indignation over a past history of recklessness, that the oil companies may turn at last into good guys. (Although I for one wish they would drop their current holier-than-thou posture. There is something offensive in a major oil company trucking out an advertising campaign that speaks of "the real" and "the ideal" in almost religious tones.)

In the midst of this crisis it is unlikely that our East Coast states will retain their much vaunted virginity against the advances of the drill's bit. The East Coast contains an estimated 42 billion barrels of oil and 228 *trillion* cubic feet of gas. We are going to have to tap those reserves sooner or later—and probably sooner.

SOME WARY OPTIMISM

We will survive the energy crisis in the long run, although our lives are going to be altered in many ways by it. Were we to truly run out of all of our fossil fuels, then the situation would be hopeless. But we have an ample domestic reserve of these fuels to sustain our energy needs for a long time, well into the period when we begin wholesale conversions to other energy sources. The problem at hand is to tap those resources as quickly and economically as possible even though energy is never again going to be the relative bargain we have taken for granted for so long.

We will certainly have to make some accommodation with our environmental priorities during the foreseeable years. (*Future* will cover the environment in other issues.) Yet it is unlikely that all of our progress to date will go down the drain. We have worked too hard for that to happen; still, we will have to learn to give in on certain points for the time being.

The energy crisis is most definitely not an abstraction. It is a fact that is now making itself felt on the life of every citizen. None of the answers to the crisis are simple and some are distinctly distasteful. Nevertheless they must be fully pursued if we are to win the final victory. We must henceforth think of ourselves as a nation at war—not with a foreign power, but rather with the conditions of our very own existence. As is true with all wars, we will emerge the victor only if our sacrifices are stringent enough to assure total and complete successes. Everyone is now part of the army.

AN INTERVIEW WITH SENATOR DEWEY F. BARTLETT ON ENERGY

(Interview by Reg Parrish)

(EDITOR'S NOTE: It has been popular during the past few years to blame the oil industry for everything from a spoiled environment to Machiavellian maneuverings on the international scene. Now, with the energy crisis engulfing us, we are more interested than ever in the oil industry—the source of the majority of our energy.

Senator Bartlett is an ex-oil man himself. Further, the distinguished GOP Senator hails from Oklahoma, a prime petroleum producing state. We thought it would be of considerable interest to ask Senator Bartlett to address himself publicly to some very pertinent, and not easily answerable questions as regards our current energy plight.

Future would also like to give equal space to any Congressional colleague of Senator Bartlett's who might like to challenge some of the Senator's views. Such an interview could prove very interesting.—JWH)

PARRISH. Senator Bartlett, would you be kind enough to state your views on the role of government in relation to energy supply, demand, and production?

Senator BARTLETT. I believe that government has a responsibility to stimulate both the short and the long term growth and ex-

pansion of the energy industry: oil, natural gas, coal, nuclear and so forth. It must also see to it that there is at all times a sufficient supply of energy from reliable sources to satisfy our needs and to protect our national security. And all of this must be accomplished at the lowest possible cost.

PARRISH. There has been talk that the current energy crisis is somewhat artificial. That is, that oil and natural gas producers are holding back production in an effort to force new price increases upon the consuming public. Would you comment on this, Senator?

Senator BARTLETT. This, of course, is a very serious charge and were it found to be true it would have grave implications. As you may know, the Federal Trade Commission is conducting an investigation of the oil industry to determine if there have been any violations of the anti-trust laws, or any evidence on the part of the industry to withhold production or fix prices. I hope that such an investigation does not turn into a witch hunt because there is a real opportunity here to bring all the facts before the people and to provide justice.

As to my knowledge of information in support of charges, I possess none. For the past six months I have served on the Interior Committee which has held hearings for over two years relating to such rumors. During that time, the Committee has not to my knowledge received any reliable or factual information of a conspiracy.

There are some 439,000 people employed in the exploration and production aspects of the oil industry. If there were such a thing as a conspiracy I think it highly unlikely, with so many people involved, that the secret would not come out in candid, striking terms.

PARRISH. As you see it, Senator, the oil industry is without blame?

Senator BARTLETT. I have no knowledge of any conspiracy on the industry's part. That is not to say that the industry is without blame and errors in other matters.

I think the industry miscalculated—and so did the government—in estimating our present and future energy demands.

As the energy shortage developed, I blamed the large oil companies for taking advantage of it by canceling contracts with some independent marketers and refusing to sell at all to other independent marketers who had served a useful purpose for years by purchasing refined products, including gasoline at reduced prices. I know of no illegal actions by the major oil companies but I do not consider their actions fair.

PARRISH. What do you see as the long term effects of the energy crisis? How long do you think it will be with us, and what are some of the things we can expect as a result?

Senator BARTLETT. Well, I think the crisis will be with us for 15 or 30 years. By crisis I mean off and on shortages, threats of shortages, and threats to our national security and economy in the form of extremely high prices and interruptions in our supply of foreign crude oil and natural gas.

How severe the shortages may appear and what sacrifices Americans may be called upon to make because of the shortages depends, of course, on whether we are in a peaceful era or one with some very real tension. It depends whether the OPEC (Organization of Petroleum Exporting Countries) nations continue to blackmail us by threats or actual cutoffs of some or all of our oil and gas imports from one or more OPEC nations. This is very serious in light of the fact that we now import approximately one third of our petroleum, and that the Chase Manhattan Bank predicts that we will import at least 50 percent of all our oil by 1976. This naturally makes us very dependent upon foreign supplies, and it is never to a nation's advantage to be overly dependent upon another country for essential supplies.

We are certainly leaving the era of plentiful, low-priced energy and moving into an era of limited supplies and higher energy costs. This means we will see some basic changes in our life styles. Housing and office construction will probably be modified in an effort to increase energy efficiency and thus reduce wasteful usage of electricity, lighting, heating, and air conditioning. We will also be forced to adapt to less personal automobile usage than we now enjoy. I think it's a whole new ball game we're playing in, but no one is quite sure yet of the rules.

You see, everything is tied to energy. If we are to grow and expand as a nation—our standard of living, education, quality of health care, efforts to eliminate poverty, etc.—we must maintain and expand our energy resources. If this is not possible, then we will no longer be able to maintain our present number one ranking among nations—that would be a disaster to world peace.

We have to change our way of looking at energy—and food for that matter, too. We have become accustomed to an over-supply of both, but now we are seeing and feeling the results of a supply reduction in each of these. Also domestic prices are no longer higher than foreign prices. Today they are lower. We need the incentives to change our concerns from over-supply to solutions for our shortages. Until recently we were not too concerned about the influence of foreign demand on our domestic energy and food supplies. Now we must be highly cognizant of foreign influences and demands.

PARRISH. How is the price of foreign oil affecting our domestic oil industry?

Senator BARTLETT. The prices of foreign oil and gas continue to increase. This puts pressure on our domestic prices to increase notwithstanding our domestic price controls on oil and gas. It seems foolish to me that we should pay premium prices to other nations to develop *their* oil and gas industry, rather than paying the same prices to ourselves, thereby assuring our country an independent source of energy. The best guarantee of fair prices for foreign crude oil and gas lies with a strong domestic energy industry.

PARRISH. Is there anything that a civic action group, such as The U.S. Jaycees, can do to help alleviate the present energy crisis?

Senator BARTLETT. You bet there is. I would encourage the Jaycees, and other groups interested in the economic welfare and national security of this nation, to launch an independent study of our energy situation, our policies and practices. There is a great need to inform the public, to promote a comprehensive understanding of the seriousness of this crisis. The Jaycees might consider establishing an energy committee to tackle these vast problems. I think it requires a forward-thinking group to understand just what the energy crisis means and to prepare this nation to face up to the challenge and solve it.

This is a very serious problem that is going to be with us for a long time. It affects all of us directly and it affects our ranking as a great nation.

I urge the Jaycees to give as a nationwide project top priority to the energy crisis. We need all the fresh thinking we can get, and the Jaycees have an admirable history for seizing the initiative in such challenging problem areas. The help of the Jaycees would be invaluable to a sound solution of this critical problem.

One of the problems is that many politicians cannot resist the temptation of developing good public relations for themselves—brownie points with their constituents—by making a scapegoat of the oil and gas industry at the expense of taking the necessary steps to eliminate the shortages of domestic energy.

TRIBUTE TO THE LATE FORMER REPRESENTATIVE THOMAS M. PELLY

Mr. JACKSON. Mr. President, we in the Congress and particularly those of us from the State of Washington feel a deep loss today. Former Congressman Thomas M. Pelly, who represented the First District for 20 years, passed away last Wednesday, in Ojai, Calif.

Tom Pelly was a delightful man to work alongside all of those years.

He was an effective Congressman, and he added a touch of humor and brightness to every event he attended.

The son of Seattle's British consul, Tom Pelly was as American as Mark Twain. He enjoyed quoting Twain in tense moments. With a quiet humor, he lightened the burdens of all of us and helped us find the answers to difficult questions.

Tom Pelly's father served as consul for the British Government in Seattle for many years, and when Tom reached the age of 21, he was offered the choice of a British or American citizenship. He chose the United States, while a brother chose Great Britain and went on to a long and distinguished career in the British foreign service.

Congressman Pelly liked to recall the day his brother was clipping the CONGRESSIONAL RECORD for the British Ambassador here when he encountered a blistering attack on Great Britain issued on the floor of the Congress by Tom.

In his 20 years of service in the Congress, Tom Pelly gained the ranking minority position on the Merchant Marine and Fisheries Committee and a high position on the Science and Astronautics Committee.

He played a major role in obtaining the beautiful Shilshole Marina in Seattle and personally called on Sherman Adams at the White House to obtain Corps of Engineering funding for that project. He had the assistance of then minority counsul of the House Public Works Committee Russell Train in drafting House legislation for the marina.

During his career, he was closely identified with the Seattle waterfront and helped bring it to its present status as one of the world's great ports.

He managed in his career to maintain the respect and support of both labor and management of the merchant marine and fisheries industry.

He also took special pride in his role on the minority's watchdog committee in the House, calling attention to backdoor spending of the executive branch.

Retiring in 1972, he returned to Seattle where he and his wife, Mary, reestablished their residence. It was in Seattle that Tom Pelly first gained the attention and admiration of all of us with his tireless efforts in behalf of his community. A successful businessman as president of a large office supply and stationery firm, he found time for innumerable civic undertakings.

During World War II, he was active in United Service Organization activities. The year before he was elected to Congress he was president of the Seattle Chamber of Commerce. He had a keen and contributing interest in the Seattle Symphony.

While we differed on many political issues, Tom Pelly had the magnificent talent of disagreeing without being disagreeable. His presence always assured a smile. We will miss him in the Congress and especially in his birthplace. Washington State.

BIG BUSINESS HAS A HEART

Mr. PERCY. Mr. President, I am aware that among the general population, big business often has the reputation of being cold and without heart, concerned more with profits and power than with the happiness and welfare of individuals. As a former businessman myself, I know that this reputation is ill deserved, and I would like to bring to public attention the existence of a group in Chicago that completely belies that reputation.

A group of prosperous businessmen and a few welfare mothers have formed a unique alliance, sharing their resources to bring direct assistance to needy Chicago families. A partnership of this type can accomplish—and has indeed done so—the simple goal of people helping people, a goal that governments and bureaucracies, no matter how well intentioned, often fail to accomplish.

The Chicago Tribune recently carried an article on this very special group. I ask that it be printed in the RECORD with the hope that the public will recognize that big business can be humanitarian and altruistic. I also hope that other businessmen will recognize how much good can be accomplished through the simple, direct efforts of individuals working with one another and will launch similar ventures.

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

THEY WHEEL, DEAL FOR NEEDY

(By Anne Keegan)

Three of the best wheeler dealers in town had just arrived.

But nobody in the lobby of the Board of Trade Building even recognized them.

They slipped into an elevator and rode to a floor housing one of the largest stock brokerage firms in the country. Then, into a conference room where the firm's vice president sat. It was time for the monthly reports.

But when the three started talking money, it was not in millions or even thousands. It was in simple dollars and cents.

These wheeler dealers don't play the futures or worry about capital gains. Their investments, tho large, are not financial. The three are mothers—welfare mothers—who deal in poverty.

Poor-savvy and street-wise, they work the section of the city where they live, providing help and emergency funds for the poor. In their neighborhoods, the word has gotten around. Unencumbered by the red tape of city and state agencies, they provide fast action for the people who need it.

Wanda, the mother of five, works the North Side; Sherron, the mother of eight, works the West Side; and Carol, the mother of six, works the South Side. They all work for nothing.

Backing them are a handful of wealthy businessmen. The men, who wish to be anonymous, donate money and their skills to raise more. The three women, with their first-hand experience are the eyes and ears and legmen.

Together, businessmen and welfare mothers, they form the unique entente. It is called the Emergency Fund for Needy People. It has no administrative costs or offices—only a mailing address of Third Floor, 360 N. Michigan Av.

Each month the women receive a check for $200. And each month they meet with one or all the men to report how they spent it.

For one hour this week they ticked off their lists: shoes for kids with only socks; carfare for a man to get his first job in six months; diapers and undershirts for a young mother whose husband moved out with the clothes, furniture, and all the money.

For one hour they talked—discussing the status of a congressional funding bill with as much ease as the prices of tomato paste in stores on the West Side. The stock broker listened carefully and shook his head on occasion.

"There was this family with eight kids, four in high school," said Wanda. "But the four weren't going to school because their clothes were in tatters and the children were making fun of them. I bought the boy two pairs of pants and two shirts. . . . That's $17.50.

"I found a woman who sold me six outfits for the girls. The whole lot was $20. They were worth $150. I got a good deal for them," she said smiling.

"Then there was an old couple with a daughter with cerebral palsy. They were on Social Security. They had nothing to wear. I bought the girl corrective shoes. I bought the old man some warm clothes—he'd been giving his things to his wife.

"And I crocheted the old woman a shawl just in time for their 49th wedding anniversary. He gave it to her as a gift. Then he told me he never takes anything for nothing so now I've got him fixing up old toys for Christmas presents for the kids in the neighborhood.

"I had a woman with a 2-year-old baby who'd had skin grafts. The baby had always wanted a birthday. He'd never had one before. But her welfare check had not come. So I bought a birthday cake and wrapped up some toys I'd collected and the baby had his first birthday . . . on time."

"Magnificent," said the broker. "The small amount of money needed to alter situations . . . And the way you girls know the system. I guess that's why we exist.

"When people in emergency situations just cannot find recourse to cut thru bureaucracy . . . to get help when they need it when it could take weeks thru official channels."

"Now next month we're going to need some things," one of the women said.

"What do you need?" asked the broker.

"Vitamins," said Carol, "for the children."

"Clothes," said Sherron.

"Bibles," said Wanda. "A lot of senior citizens would just like to be able to have a Bible in their hands."

"How many?" asked the broker.

"Twenty," she replied.

"Okay, Wanda," he said with a smile, "you've got them."

FREEDOM OF INFORMATION

Mr. MUSKIE. Mr. President, a distinguished group of constitutional scholars, judges, lawyers, journalists, and congressional aides met for 2 days last June in the Chief Justice Earl Warren Conference on Advocacy to consider various problems relating to Government and the first amendment. Their conference, sponsored by the Roscoe Pound-American Trial Lawyers Foundation, has now issued its report in which are included 12 specific recommendations dealing with access to Government information. Many of the recommendations are similar to those contained in S. 1142, a bill I introduced in March of this year, to amend the Freedom of Information Act. I believe the conference's dozen recommendations and the helpful commentary on each one can be of assistance to the Congress as we consider ways to make the Freedom of Information Act a more effective instrument for open, responsive Government, and I ask unanimous consent that the recommendations be printed in the RECORD.

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

[Final Report: Annual Chief Justice Earl Warren Conference on Advocacy in the United States, June 8–9, 1973, sponsored by The Roscoe Pound-American Trial Lawyers Foundation]

RECOMMENDATIONS DEALING WITH ACCESS TO GOVERNMENT INFORMATION

XI

Government agencies should be required to respond to requests for access to public records within 10 to 20 days.

(Unanimously adopted).

Commentary: One of the major problems with the operation of the Freedom of Information Act is the time that it takes to answer a request through the administrative process. It is not uncommon for an agency to take from two weeks to six months to act upon a request under the Freedom of Information Act. As a result, the Act has been, to a large extent, futile and unused by the news media, which needs information on a deadline basis. By setting a time period of 10 to 20 days, this problem would be resolved.[1]

A Chief Public Information Officer should be placed in each government agency to be responsible for handling Freedom of Information Act matters.

(Narrowly Adopted)

Commentary: A Public Information Officer (PIO) is sensitive to the needs and interests of both citizens and the news media in connection with obtaining information from the agencies. However, some Conferees stated that the job of the PIO might be to make the agency look good in the eyes of the public and that a PIO would be reluctant to release information that showed the agency in an unfavorable light. Others believed that a PIO would restrict the flow of information in certain circumstances.

XIII

The Freedom of Information Act should apply to Congress.

(Adopted by substantial majority)

Commentary: If the Freedom of Information Act is to secure the people's right to know the actions of their government, this should extend to the legislative as well as the executive branch. Congress has attempted self-reform in connection with public access, but it is coming too slowly and in piecemeal fashion.

Some Conferees felt that legislators need confidentiality especially in mark-up sessions and in meetings with staff, and to make the Act apply to Congress would be to cut off some of the valuable internal discussions that take place.

XIV

The principles of the Freedom of Information Act should be extended to the states.

(Adopted unanimously)

Commentary: It was recognized that each state has different statutes and conditions governing access to state and local information. But information in the possession of state and local governments affects very closely the lives of the governed. Therefore, the Conferees felt that all states should adopt laws similar to the federal Freedom of Information Act so that the public will be informed about government actions at all levels.

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[1] Mr. Lightman commented that 10 to 20 days may be too long a period for the news media to wait for needed documents. He would like to see a 24 to 48 hour maximum response period.

XV

Courts should be permitted to assess the government for court costs including legal fees incurred by successful plaintiffs in taking Freedom of Information Act cases to court.

(Adopted by substantial majority)

Commentary: The public and members of the press, who are without great financial resources, have been unable to avail themselves of the judicial review provided by the Freedom of Information Act because of the high cost of legal fees. The costs can run more than $1,500 for even the simplest of cases. Public use of the Act would not normally result in financial gain and there are few individual citizens who can afford to bring a case under the Act under such circumstances. It was pointed out that only when an agency is subject to court review does it begin to comply with public access requirements in any meaningful way. Granting legal fees to a successful plaintiff was seen as a means of bringing more cases to court and thereby improving agency compliance. Paying legal fees also was seen as a penalty against agencies for wrongfully withholding documents.

XVI

Sections of government records which are the final work product of a professional, should be a public record and should not be withheld as an internal memorandum.

(Adopted by substantial majority)

Commentary: Under Section (b) (5) of the Freedom of Information Act "interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency" may be withheld from public disclosure. Large numbers of government documents contain factual information intertwined with opinions or recommendations and these documents—usually in the nature of inter- or intra-agency memoranda—often are withheld solely because of opinion content, not because of the facts.

When these documents are the end product of the work of a government professional, the final written work should be a public record regardless of the opinion content, thus making the public aware of the basis for government actions and permitting a meaningful evaluation of government decisions.

XVII

(Note: The following are interrelated recommendations.)

A. There should be special counsel, acceptable to the plaintiff, who will meet security clearance qualifications of the government, with the cost of clearance borne by the government.

B. Any attorney may seek a security clearance without connection to particular case so that the attorney may be able to participate in any future *in camera* proceeding involving classified documents while representing a plaintiff.

(Adopted by substantial majority)

Commentary: The obvious problems of allowing counsel to participate *in camera* is that, if extremely sensitive documents are determined by the court to be properly withheld, they should not be shown to persons not "cleared" to see them. To avoid this problem the Conferees adopted proposals to have attorneys "qualified" to participate in *in camera* inspection.

If special counsel is determined to be necessary, because of the government's argument that cases involving security information cannot be argued unless all participants are cleared for access to security information, the government should bear the cost of the clearance regardless of the outcome of the case.

XVIII

In order to withhold any part of any government document from the public, the government should justify the withholding of that part of the document, and should not merely assert that the specified document contains "secret" material.[2]

(Adopted by substantial majority)

Commentary: One of the greatest problems in government classification of and refusal to release documents is overclassification. Normally, whenever any document contains any reference sentence, or phrase, deemed "secret" by the government the whole document is classified and any derivative documents which come from or refer to the original document receive the same classification as the initial document, even though they may not refer to the particular item which necessitated the classification. In this way, millions of documents which have no justification for classification, and which deserve only partial classification, are fully classified.

XIX

The court system should have the following powers:

A. To exercise a *de novo* review under the Freedom of Information Act of the classification of records which are withheld from the public in the name of national defense or foreign policy.

B. To examine, *in camera*, the content of such documents to determine the propriety of classification.

C. To order the release of classified information when the classification is considered improper.

(Adopted by substantial majority)

Commentary: This Recommendation resulted from a discussion of the recent Supreme Court decision in *Environmental Protection Agency v. Mink*, 410 U.S. 73, (1973). In that decision the Court stated that, under the Freedom of Information Act, the district court could do no more than determine whether the document sought was classified by the agency pursuant to executive order. If an agency certified by affidavit that the document was in fact classified, the Supreme Court held that the district court's review could not review or assess the propriety of the classification. In reference to 5 USC 552 (b) (1), which permits withholding of matters that are specifically required by executive order to be kept secret in the interest of the national defense or foreign policy, Justice Stewart stated in his concurrence:

". . . it (Congress) has built into the Freedom of Information Act an exemption that provides no means to question an Executive decision to stamp a document 'secret', however cynical, myopic, or even corrupt that decision might have been. 410 U.S. 73 at 95."

The preceding Recommendation is an attempt to provide the courts with the means to review the decisions of agencies which withhold documents under Section (b) (1) of the Freedom of Information Act. Section (a) (3) of the Act directs that district courts determine cases *de novo* with the burden on the government agency to sustain its withholding. The Recommendation would clarify the Congressional intent to apply the court's *de novo* review powers to matters under Section (b) (1). The question was raised whether a district court judge is competent to review questions of major national and international importance. The Conferees determined that, even though there might be some difficulties with court review, it would be better than the present system of unchallengeable Executive power in withholding government records in the name of national defense or foreign policy. The district court in its review should be able to develop standards of what should be classified without having to rely solely upon the standards provided by the President in current Executive orders.

XX

Adversary counsel should be present at *in camera* proceedings.

(Adopted by substantial majority)

Commentary: This is necessary to protect the rights of plaintiffs to guarantee that the court receives full benefit of arguments from both parties. If counsel for plaintiff is not allowed to participate *in camera*, he can only argue abstract theories of law before the court since he will not know the contents of the documents that the court is reviewing.

The Conferees discussed the proposal that a review by the court of the documents should be exclusively *in camera*, without counsel, but with government representatives that the judge deems necessary.

The Conferees felt strongly that counsel for plaintiff should be permitted to participate in proceedings *in camera* so that he can adequately advocate the position of his client. The Conferees did not find it an acceptable alternative to have *in camera* inspection conducted by the court and any outside expert that the court may wish to include. To do so might tend to deprive the plaintiff's counsel from knowing all of the facts so he can fully advocate his client's position.[3]

XXI

Specific intent to harm the nation's security should be retained as a basic element of the federal espionage laws.

(Adopted unanimously)

Commentary: U.S. Senate Bill 1400 (93rd Congress, First Session), an administration-sponsored recodification of the U.S. Criminal Code, would make release of classified information a criminal offense whether or not the releaser had intent to harm the United States or had reason to believe the release would be harmful. The Conference agreed that a person should be guilty of the crime of espionage *only* when specific intent to harm the nation, or reason to believe there would be harm, could be clearly shown.

The Conference agreed that the President should establish rules for protection of security information within the administrative structure of the Executive Branch but that the rules would have no force of law outside the Executive Branch. The Conference discussed and defeated a Recommendation on whether Congress should by statute, establish a system for classification and protection of national security information to include penalties for overclassification and underclassification.

XXII

A government agency should be established by Congress, independent of the Executive Branch, to review national security documents and report to a congressional committee on the use and abuse of the classification system and on the operations of the Freedom of Information Act.

(Adopted overwhelmingly)

Commentary: This agency would function in much the same way as the General Accounting Office, being responsible to Congress but not acting as a super-agency whose

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[2] Mr. Weaver cites, in support of this Recommendation, the decision of Judge John Sirica, Jr. (3–29–73), In Re Subpoena Duces Tecum, the Cox-Nixon suit, 360 F. Supp.1 (D.D.C. 1973), on the severability of proviledged and unprivileged material and the right of the Judicial rather than the Executive Branch to make the determination as to privilege.

[3] Mr. Weaver stated: "In retrospect, probably reflecting considerable exposure to In Re Subpoena Duces Tecum, the Cox-Nixon suit, I think I would prefer *in camera* inspection by the judge alone, possibly with some sort of specially-qualified advisor. The presence of counsel, however cleared, seems to raise too many serious problems."

judgments would be binding on Congress or the courts.

At present, there is no method of overseeing the system for classifying and protecting national security information, and the major implementation of the Freedom of Information Act covering non-classified documents is handled by the small staff of the Foreign Operations and Government Information Subcommittee.

GASOLINE RATIONING

Mr. TOWER. Mr. President, there has been much discussion recently with respect to the equity, wisdom, or efficacy of gasoline rationing. It is a very complex issue and many factors have to be taken into account before appropriate action is taken since such a decision will immediately touch each and every American citizen and the aftereffects are likely to be with us for a long time.

Before anyone decides for himself what would be the appropriate public policy, I would urge him to study carefully the recent article by the distinguished former Chairman of the Council of Economic Advisers, Dr. Paul W. McCracken. Paul McCracken tests each of three available options—rationing, gas tax, and market price—against the triple objectives of allocating petroleum to its most productive uses, increasing the basic supply, and treating everyone alike and concludes that only with the free market price will these objectives be met. If this forthright approach is not politically acceptable, then the least damaging alternative would be to have a coupon rationing system where the coupons could be freely bought and sold among individuals. I recommend to my colleagues the reading of the enclosed article, and ask unanimous consent to have it printed in the RECORD.

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

[From the Wall Street Journal, Nov. 26, 1973]

COUPON BOOK ECONOMICS

(By Paul W. McCracken)

During the weeks immediately ahead decisions will be made about energy that will in quite fundamental ways shape not only our economy but also the future course of American life. And there is an uncomfortably high probability that we shall set ourselves on a course of action that will be difficult to reverse and bitterly regretted.

That we confront a difficult energy problem is clear enough. We are consuming oil at the rate of just over 17 million barrels per day. Domestic production is about 11 million and not rising. Directly and indirectly roughly one-third of the six million that must be imported has been coming from the embargo area. The annual growth in demand could be expected to add roughly another million barrels per day to our requirements, and this also would in the normal course of things have come from the Persian Gulf because that is where the oil is.

This confronts us with a tough problem, one whose gravity is not to be minimized. Looking toward the year ahead we have a shortfall in probable petroleum supply of 15% to 20% relative to normal demand, and oil and gas in turn supply roughly half of our energy requirements. When we remember that a spot shortage at one point can have domino effects in other directions, the large potential that this shortage has for disorganizing our economic life becomes apparent. But for a nail . . . some kingdoms can be lost.

What should our energy programs do for us? What are the guidelines for determining what we should do and should not do? Precisely because the problem is so urgent we need to take time enough to perceive the longer run consequences of our short run actions. We have this problem of energy today in part because we did not take time a few years ago to think through the longer range results of some immediate actions. In a seizure of evangelical fervor, for example, we charged mindlessly ahead on some environmental standards that were clearly building up requirements for oil and gas which could not be met even before the Mideast war. The result of this theologization of environmental programs, which tended to treat questions about consequences almost with contempt or as sin, is that as these painful consequences now become more apparent the perfectly good cause of having regard for our environment is threatened with being discredited. If so it will have hard going to recover support from a public understandably suspicious because of having been burned once.

There will in this urgent energy problem again be a tendency to act as if the problem is so urgent that we must mount our steed and ride instantly off at top speed without even taking time to make sure that we are headed in the right direction.

SOME SOCIAL VALUES

Efforts at voluntary conservation are, of course, commendable. There are even social values to be derived at these joint efforts for the common good. And there can be no doubt that habits about energy use, reflecting quite rational responses to cheap energy prices (and not, as some comments seem to suggest a new variant of original sin), have led to some uses that can readily be curtailed. Indeed, it is possible that something approaching half of our shortfall could be taken up by such careful using of energy more sparingly.

Rationing commends itself to many as the way to handle the remainder of the job. It seems fair because "everybody would be treated alike."

If we do go into rationing, certain predictions can confidently be made. One is that what starts out as "treating everybody alike" will be a program that each citizen is sure is discriminating against him. For one thing there is infinite variation in people's situations. Giving everybody X gallons per week, or even everybody in Z category X gallons, will be just fine for the inactive family whose car spends most of its time getting dusty in the garage; and it might be lethal for the active family using the car for all manner of things. There is a way to use this enormous variation in individual situations, but more of that later.

The result is that a rationing program in practice would waste gasoline and oil because simplistic and across-the-board rules, inevitable in such a broadside program, would put substantial amounts of these scarce products into the hands of those for whom the need would be of secondary urgency.

A more unfortunate aspect of rationing would be its adverse effect on public morality. If there is one lesson to be drawn from experience with these programs it is that black markets would flourish. Thus those with "flexible" standards of morality, or who have political pull, or who can work some other angle will do relatively well, while the ordinary decent citizen will wind up with the dry gasoline or oil tank. Economies that are managed by license and edict and coupon books are also economies with pervasive corruption and graft. This is no accident. Those possessing the authority to grant favorable decisions possess something of great value, and there will be growing numbers who are willing to pay the price. All they will need to do is look around them to conclude that almost "everybody does it."

The major weakness of the rationing approach is that it slows down the process of curing the problem. Businesses inevitably will be reluctant to commit capital for products that are to be sold in a rationed market. It is one thing to bet one's ability to match wits with market forces and quite another to bet against the vagaries of government decisionmaking.

Rationing, which starts out as a holding action during a shortage, will ineluctably prolong the shortage.

Another approach for dealing with the shortage is the imposition of a stiff tax on gasoline and fuel oil. This would be vastly superior to rationing. It encourages every user to examine his own unique and peculiar combination of circumstances for ways to use scarce, high-priced products more sparingly. There is the usual skepticism about whether a higher price would have much effect, but the limited factual evidence available suggests that with something like a 20-cent-per-gallon tax on gasoline the shrinkage in use would bring demand into balance with limited supplies even with the absence of Mideast oil. And this would "treat everybody alike" in the meaningful sense that the intensity of pain for the last gallon given up in each case would be more nearly equal for all people than with rationing. It would use these scarce resources more efficiently.

This tax approach has two drawbacks. One is that an increase in price would hit lower income groups harder than those with high incomes. This is less certain than seemingly obvious. A lower income family (e.g., a retired couple) may find it easy to avoid the problem by curtailing use while a family with a larger income and less ability to cut usage will feel the bite. Moreover, there are far more effective ways directly to take care of society's quite legitimate concern about income distribution than to paralyze the pricing system. In this specific case, for example, we could have a rising deduction from income taxes going down the income scale with the credit payable in cash if it exceeded the income tax liability. The better approach, of course, would be to have a full-scale income maintenance program.

The more serious though less obvious drawback of the tax approach is that it does nothing to cure the fundamental need for enlarging our supply capability. It uses the pricing system to ferret out usages of secondary importance, but it does not use the pricing system to make a commitment of capital into energy production more profitable. Thus it would be a policy to allocate scarcity but not to eliminate it.

This leads to the third approach. Ever since the pricing system was invented, there has been a way to handle the shortage while fundamental forces are being set to work to correct it. What Americans most need now is enough clear-headedness at both ends of Pennsylvania Avenue so that higher prices for energy can start to get us more oil and gas. This will mean higher profits for the energy companies, but the U.S. Treasury will be a majority participant in the increased profits.

Here we do need to keep some specific facts in perspective. During the last decade the real retail price of gasoline excluding taxes (i.e., this price adjusted to allow for changes in the value of the dollar generally) declined 8% and during the last two years the real price of gasoline has declined almost 8%. A change in the ever more bargain basement character of these prices was about due in any case.

Of the three ways to regain balances between demand and more limited supplies, an outright higher price would be most effective, and rationing at the outset would be most attractive (and, in the end, most disappointing). We have, therefore, a good chance that within the next few months rationing of gasoline and fuel oil will be adopted. Is there anything that can be done to minimize its perverse effects? Not much.

Rationing, particularly peacetime rationing, almost inherently works badly and encourages black-marketeering, corruption, and waste.

AVOIDING A BLACK MARKET

One modification of the rationing system would, however, be helpful if the political process insists on going down that road. That would be to allow gasoline coupons to be freely bought and sold. In this way gasoline would be utilized for the most urgently felt needs. There would more nearly be equal sacrifice "at the margin." There would be no black market. And demand for gasoline would still be held in the aggregate to supplies available if the right total amount of coupons had been issued.

After this system operated for awhile, we would begin to perceive that what we had was a free market for gasoline plus a slightly disguised income redistribution program. It might then occur to us that we should have a straightforward income distribution program plus the straightforward superiority of the price system in free and open markets to handle the economy's allocations function.

If we could be sure of that result, a bout with rationing would almost be tempting.

THE EXISTENCE OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, many have expressed the concern that ratification of the Genocide Convention will deny constitutional rights of our citizens. There is no reason for such speculation about the possible effects of the Genocide Convention on the United States.

We can look at the countries that have ratified the convention and see how it has actually affected them. Many are democracies; some have federal forms of government. Their experience with the convention should give us the basis for making a realistic assessment of the impact of the convention on the United States.

Has any citizen of these 75 nations been tried by an international court on charges of genocide? No. Has any citizen of these countries ever been extradited to a Communist country to stand trial for genocide? No. Has this convention disrupted the federal structure of those federated nations which have ratified it? No. Nor will the Genocide Convention have such effects in the United States.

American ratification of the Genocide Convention will put the United States formally on record as opposed to the crime of mass murder. It is not enough to say that we are opposed to genocide. We must do something about it. Ratification of this treaty is a good, constructive action we must take.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

PATAPSCO STATE PARK

Mr. MATHIAS. Mr. President, a number of river valleys in Maryland witnessed the early development of industry in our State. The Maryland Park Service has acquired many of these areas that show the historical importance of industrial efforts in the early growth of the Nation. Nowhere is this vital factor in Maryland's economic history better displayed than along the banks of the middle Patapsco River. Patapsco State Park, a major unit in Maryland's public recreation program, effectively showcases this phase of early America's industrial and economic history.

An article that tells the story of Patapsco State Park was published November 8 in two of Maryland's fine newspapers, the Catonsville Times and the Howard County Times. For all who are interested in the history not only of Maryland but of our Nation, I recommend that this article be read and, for that purpose, I ask unanimous consent that it be printed in the RECORD.

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

PATAPSCO STATE PARK, TREASURE OF AMERICAN INDUSTRIAL HISTORY

Patapsco State Park, most heavily used of Maryland's State Parks, is a treasure-house of American industrial history.

This state park, between Elkridge and Ellicott, particularly, is where many important elements of American's industrial revolution had their beginnings. The area contains a memorable collection of early industrial artifacts.

It was here, along the banks of the Patapsco, where Peter Cooper's steam-powered locomotive, "Tom Thumb," although temporarily defeated in a race against horse-drawn power in 1830, established the country's tremendous railroad potential.

It was here, in 1835, that citizens of the valley marvelled at the building of the Thomas Viaduct, the world's first multiple stone arch railroad bridge. The sturdy structure still carries train traffic heavier than anything envisioned at the time of its construction.

It was at Ellicott City, in 1831, that the nation's second railroad station opened for business. It still stands, a monument to America's earliest faltering moves toward the west. It was the terminus of the country's first stretch of railroad track, being 13 miles from Baltimore's Mount Clare Station, built one year earlier.

Industry flourished in many ways in the Patapsco Valley from the nation's very beginning. Captain John Smith, in his early explorations, made note of the modular deposits of iron-bearing red clays discovered in the valley. During the colonial period the Patapsco River Valley became a principal source of iron ore as well as a smelting center. Caleb Dorsey's furnace, established at Elkridge in 1756, produced 1,000 tons of iron a year, most of which was shipped to Great Britain.

Two years later Dorsey began a furnace and forge operation at Avalon, a mile up the river, and supplied guns to Washington's Army during the Revolution. The Ellicott family acquired the plant which evolved into the Avalon Nail and Iron Works. By the mid-nineteenth century, it was turning out rails for the Baltimore and Ohio Railroad as well as 40,000 kegs of nails a year. Bustling Avalon was finished as an important iron center by a devastating flood in 1868.

Other iron-making in the valley included the Hockley Forge and two other furnaces operated by Colonist Dorsey along the Rockburn Branch of the river.

During most of the eighteenth century, Elkridge Landing served as an important port, handling export of farm crops, such as cotton, tobacco, and grain, as well as iron ore and lumber. It was also the port of entry for goods needed by the colonists. Elkridge Landing even rivaled Annapolis in shipping tonnage. Shipyards built sailing vessels from native oak, while fittings were fashioned from iron smelted in the valley furnaces.

Milling of wheat was an important valley industry in the mid-18th century when Europe provided a ready market for American flour. Although the Ellicott family dominated the earliest milling industry, many other mills sprang up along the Patapsco. The river enjoyed enough power in its flow to the Chesapeake to attract many users willing to harness it.

Orange Grove flour, from the mill built by C. A. Gambrill in 1856 near the old Park Headquarters, was widely used and highly regarded in national and international markets until the mill was destroyed by fire in 1905.

Diversification of industry, which has marked Maryland to this day, had its beginning in the Patapsco River Valley where many different types of manufacturing were attracted by the river's 30-foot fall in the 18 miles above Elkridge.

The valley was the home of cotton print cloth as early as 1837 and a paper mill dating back to 1794. Granite quarrying, dams for water supply and power, as well as copper manufacturing, were important to the economy of the valley. Remnants of these old industrial operations constitute a major Patapsco State Park attraction for history buffs.

Ruins of the famous Viaduct Hotel and Station which replaced Relay House, built in the 1830's by the youthful B. and O. as a train junction depot, and variously used as a hotel and resort, are visible near the Thomas Viaduct. Along this stretch of railroad, between Baltimore and Washington, Samuel Morse, inventor of the telegraph, made his first practical tests of the device which was destined to revolutionize the nation's communications industry.

Although handicapped by storms, floods and fire the pioneers who settled the Patapsco Valley fought to keep their industries established. But by the end of the 18th century, Baltimore had become a thriving port and an industrial city. The Patapsco had suffered heavy silting caused by unsophisticated farming practices. Elkridge Landing faded as a port and the area furnaces became obsolete.

The historic valley was also the scene of some latter-day firsts. Within Patapsco State Park and less than a mile from the old headquarters (demolished by the 1972 flood) is the dam which housed the nation's first underwater hydroelectric generating plant. Built in 1907 to supply electricity to the Catonsville area, the so-called "Bloede Dam", later known as the Ilchester Plant, continued operating at its 600 kilowatt capacity until 1932, when a new steam generating plant came on the line and made obsolete the old hydroelectric facility.

Disastrous floods in 1868, 1923 and Agnes in 1972 took their toll of these valuable early industrial artifacts. The park's areas in Avalon and Orange Grove were all but wiped out. Work is now under way to restore these important recreation areas, but the extent of the rehabilitation project is mammoth and will take considerable time.

It is hoped by the Department of Natural Resources that restoration will be completed in time for the Bicentennial in 1976, at which time undoubtedly the popular bus tours of the "River of History," conducted by trained Patapsco State Park rangers can be reinstituted.

Needed road and bridge reconstruction have temporarily forced cancellation of these widely patronized interpretive programs.

Other river valleys such as the Susquehanna and the Gunpowder also witnessed the early development of industry in the Free State. The Maryland Park Service has acquired for the state many areas that feature visualization of the historically important industrial efforts to satisfy the growing needs of a young nation.

Nowhere is this vital factor in the state's economic history better displayed than along the banks of the middle Patapsco River. Pa-

tapsco State Park, a major unit in Maryland's public recreation program, showcases effectively this phase of early America's industrial and economic history. Restoration and preservation of the park areas at Avalon, Orange Grove, and vicinity is eagerly awaited by Marylanders who are proud of their heritage.

RHODE ISLAND ROAD DEATH RATE LOWEST IN THE UNITED STATES

Mr. PELL. Mr. President, I am very pleased to call to the attention of my colleagues the fact that my home State of Rhode Island in 1972 had the lowest highway fatality rate in the Nation.

A recent article in the Providence Evening Bulletin describes a nationwide survey completed by the Highway Users Federation which points out that in three separate categories Rhode Island had the most outstanding record.

Last year the national average of fatalities on a mileage basis was 4.53 per 100 million vehicle miles; in Rhode Island the comparative figure is 2.5. The death rate in 1972 per 100,000 motor vehicle registrations averaged 4.66 across the Nation; in Rhode Island the comparative figure is 2.2—or less than half the national average. In terms of population, again Rhode Island's death rate on the highways is less than half the national average—12.6 per 100,000 inhabitants, as opposed to the national average of 27.2.

I wish to take this opportunity of commending all those in my home State who are responsible for making possible this excellent record of road safety. This record reflects great credit on our State and local police and on our State officials and local citizens who have taken leadership in campaigning for highway safety. It is a record of which all Rhode Islanders can be justly proud.

Mr. President, I ask unanimous consent that an article from the Providence Evening Bulletin of November 8, 1973, entitled "Rhode Island Road Fatality Rate Best In United States" be printed in the RECORD.

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

RHODE ISLAND ROAD FATALITY RATE BEST IN UNITED STATES

Rhode Island had the lowest highway fatality rate in 1972 of any state, the Highway Users Federation announced today.

In a nationwide survey, the federation analyzed every state's highway death rate in three different computations—by mileage, by registrations and by population—and Rhode Island ranked best in all three measurements.

The national average last year on a mileage basis was 4.53 traffic deaths per 100 million vehicle miles. In this state, it was 2.5.

The death rate per 100,000 motor vehicle registrations averaged 4.66 nationally. It was 2.2 in Rhode Island.

By population, the death rate national average was 27.2 per 100,000 inhabitants. In Rhode Island it was only 12.6.

The 2.5 mileage death rate here was duplicated in the District of Columbia, which is not a state. This rate ranged from 6.2 to 6.7 in Nevada, Idaho, New Mexico and Louisiana, and the worst records were 7.0 in Mississippi and 7.3 in Montana.

On a population basis, Wyoming's rate was 57.1, more than four times greater than in Rhode Island.

The survey used data from the National Safety Council, the National Center for Health Statistics, the Federal Highway Administration, the Census Bureau and information from state traffic authorities.

So far this year, there have been 117 highway fatalities in this state, as against 102 in the same period last year. This increase, which began early in January, has caused state and local traffic officials to promote strong safety campaigns to combat the uptrend.

Eugene P. Petit, registrar of motor vehicles, called the survey results for 1972 "fantastic," and said, "It gives me more confidence in the situation here now."

There were 122 highway deaths here last year and this year began with a sharp upswing which Mr. Petit said had him "worried" that the state might be heading for a new record, topping the 145 deaths in 1928.

But fatalities slowed in the summer and while the 1973 total is likely to top the 122 deaths last year, Mr. Petit said he considers it "almost impossible" that the 1928 record would be exceeded.

He credited the slowing of the upturn this year to the safety campaigns and police cooperation. But he emphasized that, in addition to police controls and teams of registry inspectors on the highways every day, "we've got to get the message to the people; we've got to educate the drivers in highway safety."

TRIBUTE TO WILLIAM G. WHITE

Mr. TAFT. Mr. President, I have recently been informed that my former administrative assistant, William G. White, has been named managing director of the District of Columbia Credit Union League.

I congratulate Mr. White and I am quite pleased to hear of this excellent appointment. Bill has had long and valuable experience dealing with the problems of credit unions. After 10 years of employment with what is now the Cleveland Transit System, Bill signed on as a field representative for the Ohio Credit Union League. When he left 12 years later, he was the director of public relations. After 2½ years of service to me, in which he proved a valuable assistant, Bill was named assistant managing director of the District of Columbia Credit Union League and he held that title until his recent appointment.

Even while Bill was with me, he was participating in the Congressional Employees Federal Credit Union. He has been involved in credit union affairs for over 30 years and I know he is now recognized as one of the top League employees in the United States. In this time of difficult issues and concerns facing our credit unions, I am confident that he will do a fine job.

TRIBUTE TO PRESIDENT KENNEDY

Mr. TUNNEY. Mr. President, I ask unanimous consent to have a poem written by James G. Egan on President John F. Kennedy printed in the RECORD.

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

PRESIDENT KENNEDY

(By James G. Egan)

A Harvard intellectual
With principle quite high,
A Naval hero effectual
Recalled with tear and sigh.

When he was our President
He feared no nation's might,
To every U.S. resident
He shed a shining light.

All of the nations of the earth
Drawn to his smiling face
With abundant wit and mirth
But firm with every race.

Presidents do come and go,
Strong or weak by fate,
Our schoolchildren all do know
John F. Kennedy was great.

FIGHTING AGE DISCRIMINATION IN EMPLOYMENT

Mr. PERCY. Mr. President, the November 10 issue of the Illinois State AFL–CIO newsletter points out efforts by the Department of Labor to enforce a Federal antidiscrimination statute which is all too often overlooked—the Age Discrimination in Employment Act.

As my colleagues know, this act protects individuals from age 40 to age 65 from discrimination in employment on account of age. The Wage and Hour Division of the Department of Labor, which enforces the act, recently reported that it had found nearly 15,000 workers to have been discriminated against in this manner during fiscal 1973.

As the Department of Labor figures suggest, and as my own mail has indicated, knowledge of this Federal law and sanctions for its abuse is not as widespread as it should be. Despite the efforts of the Department of Labor to both publicize and enforce the law, it is probable that the incidence of age discrimination which goes unchallenged and unreported remains high.

I commend the Illinois State AFL–CIO for its efforts to make workers aware of the Age Discrimination in Employment Act and penalties for its violation, and urge other public and private groups to do likewise. I ask unanimous consent that this newsletter article be printed in the RECORD at the conclusion of my remarks.

Mr. President, individuals between the ages of 40 and 65 represent nearly half of the adult working-age population, and, I dare say, over half of our Nation's talent and experience. To allow these individuals to be discriminated against in employment solely because of their age is not only unconscionable, but a waste of an invaluable resource.

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

[From the Illinois State AFL–CIO Weekly News Letter, Nov. 10, 1973]

15,000 VICTIMS

Almost 15,000 American workers aged 40 to 65 were found by the U.S. Department of Labor to be victims of illegal age discrimination during the 1973 fiscal year.

The employees were working or looking for work in more than 2,800 establishments which were found violating one or more provisions of the Age Discrimination in Employment Act (ADEA).

Bernard E. DeLury, Assistant Secretary of Labor for Employment Standards, said age discrimination law enforcement is among the Labor Department's highest priorities.

"Every year, many of our nation's most capable and experienced workers are disadvantaged in employment because they have passed *age 39*.

"This is not only a violation of their basic rights, but also a waste of valuable resources," he said.

The Act protects workers aged 40 to 65 from arbitrary age discrimination in hiring, firing, job referral, and the granting of fringe benefits or other terms and conditions of employment. It specifically prohibits placement of help wanted advertisements containing words or phrases that imply older workers will not be considered for job vacancies.

Among the violators were 1,836 employers and employment agencies known to have placed discriminatory help wanted advertising; 957 found refusing to hire 40- to 65-year olds; 181 known to have fired them, and 149 which denied them promotions, leave, pay or other job benefits—all because of age.

In addition, 1,031 workers were found to be owed $1,866,226 because of lost working time or other damages resulting from age discrimination.

The Age Discrimination in Employment Act is enforced by the Labor Department's Wage and Hour Division, which was able to correct many of the violations by persuading the employers and employment agencies to comply voluntarily. This method resulted in agreements to restore $662,324 to 304 employees without formal legal action.

DeLury noted that most of the establishments found practicing age discrimination were in the retail, service and manufacturing industries.

"Until the incidence of age discrimination disappears in all industries, our enforcement efforts will continue to be a top priority," DeLury said.

EXPANSION OF THE WILD AND SCENIC RIVER SYSTEM

Mr. GRAVEL. Mr. President, Senators will remember that the Alaska Native Claims Settlement Act incorporated two important features especially in promising to Americans who desire better coordination of policy among governments and a balanced and studious appraisal of land resources and policy in Alaska.

The act authorized the Secretary of the Interior to withdraw for study up to 80 million acres of Federal lands which might be included by Congress in the National Forest, National Park, Wildlife Refuge, and Wild and Scenic River systems. The act directed the Secretary to submit legislative recommendations regarding lands so withdrawn by December 18, 1973.

The act created the Joint Federal-State Land Use Planning Commission for Alaska through an amendment which I sponsored. The Commission is an agency of both the Federal and State governments, supported by appropriations of both. The Commission members are some of the finest and most knowledgeable citizens in Alaska and it has an energetic, able and interdisciplinary staff. The tasks of the Commission cover a wide variety of subjects mandated by the Congress and the Alaska legislature. One of its tasks was to study the lands withdrawn by the Secretary of the Interior Morton for possible inclusion in the so-called four systems I have mentioned above.

Mr. President, the State of Alaska has participated in the act in the best possible spirit. Governor Egan, the commission's cochairman under the terms of the Alaska Settlement Act, appointed State Senator Joe Josephson as his full-time designee, to assure that from the State's point of view, the commission would enjoy full-time direction and leadership. Other commissioners appointed by Governor Egan include the State commissioner of Natural Resources, Charles Herbert; the commissioner of Environmental Conservation, Dr. Max Brewer; the former executive director of the Alaska Federation of Natives, Harry Carter, and a distinguished Alaska business leader and former legislator, James Hurley, of Wasilla.

The federally appointed commissioners are no less distinguished. They include the Federal cochairman, Burton W. Silcock, former Director of the Bureau of Land Management; Joseph Fitzgerald, former chairman of the Federal Field Committee for Development Planning in Alaska; Dr. Richard Cooley, head of the environmental studies program at the University of California, Santa Cruz; and a noted Alaska conservationist, Miss Celia Hunter.

Mr. President, I will not elaborate on the fact that one of the Federal positions on the commission is vacant now, and has been vacant for many months—a condition which in itself may demonstrate that the administration has failed to give the commission the same measure of support as the State administration has done.

Nor will I comment on the weeks of delay which followed the departure from Alaska of the original Federal cochairman, Assistant Secretary of the Interior Jack O. Horton, prior to the appointment and confirmation of his successor.

More indicative than these facts may be the procedure which the Department of the Interior has followed in its consideration of the lands withdrawn for possible inclusion in the four systems.

Mr. President, the Joint Federal-State Land Use Planning Commission for Alaska certainly did its part. It conducted public hearings on the lands withdrawn for study in approximately 40 Alaskan communities. It received testimony from people in all walks of life. It heard from Eskimos and Indians who use the land as a source of protein and to maintain their traditional life-style. It heard from Alaskans who want the land available always for recreation. It heard from those who supply the Nation's critical demand for energy sources and scarce minerals. It heard from others who treasure especially those portions of the lands under study for their primitive and untrammeled characteristics.

The Commission also conducted hearings in Denver and Seattle and San Francisco and here in Washington. It understood that the decisions to be made ultimately by Congress affect all Americans, as well as the people of Alaska directly. It sought input from all areas of the Nation.

The Commission directed its interdisciplinary resource planning team to prepare narrative and graphic materials about the lands and their resources. It spent weeks in public sessions to prepare its recommendations to the Secretary of the Interior. In August, the Commission completed its first phase of recommendations by submitting carefully documented materials dealing with uses of the lands under study which, the Commission felt, should be allowed, restricted, or prohibited.

Other activities of the Commission concerning these lands are still in progress. Soon the Commissioner will be conducting an important seminar in which invited experts from across the Nation will discuss Federal mining laws, and changes which might serve the public interest if applicable to the lands under study in Alaska.

Mr. President, the deadline for Secretary Morton's recommendations to the Congress is fast approaching. In less than 30 days, his proposals for new parks, refuges, national forests, or for the expansion of the wild and scenic river system, must be placed before us.

Mr. President, I ask unanimous consent that an article from the Anchorage Daily News of November 18 be printed in the RECORD at this point of my remarks.

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

MORTON SEEKS 83 MILLION ACRES IN LAND WITHDRAWALS

(By Tom Brown)

MENLO PARK, CALIF.—Interior Secretary Rogers Morton tentatively plans to ask Congress next month to approve federal land withdrawals totaling more than 83 million acres in Alaska.

The secretary will seek: 29 million acres in 10 separate withdrawals for the national park system; 34.3 million acres for national wildlife refuges; 19.8 million acres for national forests; one million acres for wild and scenic rivers.

Withdrawals in the four categories total 83.1 million acres—3.1 million more than specifically authorized by the Native Claims Settlement Act of 1971.

Nathaniel Reed, assistant secretary of Interior for fish, wildlife and parks, told Sierra Club officials in a background briefing here recently that Morton felt he was not limited to the 80 million acres specified in the bill.

Morton's proposal currently is being reviewed by the various federal land management agencies and the Office of Management and Budget. It is expected to be made public—along with any last-minute changes—by Dec. 15.

It was understood that there was considerable wrangling among the land management bureaucracies over how much land each would receive, that mining interests had sought to limit withdrawals to 40 million acres, that the oil industry was reluctant to agree to any major withdrawals and that the State of Alaska and Native groups opposed some of the withdrawals. Nor were the conservation officials at the briefing entirely satisfied.

Morton's plan, as outlined by Reed, includes these major features:

Among the withdrawals for possible inclusion in the national park system will be 8.6 million acres in the Wrangell mountains; 8.1 million acres in the Brooks Range for the proposed Gates of the Arctic National Park; and 1.8 million acres in the Noatak River valley is Northwestern Alaska.

There will be separate withdrawals of 5.2 million, 1.7 million and 1.2 million acres in the Gates of the Arctic package.

In addition to the 1.3 million acres for the National Park Service in the Noatak, another 7.5 million acres will be withdrawn to be administered by the Fish and Wildlife Service and the Bureau of Land Management.

Reed said he considered the Wrangells,

Gates of the Arctic and Noatak withdrawals the most important from a parks standpoint.

Another 3.4 million acres will be proposed for withdrawal as a possible addition to Mt. McKinley National Park.

Other major withdrawals for the National Park Service include 2.5 million acres in the Lake Clark area west of Anchorage; 1.7 million acres near Katmai National Monument, 1.9 million acres on the Upper Yukon River west of Eagle, and 2.3 million acres on the Seward Peninsula, to be administered in conjunction with the Fish and Wildlife Service.

Mr. GRAVEL. Mr. President, we now know that the Sierra Club at Menlo Park, Calif., has been given a background briefing by Assistant Secretary Nathaniel Reed about the proposals t be made by the Secretary of the Interior for the future of 80 million acres in Alaska—one fourth of the area of the 49th State.

Mr. President, the junior Senator from Alaska has had no background briefing by the Secretary, the Under Secretary, Clerk or other employee of the Department of the Interior. The Governor of the State of Alaska has had no background briefing to date. The Commission charged by law to study these lands and which has performed creditably has had no background briefing.

However, the senior Senator from Alaska and the Congressman have each received an in-depth briefing.

I ask you what manner of performance is this?

It is understandable that normal partisanship calls for favorable treatment to those of the same political party as the administration. Every Democratic Senator works with the knowledge that Republican Senate offices routinely will receive first word of grant awards, Federal appointments, bid openings, and so forth. But when matters of such overriding importance as the disposal of some 80 million acres of public lands is at hand, little room for partisanship remains. A greater sense of public duty demands that Republican politics be laid aside and that public interest be first and foremost.

Mr. President, these concerns are not just concerns of the people of Alaska. They are properly concerns of all of us who saw in the Joint Commission a new approach to intergovernmental relations that would meet legitimate Federal, State, and local objectives.

The Senate has entertained similar hopes for coordination of Federal and State policy through the recently passed National Land Use Policy Act.

But the Congress can only legislate; it does not implement. The legislation we approve is only as good as is the will of the departments charged with administering Federal law. In this instance, the Department of the Interior proceeds in a way which is a clear affront to the people of Alaska, a legacy, perhaps of a colonial viewpoint towards Alaska that was supposedly cured by statehood 15 years ago.

Why is the Department so reluctant to tell Alaskans and their leaders what is in store for them in the Secretary's proposals? Perhaps the Department knows that it has bad tidings, and is loathe to give out the bad news any sooner than it must. Perhaps the Department knows that a program which does not emerge from a studious review of resource information and public testimony, as the Commission program did, but which evolves instead from "considerable wrangling among the land management bureaucracies over how much land each would receive," as Mr. Brown reports, cannot be defended. For such a methodology is the antithesis of sound planning and of due regard for environmental concern. And perhaps the Department is reluctant to give out information to the State of Alaska before the 11th hour because it does not want the weaknesses of its program exposed in time to correct them before it is released.

Mr. President, the State of Alaska, I am sure, will continue to work to improve coordination of policy with the Federal and State Governments. The State, which seeks a viable economy and a high quality of life for all Alaskans, has no choice. The State of Alaska will continue to support the Commission as one of the vehicles to achieve such coordination and to approach land use policy in a rational way. In other words, Mr. President, the State is not to be deflected in its purposes by the attitude shown to date by the Department of the Interior.

Nor should we, Mr. President, prejudge any proposals by the Secretary of the Interior. On the other hand, we should express ourselves very vigorously against the arbitrary, secretive way by which these proposals are being prepared, with the people of Alaska only the last to know the contents of a program which will affect future generations of Alaskans if approved by Congress.

In any event, we in the Congress should not act on any proposals, Mr. President, until and unless the proposals by the Joint Commission for Land Use Planning in Alaska, and their background materials, have been explored thoroughly in our committees. Mr. President, a rational, open, studious approach, in which the public had direct input, should not be replaced by a secretive, closed approach to which Alaskans are denied access.

A BALANCED VIEW OF PUBLIC HOUSING

Mr. PERCY. Mr. President, in recent years there has been considerable coverage by the press and criticism by the administration of our current Federal housing and community development programs. Inefficient management and local scandals have plagued the operation of programs that might otherwise have been viewed with favor.

In a recent issue of the Nation, J. S. Fuerst, of Chicago's Loyola University's graduate program in urban studies, emphasizes some of the positive aspects of our housing programs. By so doing, Fuerst has done a service to America's low- and moderate-income population as well as to the people in the housing industry. I ask that his article, which helps provide a balanced view of our housing and community development efforts, be printed in the RECORD.

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

HIDDEN SUCCESSES OF PUBLIC HOUSING

(By J. S. Fuerst)

CHICAGO.—Though public housing in the United States seems to be a dead duck, there are many public-housing projects whose health is blooming. But even as I write, more attacks are being made upon these and other housing developments so that the situation is steadily deteriorating. I get the distinct feeling that few outside the program give a damn.

To understand what is happening, some history is necessary. The public-housing program began in this country in 1937. Few programs have been so stubbornly opposed from the outset as this particular one. The entrance of the government into housing threw panic into the ranks of the real estate and banking industries, and other conservative groups. They launched an unrelenting attack on the specter of socialism: public housing was "Un-American"; it was "mollycoddling the poor."

When it became clear in 1935, during the depression, that the large number of ill-housed people in our affluent society and the continuing lack of provision for them by the private sector required some action, a program was hammered out whereby poor people would be served. But lobbyists for private industry made sure at the local and national levels that very few units would be built and that those which were would be crippled by low construction-cost ceilings, low-income limits and many other tenant restrictions.

The liberal sponsors of the program saw it as an entering wedge for a broad housing program that would make jobs for the unemployed, clear the slums, provide housing for the ill-housed, and be a keystone in the building of cities. Unfortunately, the opponents managed so to stigmatize the projects that almost from the start it was impossible to carry out these aims. As one example, it was difficult to obtain upward-striving families. When such families moved in, they soon moved out again, thus initiating a pattern of cleavage between the tenants of the projects and the rest of the community. This estrangement was accentuated by both rising incomes and a racial situation wherein a disproportionate percentage of the poor were black. This resulted in a shift of public-housing tenancy from mostly white to mostly black.

More significantly, the projects drifted into quasi-institutions for the socially, emotionally and economically underprivileged. The poorer the general quality of the tenants, the more difficult it was to get good families to remain, or to move in, until now it is hard to fill them at all. As a corollary, middle- or lower-middle-class neighborhoods, black or white, objected to having projects built in their midst.

Where were the projects built? Except in the small towns, almost all public-housing units, fewer than 2 per cent of the total housing supply, were built in the slums, in industrial areas or in all-black areas—that is, in the most undesirable areas of a city where no one else wanted to put residential housing.

What was their quality? In the beginning, cheap and occasionally not unattractive units were built. In the past fifteen years, larger high-rise projects have become the rule because, according to local authorities, cost limitations and local objections precluded anything else. Average unit size was also increased to accommodate families with many children.

Oscar Newman, author of the recent *Defensible Space*, has described the architecture in detail. It was massive and monolithic. It was stereotyped. Large, barren, open spaces stretched between huge buildings. Frequently there was no grass, windows were few and small, walls were usually common red brick. The architects, in too many cases unstimu-

lated by public housing and restricted by the local and federal bureaucrats, built for the most part unimaginative, undistinguished, depressingly institutionalized projects.

Who moved in? Many of the most socially disadvantaged black, broken and big families—in short, the most desperate families. Thus many projects became final refuges for more than a few alcohol- and dope-ridden, criminally disposed, mentally and physically ill families—and relatively few self-supporting ones. With such selection of site, architecture and tenants, it is easy to see why public housing fell to the bottom of public esteem.

Behind the planners and the architects of the projects were those who sabotaged the program. But they had their allies. Black activists, aware of the great housing need of black families, insisted on a larger proportion of the tiny amount of housing in existence, instead of demanding more housing for the total community. In Chicago, for example, not satisfied with 87 per cent, they pushed for 95 per cent of the units available. This grotesquely disproportionate allocation of public housing to blacks was intensified by the combination of forces which relegated projects almost exclusively to black areas, and in turn greatly affected those few projects thrust into white areas.

The difficulties were also magnified by the social workers who believed that, in spite of the inadequate number of public-housing units, they had to be jam-packed with the poorest, most underprivileged families. This practice did little either for those families, or for upward-striving families who ceased to value project life.

Not all social workers are that short-sighted. Monsignor Vincent Cooke, for many years head of Catholic Charities of Chicago, stated that if public housing were to survive it could not be merely a receptable for the problem cases of social agencies. Public assistance families as well as broken families should be admitted, but there must be a preponderance of "normal" families to give "troubled" families models to emulate. In the political area, Senators Brooke and Mondale and former Secretary of Housing Romney have taken substantially the same position.

In light of the prevailing negativism, the question is whether anywhere in the United States there may exist—unremarked—public-housing models that contradict what most big city and many small city people think of such projects. Indeed there are some, but you have to hunt. I know because, while doing a book on public housing several years ago, I found about ten of them. So did Oscar Newman, who described half a dozen he came upon in his travels.

First there are the quasi-suburban projects, low-rise, low-density housing such as Valley View in Providence, Glendale Heights in Minneapolis, La Salle in Louisville, West Bluff in Kansas City, Le Claire Court and Racine Court (recently converted to a cooperative) and Trumbull Park, all in Chicago. These projects lie for the most part on the outskirts of town, surrounded by single-family private homes in neighborhoods which have not been materially altered by the introduction of public housing. They were built at different times in different styles. For example, La Salle and Trumbull Park were both PWA projects built in 1937 in an interesting style, the first with 234 units, the second with 462. Over the years, largely because their original architecture was sound, their location was good and the number of rooms per unit was small, the projects have remained operable. It is true that a number of elderly people live in them and a rather larger proportion of broken families. Nevertheless, the projects are integrated, with perhaps 15 per cent black families, and the neighborhoods continue good. The worst thing about these two projects is that, like some of the other projects to be discussed here, they are not in enormous demand, largely because of the predominating influence of poverty upon them.

On the other hand, West Bluff, a 100-unit project, partakes of some of these characteristics but is thoroughly integrated, with 45 per cent Mexican, 30 per cent white and 25 per cent black. That project contains all large units for big families and appears to have considerable appeal. Like many projects that have failed, West Bluff contains a lot of children, but most of the families have two parents and the project is in an outlying area, where the problems of large family size do not have to cope with the problems of density.

Glendale Heights, 184 units, has a well-designed, attractive layout. It is located a mile from the University of Minnesota in a community of many university people. Over many years it has developed a great *esprit de corps*, both within the project and in the surrounding neighborhood which cooperates with the tenancy. The community pride has risen to the point where the tenants have appealed to management for the right to run their own project, a proposal which was looked on with considerable favor. Management indicates that the highly integrated nature of the project, along with its relatively small number of fatherless families and the relatively few children, are important features in its success.

La Salle in Louisville also enjoys high marks, which stood the project in good stead when, for example, it was necessary to evict an undesirable tenant. The other tenants willingly testified on behalf of the authority. In the more demoralized projects that rarely happens, and eviction is then most difficult.

North Beach in San Francisco, mentioned by Newman, is a special case. Set between Coit Tower and Fisherman's Wharf, it is a 229-unit project in an industrial area. It is almost an exact replica of the working-class public or cooperative housing built in Holland and Austria in the 1920s. A particularly interesting aspect of the project is that the ground-floor units along Bay Steel are entered directly from the sidewalk; thus many of the units look as if they were single-family houses.

A most important feature of the workable projects is the mix of family income. Most of the projects Newman chose for models were for low- and middle-income families and financed by city, rather than federal money. Locally financed projects have a better chance to succeed because for them the architectural restrictions are less burdensome and the tenancy is far more diversified. John Macey, the director of the Greater London Housing Council Public Housing Program for many years and a consultant to the HUD, has said that only if income restrictions are changed, so that families of moderate as well as low income can apply, will the projects begin to function well. Examples are LaClède in St. Louis, a publicly subsidized private project mentioned by Newman; Riverbend and Stephen Wise Houses in New York City; Ogden Courts in Chicago.

At Valley View in Providence, income level has caused an important conflict. This 254-unit project, built twenty years ago as a city-financed project, is a success. It has integrated occupancy and completely diversified tenancy, with a preponderance of low-income workers ranging from the elderly poor and widows receiving public assistance to a captain in the local police force and a microbiologist in a local college. The city administration in Providence, because it does not wish to subsidize families, some of whose incomes overlapped those of families living in private real estate developments (the central fight that public housing has had to battle in its thirty years of existence), has decided to sell this model housing project to a private developer. He would presumably then greatly increase the rents, making it unavailable to the low- and moderate-income families who now live there. The story is not over yet because the tenants have banded together and with a small body of supporters are fighting the action in the courts where they have already won a preliminary stay. It indicates, however, the continued vigilance that is necessary to preserve the few viable public housing projects.

Apart from income levels, race is the most controversial question in public housing. One of the really great achievements of some of these public houisng successes is that they have shown how the process of integration can be both smooth and permanent.

At Trumbull Park, although there was a great brouhaha when integration was first proposed, the project has since operated successfully with a reasonable proportion of black families. At Valley View in Providence, in Wise Houses and many others in New York City, in many projects in Newark and Pittsburgh, and in North Beach in San Francisco, there have been no racial problems.

Problems of racial balance arise when the city itself becomes overwhelmed by blacks on welfare. Newark had for many years a fine, integrated housing program, until the white families left not only the projects but the city itself in large numbers. Similarly at Gateway Homes in Pittsburgh and at Le Claire in Chicago, bold and enlightened administrators Alfred L. Tronzo and Elizabeth Wood fought hard to keep their projects integrated and were fired. The business-as-usual authorities, under public pressure, were unwilling to hold vacancies in order to keep the tenancy integrated, and hid their timidity behind slogans of "no quota" and "first come, first served." The tenancy went all black, forming into subsidized ghettos.

On the other hand, it is certainly true that projects in many cities are all black because they are located in all-black areas, and that many of these, particularly the smaller projects consisting of row houses with a large number of single-family homes surrounding them, are most successful and much in demand. Such projects as Lowden Homes in Chicago, Riverdale in New York and many others are extremely significant at a time when various courts are forbidding the authorities to build in black areas. True, the courts are doing so in order to generate more building of integrated housing in white areas and to stop the displacement of blacks, but the effect has been to stop the building of housing in black areas long after the "relocation" has been accomplished. As Frances Piven and Richard Cloward said in *The New Republic* in December 1966, on the subject of desegregated housing, projects must be built with the recognition that, given the enormous number of black families in most large cities, large numbers of blacks are for the calculable future going to live in all-black areas. Housing must be built in white areas and made available on an open basis, though with controls. At the same time, housing must also be built in black areas, and if the groundwork is laid in the surrounding neighborhood, if the buildings are designed well and not too large, if some control is exercised over the type of tenant, it can be perfectly workable and is vitally needed.

A frequent allegation in the past five or seven years is that public housing cannot successfully operate elevator projects; "experts" point to Chicago's Robert Taylor Homes, New York's Van Dyke and St. Louis' Pruitt-Igoe as clear evidence. Actually these projects support no such generalization. On the contrary, Ping Yuan is a 7-story elevator project in the middle of San Francisco's Chinatown. It has an all-Chinese occupancy; its density and number of children are high, and the number of rooms per apartment is higher than average. But the architecture

is pleasing and in harmony with the neighborhood, and the *esprit de corps* is such that apartments are in enormous demand. There is prestige rather than stigma to be gained by living in the project.

Riverbend, a middle- and low-income project in Harlem described by Newman, has a diversified architecture but all of it is high rise. The most interesting part is a 10-story section of five duplexes piled one on top of the other (piggy-back row houses). It seems to be relatively crime-free, with low tenant turnover.

Wise Houses in New York, another multistory project in the middle of an urban renewal area, with a very mixed tenancy and with an outstanding management for many years, has had a considerable success with diverse tenants.

Several of the projects in Chicago built and tenanted under the 1950 state- and city-financed program were delightful 7-to-8-story, 150-to-200-unit projects. No one objected to living in them; on the contrary, for a number of years they were in great demand.

Elevator projects can be workable for families of low and moderate income under certain conditions. They cannot be too high—6 to 10 stories (maybe higher for the elderly)—cannot be too densely packed with people, particularly children, and cannot accept too many problem families.

As Arthur Naftalin, ex-Mayor of Minneapolis, reported in discussing the success of housing projects in his city, "The factor that I must mention first is the quality, competence and dedication of the housing authority staff. This I believe is the most important variable in determining the success or failure of any governmental enterprise, but especially in one as complex as the housing and urban renewal program."

Perhaps the most frequent though least publicized success stories are the projects in small towns. It is often overlooked that 85 per cent of all housing authorities and a quarter of all the units are in towns of 25,000 or less. One such example in a not so small town is the modular-built Valley View Houses of Akron, Ohio, a well-arranged cluster of seventy-five modern town houses in twenty-five structures built on the side of a hill overlooking a deep ravine. This is an integrated family project. Again it seems to be in considerable measure the product of one man, the recently appointed but now deceased director of the Akron Housing Authority, Jack Saferstein. A similar project is to be found in Fulton, Mo., a really small town (population 13,000). Here the authority operates seventy-five units and, according to a report in *Journal of Housing* (July 1972), the tenant body represents a cross section of the community, even though they are all low income. According to executive director Musick, this representation, plus a strong community endorsement from the college town, has made the project successful.

And finally, success stories are to be found by the hundreds in those projects for the elderly which, though in many places they are a capitulation to the fact that the community would not allow the authority to build any low-rent housing for families, nevertheless have scored some important achievements in their own right. These projects, many of them high rise, are for the most part occupied by the elderly of all races; and are very often built in middle- or lower-middle-class areas. They do indicate clearly the possibility of success for such integrated living and they show none of the crime problems so often found in public housing. In one sense, they are an excellent proving ground and could as easily be assigned to young married couples whose income is low and who, as many European countries recognize, desperately need a home they can afford.

Today the question is whether such strengths in public housing can beat back the forces that seem inevitably to be pulling them down. Are the successful projects and the effective administrators mentioned above persuasive enough to overcome the image of failure, or has the dominant character of the public housing program been so crystallized by its enemies that no amount of success can save it?

PROJECT SSI ALERT

Mr. CLARK. Mr. President, last year, the 92d Congress passed the supplemental security income program, landmark Federal legislation designed to replace most State welfare programs for the aged, blind, and disabled. This new Federal program is scheduled to begin this January 1.

The supplemental security income plan should cover nearly 6 million older or disadvantaged Americans, and this program could go a long way toward alleviating the income problems that continually plague all too many people in this country.

But recently there has been a great deal of concern that the administration may not be doing enough to enroll an estimated 3 million people, who are not now on State welfare rolls but who are eligible for supplementary security income benefits. There are some inevitable barriers to enrolling new people eligible for SSI, but that makes it all the more important for the Department of Health, Education, and Welfare—in concert with the Social Security Administration and the Administration on Aging—to take every possible measure to insure that the SSI program reaches everyone it can.

An article in yesterday's Wall Street Journal outlines the problems—and the challenges—faced by the Federal Government in initiating the supplemental security income program.

The article points out that the Department of Health, Education, and Welfare this week intends to announce an effort to reach some 400,000 individuals now receiving social security benefits. But the outreach program described in the article may touch only the tip of the iceberg. Much more needs to be done.

Hopefully, the initial phase of "Project SSI Alert" will be a success. And hopefully, even more intensive efforts will follow because the promise of SSI will be an empty promise unless every American eligible for the program enjoys its benefits.

Yesterday, Senators McGOVERN, RIBICOFF, CRANSTON, and myself sent a letter to Secretary Weinberger expressing our concern about the future of the SSI program and in that letter, we requested that the Secretary outline for us both the short- and long-range plans for the outreach program.

Mr. President, I ask unanimous consent that the full text of the article be printed in the RECORD, along with the letter from Senators McGOVERN, CRANSTON, RIBICOFF, and myself to the Secretary of Health, Education, and Welfare, and the exchange of correspondence between Senator McGOVERN and the Social Security Administration.

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

BIG NEW U.S. WELFARE PLAN, TO START IN 1974, COULD PRODUCE POLITICAL PROBLEMS FOR NIXON

(By Jonathan Spivak)

WASHINGTON.—A massive new federal welfare program, due to start next year, is experiencing birth pangs that could produce political problems for the Nixon administration.

The Supplemental Security Income program, enacted last year, will replace most state welfare payments for the aged, blind and disabled with a more generous federal allowance. So far, the Social Security Administration, which will run the program, is well along transferring the records of those million existing state welfare recipients to the computerized federal system designed to get the first checks out Jan. 2. But it's made little progress finding another estimated 2.5 million to 2.8 million aged and others in need believed to be eligible.

Only about 300,000 applications have been received so far, and federal officials believe the number of new recipients actually on the rolls in January could be little more than 500,000. If so, labor, liberals and other advocates of the aged in Congress could severely attack the Nixon administration for foot-dragging and failing to fulfill ambitious promises of new aid for the aged. The Health, Education and Welfare Department had been talking most of this year of reaching as many as six million people with the new program.

The SSI program poses two problems for the federal government. There's a massive bookkeeping job of transferring eligible persons on state welfare rolls to the federal system and calculating their benefits, which in many cases could be higher. And there's the task of informing and qualifying about as many additional people made eligible through SSI's higher payment level and fewer eligibility restrictions. These new recipients must apply for their benefits, but without special steps by the federal government, many probably won't know they are eligible.

CONTACTING THE POOR

To ferret out new recipients, HEW plans to announce on Wednesday a special effort to contact directly hundreds of thousands of the aged poor. HEW Secretary Caspar Weinberger, Social Security Commissioner James Cardwell and Arthur Fleming, head of the Administration on Aging, will announce "Project SSI Alert," a $6 million to $6.5 million effort to mobilize volunteers, mostly through help of the Red Cross and nongovernmental organizations of the aged, to contact potential recipients. As an initial target group, the Social Security Administration has picked out 400,000 of its own recipients, who, because of low earnings, are likely to be eligible for the SSI program. The alert will be patterned on a previous program by the Administration on Aging, which claims to have added another 200,000 Food Stamp recipients out of a potential of 1.4 million.

The potential for political criticism of the Nixon administration is substantial if eligible recipients aren't added to the rolls within the program's first six months. The bold forecast of extending added help to aged and other poor through the new program is currently being construed as a target for the beginning of the next fiscal year rather than a starting step.

But some Social Security officials view the magnitude of the SSI task as greater than launching the Health Insurance Program for the Aged in 1966. The switch to federal rolls of three million state welfare recipients is largely completed, although more data is required on some 400,000 individuals. The SSI program would seek to get checks out in January even if there is initial uncertainty over eligibility of those on the rolls, waiting until later to clear up questions.

MAJOR BENEFITS FOR AGED

Whatever the initial administrative headaches, the SSI program will have major effects on the economic well-being of the aged. Its basic monthly benefit of $140 for a single person, or $210 a couple, is greater than existing benefits in about half the states. Also, Congress has liberalized some of its provisions even before the program takes effect, and most administrative decisions by HEW Secretary Weinberger have made the program more generous for recipients and states.

When it was initially passed, estimates for the federal outlays were $4.2 billion for the first full year, compared with the federal costs under existing programs of $2.6 billion. But current estimates by the Social Security Administration are $5.2 billion for the first year, rising to $5.5 billion in federal outlays for the next year.

The increase in payments under SSI for the aged will tend to take political pressure off for increasing minimum Social Security Benefits for low-income workers and could mean that the retirement system in the years ahead is made more generous for workers with higher earnings than it would be otherwise. In addition, enabling the Social Security Administration to run both retirement and welfare payment systems for the aged could produce greater efficiency and eliminate some of the inequities that arise when payments are increased under one system but aren't under another.

However, Congress has insisted that the two programs remain separate. Social Security retirement is financed mainly through the payroll tax while SSI is paid out of general tax revenues.

U.S. SENATE,
Washington, D.C., November 26, 1973.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY WEINBERGER: We are writing to express our concern for the approximately three million low income elderly and handicapped Americans not now receiving state income assistance, but who are estimated to be eligible for the Supplemental Security Income Program when it takes effect on January 1, 1974.

Acting Commissioner Hess' September 13 letter in response to Senator McGovern's initial inquiry in this matter outlined an "outreach program" of speeches, publicity, and briefings to reach those individuals and to inform them of their eligibility under SSI. Mr. Hess indicated that any major outreach effort probably would be out of the question because it would not meet "administrative needs." Mr. Hess ruled out any major mailing, and he indicated that he only had enough personnel to accomplish the changeover of recipients who are now on state assistance; that he could not, for want of manpower, undertake another major screening program for three million more people.

This outreach program described in Mr. Hess' letter is inadequate. It is not realistic to expect that newly eligible elderly and handicapped persons will be sufficiently informed by such an approach. They are at the bottom of the income ladder. For the most part they are not members of organizations which represent the elderly and handicapped. They are relatively less educated than the rest of the older population, and this group has traditionally been reluctant to seek assistance. Additionally, many of these people are living in rural areas of the country, creating special barriers to information access.

It has been conclusively established in community after community that the only effective method of reaching them with new programs and services is direct mail followed by personal contact. Your letter to Senator McGovern mentioned a 1,500 person test of a self-help mailing, which produced a substantial response. But it also demonstrated the absolute necessity for a mailing follow-up to insure that no eligible person is left uninformed or is inadvertently left out of the program.

When Congress passed H.R. 1 in 1972, the intent was to place a minimum floor under the income of every senior citizen, handicapped or disabled person in the country. It was not contemplated that anyone would be excluded because "administrative needs" take precedence over urgent human needs. It has come to our attention that various efforts may be attempted by the different states and the Administration on Aging to reach those individuals who will qualify for the Supplemental Security Income Program. We have also read that the Social Security Administration is planning to do some mailing to high poverty urban areas. However, we have yet to publicly hear of most of these programs.

Mr. Secretary, we request that you provide us with a complete description of the Supplemental Security Income outreach program to be implemented in the next twelve months. Also, please include any and all short and long range plans in this regard with specific details where available.

A speedy reply to our letter will be appreciated as the date for the initiation of the program is not far off.

With all good wishes, we are,
Sincerely,

DICK CLARK.
ALAN CRANSTON.
ABRAHAM RIBICOFF.
GEORGE MCGOVERN.

U.S. SENATE,
Washington, D.C., July 18, 1973.

Mr. SUMNER G. WHITTIER,
Director, Bureau of Supplemental Security Income, Social Security Administration, Baltimore Md.

DEAR MR. WHITTIER: From the information I have available. I think you have made some significant progress thus far on the implementation of the Supplemental Security Income Program. I regard it as an important step forward in our continuing effort to provide a more adequate financial foundation for this nation's older and handicapped citizens.

There is, however, one area in which I would appreciate additional information. H.R. 1 did not specify a particular outreach program and did not specifically authorize funds for this purpose. However, in testifying before the Senate Special Committee on Aging in January, former SSA Commissioner Ball spoke of outreach. He said that 90% of the three million newly eligible persons in the country could be found on the rolls of Social Security and Medicare. After "whittling" down this group by removing persons who are obviously ineligible, Mr. Ball indicated that SSA would mail to about eight million individuals letters informing them of the program. Has this mailing been accomplished? If not, is it planned and/or are there alternative proposals to reach this group? Mr. Ball further indicated that working with senior citizens groups and others, SSA would follow up the returns from the mailing to actually enroll individuals in the SSI program. Is this still planned?

Mr. Ball also noted that there are somewhere between two and three hundred thousand potential eligibles who could not be located in this manner. To reach them, he said, "we will make use of general information materials and work with organizations that are in touch with older people, the blind and disabled, and with nursing homes just as we did with Medicare. A very widespread effort will be made . . . as we think we have an obligation . . ." I would like to know if this is still a part of the program, what the costs and methods are for reaching this specialized group as well as the larger group of eight million.

Any information your office can provide on the present and future status of the outreach program would be very much appreciated.

With every good wish, I am,
Sincerely,

GEORGE MCGOVERN.

SEPTEMBER 13, 1973.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: I am sorry for the delay in responding to your letter of July 18 addressed to Mr. Summer G. Whittier asking for information about our efforts to reach potential eligibles of the supplemental security income program.

We certainly share your concern that needy aged, blind, and disabled people be made aware of and receive all possible assistance from the supplemental security income program. The new program is, in part, a replacement of existing State run programs for the aged, blind, and disabled, and a little over half of the estimated number of people who will receive supplemental security income payments as of January 1974 are already receiving State welfare payments. These people, about 3 million, are being automatically considered for benefits under the new program. This conversion effort, I am happy to report, is going extremely well. The latest information shows that the initial control file has been received for all State and local welfare jurisdictions and that the process of verification of the information is moving ahead on schedule. For this group of people, we want the transition to the new program to be smooth and to take place without causing them any anxieties. We are fully confident that this will be done.

To reach these people who might be eligible for SSI payments and who are now not receiving public assistance, we have developed a deliberate pinpointed information program which is closely tied to admistrative needs as well as our concern for the rights of potentially eligible persons. The seven most important elements of this program are:

1. Systematic coordination with selected groups and organizations identified with the aged, blind, and disabled.
2. Briefings of local press and issuance at the local level of news releases about specific events in the claims-taking process.
3. Highly selective cooperative communications efforts with special media such as Black and Spanish-language radio stations.
4. Timely reporting by district managers to key local groups.
5. Regular contacts with welfare professionals and similar interested parties.
6. Notice to present State recipients of the new system. Messages will be tailored to meet individual State needs.
7. Information materials available at our district offices to all persons on request who seek more details on the program, including self-screening materials to reduce nonproductive pre-claims interviews.

The implementation of this strategy is well under way. Earlier this year, we brought together in Baltimore a large gathering of national volunteer organizations whose constituents are the aged, blind, and disabled. The new program was explained to them and channels of future communications with them were established. Since that time, we have solidified our contacts with some 15 national organizations which work most closely with the needy aged, blind, and disabled. These organizations have highly effective grassroots components which are in contact with potential eligibles for SSI payments. We are getting cooperative, productive

assistance in our proposals to have local chapters train local level staff people in the basic provisions of the program, to distribute information, and to answer questions, and we are confident that this method will prove effective in getting the message to the greatest number of potential eligibles and will even reach those very poor who would not be reached by any other means. Besides these volunteer organizations, local State public assistance offices are referring potentially eligible people to their social security offices where they are given full information about the program. As a result of our press releases, initial articles about the supplemental security income program have already appeared in about 500 newspapers nationwide. These stories have succeeded in spurring an initial flow of inquiries and applications for benefits. We are also putting out weekly information packages to be used by our local offices in their contacts with the media. Naturally, as we move forward and identify situations where special public information efforts appear necessary, we will be ready to act to assure that those in need receive word on the program.

I appreciate knowing of your interest in the status of the proposed outreach program outlined very early in our planning by former Commissioner Ball in his testimony. Because we came to have doubts about the efficiency and timing of so massive a campaign, a test was run to determine its feasibility. A mailing early this year to 1,500 randomly selected potentially eligible social security beneficiaries was made. Only half of those responded. Of these, only six would have been entitled to supplemental security income payments on the basis of the applications they completed by mail with self-help. Follow-up interviews conducted with all 1,500 persons in the sample identified only 167 others who could qualify for benefits. The disappointing results of this test indicated to us that a self-screening process would not have proved effective without a much greater commitment of manpower resources than was originally envisioned. Moreover, the timing of the proposed effort proved to be completely out-of-phase with the need for State decisions on supplementation.

Because SSA staff is now engaged in an increasingly complex make-ready period which is causing ever-increasing demands on our manpower—particularly in local social security offices where the follow-up on the self-screening project would have to be carried out—our plans for a nationwide effort of this kind had to be reconsidered. We will be evaluating the results of the comprehensive program outlined in the seven points above. We will also consider the possible effectiveness of mailing special self-screening information packages on a selective basis to people living in high poverty areas. These would be people who are receiving low social security benefits, who do not appear to be receiving public assistance and who have not yet filed for SSI.

Thank you for writing me of your concerns. I think you can see from the above information that we are committed to seeing that the assistance this program offers is made known to the special public it is designed to serve.

With best regards,

Sincerely yours,

ARTHUR E. HESS,
Acting Commissioner of Social Security.

RATIONING WILL NOT CURE THE FUEL SHORTAGE

Mr. HANSEN. Mr. President, during the debate on the National Energy Emergency Act several Senators, including myself, argued against mandatory rationing of gasoline or anything else for that matter.

I noted in the Wall Street Journal of November 26 that our views are not only shared but fortified by those of the eminent economist and former Chairman of the President's Council of Economic Advisers.

Dr. Paul W. McCracken says:

A rationing program in practice would waste gasoline and oil because simplistic and across-the-board rules, inevitable in such a broadside program, would put substantial amounts of these scarce products into the hands of those for whom the need would be of secondary urgency.

A more unfortunate aspect of rationing would be its adverse effect on public morality. If there is one lesson to be drawn from experience with these programs it is that black markets would flourish. Thus those with "flexible" standards of morality, or who have political pull, or who can work some other angle will do relatively well, while the ordinary decent citizen will wind up with the dry gasoline or oil tank.

Dr. McCracken predicts:

Rationing which starts out as a holding action during a shortage, will ineluctably prolong the shortage.

During the weeks immediately ahead decisions will be made about energy that will in quite fundamental ways shape not only our economy but also the future course of American life, and there is an uncomfortably high probability that we shall set ourselves on a course of action that will be difficult to reverse and bitterly regretted.

Mr. President, I believe all Senators could benefit from reading the full text of Dr. McCracken's views on rationing so that we in this body would be better informed and avoid setting ourselves on the wrong course of action. I ask unanimous consent that the article be printed in the RECORD.

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

COUPON BOOK ECONOMICS

(By Paul W. McCracken)

During the weeks immediately ahead decisions will be made about energy that will in quite fundamental ways shape not only our economy but also the future course of American life. And there is an uncomfortably high probability that we shall set ourselves on a course of action that will be difficult to reverse and bitterly regretted.

That we confront a difficult energy problem is clear enough. We are consuming oil at the rate of just over 17 million barrels per day. Domestic production is about 11 million and not rising. Directly and indirectly roughly one-third of the six million that must be imported has been coming from the embargo area. The annual growth in demand could be expected to add roughly another million barrels per day to our requirements, and this also would in the normal course of things have come from the Persian Gulf because that is where the oil is.

This confronts us with a tough problem, one whose gravity is not to be minimized. Looking toward the year ahead we have a shortfall in probable petroleum supply of 15% to 20% relative to normal demand, and oil and gas in turn supply roughly half of our energy requirements. When we remember that a spot shortage at one point can have domino effects in other directions, the large potential that this shortage has for disorganizing our economic life becomes apparent. But for a nail . . . some kingdoms can be lost.

What should our energy programs do for us? What are the guidelines for determining what we should do and should not do? Precisely because the problem is so urgent we need to take time enough to perceive the longer run consequences of our short run actions. We have this problem of energy today in part because we did not take time a few years ago to think through the longer range results of some immediate actions. In a seizure of evangelical fervor, for example, we charged mindlessly ahead on some environmental standards that were clearly building up requirements for oil and gas which could not be met even before the Mideast war. The result of this theologization of environmental programs, which tended to treat questions about consequences almost with contempt or as sin, is that as these painful consequences now become more apparent the perfectly good cause of having regard for our environment is threatened with being discredited. If so it will have hard going to recover support from a public understandably suspicious because of having been burned once.

There will in this urgent energy problem again be a tendency to act as if the problem is so urgent that we must mount our steed and ride instantly off at top speed without even taking time to make sure that we are headed in the right direction.

SOME SOCIAL VALUES

Efforts at voluntary conservation are, of course, commendable. There are even social values to be derived at these joint efforts for the common good. And there can be no doubt that habits about energy use, reflecting quite rational responses to cheap energy prices (and not, as some comments seem to suggest, a new variant of original sin), have led to some uses that can readily be curtailed. Indeed, it is possible that something approaching halt of our shortfall could be taken up by such careful using of energy more sparingly.

Rationing commends itself to many as the way to handle the remainder of the job. It seems fair because "everybody would be treated alike."

If we do go into rationing, certain predictions can confidently be made. One is that what starts out as "treating everybody alike" will be a program that each citizen is sure is discriminating against him. For one thing there is infinite variation in people's situations. Giving everybody X gallons per week, or even everybody in Z category X gallons, will be just fine for the inactive family whose car spends most of its time getting dusty in the garage; and it might be lethal for the active family using the car for all manner of things. There is a way to use this enormous variation in individual situations, but more of that later.

The result is that a rationing program in practice would waste gasoline and oil because simplistic and across-the-board rules, inevitable in such a broadside program, would put substantial amounts of these scarce products into the hands of those for whom the need would be of secondary urgency.

A more unfortunate aspect of rationing would be its adverse effect on public morality. If there is one lesson to be drawn from experience with these programs it is that black markets would flourish. Thus those with "flexible" standards of morality, or who have political pull, or who can work some other angle will do relatively well, while the ordinary decent citizen will wind up with the dry gasoline or oil tank. Economies that are managed by license and edict and coupon books are also economies with pervasive corruption and graft. This is no accident. Those possessing the authority to grant favorable decisions possess something of great value, and there will be growing numbers

who are willing to pay the price. All they will need to do is look around them to conclude that almost "everybody does it."

The major weakness of the rationing approach is that it slows down the process of curing the problem. Businesses inevitably will be reluctant to commit capital for products that are to be sold in a rationed market. It is one thing to bet one's ability to match wits with market forces and quite another to bet against the vagaries of government decisionmaking.

Rationing, which starts out as a holding action during a shortage, will ineluctably prolong the shortage.

Another approach for dealing with the shortage is the imposition of a stiff tax on gasoline and fuel oil. This would be vastly superior to rationing. It encourages every user to examine his own unique and peculiar combination of circumstances for ways to use scarce, high-priced products more sparingly. There is the usual skepticism about whether a higher price would have much effect, but the limited factual evidence available suggests that with something like a 20-cent-per-gallon tax on gasoline the shrinkage in use would bring demand into balance with limited supplies even with the absence of Mideast oil. And this would "treat everybody alike" in the meaningful sense that the intensity of pain for the last gallon given up in each case would be more nearly equal for all people than with rationing. It would use these scarce resources more efficiently.

This tax approach has two drawbacks. One is that an increase in price would hit lower income groups harder than those with high incomes. This is less certain than seemingly obvious. A lower income family (e.g., a retired couple) may find it easy to avoid the problem by curtailing use while a family with a larger income and less ability to cut usage will feel the bite. Moreover, there are far more effective ways directly to take care of society's quite legitimate concern about income distribution than to paralyze the pricing system. In this specific case, for example, we could have a rising deduction from income taxes going down the income scale with the credit payable in cash if it exceeded the income tax liability. The better approach, of course, would be to have a full-scale income maintenance program.

The more serious though less obvious drawback of the tax approach is that it does nothing to cure the fundamental need for enlarging our supply capability. It uses the pricing system to ferret out usages of secondary importance, but it does not use the pricing system to make a commitment of capital into energy production more profitable. Thus it would be a policy to allocate scarcity but not to eliminate it.

This leads to the third approach. Ever since the pricing system was invented, there has been a way to handle the shortage while fundamental forces are being set to work to correct it. What Americans most need now is enough clear-headedness at both ends of Pennsylvania Avenue so that higher prices for energy can start to get us more oil and gas. This will mean higher profits for the energy companies, but the U.S. Treasury will be a majority participant in the increased profits.

Here we do need to keep some specific facts in perspective. During the last decade the real retail price of gasoline excluding taxes (i.e., this price adjusted to allow for changes in the value of the dollar generally) declined 8% and during the last two years the real price of gasoline has declined almost 8%. A change in the ever more bargain basement character of these prices was about due in any case.

Of the three ways to regain balances between demand and more limited supplies, an outright higher price would be most effective and rationing at the outset would be most attractive (and, in the end, most disappointing). We have, therefore, a good chance that within the next few months rationing of gasoline and fuel oil will be adopted. Is there anything that can be done to minimize its perverse effects? Not much. Rationing, particularly peacetime rationing, almost inherently works badly and encourages black-marketeering, corruption, and waste.

AVOIDING A BLACK MARKET

One modification of the rationing system would, however, be helpful if the political process insists on going down that road. That would be to allow gasoline coupons to be freely bought and sold. In this way gasoline would be utilized for the most urgently felt needs. There would more nearly be equal sacrifice "at the margin." There would be no black market. And demand for gasoline would still be held in the aggregate to supplies available if the right total amount of coupons had been issued.

After this system operated for awhile, we would begin to perceive that what we had was a free market for gasoline plus a slightly disguised income redistribution program. It might then occur to us that we should have a straightforward income distribution program plus the straightforward superiority of the price system in free and open markets to handle the economy's allocations function.

If we could be sure of that result, a bout with rationing would almost be tempting.

JOHN F. KENNEDY—NOVEMBER 22, 1963

Mr. BENTSEN. Mr. President, November 22 marked the 10th anniversary of the assassination of President John F. Kennedy in Dallas, Tex.

As one who served with John Kennedy in the House, who worked for the Kennedy-Johnson ticket as a Texas finance chairman, I shall always have a clear memory of President Kennedy's service to the country and of the sense of loss we all felt at his death. The goals President Kennedy set for this country and the measures he initiated to achieve them still benefit the Nation today and continue to give us hope for tomorrow. I think the word to describe his life must be service—as he once expressed to a group of young Catholic Youth Organization delegates in New York:

But look at all the sections of the United States, in our large cities, in eastern Kentucky, parts of southern Illinois, parts of Ohio, West Virginia, where people live lives of desperation without hope; they look to this country, they look to you and they look to me to serve. So I hope that all of you will serve—serve not only your families and your Church, but also serve this country. It deserves the best. It has been very generous to us all. And we must be generous in return.

At a time of trouble for this country that has rarely been matched in our history, we should reflect on those words and on the lessons of example that the President left us.

I ask unanimous consent, Mr. President, that the text of President Kennedy's acceptance speech at the 1960 Democratic National Convention, his inaugural address and his remarks that were intended for delivery on November 22 in Dallas may be printed in the RECORD.

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

THE DEMOCRATIC NATIONAL CONVENTION ACCEPTANCE ADDRESS

(By John F. Kennedy)

With a deep sense of duty and high resolve, I accept your nomination. I accept it with a full and grateful heart—without reservation—and with only one obligation—the obligation to devote every effort of body, mind and spirit to lead our party back to victory and our nation back to greatness.

I am grateful, too, that you have provided me with such an eloquent statement of our party's platform. Pledges which are made so eloquently are made to be kept. "The rights of man"—the civil and economic rights essential to the human dignity of all men—are indeed our goal and our first principles. This is a platform on which I can run with enthusiasm and conviction.

And I am grateful, finally, that I can rely in the coming months on so many others—on a distinguished running-mate who brings unity to our ticket and strength to our platform, Lyndon Johnson—on one of the most articulate statesmen of our time, Adlai Stevenson—on a great spokesman for our needs as a nation and a people, Stuart Symington—and on that fighting campaigner whose support I welcome, President Harry S. Truman.

I feel a lot safer now that they are on my side again. And I am proud of the contrast with our Republican competitors. For their ranks are apparently so thin that not one challenger has come forth with both the competence and the courage to make theirs an open convention.

I am fully aware of the fact that the Democratic party, by nominating someone of my faith, has taken on what many regard as a new and hazardous risk—new, at least, since 1928. But I look at it this way:

The Democratic Party has once again placed its confidence in the American people, and in their ability to render a free, fair judgment.

And you have, at the same time, placed your confidence in me, and in my ability to render a free, fair judgment—to uphold the Constitution and my oath of office—and to reject any kind of religious pressure or obligation that might directly or indirectly interfere with my conduct of the Presidency in the national interest.

My record of fourteen years supporting public education—supporting complete separation of church and state—and resisting pressures from any source on any issue should be clear by now to everyone.

I hope that no American, considering the really critical issues facing this country, will waste his franchise by voting either for me or against me solely on account of my religious affiliation. It is not relevant, I want to stress, what some other political or religious leader may have said on this subject. It is not relevant what abuses may have existed in other countries or in other times. It is not relevant what pressures, if any, might conceivably be brought to bear on me.

I am telling you now what you are entitled to know:

That my decisions on every public policy will be my own—as an American, a Democrat and a free man.

Under any circumstances, however, the victory we seek in November will not be easy. We all know that in our hearts. We recognize the power of the forces that will be aligned against us. We know they will invoke the name of Abraham Lincoln on behalf of their candidate—despite the fact that his political career has often seemed to show charity toward none and malice for all.

We know that it will not be easy to campaign against a man who has spoken or voted on every known side of every known issue. Mr. Nixon may feel it is his turn now, after

the New Deal and the Fair Deal—but before he deals, someone had better cut the cards.

That "someone" may be the millions of Americans who voted for President Eisenhower but balk at his would-be, self-appointed successor. For just as historians tell us that Richard I was not fit to fill the shoes of bold Henry II—and that Richard Cromwell was not fit to wear the mantle of his uncle—they might add in future years that Richard Nixon did not measure to the footsteps of Dwight D. Eisenhower.

Perhaps he could carry on the party policies—the policies of Nixon, Benson, Dirksen and Goldwater. But this nation cannot afford such a luxury. Perhaps we could afford a Coolidge following Harding. And perhaps we could afford a Pierce following Fillmore.

But after Buchanan this nation needed a Lincoln—after Taft, we needed a Wilson—after Hoover we needed Franklin Roosevelt—and after eight years of drugged and fitful sleep, this nation needs strong, creative Democratic leadership in the White House.

But we are not merely running against Mr. Nixon. Our task is not merely one of itemizing Republican failures. Nor is that wholly necessary. For the families forced from the farm will know how to vote without our telling them. The unemployed miners and textile workers will know how to vote. The old people without medical care—the families without a decent home—the parents of children without adequate food or schools—they all know that it's time for a change.

But I think the American people expect more from us than cries of indignation and attack. The times are too grave, the challenge too urgent, and the stakes too high—to permit the customary passions of political debate. We are not here to curse the darkness, but to light the candle that can guide us through that darkness to a safe and sane future. As Winston Churchill said on taking office some twenty years ago:

"If we open a quarrel between the present and past, we shall be in danger of losing the future."

Today our concern must be with that future. For the world is changing. The old era is ending. The old ways will not do.

Abroad, the balance of power is shifting. There are new and more terrible weapons—new and uncertain nations—new pressures of population and deprivation. One-third of the world, it has been said, may be free—but one-third is the victim of cruel repression—and the other one-third is rocked by the pangs of poverty, hunger and envy. More energy is released by the awakening of these new nations than by the fission of the atom itself.

Meanwhile, Communist influence has penetrated further into Asia, stood astride the Middle East and now festers some ninety miles off the coast of Florida. Friends have slipped into neutrality—and neutrals into hostility. As our keynoter reminded us, the President who began his career by going to Korea ends it by staying away from Japan.

The world has been close to war before—but now man, who has survived all previous threats to his existence, has taken into his mortal hands the power to exterminate the entire species some seven times over.

Here at home, the changing fact of the future is equally revolutionary. The New Deal and the Fair Deal were bold measures for their generations—but this is a new generation.

A technological revolution on the farm has led to an output explosion—but we have not yet learned to harness that explosion usefully, while protecting our farmers' right to full parity income.

An urban population revolution has overcrowded our schools, cluttered up our suburbs, and increased the squalor of our slums.

A peaceful revolution for human rights—demanding an end to racial discrimination in all parts of our community life—has strained at the leashes imposed by timid Executive leadership.

A medical revolution has extended the life of our elder citizens without providing the dignity and security those later years deserve. And a revolution of automation finds machines replacing men in the mines and mills of America, without replacing their income or their training or their need to pay the family doctor, grocer and landlord.

There has also been a change—a slippage—in our intellectual and moral strength. Seven lean years of drouth and famine have withered the field of ideas. Blight has descended on our regulatory agencies—and a dry rot, beginning in Washington, is seeping into every corner of America—in the payola mentality, the expense account way of life, the confusion between what is legal and what is right. Too many Americans have lost their way, their will and their sense of historic purpose.

It is time, in short, for a new generation of leadership—new men to cope with new problems and new opportunities.

All over the world, particularly in the newer nations, young men are coming to power—men who are not bound by the traditions of the past—men who are not blinded by the old fears and hates and rivalries—young men who can cast off the old slogans and delusions and suspicions.

The Republican nominee-to-be, of course, is also a young man. But his approach is as old as McKinley. His party is the party of the past. His speeches are generalities from Poor Richard's Almanac. Their platform, made up of left-over Democratic planks, has the courage of our old convictions. Their pledge is a pledge to the status quo—and today there can be no status quo.

For I stand tonight facing west on what was once the last frontier. From the lands that stretch 3,000 miles behind me, the pioneers of old gave up their safety, their comfort and sometimes their lives to build a new world here in the West.

They were not the captives of their own doubts, the prisoners of their own price tags. Their motto was not "every man for himself"—but "all for the common cause." They were determined to make that new world strong and free, to overcome its hazards and its hardships, to conquer the enemies that threatened from without and within.

Today some would say that those struggles are all over—that all the horizons have been explored—that all the battles have been won—that there is no longer an American frontier.

But I trust that no one in this vast assemblage will agree with those sentiments. For the problems are not all solved and the battles are not all won—and we stand today on the edge of a new frontier—the frontier of the 1960's—a frontier of unknown opportunities and perils—a frontier of unfulfilled hopes and threats.

Woodrow Wilson's New Freedom promised our nation a new political and economic framework. Franklin Roosevelt's New Deal promised security and succor to those in need. But the New Frontier of which I speak is not a set of promises—it is a set of challenges. It sums up not what I intend to offer the American people, but what I intend to ask of them. It appeals to their pride, not their pocketbook—it holds out the promise of more sacrifice instead of more security.

But I tell you the New Frontier is here, whether we seek it or not. Beyond that frontier are uncharted areas of science and space, unsolved problems of peace and war, unconquered pockets of ignorance and prejudice, unanswered questions of poverty and surplus.

It would be easier to shrink back from that frontier, to look to the safe mediocrity of the past, to be lulled by good intentions and high rhetoric—and those who prefer that course should not cast their votes for me, regardless of party.

But I believe the times demand invention, innovation, imagination, decision. I am asking each of you to be new pioneers on that New Frontier. My call is to the young in heart, regardless of age—to the stout in spirit, regardless of party—to all who respond to the scriptural call:

"Be strong and of good courage; be not afraid, neither be thou dismayed."

For courage—not complacency—is our need today—leadership—not salesmanship. And the only valid test of leadership is the ability to lead, and lead vigorously. A tired nation, said David Lloyd George, is a tory nation—and the United States today cannot afford to be either tired or tory.

There may be those who wish to hear more—more promises to this group or that—more harsh rhetoric about the men in the Kremlin—more assurances of a golden future, where taxes are always low and subsidies ever high. But my promises are in the platform you have adopted. Our ends will not be won by rhetoric and we can have faith in the future only if we have faith in ourselves.

For the harsh facts of the matter are that we stand on this frontier at a turning-point in history. We must prove all over again whether this nation—or any nation so conceived—can long endure—whether our society—with its freedom of choice, its breadth of opportunity, its range of alternatives—can compete with the single-minded advance of the Communist system.

Can a nation organized and governed such as ours endure? That is the real question. Have we the nerve and the will? Can we carry through in an age where we will witness not only new breakthroughs in weapons of destruction—but also a race for mastery of the sky and the rain, the ocean and the tides, the far side of space and the inside of men's minds?

Are we up to the task? Are we equal to the challenge? Are we willing to match the Russian sacrifice of the present for the future? Or must we sacrifice our future in order to enjoy the present?

That is the question of the New Frontier. That is the choice our nation must make—a choice that lies not merely between two men or two parties, but between the public interest and private comfort—between national greatness and national decline—between the fresh air of progress and the stale, dank atmosphere of "normalcy"—between determined dedication and creeping mediocrity.

All mankind waits upon our decision. A whole world looks to see what we will do. We cannot fail their trust; we cannot fail to try.

It has been a long road from that first snowy day in New Hampshire to this crowded convention city. Now begins another long journey, taking me into your cities and homes all over America. Give me your help, your hand, your voice, your vote. Recall with me the words of Isaiah:

"They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary."

As we face the coming challenge, we too, shall wait upon the Lord and ask that He renew our strength. Then shall we be equal to the test. Then we shall be weary. And then we shall prevail.

INAUGURAL ADDRESS, JANUARY 20, 1961

[Delivered in person at the Capitol]

Vice President Johnson, Mr. Speaker, Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, Reverend Clergy, fellow citizens:

We observe today not a victory of party but a celebration of freedom—symbolizing an end as well as a beginning—signifying renewal as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago.

The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state but from the hand of God.

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world.

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

This much we pledge—and more.

To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of cooperative ventures. Divided, there is little we can do—for we dare not meet a powerful challenge at odds and split asunder.

To those new states whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.

To those people in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds—in a new alliance for progress—to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this Hemisphere intends to remain the master of its own house.

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run.

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request; that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate.

Let both sides explore what problems unite us instead of belaboring those problems which divide us.

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations.

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths and encourage the arts and commerce.

Let both sides unite to heed in all corners of the earth the command of Isaiah—to "undo the heavy burdens . . . (and) let the oppressed go free."

And if a beach-head of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved.

All this will not be finished in the first one hundred days. Nor will it be finished in the first one thousand days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us begin.

In your hands, my fellow citizens, more than mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe.

Now the trumpet summons us again—not as a call to bear arms, though arms we need—not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle, year in and year out, "rejoicing in hope, patient in tribulation"—a struggle against the common enemies of man: tyranny, poverty, disease and war itself.

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country.

My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man.

Finally, whether you are citizens of America or citizens of the world, ask of us here the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

REMARKS PREPARED FOR DELIVERY AT THE TRADE MART IN DALLAS, NOVEMBER 22, 1963

I am honored to have this invitation to address the annual meeting of the Dallas Citizens Council, joined by the members of the Dallas Assembly—and pleased to have this opportunity to salute the Graduate Research Center of the Southwest.

It is fitting for these two symbols of Dallas progress are united in the sponsorship of this meeting. For they represent the best qualities, I am told, of leadership and learning in this city—and leadership and learning are indispensable to each other. The advancement of learning depends on community leadership for financial and political support, and the products of that learning, in turn, are essential to the leadership's hopes for continued progress and prosperity. It is not a coincidence that those communities possessing the best in research and graduate facilities—from MIT to Cal Tech—tend to attract the new and growing industries. I congratulate those of you here in Dallas who have recognized these basic facts through the creation of the unique and forward-looking Graduate Research Center.

This link between leadership and learning is not only essential at the community level. It is even more indispensable in world affairs. Ignorance and misinformation can handicap the progress of a city or a company, but they can, if allowed to prevail in foreign policy, handicap this country's security. In a world of complex and continuing problems, in a world full of frustrations and irritations, America's leadership must be guided by the lights of learning and reason—or else those who confuse rhetoric with reality and the plausible with the possible will gain the popular ascendancy with their seemingly swift and simple solutions to every world problem.

There will always be dissident voices heard in the land, expressing opposition without alternatives, finding fault but never favor, perceiving gloom on every side and seeking influence without responsibility. Those voices are inevitable.

But today other voices are heard in the land—voices preaching doctrines wholly unrelated to reality, wholly unsuited to the sixties, doctrines which apparently assume that words will suffice without weapons, that vituperation is as good as victory and that peace is a sign of weakness. At a time when the national debt is steadily being reduced in terms of its burden on our economy, they see that debt as the greatest single threat to our security. At a time when we are steadily reducing the number of Federal employees serving every thousand citizens, they fear those supposed hordes of civil servants far more than the actual hordes of opposing armies.

We cannot expect that everyone, to use the phrase of a decade ago, will "talk sense to the American people." But we can hope that fewer people will listen to nonsense. And the notion that this Nation is headed for defeat through deficit, or that strength is but a matter of slogans, is nothing but just plain nonsense.

I want to discuss with you today the status of our strength and our security because this question clearly calls for the most r sponsible qualities of leadership and the most enlightened products of scholarship. For this Nation's strength and security are not easily or cheaply obtained, nor are they quickly and simply explained. There are many kinds of strength and no one kind will suffice. Overwhelming nuclear strength cannot stop a

guerrilla war. Formal pacts of alliance cannot stop internal subversion. Displays of material wealth cannot stop the disillusionment of diplomats subjected to discrimination.

Above all, words alone are not enough. The United States is a peaceful nation. And where our strength and determination are clear, our words need merely to convey conviction, not belligerence. If we are strong, our strength will speak for itself. If we are weak, words will be of no help.

I realize that this Nation often tends to identify turning-points in world affairs with the major addresses which preceded them. But it was not the Monroe Doctrine that kept all Europe away from this hemisphere—it was the strength of the British fleet and the width of the Atlantic Ocean. It was not General Marshall's speech at Harvard which kept communism out of Western Europe—it was the strength and stability made possible by our military and economic assistance.

In this administration also it has been necessary at times to issue specific warnings—warnings that we could not stand by and watch the Communists conquer Laos by force, or intervene in the Congo, or swallow West Berlin, or maintain offensive missiles on Cuba. But while our goals were at least temporarily obtained in these and other instances, our successful defense of freedom was due not to the words we used, but to the strength we stood ready to use on behalf of the principles we stand ready to defend.

This strength is composed of many different elements, ranging from the most massive deterrents to the most subtle influences. And all types of strength are needed—no one kind could do the job alone. Let us take a moment, therefore, to review this Nation's progress in each major area of strength.

First, as Secretary McNamara made clear in his address last Monday, the strategic nuclear power of the United States has been so greatly modernized and expanded in the last 1,000 days, by the rapid production and deployment of the most modern missile systems, that any and all potential aggressors are clearly confronted now with the impossibility of strategic victory—and the certainty of total destruction—if by reckless attack they should ever force upon us the necessity of a strategic reply.

In less than 3 years, we have increased by 50 percent the number of Polaris submarines scheduled to be in force by the next fiscal year, increased by more than 70 percent our total Polaris purchase program, increased by more than 75 percent our Minuteman purchase program, increased by 50 percent the portion of our strategic bombers on 15-minute alert, and increased by 100 percent the total number of nuclear weapons available in our strategic alert forces. Our security is further enhanced by the steps we have taken regarding these weapons to improve the speed and certainty of their response, their readiness at all times to respond, their ability to survive an attack, and their ability to be carefully controlled and directed through secure command operations.

But the lessons of the last decade have taught us that freedom cannot be defended by strategic nuclear power alone. We have, therefore, in the last 3 years accelerated the development and deployment of tactical nuclear weapons, and increased by 60 percent the tactical nuclear forces deployed in Western Europe.

Nor can Europe or any other continent rely on nuclear forces alone, whether they are strategic or tactical. We have radically improved the readiness of our conventional forces—increased by 45 percent the number of combat ready Army divisions, increased by 100 percent the procurement of modern Army weapons and equipment, increased by 100 percent our ship construction, conversion, and modernization program, increased by 100 percent our procurement of tactical aircraft, increased by 30 percent the number of tactical air squadrons, and increased the strength of the Marines. As last month's "Operation Big Lift"--which originated here in Texas—showed so clearly, this Nation is prepared as never before to move substantial numbers of men in surprisingly little time to advanced positions anywhere in the world. We have increased by 175 percent the procurement of airlift aircraft, and we have already achieved a 75 percent increase in our existing strategic airlift capability. Finally, moving beyond the traditional roles of our military forces, we have achieved an increase of nearly 600 percent in our special forces—those forces that are prepared to work with our allies and friends against the guerrillas, saboteurs, insurgents and assassins who threaten freedom in a less direct but equally dangerous manner.

But American military might should not and need not stand alone against the ambitions of international communism. Our security and strength, in the last analysis, directly depend on the security and strength of others, and that is why our military and economic assistance plays such a key role in enabling those who live on the periphery of the Communist world to maintain their independence of choice. Our assistance to these nations can be painful, risky and costly, as is true in Southeast Asia today. But we dare not weary of the task. For our assistance makes possible the stationing of 3.5 million allied troops along the Communist frontier at one-tenth the cost of maintaining a comparable number of American soldiers. A successful Communist breakthrough in these areas, necessitating direct United States intervention, would cost us several times as much as our entire foreign aid program, and might cost us heavily in American lives as well.

About 70 percent of our military assistance goes to nine key countries located on or near the borders of the Communist bloc—nine countries confronted directly or indirectly with the threat of Communist aggression—Viet-Nam, Free China, Korea, India, Pakistan, Thailand, Greece, Turkey, and Iran. No one of these countries possesses on its own the resources to maintain the forces which our own Chiefs of Staff think needed in the common interest. Reducing our efforts to train, equip, and assist their armies can only encourage Communist penetration and require in time the increased overseas deployment of American combat forces. And reducing the economic help needed to bolster thse nations that undertake to help defend freedom can have the same disastrous result. In short, the $50 billion we spend each year on our own defense could well be ineffective without the $4 billion required for military and economic assistance.

Our foreign aid program is not growing in size, it is, on the contrary, smaller now than in previous years. It has had its weaknesses, but we have undertaken to correct them. And the proper way of treating weaknesses is to replace them with strength, not to increase those weaknesses by emasculating essential programs. Dollar for dollar, in or out of government, there is no better form of investment in our national security than our much-abused foreign aid program. We cannot afford to lose it. We can afford to maintain it. We can surely afford, for example, to do as much for our 19 needy neighbors of Latin America as the Communist bloc is sending to the island of Cuba alone.

I have spoken of strength largely in terms of the deterrence and resistance of aggression and attack. But, in today's world, freedom can be lost without a shot being fired, by ballots as well as bullets. The success of our leadership is dependent upon respect for our mission in the world as well as our missiles—on a clearer recognition of the virtues of freedom as well as the evils of tyranny.

That is why our Information Agency has doubled the shortwave broadcasting power of the Voice of America and increased the number of broadcasting hours by 30 percent, increased Spanish language broadcasting to Cuba and Latin America from 1 to 9 hours a day, increased seven-fold to more than 3.5 million copies the number of American books being translated and published for Latin American readers, and taken a host of other steps to carry our message of truth and freedom to all the far corners of the earth.

And that is also why we have regained the initiative in the exploration of outer space, making an annual effort greater than the combined total of all space activities undertaken during the fifties, launching more than 130 vehicles into earth orbit, putting into actual operation valuable weather and communications satellites, and making it clear to all that the United States of America has no intention of finishing second in space.

This effort is expensive—but it pays its own way, for freedom and for America. For there is no longer any fear in the free world that a Communist lead in space will become a permanent assertion of supremacy and the basis of military superiority. There is no longer any doubt about the strength and skill of American science, American industry, American education, and the American free enterprise system. In short, our national space effort represents a great gain in, and a great resource of, our national strength—and both Texas and Texans are contributing greatly to this strength.

Finally, it should be clear by now that a nation can be no stronger abroad than she is at home. Only an America which practices what it preaches about equal rights and social justice will be respected by those whose choice affects our future. Only an America which has fully educated its citizens is fully capable of tackling the complex problems and perceiving the hidden dangers of the world in which we live. And only an America which is growing and prospering economically can sustain the worldwide defenses of freedom, while demonstrating to all concerned the opportunities of our system and society.

It is clear, therefore, that we are strengthening our security as well as our economy by our recent record increases in national income and output—by surging ahead of most of Western Europe in the rate of business expansion and the margin of corporate profits, by maintaining a more stable level of prices than almost any of our overseas competitors, and by cutting personal and corporate income taxes by some $11 billion, as I have proposed, to assure this Nation of the longest and strongest expansion in our peacetime economic history.

This Nation's total output—which 3 years ago was at the $500 billion mark—will soon pass $600 billion, for a record rise of over $100 billion in 3 years. For the first time in history we have 70 million men and women at work. For the first time in history average factory earnings have exceeded $100 a week. For the first time in history corporation profits after taxes—which have risen 43 percent in less than 3 years—have an annual level of $27.4 billion.

My friends and fellow citizens: I cite these facts and figures to make it clear that America today is stronger than ever before. Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigilance cannot be relaxed. But now we have the military, the scientific, and the economic strength to do whatever must be done for the preservation and promotion of freedom.

That strength will never be used in pursuit of aggressive ambitions—it will always be used in pursuit of peace. It will never be used to promote provocations—it will always be used to promote the peaceful settlement of disputes.

We in this country, in this generation, are—by destiny rather than choice—the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility, that we may exercise our strength with wisdom and restraint, and that we may achieve in our time and for all time the ancient vision of "peace on earth, good will toward men." That must always be our goal, and the righteousness of our cause must always underlie our strength. For as was written long ago: "except the Lord keep the city, the watchman waketh but in vain."

ENVIRONMENTAL QUALITY

Mr. MATHIAS. Mr. President, the Honorable Theodore R. McKeldin, one of Maryland's most distinguished citizens, a former mayor of Baltimore and Governor of the State of Maryland, recently had occasion to address the Baltimore Chapter of the American Institute of Banking. In recent months, the Senate has had many occasions to grapple with the difficult problems of environmental quality. It is for this reason I would like to share former Governor McKeldin's thoughts with my colleagues in the Senate. He has touched upon one important aspect of environmental quality. Often, we equate environmental issues with a concern for maintaining the integrity of beautiful streams and rivers or most recently for preserving the mountains, plains, and valleys of this country from the ravishes of strip mining. While it is clear that those are important facets of the search for environmental quality, we must never forget the important role that American cities must play. The planning nightmares associated with urban sprawl are to a great extent brought on by the declining quality of urban America. People have left the cities for the suburbs by the droves and it is imperative that public and private institutions take action to halt this migration. Former Governor McKeldin has long believed in the American city and he has demonstrated his belief by the work he has done in improving the city of Baltimore. Under his leadership as mayor and Governor, we made great strides to reclaim the depressed areas of the city and as a private citizen he continues to provide wise counsel as we undertake new and even more ambitious projects of urban renewal. Virtually every major city across this country is in need of rebirth and for this reason I commend former Governor McKeldin's remarks to my colleagues' attention. I ask unanimous consent that the full text of his remarks be printed in the RECORD.

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

SPEECH OF THEODORE R. MCKELDIN, BALTIMORE CHAPTER, AMERICAN INSTITUTE OF BANKING

It is always a good feeling for a lawyer and a former politician to address bankers. I've always found the banking community responsive to my requests as Governor and Mayor and believe that you have found in Baltimore and Maryland Government a similar responsiveness.

We all know that there is no more important element of the business community than the banks—they play a leadership role not only in business, but in the civic and government life of this community. Their policies influence major public decisions and their officers and directors play increasingly important roles in both the public and private decisions that are made.

The American city has been said to be in trouble. Many pundits and prognosticators have said that Urban America is dying. Many doomsayers have predicted the decline of the American city as leading towards the decline of America itself.

I don't believe any of this. I believe it is possible, just as it is necessary, to save the American city and thus save America itself. This country is an increasingly urban society. We've seen most Americans move from their rural living conditions in the 1930's and 40's to an urban society. Today over 70% of the American people live in the cities of America and less than 30% on the rural areas. And by cities I mean Baltimore and the surrounding urban counties, because that's what the city is in today's context. It is no longer limited to the narrow boundaries of Baltimore City. We share the problems and the opportunities as a region.

In the case of Baltimore, the City of Baltimore, as distinguished from the region of Baltimore, has traditionally been the center of our commerce and our culture, of our investment and of our economic activity. As Governor of Maryland, I was intimately aware of the fact that the economy of the State of Maryland depended on the health and the welfare of the City of Baltimore. That condition has not changed.

The decisions that are made in finance and in commerce and in industry, the decisions of civic organizations, social service organizations, charitable organizations and religious organizations are basically made for this entire region somewhere within Baltimore City. The Board Rooms of your banks are for the most part in Baltimore and in downtown Baltimore. The chief executive officers and the senior officials operate from the center city of Baltimore in most instances. If Baltimore was to be a city of despair and decline, of deterioration and dirt, if Balitmore was to be a city of congestion and blight and slums, the major decisions would have been made in that stultifying atmosphere or the decision-makers would have moved.

Happily for you and the organizations you represent and for the citizens of Baltimore, and the region, and of Maryland, Baltimore is not such a city. The decisions that were made 10 and 15 and 20 years ago are affecting the decisions that are being made today. The decision to locate the State Office Building in the largest city in Maryland made in the early 1950's significantly aided in the redevelopment of the Mount Royal section of Baltimore.

The decision that public and private authorities made in the late 1950's to plan and to begin to build Charles Center continued the momentum which has lead to the development of that inspiring project. Charles Center has created not only new buildings and new plazas for Baltimore, it has created not only new taxes and new job opportunities, but it has created the priceless enthusiasm and spirit which are so necessary for a City to move ahead. That self-confidence and enthusiasm which flowed from Charles Center is perhaps its most important contribution to the City and State.

As you know, ground was broken for the last commercial office building to be built in Charles Center on Thursday, September 20th; and with the completion of the Hilton Hotel, the beginning in 1974 of the Gas and Electric Company addition, and the beginning this fall of the final Mullan tower (if the costs are successfully brought in line, which I predict they will be), Charles Center will have been completed and will stand as one of America's most outstanding urban development projects.

When I returned to Baltimore after two terms as Governor of Maryland, I saw the future being shaped by projects like Charles Center and the City's general urban renewal program. I felt that Baltimore had an opportunity to keep the momentum going and to capitalize on its unique public/private partnership which had produced Charles Center. I proposed in my Inaugural Address in 1963 that the same people who produced Charles Center (that is the City and the private business community) join together to look at the great opportunity presented to the City by the fact that our downtown is adjacent to a harbor.

I was aware of the fact that great cities from Singapore to Stockholm, from Chicago to San Francisco, had all utilized their water to enhance their center city. Great cities have capitalized on great bodies of water, and perhaps it was lucky that Baltimore had not done a piecemeal, unexciting redevelopment program in the Inner Harbor. Perhaps it was fortuitous that Charles Center preceded any attention to the Inner Harbor, because Charles Center raised our sights as to what was possible.

I called Jim Rouse, who was then Chairman of the Greater Baltimore Committee, to meet with me to discuss this problem. Jim responded in his usual enthusiastic and imaginative way. We're blessed to have citizens like this in our community, and I was immediately excited by his response.

So we put together the same team that had planned Charles Center and began to look at the area south of it—not 33 acres like Charles Center, but 128 acres—within 18 months we came up with a plan which received the enthusiastic support of my Administration, of the Baltimore City Council, of the Federal Renewal Agency, and finally, and most importantly, of the Baltimore City voters who were asked to support it by a $12 million dollar bond issue. And support it they did—by a two-and-a-half to one vote in favor of the Inner Harbor bond issue. At a time when school bond issues and redevelopment bond issues around the country were being defeated, Baltimoreans expressed sufficient faith in our future to tackle one of the biggest bond issues that they had ever been faced with. Today you see some of the results of that work.

I'd like to tell you a little bit about the Inner Harbor project from a philosophical standpoint. It is important for a city to have beautiful buildings and plazas, adequate parking and good transportation, but buildings do not a city make. People are the important ingredient. Charles Center doubled the employment in its 33 acres. The Inner Harbor was conceived as an instrumentality for atttracting people back to the City to live, for obtaining a mix of income levels, for providing educational facilities, for providing tourist attractions, for providing health care, for providing low and moderate-income housing, as well as luxury housing, and for providing the plans which are now being implemented for a beautiful downtown Baltimore.

Even in the initial planning stage, we were excited by the response we began to receive from the citizens and the institutions of the City who participated in the planning of these facilities. Early on, the pastor of Christ Lutheran Church came to me with a proposal that they would provide health care facilities, housing facilities, and community service facilities to the people of south Baltimore and of the entire city as part of the Inner Harbor plan. Today the John L. Deaton Hospital is open and operating. The 250 apartments for low-income elderly people are about ready for occupancy. The underground parking with a plaza above for concerts and

plays and activities is about ready for occupancy, and their building for social service organizations is next on their agenda.

The work of Christ Lutheran Church in providing from their parishioners over $800,000 of hard cash to this project, which allowed for a total investment of $14 million in those facilities was an inspiration to those in government and in the private sector who saw the Inner Harbor as a promise for a new Baltimore.

Since that time work has begun on the $6 million Maryland Academy of Sciences Building at the corner of Key Highway and Light Street. The bulkhead has been redesigned and work completed on the Key Highway, Light Street, and Pratt Street sides. (This was the site of almost 2,000,000 people participating in the Baltimore City Fair on the weekend of September 28, 29, and 30.)

The Constellation is almost completely refurbished and will provide continuous and attractive tourist attractions in Baltimore just as 3,000,000 visitors annually are attracted to the U.S.S. Constitution in Boston's Harbor.

The U.S.F. & G. Company will occupy their handsome new building at the end of this year at the northwest corner of Pratt and Light Streets. This building will have beautiful landscaping and a Henry Moore sculpture as an indication of the quality of the entire development.

On the northeast corner of Pratt and Light Streets we can see the I.B.M. Building under construction, which is living proof that Baltimore can compete. Baltimore was able to attract this new regional headquarters of a major corporation, in competition with innumerable suburban sites along the Beltway. It was a hard-headed business decision which proved to I.B.M. that it made sense to locate in the Inner Harbor.

Next to the I.B.M. Building, along Pratt Boulevard, as we now call it, is the site for the new Federal Reserve Building. The design work has been completed on this handsome new building but the final authorization has not yet cleared Congressman Wright Patman's committee. We believe that the authorization to begin this building will, however, not be too far in the future.

On the site of what is now Pier 2, Pratt Street, ground will be broken at 10 o'clock tomorrow morning for the new World Trade Center Building designed by the world renowned arcitect, I. M. Pei (pronounced PAY).

Across the street again next to the News American Building (which will stay and be refurbished) will be the Quille Garage and office building. Construction will begin on this before the end of 1973.

Adjacent to that site and just east of the Customs House is the site of the new Community College Inner Harbor Campus. Ground was broken for this undertaking on September 7th.

Here again, just as in the Maryland Academy of Sciences, the Constellation and the Christ Church development, the commitment to people comes forth because the Community College of Baltimore at its Inner Harbor Campus will be training the youth of our City and, specifically, the youth of east and south Baltimore for job opportunities in downtown business and industry and in port-related industry.

I would suggest to you bankers that you give serious consideration to courses to be taught at this branch of the Baltimore Community College in areas where you feel a need for men and women in your business and professions. This college is scheduled to be open in early 1976.

At the southwest corner of Pratt Boulevard and Light Street, from Pratt Street to the McCormick Building, will be Constellation Plaza. This plaza will include a major office building for the C & P Telephone Company, several hundred luxury apartment units, and a 500-room Sheraton Hotel, as well as underground parking, tennis courts, health clubs and an exciting series of shops, restaurants and boutiques along the bulkhead on the east side of Light Street. The first phase of this development is scheduled to begin in late 1973 or early 1974. I believe that you will soon see a public announcement concerning it.

For the area to the west of Charles Street, over to the Camden Station area at Sharp Street and from Pratt Street to Hill Street, is the Inner Harbor West project. This has been committed to a national development concern who will undertake the $60 million project to include a variety of housing types—from single-occupancy to multiple occupancy, from rental to ownership. This project will be a new town in town for approximately 3,500 families. The developer—the Shelter Corporation of America—competed for the opportunity to do the job with nine other nationally-known developers.

To the north of this development and to the south of the Federal Office Building in Charles Center, construction is about to begin for a new Federal Courthouse to replace the older building on Calvert Street at Fayette. Construction on this should start within 45 days, as the site is now being prepared.

Back to the other side of the project and to the piers which the City owns along Pratt Street. I described the beginning tomorrow morning of the construction of the World Trade Center Building. This leaves piers 3, 4, 5, and 6, owned by the City and available in approximately five years for construction of apartments and condominiums in the Inner Harbor, which by that time will have been so dramatically changed as to make those piers an exciting and beautiful place for people to live.

Plans are now being drawn for a design competition among local and national developers for the opportunity to undertake that development.

I am not here tonight to speak about the Convention and Stadium Complex which has been proposed as the finishing touch for Baltimore's Inner Harbor program because that is another complete program for you. Suffice it to say that if the City and State are successful in receiving authorization for their plans, we can see additional parking, shops, convention facilities and an enclosed stadium for 70,000 people south of the Civic Center and slightly to the west of Camden Station.

This exciting project would bring ten's of thousands of people on approximately ninety days of the year in the downtown area to patronize the shops and restaurants and thus contribute to the rebuilding of downtown Baltimore.

Again, I do not want to talk tonight about the subway system which will serve the Charles Center, Inner Harbor and the Stadium Complex because that is another subject for another time, but construction is due to start in late 1974 on a system that will provide clean, safe, frequent rapid transit service to these projects from major underground stations. The length of each will be appoximately 700 feet and provide multiple entrances directly into the buildings which I have described.

All of this has been conceived from a master plan of a new and beautiful downtown Baltimore. As you can see from some of the dates that I have enumerated in this talk, most of the commitments are at hand. Much of the construction is underway, such as the Christ Church, the Maryland Academy of Sciences, IBM and the U.S. F. & G. Others will just start, such as the World Trade Center, the new Hotel, the Telephone Company Building and the new Courthouse.

Others, such as the Inner Harbor West are committed but the Inner Harbor is moving at a great pace that exceeds even the fondest expectations of those of us who conceived and planned it.

Baltimore has a lot going for it and the public-private partnership, which is making all this possible, is an integral part of our new progressive stance.

The banking community has played an important part in all of this and will play an even more important part in the future. The contribution of the banks has been important in terms of your receptivity to finance the new developments, but equally important has been the role that bankers have played in their civic capacity to help provide the leadership that has made this all possible.

I hope that civic responsibility will continue to be foremost among the duties of the bankers of Baltimore.

As for Baltimore itself, it is not dead.

It is not dying.

But it is, thank goodness, under intensive care.

NIXON ADMINISTRATION ATTEMPTS TO BLACKMAIL CONGRESS

Mr. HUMPHREY. Mr. President, the Nixon administration, through a recent proposal by White House domestic adviser Melvin R. Laird, is attempting to blackmail Congress into agreeing to the cancellation of all anti-impoundment lawsuits against the administration, by State, communities, and organizations, as a condition for preventing a Presidential veto of the bill, H.R. 8877, providing appropriations for programs administered by the Department of Labor and Health, Education, and Welfare.

Mr. Laird has proposed this scheme as part of an amendment he has submitted behind closed doors at the last minute to House and Senate conferees working on the final version of this crucially important appropriation measure, already passed by both Houses of Congress. The Laird amendment would strike out Senate language in this bill prohibiting administration impoundments of appriated funds. In its place, there would be a new provision authorizing a reduction of up to $400 million from funds contained in this bill, except that no line item funding could be reduced by more than 5 percent. That still amounts, however, to giving the President an item-veto over appropriations enacted by Congress. But with respect to formula grant programs—an example, under the Elementary and Secondary Education Act—this reduced amount could be considered the appropriated level—thereby precluding any court cases brought by States over amounts to which they believe they are entitled according to the relevent formula.

The initial conference report on the Labor-HEW appropriations bill would establish a total spending level of $32.9 billion. The $400 million overall reduction proposed by the White House would bring spending for these programs to meet essential needs of our people down to a level that is $37 million below the current fiscal 1974 level authorized under the continuing resolution under which these programs presently operate.

I find it unconscionable that this administration would seek to further cut back funds for essential programs to improve educational opportunities for our

children, provide job training and employment services for youth and older workers, expand critically needed health care services for all our people, and accomplish so much more that is of vital importance to people in need and in the betterment of life for all our citizens.

But this spending reduction proposed by the administration is only the tip of the iceberg. The Laird proposal, which can only be described as a case of unbridled blackmail, stipulates that the acceptance of fiscal 1974 Federal assistance by any organization—meaning even States—will automatically cancel any claim brought by that organization before a court for Federal funds to which it believes it is entitled under fiscal 1973 appropriations enacted by Congress.

This amounts to setting aside in one stroke some 30 court decisions against the administration, where total funds determined to have been impounded illegally by the Office of Management and Budget amount to at least $966 million.

We have seen case after case of blatant impoundment by the administration of funds ordered by Congress to be spent on vitally needed domestic programs for our people. In a report filed for the quarter ending September 30, 1973, as required under the Federal Impoundment and Information Act, the Office of Management and Budget still listed $7.443 billion as being held back in "budgetary reserves." And his is only part of the story of funds delayed from reaching programs of housing and community improvement, research and development in several major areas, and services to meet human needs of the highest priority.

Only 2 days before Mr. Laird submitted his proposal, a ruling, of great importance to school districts and vocational education programs across the Nation, was handed down by U.S. District Court Judge Joseph C. Waddy. Judge Waddy ordered that $380 million in fiscal 1973 education funds appropriated by Congress but frozen by the administration be distributed among the States immediately. I applaud this decision, which follows upon an earlier court order prohibiting the reversion of these unspent funds to the Treasury at the end of the last fiscal year.

However, the effect of the Laird proposal would be to tell the State and school district claimants in this case that if they accept one cent of Federal assistance in fiscal 1974, these court decisions will be automatically wiped out and they will be permanently barred from seeking previous Federal assistance to which they were fully entitled.

The time has come for this Congress to instruct the Nixon administration that it must cease its attempts to exempt itself from the law.

The time has come for Congress to insist that the Office of Management and Budget abide by the decisions of the courts holding various impoundments of appropriated funds illegal.

Let Congress now make it sharply clear that it will not submit to blackmail, where the White House is proposing the cancellation of these lawsuits as a tradeoff for the President's signing a major appropriations bill into law. Congress must totally reject Mr. Laird's proposal to deny claimants in court suits on OMB improvements of fiscal 1973 appropriated funds any judicial relief upon their acceptance of Federal assistance in the current fiscal year.

The central fact is that this proposal is flatly unconstitutional. Not only does it violate the doctrine of separation of powers inherent in the Constitution—because it represents a blunt intrusion by the Nixon administration into the power of Congress to appropriate Federal funds—but it also violates the constitutional right to equal protection of the laws. A recent message by Lucy Wilson Benson, president of the League of Women Voters, rightly states that Mr. Laird's proposal "violates the right of citizen access to judicial relief and subverts the basic concepts of checks and balances among the legislative, executive, and judicial branches."

I strongly urge Senate and House conferees on the fiscal 1974 Labor-HEW appropriations bill not to submit to this unconscionable act of White House blackmail with the implied threat of a Presidential veto if Mr. Laird's proposal is not accepted. Let it be made emphatically clear to the administration that Congress is a coequal partner in the American system of government, and that no intrusion upon its legislative power of the purse will be tolerated.

Mr. President, I ask unanimous consent that two articles—"Education Millions Unfrozen," appearing in the Washington Post of November 22, 1973, and "White House Seeks HEW Budget Bill," appearing in the Washington Post of November 24, 1973, be printed in the RECORD.

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

[From the Washington Post, Nov. 22, 1973]

EDUCATION MILLIONS UNFROZEN

WASHINGTON.—U.S. District Judge Joseph Waddy ruled Wednesday that the administration must spend $380 million in appropriated education funds that President Nixon had ordered impounded.

Ruling in a class-action suit brought by the Commonwealth of Pennsylvania, Waddy ordered Secretary Caspar Weinberger of the Department of Health, Education, and Welfare to distribute the $380 million among the states "immediately."

The case involved money appropriated for fiscal year 1973, which ended June 30. Pennsylvania had sought its share, which it said amounted to $18 million.

The money was appropriated under the Elementary and Secondary Education Act, the basic federal-aid-to-education program, and under the Vocational Education and Adult Education acts.

There have been a number of court decisions on the constitutionality of Nixon's refusal to spend all that Congress has appropriated.

The Library of Congress said opponents of Nixon's impoundments have won more than 30 lawsuits while the administration has been upheld in about six.

The administration has been seeking a definitive Supreme Court decision on the constitutionality of impoundments.

In the only case to go above the District Court level, the U.S. Court of Appeals upheld, 2 to 1, a decision ordering the release of money from the Highway Trust Fund.

Other District Court decisions have ordered the release of funds for housing, urban renewal, rural housing, antipoverty, food, water pollution, and health programs.

Democrats in Congress, unhappy because the impoundments have withheld money for social programs, have sought to enact legislation inhibiting the President's ability to refuse to spend appropriated funds.

Such legislation has passed the Senate and awaits House action.

[From the Washington Post, Nov. 24, 1973]

WHITE HOUSE SEEKS HEW BUDGET BILL

(By Stuart Auerbach)

The White House's chief domestic adviser, Melvin R. Laird, said yesterday that he has launched an effort to prevent the Department of Health, Education and Welfare from having to operate without a budget for the second straight year.

In this effort to avert another presidential veto of the HEW-Labor appropriations bill, Laird said in an interview, he proposed a plan that would block suits to recover impounded funds.

"I'm trying to get a bill that can be signed so the department does not have to work on a continuing resolution that makes it impossible for them to plan," Laird said.

"We want a bill. You shouldn't be operating the department for this long a period [more than a year] on a continuing resolution."

Sen. Warren Magnuson (D-Wash.), chairman of the HEW-Labor Appropriations Subcommittee, agreed with Laird. "We would like to have a bill. We are tired of these vetos and continuing resolutions," he said.

As approved by the House-Senate Conference Committee two weeks ago, the bill called for expenditures that totaled $1.4 billion more than President Nixon asked. The House, however, sent the bill back to conference, a move that Laird said he was "instrumental" in arranging.

He predicted a presidential veto last summer when the House passed its version of the bill calling for spending $2.1 billion more than Mr. Nixon requested.

Laird said that he wants to "earmark some of the money" in the budget for out-of-court settlements of the more than 50 suits that state and local governments and private organizations have brought against the government for the recovery of funds impounded by the President.

The governments and private organizations have won at least 30 of the suits in the lower courts while the Nixon administration has been upheld in only six cases, a Library of Congress study showed.

Nevertheless, some members of the Nixon administration, including HEW Secretary Caspar W. Weinberger, feel that the government should appeal the cases to the Supreme Court if necessary.

Weinberger said yesterday that he believes "a correct decision would recognize the President's authority" to refuse to spend money even though Congress has appropriated it.

"In the absence of congressional procedures for examining the overall spending of government," said Weinberger, "the only one who can is the President. I believe he has the power to impound funds and I hope the courts will recognize it."

Laird recalled that he took the other side of the impounding issue during his years in the House, where he served as the ranking Republican on the HEW-Labor Appropriations Subcommittee.

The late John E. Fogarty, then chairman of the House Appropriations Subcommittee, and Laird "used to be in conflict over this thing" with Presidents Eisenhower, Kennedy and Johnson, Laird recalled.

Laird's proposal, as drafted in amendment form by HEW lawyers, would bar or-

ganizations from getting funds from the 1974 budget if they pressed suits for money they thought was coming to them from the 1973 budget.

Laird, however, said he did not intend to cut off funds. He said that he would "feel better" if there were money in the budget to settle the suits.

"I foresee greater problems if these suits go the other way"—that is, against the government, Laird said. "The time to compromise on court cases is before they get to the Supreme Court, not after."

The League of Women Voters, meanwhile, sent letters yesterday to the House and Senate chairmen of the Conference Committee urging rejection of the Laird proposal.

League President Lucy Wilson Benson called the proposal "unethical and perhaps unconstitutional," and said that it "violates the right of citizen access to judicial relief and subverts the basic concepts of checks and balances among the legislative, executive and judicial branches."

ORANGE COUNTY, N.C., YOUNG DEMOCRATS HONOR L. B. J.

Mr. HUMPHREY. Mr. President, it is my great pleasure to call to the attention of my colleagues a unique and fitting tribute to our late beloved President Lyndon Baines Johnson.

On November 8, 1973, the citizens of Orange County, N.C., hosted a tribute honoring the late President and his widow, Lady Bird Johnson, culminating in a ceremony renaming the Orange County Young Democratic Club the LBJ Young Democratic Club.

In a resolution proclaiming President Johnson one who "will be forever remembered as the President most truly of all Americans" and one who "nobly served his Nation first, and the Democratic Party second—all his life" the Orange County Young Democratic Club became the first such organization in the Nation to so honor this great citizen and leader. Noting that Mrs. Johnson "served equally with her husband in his many tasks," the club declared the name to be in honor jointly of the late President and the former First Lady.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution officially naming the Young Democratic Club in Orange County, N.C., a proclamation issued jointly by the chairman of the Board of Commissioners of Orange County and the mayors of Carrboro, Chapel Hill, and Hillsborough; an article by Ms. Margaret Knox in the North Carolina Leader; and my message of greeting to those gathered in honor of the late President and his Lady.

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

A RESOLUTION TO OFFICIALLY NAME THE YOUNG DEMOCRATIC CLUB IN ORANGE COUNTY, N.C.

Whereas; this club has generally been known as the Orange County Young Democratic Club, and

Whereas; it is appropriate that the club should bear a distinctive and official name, and

Whereas; President Lyndon Baines Johnson departed this life on 22 January 1973, and

Whereas; President Johnson will be forever remembered as the President most truly of all Americans, and

Whereas; Lyndon Baines Johnson nobly served his nation first, and the Democratic Party second—all his life, and

Whereas; His constant friend, companion, and help-mate was his beloved wife, and

Whereas; Lady Bird Taylor Johnson served equally with her husband in his many tasks, and

Whereas; this "most remarkable woman ever to be First Lady" to quote a leading columnist, continues to carry on the ideals for which her husband lived, and,

Whereas; It is appropriate that in honoring the late President we also honor the former First Lady:

Therefore be it resolved:

Article I. The Young Democratic Club in Orange County, North Carolina, shall henceforth and forever be known as The LBJ Young Democratic Club.

Article II: This name shall be in honor jointly of our beloved late President Lyndon Baines Johnson and our former First Lady, Mrs. Lady Bird Johnson.

Article III: The President of this Club shall inform the Johnson family of this action.

Article IV: The President of this Club shall organize a suitable public memorial honoring President Johnson.

Article V: The President of this Club and a committee appointed by him shall make arrangements for an official copy of this Resolution to be presented to Mrs. Johnson.

Article VI: The President shall sign and each officer of the Club shall co-sign this resolution.

Article VII: The President may invite other appropriate persons, not to exceed ten, to join in the signing of this resolution.

Article VIII: This resolution shall be in effect immediately upon its adoption.

PROCLAMATION

Whereas; on Thursday, November 8, 1973, Mrs. Lyndon Baines Johnson will visit North Carolina and Orange County, and

Whereas; a visit by the former First Lady of the United States is an occasion for official attention and welcome, and

Whereas; a special tribute to Mrs. Johnson and our late President Lyndon Baines Johnson is to be held by The LBJ Young Democratic Club, and

Whereas; this event is bringing many persons of note into Orange County, and

Whereas; it is appropriate that for this occasion we act jointly for the citizens of Orange County, and the towns of Carrboro, Chapel Hill, and Hillsborough:

Therefore: we the Chairman of the Board of County Commissioners of Orange County, the Mayor of Carrboro, the Mayor of Chapel Hill, and the Mayor of Hillsborough do jointly declare and proclaim that Thursday, November 8, 1973 shall be LBJ Day in these our jurisdictions and that on this day we do order and extend to Mrs. Lady Bird Johnson the Freedom of our Precincts and our Towns.

[From the North Carolina Leader, Nov. 13, 1973]

THREE FORMER GOVERNORS AT LADY BIRD'S BANQUET

(By Margaret Knox)

Lady Bird Johnson, wife of the late U.S. President Lyndon Baines Johnson, won the hearts of North Carolinians all over again the other day in Chapel Hill and other parts of Orange County.

Described as the "greatest First Lady in modern history," by former Gov. Luther H. Hodges at a banquet in Chapel Hill, Mrs. Johnson was warm, friendly and gracious.

She was in Chapel Hill specifically to be the guest of honor of the renaming of the Orange County Young Democratic Club to the LBJ Young Democratic Club.

John Hamilton, club president, said it was the first club in the nation to so honor the former Democratic president who died in January, 1973.

The banquet was held in the American Legion building on Legion Road in Chapel Hill and consisted of barbeque, Brunswick stew, cole slaw, hushpuppies and coffee.

Former Governor Hodges said he was the oldest man in both President Kennedy's and President Johnson's cabinet.

On a personal note, he said, he recounted an experience with President Johnson and Lady Bird who had driven from their Texas ranch to Washington with two servants.

"There was no place for a black person to stay. He said we are going to change it and he did. He saw all of us as one people who should be treated alike," Hodges said.

Because he was older than then President Johnson, Luther Hodges said he often spoke up when perhaps he should have been silent.

"I remember one occasion when Lady Bird was taking a nap in the next room where I was talking with the President. He called her name and I told him, she was resting. So he called 'Ladybird, what is the name of that flower I want planted on all the highways of America?'

"She called back, "Bluebonnets!" the former Governor related.

Former Gov. Bob Scott, now executive director of the North Carolina Agribusiness Council, said he and his wife, Jessie Rae, had enjoyed a meal in the Johnsons' Texas home.

"And we took the famous ride around the LBJ ranch. Being a farm boy, I cast a critical eye . . . it was a working ranch, nothing pretentious at all.

"On the car telephone, he heard an order for someone to go to the store for some salt for some homemade ice cream . . . President Johnson said, 'While you're at it, make out a list of everything else you need and quit making so many trips to the store!' " reported Former Gov. Bob. Scott.

"It was a warm home, unpretentious. President Johnson had a great sense of pride in his heritage. We want to thank Mrs. Johnson for her presence here. There are people who believe in you as much as before," Scott added.

Former Sen. B. Everett Jordan declared, "She is one of us!"

Duke President Terry Sanford, also a former North Carolina governor, told Mrs. Johnson, "Welcome to the environs of Duke University, which is one of the reasons why Chapel Hill is so great."

President Sanford said that former President Johnson will be remembered as the President who put education first.

"He made education the business of the nation," he said.

Sanford said there is work to be done on the Democratic party to make it "an open party and a winning party."

Mrs. Johnson rose to speak briefly.

"I am grateful that you have named your Young Democratic Club for Lyndon. It fills me with warmth and gratitude. These years you speak of were great years, vigorously loved; Lyndon was anxious to put all his strength into his work," she said.

Mrs. Johnson said that someone had mentioned the Lady Bird Special which toured the country in behalf of her husband's campaign.

"That was the most wonderful time of my life. It left us with understanding, warmth, respect and liking for North Carolina," she added.

"I'm just so happy to see many old friends and meet young new friends," said the nation's former First Lady. "Thank you very much for the evening and your memories of my husband."

Before dinner, Mrs. Johnson mingled freely with guests in another room of the American Legion building.

One of the first to greet her was Oscar Ewing of Chapel Hill who was the FSA Ad-

ministrator under President Harry Truman.

Mrs. Johnson showed her surprise and keen pleasure at meeting him again, clasping his hand in both of hers.

"I just can't believe it," she murmured.

All North Carolina's former First Ladies were seated at the head table while the former Governors (except Luther H. Hodges) were sprinkled out among the guests.

When Chapel Hill Mayor Howard Lee spoke he came to the mike at the head table and began, "Mrs. Johnson, former Governors and honored guests, including my wife who replaces me at the head of the table . . ."

He presented Mrs. Johnson with a gold key to the city of Chapel Hill.

"It opens the door to our hearts," he said.

By proclamation Nov. 8 was LBJ Day by the Orange County Commissioners, the mayors of Chapel Hill, Hillsborough and Carrboro.

In mid afternoon, Mrs. Johnson made an appearance at the Chapel Hill Public Library on Franklin St.

Her limousine was delayed a little while as she visited Carrbro. Meanwhile, Mrs. Richmond Bond, chairman of the board of trustees of the Library, appeared somewhat astonished at the array of news media present.

"I thought this was just going to be a small private affair," said Mrs. Bond.

Meanwhile, Mrs. Lillian Lee, wife of Chapel Hill's mayor and a special teacher at North Carolina Memorial Hospital, appeared with seven youngsters from the Communications Disorders Clinic, all eager to meet Mrs. Johnson.

They waited outside in the warm Autumn sunshine before the limousine pulled up at the library.

Mrs. Johnson took time to shake each little hand and heard the children clearly enunciate their names.

Inside the library's fireplace crackled a huge fire which Mrs. Johnson said was welcoming and "says come inside and linger."

Mrs. Bond told Mrs. Johnson, "I think we lend more books than we have."

"My long years in Washington taught me a lot about the people in North Carolina," said the former First Lady. "You always sent the best men to Washington."

She presented the library with two books—The Vantage Point by Lyndon Baines Johnson and A White House Diary by herself.

"These books will mean a great deal to all the people of Chapel Hill," observed Mrs. Bond.

Downstairs Mrs. Bond poured her hot coffee and she chatted briefly with news media.

"It is nice to be remembered," she said. "I loved my theme of work on things so marvelously interesting such as environment, Head Start and See America."

At present she works with the Austin library and travels quite a bit.

She said the Austin library "is a little capsule of history . . . it shows what the sixties were like. It is a visual history . . . I have an office there and a small staff."

Bob Pace of Chapel Hill, Democratic stalwart, asked her if he and John Hamilton could visit the library sometime.

"Let me know ahead of time and I'll be your guide," she promised.

As for her own book, she commented, "They were great years and I'm sure glad I got it all down."

While in Chapel Hill she was the guest of old friends, Dr. and Mrs. Samuel Selden.

Mr. JOHN W. HAMILTON,
Chapel Hill, N.C.:

Although we cannot accept your kind invitation to join you on November 8, Muriel and I do want to send our greetings to our friends in Chapel Hill. The naming of your club in honor of the Johnsons is a wonderful tribute to them. Lyndon Johnson was a very special man and a public official who gave exceptional service to our country. Lady Bird was a most gracious First Lady and continues to be an inspiration to all who know her. We are proud to have served in Government with the Johnsons and grateful for their friendship.

HUBERT H. HUMPHREY.

McINTOSH FOUNDATION EXECUTIVE IMPOUNDMENT PROJECT

Mr. CHILES. Mr. President, I would like to call to the attention of my colleagues the findings of the recently completed McIntosh Foundation Executive Impoundment Project.

Started 12 months ago at the University of Florida College of Law, the study assesses the impact of the increasing phenomenon of withholding congressionally appropriated funds. The study notes the legal, political, and economic ramifications of impoundment.

When Senator ERVIN and I cochaired the hearings on impoundment earlier this year, we ran into some areas where executive witnesses claimed one thing and we claimed another. I am, therefore, glad to see this nonpartisan study answer some of the questions on which we reached an impasse.

This study reveals as unfounded Presidential claims that impoundment is a tool in fighting inflation. In fact, impoundment has had only a minimal anti-inflationary impact. The findings also show that at least 80,000 persons were unemployed during fiscal year 1973 as a result of impoundment.

The findings also pose an important warning:

> When the President and Congress assert conflicting policies and priorities regarding government spending, citizen confidence in government itself is likely to be undermined, especially when the President resolves the conflict by his own unilateral action, on the basis of procedures which pose an unacceptable risk of abuse within the executive branch.

When I chaired the Ad Hoc Committee on Impoundment in January, impoundment was seen as one of the major issues of this Congress. Now it has been overshadowed by other events.

However, I have no doubt that we will be faced with a congressional role in the impoundment conflict in the very near future. This is a conflict which affects the fundamental roots of our system. I for one do not want to see the history books record that this Congress relinquished the purse strings to the Executive by allowing him the power to arbitrarily impound funds.

Because the impoundment question is filled with so many myths and uncertainties, I highly recommend this expertly prepared report authored by Jon Mills and Harold Levinson for the attention of all Members of Congress.

I ask unanimous consent that these findings be printed in full in the RECORD.

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

McINTOSH FOUNDATION EXECUTIVE IMPOUNDMENT PROJECT

SUMMARY

Introduction

This release presents the abbreviated findings of a twelve-month research project conducted at the University of Florida, Holland Law Center, Gainesville, under the direction of L. Harold Levinson and Jon L. Mills, supported by the Josephine H. McIntosh Foundation, Inc. The final report of the project, now being prepared, will include a full statement of the findings, together with proposals for reform.

Definition of impoundment

In dicussing "impoundment," this project avoids narrow technical definitions. As used here, the term includes all actions by the executive branch of government which reduce the flow of funds to a program below the level of budget authority authorized or approved by legislation.

Impact of recent impoundment

Impoundment during the past eighteen months has destroyed, curtailed or disrupted a number of important federal programs. The effects have been felt not only by the former beneficiaries of the program, but also by numbers of federal employees whose appointments have been terminated.

In addition, major effects have been felt by state and local governments throughout the country; uncertainty about possible impoundments has brought confusion into efforts to plan for the future.

Budget process

Impoundment is generally carried out on the basis of crucial decisions made by the president and certain senior advisors, regarding total amounts to be impounded to keep government spending within acceptable limits. These top level decisions are transformed into more detailed decisions involving specific programs as the impoundment process moves down the chain of command, subject to continuing review and supervision by higher levels. The impoundment decisions can be implemented by various techniques, carried out by various executive agencies, at various stages of the spending process.

When determining which programs to cut in order to keep total spending within the desired limits, executive officials choose to cut those programs which have the lowest priority from the Executive's point of view. Thus executive priorities rather than congressional priorities are reflected in the decisions to impound.

Congress has not demonstrated ability to coordinate its spending total with taxing and borrowing totals. This situation leaves the Executive with an opportunity (arguably a responsibility) to exercise discretion in deciding how to reduce the spending total so as to conform to the total of taxing and borrowing authority.

Political perspective

Many other presidents have impounded funds. However, President Nixon's impoundments have produced much more controversy than those of his predecessors. One reason is that President Nixon, a Republican, is using impoundment as a means of curtailing or destroying certain social programs which were adopted by the Democratic majority in Congress. Another related reason is that the President and Congress are in sharp disagreement on many other issues. Thus President Nixon cannot rely upon the informal liaison with congressional leaders which enabled many of his predecessors to work out budgetary problems amicably.

Decisions to impound are based, to a considerable extent, on policy preferences of the executive branch, including the question of political expediency. And after an impoundment measure has been announced, political pressures may persuade the executive branch to "unimpound," that is, to release the funds.

Economics

An econometric model indicates that the 1973 impoundments have not significantly changed the Consumer Price Index, although the President and his senior officials have re-

peatedly asserted that their impoundment policy was designed primarily for the purpose of reducing inflationary pressure in the economy.

The model shows that the 1973 impoundments did have at least one measurable effect—they resulted in the unemployment of 80,000 people.

Legal and constitutional aspects

Dozens of lower federal court decisions have been rendered within the past year in impoundment cases. Most have been decided against the President. No case has yet been decided or even argued in the Supreme Court.

The text of the Constitution does not clearly state how much discretion, if any, can be exercised by the president in carrying out his spending function. The lower courts have generally ruled, on the basis of statutes applicable to the disputed program, that the president has claimed more discretion than the law allows. But the general scope and limits of presidential discretion have not yet been set by the lower courts, and in any event the issue must remain in doubt until the Supreme Court renders a decision.

State governments in the United States

A survey of all state governments in the United States discloses that impoundment is not generally a serious issue in the functioning of state government. Many states have adopted various mechanisms which, singly or in combination, tend to prevent the occurrence of problems over spending.

Many of these devices have implications for the federal government. However, their significance is limited, in view of the limited responsibility of state governments as compared to the federal government.

Comparative study of foreign countries

A study of Britain, France and West Germany shows that, in all three systems, the Executive dominates the process of introducing appropriations into the legislature. And, once an appropriation has been enacted, the Executive enjoys considerable but not absolute discretion in deciding whether or not to spend the total amount of funds appropriated.

All three countries have parliamentary systems of government, in which the Executive is part of the legislative branch, subject to removal through a simple vote of no confidence. The legislatures thus possess an ultimate sanction which assures executive deference to policies of the legislative majority.

Pending proposals for reform

Each house of Congress recently passed a different version of a bill which would adopt a spending ceiling and which would require the President to submit his impoundments for congressional approval. The bills also provide that certain types of appropriations shall not be subject to impoundment at all, while all other types of appropriations will be impounded, if necessary for macro economic reasons, on an across-the-board basis. The Senate-House conference committee has reported hopeless deadlock in its attempt to reconcile the two versions.

Other proposals are pending, in connection with reform of the congressional process for considering and adopting spending measures.

Evaluation of current situation

The current situation leaves altogether too much room for abuse by the executive branch or irresponsibility by the legislative branch, and for an irreversible shift of effective power from Congress to the President. Meanwhile confusion prevails in state and local governments, and significant federal programs have been crippled or abolished by means of unilateral action by the executive branch

Recommendation will be included in our final report

The final report will include our recommendations as well as a detailed presentation of the facts summarized in this release.

INTRODUCTION

This release presents, in abbreviated form, the principal findings of a research project on the impoundment of funds by the President of the United States.

The project began in 1972 at the University of Florida Holland Law Center, Gainesville. The project is headed by University of Florida Law Professor L. Harold Levinson[1] and attorney Jon L. Mills.[2] The final report will be compiled by Levinson and Mills and will include chapters by them as well as three by contributing authors: Professor Irving Goffman, University of Florida Economics Department; Professor William G. Munsell, University of Florida Political Science Department; and Professor Hans W. Baade, University of Texas College of Law. Extensive research memoranda have been prepared for the authors by a team of law and economics students at the University of Florida.

The Josephine H. McIntosh Foundation, Inc., of West Palm Beach, provided essential financial support, and the University of Florida provided administrative support, with Law School Dean Joseph R. Julin being especially helpful.

The authors gratefully acknowledge the scholarly, financial, and administrative assistance listed above. However, the views expressed are totally those of the authors and should not be attributed to any institution or any other person except where one of the contributing scholars is clearly designated as the source of the opinion.

The report is the result of hundreds of interviews, in addition to library research in law, economics, the budget process, and political science. An invaluable conference was organized by the project and was held at the University of Florida in May 1973. Participants included Senator Lawton Chiles; Dr. Louis Fisher, the most notable author on impoundment; Mr. Rufus Edmisten, Counsel for the Senate Subcommittee on Separation of Powers; and officials from the Justice Department, Office of Management and Budget, General Accounting Office, and the House Appropriations Committee; together with the scholars who were the major participants in the study.

A preliminary report was released by the project on June 25, 1973. The present release summarizes the findings to date.

DEFINITION OF IMPOUNDMENT

Currently there is no statutory definition of impoundment, nor is there a definition which is universally accepted.

In the Impoundment Information Act, the first enactment directly relating to the practice, the Office of Management and Budget (OMB) is directed to report impoundments, but no definition of the term is provided. OMB has chosen a narrow approach, reporting only those items which fit under their definition of "reserves." In part, that definition reads:

"[Reserves] may be established as a result of changes in requirements, greater efficiency of operations or other developments subsequent to the date on which the budget authority was enacted . . . also . . . to provide for contingencies or for subsequent apportionment. . . ."

The OMB definition is derived chiefly from the Anti-Deficiency Act, a measure cited by the Administration as authority to impound. Using their narrow definition of the term, the OMB was able to exclude from their list such impoundments as the $5 billion which President Nixon ordered the Environmental Protection Agency not to spend from the Waters and Sewers Act.

In response to the narrow approach of the OMB, current proposals of the House and Senate are much broader in scope. For example, a current Senate bill, after specifically listing actions to be considered impoundments, concludes with an attempt to cover all possibilities of Executive withholding:

"(4) Any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority."

To encourage a broad treatment of the issue, our project has defined impoundment as any executive action which reduces the flow of funds to a program that has received budget authority from congressional authorization or appropriation and the approval of the President. This excludes changes in budget levels approved by Congress and vetoes sustained by Congress. In no way is this definition a condemnation of all acts regarded as "impoundments."

IMPACT OF IMPOUNDMENT

Impoundments of the past eighteen months have destroyed, curtailed, or disrupted a number of important programs. A few examples illustrate the impact of these curtailments.

Housing

In January, 1973, the Administration announced a moratorium of government approvals of construction of low and moderate income subsidized housing, low rent public housing and college housing. According to official figures released by the Department of Housing and Urban Development, the impoundment measures accompanying this moratorium resulted in a direct reduction of $1.5 billion in housing construction funds. A much higher loss, $7.5 billion, is estimated by the National Association of Housing and Redevelopment Officials. Whichever figure is used, the impact is highly significant, especially to the recipients of the housing program.

Office of Economic Opportunity

Impoundment measures placed in jeopardy the entire operation and existence of the Office of Economic Opportunity and the Community Action Agencies which administered many of its programs—until a federal court ordered the Executive to permit OEO and its related agencies to carry out the mission for which they had been created. The impact of the attempted abolition of OEO is not easily quantifiable. Many who have been employed by OEO would undoubtedly return to the welfare rolls, and if the OEO were in fact terminated, some observers speculate that increased tension would result, of the same type that caused the riots of the 1960's.

Highways

As a result of contract controls and other devices employed for the purpose of impoundment, the Nixon Administration has withheld $2.5 billion from highway construction funds. The impact on states has been especially significant. For example, one third of Iowa's highway budget comes from federal funds.

Environmental program

The Water Pollution Act passed by Congress over presidential veto was one of the programs hardest hit by impoundment. Congress authorized the expenditure of $11 bil-

[1] Professor Levinson is on leave of absence from the University of Florida during academic year 1973–74 and is Visiting Professor of Law at Vanderbilt University, Nashville, Tennessee.

[2] Mr. Mills has devoted full time to this project since December, 1972. He was recently appointed director of the newly created Center for Governmental Responsibility at the Holland Law Center at the University of Florida.

lion during fiscal years 1973–1974. The President ordered that only $5 billion be allotted during those two years. A federal district court ruled that the President's action was invalid; appeals are pending.

Food stamps

$400 million of funds authorized for food stamps were withheld by the Executive during 1973. At the end of fiscal year 1972, $379 million of unspent food stamp funds reverted to the Treasury and an unspent surplus has been reported for every year since 1969.

The cutbacks in expenditures were effected by various means, often in the form of regulations making participation in the program more expensive or imposing more stringent qualifications upon applicants.

Impact on State and local governments

The impoundment report issued by the Office of Management and Budget, February 1973, includes $4.4 billion of impoundment involving grant-in-aid programs to state and local governments. In addition, these governments were affected by environmental program funding cuts, which the OMB does not describe as impoundment.

Impoundments have hampered planning in state and local governments and have caused disruption of state and local budgets. When federal grants-in-aid are reduced, the result is not only to freeze the flow of federal funds, but also to preclude or at least seriously complicate the expenditure of state or local funds which had been destined for use as matching resources with federal funding.

Special concern has been expressed by state and local officials over President Nixon's tendency to use impoundment deliberately to reduce the flow of federal categorical grants for domestic programs. The President apparently believes that state and local governments should use their share of general revenue funds, either to replace the federal grants he cut off, or for other programs which command stronger local political support. Even if the transition from grants-in-aid to revenue sharing is accepted in principle, state and local officials complain that the Nixon Administration has failed to provide for a smooth transition.

BUDGET PROCESS

Impoundment decision process: Overall limits on Government spending

Budget officials who served under the last five Presidents report that Truman, Kennedy and Johnson took direct interest in budget decisions, including cutbacks, while Presidents Eisenhower and Nixon took minimal roles in the impoundment and budget decision making process.

In our investigation of the impoundment decision making process, one fact was undisputed. The decision to impound is not the result of a regularized review process or a series of hearings. Impoundments are determined on an ad hoc basis or through the decisions of unofficial committees. Additionally, the process is carried on largely in secret. When our project attempted to obtain decisional memos from the OMB, we were met with denials allegedly justified by executive privilege and exceptions to the Freedom of Information Act.

The principal decisions for the impoundments of fiscal year 1973 were made by a committee which met at the White House and Camp David. The committee included John Ehrlichman, Kenneth Cole, George Schultz, Caspar Weinberger, Roy Ash, and Herbert Stein. During meetings, members did not share equal access to the President. It was John Ehrlichman who most often left the room reportedly to consult with Mr. Nixon. This committee reached the figure of $11 billion to be cut—a decision made in anticipation of the President's upcoming budget.

Selection of programs to be cut

Executive priorities rather than congressional priorities are reflected in the selection of programs to be impounded. The impoundment committee gave only slight indications of particular programs to be cut. Most of the programs were selected by discussions between the OMB, agencies, and the staff of the Domestic Council. The Domestic Council staff considered the political cost and benefits of proposed impoundments. Their sources of information included OMB memos, telephone calls to various politicians from different geographical districts and discussions with spokesmen of interest groups. However, lower level agency officials were often not contacted. Regional and local officials in HUD, Labor, HEW, and OEO felt totally ignored and expressed the opinion that decision makers had little understanding of the ultimate impact of cuts.

Deciding which programs to cut involved political methods and considerations. Political strategy memos such as the OEO document reproduced in the March 3rd, 1973, *Congressional Quarterly* at page 432 illustrate some types of political considerations and strategy. An entire section in the OEO memo is entitled "Tactics". The memo sets as goals, among others, to "Delay the Labor/HEW appropriation bill long enough to force the ultimate decision into Continuing Resolution framework late in June [and to] . . . [d]evelop adverse public and congressional reaction to the scattered, angry demonstrations that are virtually inevitable when these decisions [to cut OEO] are announced." It is interesting to note that this memo contains no impact analysis, no cost benefit analysis, and no economic analysis.

Methods of impoundment

Numerous methods are used by the executive branch to implement impoundment decisions. Not all are listed in the current OMB report, a quarterly document required by the Impoundment Information Act. However, the effects of all are similar—they reduce the flow of funds and, in some instances, terminate domestic programs. Further, in the decision process, all methods of impoundment are considered together and the most expedient and efficient alternative is chosen.

Nonetheless, the selected methods have in some instances not produced the desired results. With the HUD moratorium, the initial termination orders to HUD regional offices, in the words of a regional official, manifested such a "lack of knowledge of the programs" that the directives actually failed to effect a moratorium. In fact, some regional offices continued to initiate new housing programs during the confusion.

Impoundments are accomplished through the actions of three separate entities: Office of Management and Budget, the Agencies, and the President.

OMB

The OMB is the most prominent actor in the impoundment process. The apportionment process carried on by the OMB, which paces the rate of government spending, provides a convenient tool for impoundment. By apportioning disproportionately small amounts of spending for the first part of the fiscal year, this method can slow down the implementation of a new program or the operation of an on going program.

The Administration has utilized this device for programs in HEW and Labor. Indian Education, operating through a mandatory formula grant under HEW administration, was completely impounded by apportioning its total funding, $18 million, entirely to the fourth quarter of the fiscal year, preventing the beginning of program implementation. Before the beginning of the fourth quarter, the OMB recommended that Congress rescind the entire program. While the rescission request was pending in Congress, the OMB continued to withhold the funds. Though Congress ultimately rejected the rescission, the program remained entirely impounded. The use of the fourth quarter apportionment combined with the rescission request is, according to our research, unprecedented.

By far the most well publicized and most easily ascertained impoundments are accomplished by the OMB's reserving of funds, a power claimed from the Anti-Deficiency Act. Reserving may in some instances prevent funds from ever reaching designated programs and, thus, may curtail implementation of congressional policy. At the end of fiscal year 1973, reserves amounted to $7 billion.

The Highway Trust Fund illustrates the impact reserving may have on a program. As of January 29, 1973, $2.5 billion was reserved out of $4.7 billion potentially available to the states.

Agencies

Agencies can be used to implement impoundment. In the following examples, the decision to impound may have originated in the White House or the OMB, but the agencies themselves actually bring about the curtailing of expenditures.

1. Refusal to allot funds. In the budget process, allotment is the means by which agencies control rates of expenditures. This was done by the Environmental Protection Agency with regard to Clean Water funds. The court action on this question is still on appeal.

2. Change of regulation. This was accomplished by the Department of Agriculture in the Food Stamps program. A change in regulations eliminated benefits for approximately 350,000 recipients and reduced benefits for another 1,750,000. Current regulation changes are also limiting certain programs in HEW such as Day Care and Senior Citizen Centers. The new regulations reduce mandatory services, restrict the definition of former and potential recipients, and restrict the use of donated funds.

3. Contract controls. This is the claimed authority to reduce the level of contractual obligations authorized by congressional enactment. It was used to reduce expenditures from the Highway Trust Fund.

4. Refusal to receive, process, or approve applications for federal assistance. This was done in the Farmers Home Administration in the Farmers Home Loan Program.

5. "Scare" letters. Regional offices of HUD received letters which stated that they would have to reduce their number of employees but maintain their average GS rating. This meant that the more mobile and younger employees would probably leave immediately in anticipation of cutbacks, and higher GS rated individuals would have to be discharged to even out the average GS rating resulting from the departure of younger, lower GS rated employees.

6. Cutting communications between local and regional offices. OEO locals were cut off from communication with regional offices and were forced to deal directly with Washington. Washington was then able to direct more easily the dismantling of Community Action Agencies, a significant program of the OEO.

7. Phase out order. In February, 1973, telegrams directed Regional Medical Programs to begin a phase out and to submit a plan for that phase out by March 15, 1973.

White House Controls

The following are actions which can be directly accomplished by White House action or inaction.

1. A refusal to appoint persons to positions required to carry out a program. The Presi-

dent refused to fill positions required to administer the Indian Education Act.

2. Appointment of persons to dismantle and curtail programs. Howard Phillips was appointed director of OEO for the purpose of supervising the dismantling of Community Action Agencies.

3. Manipulating the effects of continuing resolutions. Continuing resolutions provide for temporary funding authority until new appropriations are passed. The resolution typically authorizes funding of ongoing programs at the current level of spending or the amount requested in the budget, whichever is lower. The Administration contends that it may "amend" the budget, even after adoption of a continuing resolution. By making downward amendments in January 1973 to his budget request for fiscal year 1973, the President contended he thereby reduced the amount which could be spent pursuant to the continuing resolution already in effect for that year. These amendments have affected many HEW programs including Mental Health, Health Services Delivery, Health Manpower, Educational Renewal, and Social and Rehabilitation Services. The results have been an overall reduction of $1.2 billion.

4. Rescission. The President or the OMB may propose rescission of a program, either to save money or because of disagreement with the basic program. During the pendency of proposals for rescission this year, the OMB withheld the funds from the programs in question. Those funds were effectively impounded. Some of the programs that have been affected include veteran's benefits for higher education, manpower training services, educational renewal, and Indian health services.

Defense budget

Prior to the formulation of the 1974 budget and impoundment decisions, President Nixon earmarked defense as a protected category. Impoundments in the defense area resulted in little if any program curtailment. To the contrary, spending techniques have been used to implement defense objectives not approved by Congress.

For example, according to Dr. Louis Fisher, the Nixon Administration financed Laotian military and paramilitary forces by transferring funds from such foreign assistance programs as "Food for Peace," refugee programs under the Agency for International Development, and other socially or economically oriented programs.

Another example involves the secret B-52 bombing raids in Cambodia from March 1969 through May 1971. The Pentagon concedes that 3,630 bombing raids took place in Cambodia during the time when Congress had appropriated $145 million for bombing raids in Vietnam. By using the funds for bombing in Cambodia, the Executive may well have circumvented congressional intent.

New personnel

Political appointees now fill positions of authority previously held by careerists. An example is the newly created positions of Associate Directors in the OMB. Four political appointees hold those positions, bringing the total of appointees in the OMB to six—three more than before.

Additionally, the Office of Management and Budget has instituted a new management program termed "Management by Objective". The result of MBO had been a centralization of decision making in the new political appointees.

Information leaks

In the impoundment decision making process, the OMB staff is largely immune from lobbying by special interest groups. However, top level OMB political appointees and the Domestic Council staff are contacted by interest groups and Washington lawyers. Occasionally these interest groups have received advance notice of impending cutbacks. This occurred with the HUD moratorium when the National Association of Homebuilders was contacted in December 1972 before the moratorium was communicated to local HUD officials. In response to the advance warnings, building contractors flooded local HUD offices with applications for housing programs, some of which were later invalidated. Housing officials speculated that the leak was a trial balloon to gauge reaction. Significantly, regional HUD officials also were forced to obtain their information concerning the moratorium from NAHB rather than from HUD's Washington office since Washington provided so little information.

In contrast to the notice given to home builders, Minnesota farmers received only a few minutes notice of the suspension of the emergency loan program of the Farmers Home Administration. The program was terminated by a teletyped message from Agriculture Secretary Earl Butz to the Minnesota State FHA office which was received at 4:20 PM on December 27, 1972. The message directed the state office to cease accepting emergency loan applications at the close of that business day. The county supervisors at the local level did not even receive notice of the termination until December 29.

Congress

Congress has demonstrated that it lacks adequate control over the budgetary process. Its committee structure is not organized to promote sound fiscal management of the national budget. Lacking coordinated taxing and spending committees, Congress never adequately considers expenditures in relation to revenues to gauge the impact of the budget on the economy. Moreover, appropriations are passed piecemeal without adequate opportunity for weighing competing priorities. Congress is also understaffed and consequently unable to either analyze the data presented by he President in support of his budget request or to assemble its own data.

Since Congress depends so heavily upon the executive branch for information, Congress is sometimes subjected to orchestrated facts and figures. For example, the school lunch program administered by the Department of Agricuulture initially received a low appropriation pursuant to the Department's request. The Department then instructed the states to informal local school districts that application for more funds would be useless as none were available. Congress, after receiving complaints of inadequate federal assistance, requested the Department to conduct a study as to additional program needs. The Department centered this study around the requests of local districts for supplemental assistance; however, the report did not take into account the number of districts deterred from making such requests because of the Department's earlier communications.

From a political perspective, Congress sometimes is entangled in partisan struggles, which often damage communicational flow. This is exemplified by instances in which majority and minority committees staffs jealously guard information from the other party.

Congress has shown decreasing interest in meeting the issue of impoundment head-on. Theoretically, Congress could take extremely strong measures to end or severly curtail the practice of impoundment. However, many members of Congress side with the President in the controversy and others have not been disturbed enough to change a situation in which ambiguity offers an opportunity for maneuvering and rhetoric. As stated by Congressman Robinson:

"It may well be true that—without our even realizing it—the practice of Presidential impoundments that has grown up over the years is part of a tacit agreement that Congress will get credit for voting the funds while the President takes Congress off the hook by refusing to spend them."

POLITICAL PERSPECTIVE OF THE CONTROVERSY

Why is impoundment an issue?

Several reasons have contributed to the increased salience of impoundment as a political issue:

1. President Nixon has chosen to make an issue of impoundment. The Administration has forcefully advocated impoundment as necessary, legally sound, and constitutionally sanctioned.

2. The type of programs cut by the Administration, such as social welfare, have broad based political support.

3. Interest groups concerned with the programs have been more vocal than during prior administrations.

4. President Nixon is impounding funds authorized by a Congress under control of an opposition party.

5. A large number and range of programs have been affected.

6. Programs are now being substantially curtailed and terminated rather than continued with efforts to achieve fiscal savings on expenditures.

7. The legislative and executive branches are in heated disagreement over a multitude of other issues, including Watergate.

The political bases for impoundment

Impoundment decisions are largely policy oriented. In the words of OMB Director Roy Ash, "The choice had to be made between good programs and bad programs, and in some cases between good ones and better ones." The OMB during Senate hearings reported that impoundment decisions depended on at least three criteria. They were "(1) Does the need which brought about enactment of the program still exist? (2) Does the program achieve its intended goal? (3) Is the program meeting its objective in a reasonably efficient way?"

Unimpoundment

The release of funds from various programs after an occurrence of impoundment can be termed an "unimpoundment." This is perhaps the most political part of the decision process. Executive officials have called unimpounding "fine tuning" to alleviate political complaints resulting from the impact of impoundment. The ultimate effect of unimpoundment can be to selectively grant funds to those who can achieve a release of funds. The possibility of unimpoundment affects the size of cuts for impoundment. Larger cuts can be made because it is known that unimpoundment can reduce the effect of miscalculations.

The practice of unimpoundment has occurred for years; for example, in 1943, the Bureau of the Budget released $800,000 of impounded funds for Nevada airports because of political pressure from Senator McCarran. In 1971, the OMB, prompted by a House Subcommittee hearing, released $67 million withheld from public works programs. In April 1972, the Nixon Administration announced that it had released $415 million in federal school aid that had been impounded.

Methods of exerting pressure for unimpoundment

Those attempting to unfreeze funds include interest groups, Congressmen, citizens, and governors. Techniques of exerting pressure used by these parties in order to get funds unimpounded range from activities such as taking busloads of community people to sit in the offices of the Secretary of Health, Education & Welfare to conferences with the Domestic Council and OMB officials.

The major factor in successful unim-

pounding seems to be political influence on the White House. For example, according to one New York official, attempts to unfreeze impounded housing funds for New York must now be channeled through Governor Nelson Rockefeller. While Democratic Mayor John Lindsay is told there is a moratorium, Republican Governor Rockefeller can get whatever housing funds he wants. Additionally, one Washington lobbyist pointed to Philadelphia's success in obtaining the release of $10 million in urban renewal funds and suggested that the sole motivation for such a release was the close political relationship between Nixon and Mayor Rizzo.

Unimpoundmentments—election related

An officer of a national interest group, when asked if releases of impounded funds are election related, said: "Yes they are connected. The election in 1972 was related to the release of $109 million we got unfrozen in January of '73." Another example, cited by Dr. Louis Fisher, involves education funds. In the fall of 1970 it was learned that the Nixon Administration planned to withhold such funds. Criticism began to build up in Congress and in the school districts. Two weeks before the November elections, the Administration announced the money would be released.

Arguments for impoundment

The most politically persuasive arguments for impoundment will vary according to the issues of the times. For example during war time the commander in chief power may be the most persuasive basis for impoundment. During the current period of inflationary difficulties, the best political justification for impoundment is its counter-inflationary effect. The actual validity of this justification at present is in question.

Economics

Impoundment affects two levels of the national economy: first, macro economic effects (involving the national economy as a whole) and, second, micro economics (involving particular programs). This study undertook to consider both the macro economic and selected micro economic effects.

Macro economics

To evaluate the impact of impoundment on major economic variables, three alternative levels of spending were presented for computer analysis by the well respected Chase Econometrics Model. The first level was a baseline forecast based on the actual level of spending as of June 5, 1973. The second alternative was based on the assumption that OMB's February 1973 impoundment figure of $8.5 billion would have been spent, not impounded. Alternative 3 assumes that spending was increased by $14.5 billion, the Library of Congress February figure for impoundment.

Perhaps the most important finding from the econometric model is that impoundment, whether at the $8.5 billion or $14.5 billion level, caused very little change in the Consumer Price Index—the measure of inflation. Although Roy Ash, Director of the OMB, stated in February 1973 that if the President had not impounded, "he would have given rise to an absolute need for either new taxes or considerably higher prices through inflation," the computer findings show that even over two years the maximum effect on the CPI is only ½ of a point.

Amount impounded	Effect on Consumer Price Index		
	1972	1973	1974
No impoundment	125.8	132.4	137.8
$8,500,000,000 (February OMB figure)	125.8	132.5	138.2
$14,500,000,000 (February Library of Congress figure)	125.8	132.6	138.3

Unemployment

In addition to the effects on the consumer price index, there were also effects on employment. The computer figures indicate that at least 80,000 persons were unemployed during fiscal year 1973 as a result of impoundment.

Micro economic effects

For an example of the micro economic effects of impoundment, the Section 235 and Section 236 HUD housing programs were selected for analysis. 235 housing programs subsidize mortgages for low income families purchasing their own home. Similarly, 236 provides assistance for rent and mortgages for cooperative housing for low income families. The project's study extracted figures of estimated regional impact from the National Ad Hoc Housing Coalition.

The Coalition's aggregate figures were broken down to show the estimated economic and employment losses for each area office. These estimates were based upon the percentage allocations to area offices made by HUD in previous years. In the project's analysis of the total cost of the housing moratorium to particular cities, the following factors were considered, among others: community facilities that were to support housing, real estate taxes, interest on loans, maintenance on the buildings, insurance, heat and utilities.

The following figures represent the lost housing starts in selected cities for fiscal years 1972 and 1973 as a result of the moratorium on 235 and 236 housing programs. The amount listed as the total cost of the moratorium is a total of the factors previously mentioned, *e.g.*, lost real estate taxes, etc.

IMPACT OF MORATORIUM FOR FISCAL YEARS 1973–74 IN SELECTED CITIES

	Lost housing starts	Total cost of moratorium
Boston:		
235	3,092	140,642,712
236	11,881	465,960,939
Tampa:		
235	8,290	377,078,990
236	3,250	127,461,750
Detroit:		
235	9,432	429,023,952
236	8,273	324,458,787
Indianapolis:		
235	5,290	240,620,940
236	8,577	266,381,363

The National Ad Hoc Coalition's figures have been subject to criticism by HUD on several grounds. They regard them as substantially inflated, arguing that the drop in housing starts due to the moratorium will be largely counteracted by increased demand of non-eligible groups and by direct and indirect incentives which will still exist to meet the needs of eligible groups. Similarly, HUD criticizes, as unrealistic, assumptions that the fall in housing expenditures and related community services means that funds will not be spent in the community; the money will rather find its way to alternative uses.

In arguing minimal economic impact, HUD also would ironically be minimizing reductions in spending, thus reducing the counter-inflationary effects of the moratorium.

LEGAL AND CONSTITUTIONAL ASPECTS OF THE IMPOUNDMENT CONTROVERSY

At least 61 court cases dealing with the impoundment controversy have been filed during the last year. Most decisions have gone against the Administration's position. The executive arguments of political question and sovereign immunity have been almost unanimously rejected by the federal district courts. Further, the assertion that the President has the power to impound to fight inflation has been rejected. However, no final determination of the legal and constitutional issues will be available until the Supreme Court undertakes determination of the issue.

Most courts have shied away from holdings on the constitutionality of impoundment, while the Supreme Court might not. In its first chance to hear the issue, however, the Court refused original jurisdiction in the case of *Georgia v. Nixon*. Consequently, a Supreme Court review of impoundment will most likely have to wait for the appellate process to bring the issue to the Court.

The Constitution

The Constitution does not directly mention the power to impound. However, several provisions indirectly relate to the impoundment issue: veto power, the "faithfully execute" clause, executive power, commander in chief, and legislative power.

The Veto Power

This is the only constitutional provision which directly relates to an interrelationship between the Executive and the Congress on issues of legislation. It gives the final voice to Congress in overriding executive vetoes. This grant of power to Congress was given after an "absolute negative" was proposed by Alexander Hamilton at the Constitutional Convention and unanimously rejected. Impoundments generally have the effect of an absolute veto, leaving no possibility for congressional override. For example, even after the Clean Water Act had been passed over a veto, President Nixon directed the EPA not to allot the funds.

Impoundments have also been analogized to an item veto—a device common in state governments. An item veto grants the power to reject one portion of a bill without vetoing it as a whole. Project research revealed no discussion of item vetoes at the Constitutional Convention; however, the proposal has been since made and rejected.

Faithfully Execute

The clause requiring the President to "faithfully execute" the laws has been used by the Executive to justify impounding when there is an apparent conflict between statutory authorizations to spend and congressional directives not to spend. A prime example is the debt ceiling. The debt ceiling limits the amount which can be borrowed by the federal government. The President argues that limited revenues together with a limit on debt prevents him from expending monies up to the level appropriated by Congress when the level is above these restrictions. The use of the "faithfully execute" clause as a basis for *not* executing a statute is not supported by precedent. Additionally, one statute directly relates to the conflict pointed to by the President. Title 31 United States Code § 13 directs that when a conflict occurs between level of spending and level of authorized revenues, the President shall return to Congress for direction.

Executive Power

The clause vesting executive power in the President has given rise to a theory that the President possesses certain inherent powers. The courts have developed a three-pronged test of such an assertion: first, is the power committed to a coordinate branch; second, has there been historic acquiescence to the power by Congress; and, third, is the action in the public interest.

The criterion of commitment to a coordinate branch, in the context of the impoundment controversy, is subject to interpretation and offers no clear answer.

The consideration of historical practice is the criterion most often argued by the Executive. However, even if a practice has been carried on for a period of time, it may still be held unconstitutional. Examination of his-

toric instances of impoundment leads to two conclusions. In previous administrations, impoundments have occurred which affected policy. For example, curtailments of public works projects during World War II and RB-70 cutbacks both had an effect on national policy. Additionally, these impoundments had the effect of curtailing implementation of programs. In these two respects, Nixon Administration impoundments are not unique. However, the broad scale of impoundments and numerous instances of program curtailments during a single year do make the 1973 impoundments different. Impoundments curtailing program performance have never before been a generally accepted part of the budget process. Consequently, impoundment as practiced by the current Administration is unprecedented.

The public interest criterion is accepted only for temporary periods and, in some instances, not accepted at all if Congress is deemed to have spoken. For example, in the famous Steel Seizure case, the Court rejected seizure of the steel mills by President Truman despite the claim of national emergency.

Commander in Chief

The commander in chief power in the Constitution presents perhaps the most sacred grounds upon which the President can impound. This is also the area in which many past Presidents have justified their impoundments, including Roosevelt and Kennedy. In contrast there have been no impoundments formally justified under the commander in chief power in the Nixon Administration, possibly because military spending has been a favored category during this Administration.

Constitutional powers of Congress

Congress was granted the power to legislate on all subjects "necessary and proper" to carry out its enumerated powers. Part of its power to legislate is the power to appropriate since no funds may be drawn from the treasury "but in consequence of law." If a presidential action has the effect of curtailing legislative intent, the President could be said to be encroaching on the congressional power to legislate. That the Congress has been given the right to legislate spending implies that there is no absolute right in the President to refuse to spend entire appropriations.

Enactments relating to impoundment

In addition to constitutional bases for withholding funds, there are particular statutes which the Executive has cited as reason to impound. Interpretation of these acts as well as specific authorizations and appropriations have been the focus of court decisions.

Anti-Deficiency Act

The Anti-Deficiency Act was originally passed in 1907 to prevent overspending, as implied by its name. In 1950, the provision was added which allowed for "reserving" by the OMB. Of the reasons for reserving, the provision most cited currently by the OMB is the power to reserve for "other developments." In a Budget Bureau handbook written just two years after the amendment to the Act had been passed, the Bureau stated, "Reserves must not be used to nullify the intent of Congress with respect to the specific project or level of programs." There is no doubt that the Anti-Deficiency Act authorizes actions to reduce expenditures for the sake of fiscal savings. However, as evidenced by the Bureau of the Budget handbook, the statute does not directly authorize curtailment of congressional policy enactments. In the recent *Missouri* v. *Volpe* case, finding impoundments in the Highway Trust Fund illegal, the court held that their decision was not inconsistent with the provisions of the Anti-Deficiency Act and that the Act authorizes reserves only when "they will not be required to carry out the purposes of the appropriation concerned."

Employment Act of 1946

The Employment Act was passed for the purpose of "maximizing employment, production and purchasing power." The Act itself places no particular power in the hands of the Executive but creates both the Council of Economic Advisors and the Joint Economic Committee. There is no grant of power in the Act for the Executive to take action against inflation. There consequently appears to be no authorization in this statute to impound for counter-inflationary reasons.

Interpretation of congressional authorization and appropriations

Without exception, the court cases on impoundment have focused on the interpretation of the statute authorizing the program allegedly impounded. The argument is whether the statute has "mandatory" or "permissive" provisions. An appropriations act is not per se mandatory. This is supported by a statement of the chairman of the House Appropriations Committee, George Mahon: ". . . the weight of experience and practice bears out the general proposition that an appropriation does not constitute a mandate to spend every dollar appropriated." This is further supported by the existence of the Anti-Deficiency Act, previously mentioned, which specifically empowers the Executive to withhold in specific circumstances.

This is not to say the language in appropriation or authorization statutes has no effect. In fact, President Nixon, in vetoing funds for impacted schools, recognized the possibility of controlling executive spending discretion: "Nearly nine tenths of this Congressional increase—$1.1 billion—is for mandatory programs. The executive branch would have no control over these appropriations."

In the one appellate decision on impoundment, the *Missouri* v. *Volpe* case, the court relied heavily on legislative history to determine the intent of Congress regarding expenditures. It determined that the language of the statute in the context of the legislative history prevented the impoundment of Highway Trust Fund monies.

Another court, in its analysis of the HUD moratorium, took a more limited view and looked primarily to the words of the statute itself. The court found the provision permissive. From this point of view, the absence of the magic words "direct" or "mandate" could be determinative.

In the majority of cases, the courts have determined that the action of the Executive in withholding was improper. Many of the examples of impoundment discussed in the budget process section have now been declared illegal by federal district courts. Dismantlement of CAA's in OEO was ruled illegal. Refusal to allot Clean Water funds has been found to be beyond the discretion of the agency administrator. The failure to give adequate notice to Minnesota farmers of termination of FHA emergency loan programs was ruled by the D.C. District Court to be a violation of the notice requirements of the Administrative Procedure Act. Further, the judge stated, "The unilateral termination of the program *without notice* to the Minnesota farmers offends all traditional notions of fair play." The Minnesota case emphasizes the fact that not only the effects of impoundments but the procedure by which they have been accomplished are illegal.

However, none of the court decisions have offered a final solution to the impoundment issues. The courts continue to emphasize statutory interpretation and avoid declaring impoundment as a general practice unconstitutional. This is prudent since impoundments, in the broad meaning of the term, are often not only constitutional but desirable and supported by Congress. These are the instances in which impoundment is used for savings which do not substantively affect program performance. It is only when impoundments affect congressional policy, something which can only be determined by analysis of statutory language and legislative history, that impoundments take on the character of an item veto or absolute veto and could be considered unconstitutional.

STATE GOVERNMENTS IN THE UNITED STATES

Questionnaires were mailed to the legislative appropriations committees and the executive budget agency of each state. Forty-six states responded to the questionnaires, providing considerable information on each state's system of budegt preparation, appropriations, item veto, budget execution and post audit. Library research supplemented the findings of the questionnaires.

State legislative modernization has brought some significant changes in committee organization. Fourteen states have adopted joint appropriation committees, and in four of these states the appropriation and taxation functions are combined. There is an increasing trend to provide permanent professional staffing for fiscal committees, often in the form of a central legislative fiscal agency. In addition state legislators seem to have greater access to relevant information than do federal legislators. In the majority of states, initial agency requests are openly available to fiscal committees, and needed fiscal information may be obtained from central executive staff or the agencies themselves. Legislators commonly have access to allotment schedules, accounting records and disbursement reports. Monthly computer reports of expenditures are provided in at least seven others. In six states, there are some specific requirements for reporting the withholding of funds either before or after the fact.

The item veto is granted to the governors of over forty states. While typically allowing the governor to eliminate individual items, the item veto may also allow him to scale down items to desired levels. Similarly, in some states the veto may also include the ability to veto provisos or statements of intent included in the appropriation. Despite its widespread availability, the item veto is infrequently used, but when it is used, it is rarely overridden. In a small number of states, however, the item veto has been extensively used and has proved to be a significant restriction on legislative policy making. Greater use of the veto appears to occur in those states with the "reduction veto." In at least one state, Illinois, the use of the reduction veto was also accompanied by frequent "impoundment."

Generally, however, failure to spend in accordance with legislative intent has not presented serious problems. State fiscal statutes often place restrictions on the executive authority to approve allotments, authorize fund transfers, and/or withhold to prevent deficits. In some states, for example, impoundments can be made only on an across-the-board basis.

The existence of legislative oversight committees and the presence of legal remedies through court action or attorney general opinions also appear to have placed limits on executive discretion.

Many of the devices used by state governments have implications as potential methods of reform of the federal government. However, their significance is limited in view of the limited responsibilities of state governments as compared to the federal government. Only the federal government is responsible for defense, international balance of payments, nationwide price levels, and other problems of national scope. The federal government may well require unique systems in order to perform its unique missions.

COMPARATIVE STUDY OF FOREIGN GOVERNMENTS

A comparative study was prepared for our project by Professor Hans W. Baade, University of Texas Law School, covering the budg-

et processes of Great Britain, France and West Germany during the past three centuries. A summary of a few of the major points of his report follows.

Each of these countries has a parliamentary system of government. The contrast between their system and the presidential system in the United States must be recognized before any other meaningful comparisons can be made.

In each of the overseas countries studied, modern budgetary history started with the struggle to prevent the king from levying taxes without the consent of the legislature. The British Parliament won this struggle in 1689, when the Bill of Rights established the principle of no taxation without representation; however, the American colonies did not enjoy the benefits of this principle until they became independent a century later. In France and the German States, at different dates, the power to tax ultimately fell into the hands of the legislature.

In the early days of legislative supremacy over taxation, the legislatures tended to levy taxes at levels below the amount desired by the king to support royal programs, especially involving the military. However, as nations became industrialized, and as governments were called upon to render far reaching social services, legislators came under increasing pressure from their constituents to initiate and expand governmental spending, often beyond the level desired by the Executive.

By this time, the executive function had generally passed from the king to the "government," typically consisting of a prime minister and cabinet, who could be forced out of power by a legislative vote of no confidence.

While individual legislators asserted the need for increased spending for specific programs, the government was obliged to control overall levels of spending, since no other organ of government could enforce fiscal responsibility.

The legislature itself recognized the need to protect individual legislators from constituent pressure, and to protect the government from excessive legislative pressure to spend. In 1713 the English House of Commons adopted a standing order, still in effect today, providing that only the government can introduce taxation or appropriation bills. Similar provisions are found in statutes or constitutions of the other nations of the British Commonwealth. France and Germany also place strict limits on the ability to introduce financially-burdensome legislation.

The possibility of dispute regarding the speding of public funds is obviously reduced in such circumstances, where the government dominates the appropriations process as well as the spending process. Nevertheless, in Britain, France and West Germany, the government sometimes wishes to spend less than the amount appropriated, and the government in each country enjoys considerable but not complete discretion in deciding whether or not to spend.

In all three countries, the government is permitted and indeed expected to reduce the level of spending when called for by considerations of prudent and efficient administration, that is, when the legislative program can be carried out at lower cost than originally anticipated.

In addition, in all three countries, the government enjoys limited discretion to reduce spending for specific programs in order to keep total spending within acceptable macro economic limits. This discretion and its limitations are most clearly recognized in West Germany, where the Stability Act of 1967 provides guidelines which the government must follow in deciding whether to impound funds; however, the guidelines are quite vague, and the government apparently enjoys broad discretion under the statutes. France takes a somewhat different approach, providing that ongoing programs are not subject to impoundment, but new programs may be. In England, the government's discretion seems greatest. As recently as March, 1973, the chancellor of the Exchequer announced that he would act at any time of the year to adjust expenditure, taxation or monetary policy as the economy might require. This statement should be interpreted in light of the English tradition, which assumes that the government will ordinarily try to adhere to the program which is explained and defended during the parliamentary debates on the budget.

PENDING PROPOSALS

As a result of the impoundment controversy, over forty bills have been introducted into Congress concerning impoundment and the budget. The first bill passed by the 93rd Congress was a bill compelling the reporting of impoundments to Congress by February 10th, 1973. Joint hearings of the Subcommittee on Separation of Powers and the Ad Hoc Subcommittee on Impoundment were held. And a joint committee was formed to study the congressional role in the budget process.

The final result regarding impoundment has been two spearate proposals passed in each House which would require congressional review of impoundment. There is a substantial difference in method of review between the two bills. The Senate bill provides that impoundments will become invalid unless approved by Congress within 60 days. The House bill would result in impoundments being invalid only if Congress disapproved. The two bills are now in conference committee, which is reportedly deadlocked. There is currently more enthusiasm for action on bills relating to improving the congressional budget process than on restricting impoundments.

EVALUATION OF CURRENT SITUATION

The dispute over impoundments has dramatically escalated during the past 18 months. President Nixon has announced that he has impounded, and intends to impound in the future, until such time as Congress becomes "responsible" in its approach towards spending. He scales expenditures down to a level he regards as acceptable, and he does so by impounding funds from programs which in his view have the lowest priority. This often frustrates the intent of Congress, which may have very different priorities. Congress, in turn, accuses the President of seizing unprecedented power by imposing his own set of priorities. However, Congress has not been able to rally around a position from which to exert effective pressure against continuing impoundment. The lower federal courts have ruled that a number of recent impoundment measures were illegal, on the basis of statutes involving the specific programs in question, but the Supreme Court has not decided an impoundment case.

Some degree of friction between the President and Congress is built into our system of separation of powers. This friction can be expected to be especially severe when the President and the congressional majority are of opposite political parties, as at present. However, the current confrontation over the impoundment issue has reached serious proportions.

When the President and Congress assert conflicting policies and priorities regarding governmental spending, citizen confidence in goverment itself is likely to be undermined, especially when the President resolves the conflict by his own unilateral action, on the basis of procedures which pose an unacceptable risk of abuse within the executive branch.

This risk of abuse arises from such elements as: the lack of any regularized procedure for making impoundment decisions in the executive branch; the lack of guidelines for allocating priorities in connection with proposed spending cuts; the secrecy of the process and of the underlying documents; the openness of White House staff to importuning; the possiblity of unimpoundment by means of "fine tuning" on a selective basis; the consideration of political impact as one of the bases for decisions; and the leakage of information in advance of official announcement of certain impoundment decisions.

In such a system, errors can go undetected, and so can arbitrary, discriminatory and irrational decisions.

No only is there a risk of abuse in making impoundment decisions regarding cuts in specific programs. In addition, the macro economic assumptions which form the basis of the President's policy regarding total spending are themselves open to serious challenge.

In the face of such presidential action, Congress has failed to assert itself forcefully. Part of the explanation may lie in the fragmentation of congressional strength. But deeper explanations may underly congressional tolerance of the President's impoundment policy. Congress may welcome the situation as one where, as one Congressman put it, "Congress will get credit for voting the funds while the President takes Congress off the hook by refusing to spend them."

Some scholars have observed an inevitable trend toward increased presidential power, especially with regard to macro economic and fiscal planning. President Nixon's use of power demonstrated in his impoundment policy may be a symptom of a more general shift of power to the Executive, a shift which Congress is not yet prepared to acknowledge. Whether this shift does in fact take place and, if so, when, will depend largely upon the extent to which Congress can demonstrate its capacity for responsible leadership.

In keeping with the American tradition of conflict and compromise, quite possibly the impoundment controversy will not end with either branch of government clearly predominating. Perhaps our best hope is that the controversy is never quite solved and that our system will remain, in this respect as in others, in a constant state of creative tension.

CALLING UP OIL'S SHADOW GOVERNMENT

Mr. METCALF. Mr. President, in his energy speech Sunday evening, the President did not mention one of his most significant actions. It was briefly mentioned in a fact sheet issued by the White House Sunday. That fact sheet stated that the Emergency Petroleum and Gas Administration Executive Reserve will be partially activated and that approximately 250 oil and gas industry executives will be "activated" to assist in planning and administering emergency programs.

You will not find the Emergency Petroleum and Gas Administration in the Congressional Directory. EPGA has been a shadow government agency which through Interior's Office of Oil and Gas, was maintained in standby readiness to mobilize and direct the Nation's petroleum and gas industries in the event of a national emergency.

The EPGA is composed principally of oil company officials. Its plan of action was developed by the National Petroleum Council, an industry advisory committee, and other oil company entities.

I believe it is important that we all know as much as possible about persons who conduct the affairs of Government.

In this instance the administrators, for the most part, are not public officials seasoned by experience in civilian government. They are part of the oil industry. They will function with military officials who are also being brought into the program.

The table of organization of the Emergency Petroleum and Gas Administration lists 24 officials from Exxon, 22 from Shell, 20 from Texaco, 15 from Mobil, 14 from Atlantic Richfield, 12 from Sun Oil, 11 from Northern Natural Gas, 10 from Gulf. And so it goes, with officials from energy companies dominating most of the 476 positions already filled in this crucially important Government agency now being quietly activated by the President, an agency with a total of 935 positions to be filled. The positions in which energy company officials have already been placed involve policy direction and implementation, the provision of legal counsel, and information.

Mr. President, I ask unanimous consent to print in the RECORD four items which provide details on this matter. One is Roberta Hornig's article, in the November 22, Washington Star-News, " 'Executive Reservist' Aid Sought by Energy Group." The second is the November 26 article, "Allocating Oil 'The Military Way' " by Rowland Evans and Robert Novak. The third is an article from today's Washington Star-News "Oil-Leader Draft Hits Legal Snags" and fourth is the table of organization and key positions of the Emergency Petroleum and Gas Administration as of October 31, 1973, and as provided to me this week by the Office of Oil and Gas.

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

EXECUTIVE RESERVIST AID SOUGHT BY ENERGY GROUP

(By Roberta Hornig)

The White House's Cabinet-level Emergency Energy Action Group has decided to recommend that "executive reservists" be called up to help the administration cope with severe energy shortages.

The "reservists" would be senior officials from the oil industry who are members of the standby Emergency Petroleum and Gas Administration which was last activated during the Korean War.

Administration sources say that some 100 or so of the executives would be stationed throughout Washington and various regions in the country to help carry out any fuel allocation programs.

News of the energy group's actions were generally blacked out after its third meeting yesterday.

Leaks that had been coming from its meetings were generally stopped after White House Chief of Staff Alexander Haig met briefly with the group and declared that decisions are "no policy" until approved by the President.

One administration source said Haig pointed out that any policies decided upon have to be activated by the President.

The action group, organized last week, is headed by presidential energy adviser John Love. So far it has produced at least two specific recommendations—closing gas stations on Sundays to cut down gasoline consumption and "allocating," or rationing, heating oil to consumers and business establishments.

Both of these actions, which were approved earlier this week, are likely to be announced Monday at the White House, administration sources say.

Until now, the administration has generally relied on voluntary energy conservation by U.S. citizens. At the same time, several administration members have painted bleak pictures of what lies ahead for the American public.

Interior Secretary Rogers C. B. Morton, for example, yesterday predicted that the public will begin feeling the fuel pinch early next month and that Eastern states particularly may experience power brownouts or blackouts.

Shortages will hit residual oil used in electrical power plants in early December, extend to heating oil, diesel oil and jet fuel in late January, and effect gasoline in early to mid-February, he warned.

In New Haven, Connecticut Gov. Thomas Meskill announced that New England's electric companies will reduce voltage by 5 percent from 4 p.m. to 8 p.m. daily to save fuel, the Associated Press reported.

(The cutback, to begin Monday, would have a minimal effect on consumers, possibly only reducing the quality of television reception, the governor said.)

Another administraion spokesman, Roy Ash director of the Office of Management and Budget, reported yesterday that a ban on Sunday driving "is not under consideration" by the government.

Besides calling up "executive reservists," who reportedly represent all segments of the oil industry including the refining, marketing, producing, and transportation ends, the action group yesterday:

Presented an option paper to the President on a nationwide speed limit of 50 miles an hour.

Heard Stein, director of the Council of Economic Advisers, discuss the economic impact of energy shortages.

Discussed a proposed mandatory conservation move requiring business establishments to close on Sundays or shorten store hours to save fuel. An administration source said several businssmen have told the White House the hours of curtailment would cut down their overtime and payroll gross, which would be beneficial to them.

Discussed the plight of the Northeastern states, which are expected to be among the hardest hit by energy shortages since they depend so heavily on the imports of the Mideastern Arab states that have been cut off since the Arab-Israeli war.

Meanwhile, in related developments:

Authoritative sources reported that Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, has told the Treasury that he would not go along with an increase in the federal excise tax on gasoline that involved income-tax rebates, the new York Times said.

The Treasury, still opposed to general gasoline rationing, was reported to be considering a gasoline tax boost that would be partly offset by the issuance to motorists of coupons that could be used to pay the tax only on a specified number of gallons.

John T. Dunlop, director of the Cost of Living Council, said he opposes lifting petroleum price controls early, to discourage consumption, although he said U.S. oil prices must rise in the long run.

But Dunlop raised the possibility of early price increases on home heating oil by revealing that his council was considering incentives to encourage its production at U.S. refineries.

In New York, Ralph Nader, criticizing Nixon's directive to speed up the licensing of atomic power plants, said emphasis on atomic power could "replace the energy crisis with a long-term radioactivity crisis."

Dixy Lee Ray, chairman of the Atomic Energy Commission, called Nader's statement "one more attempt to frighten the American people." She said Nader and the Union of Concerned Scientists, who joined him in the statement, were "wrong" and "have chosen to ignore the . . . facts."

Kenneth E. Hill, a member of the National Petroleum Council, said yesterday in New York that oil companies are drawing their fuel oil stock down at the rate of a million barrels a day. Combined with the 3 million-barrels-a-day Arab oil embargo, he said, "They'll literally run out on March 1."

Hill also said the U.S. can never reach the total self-sufficiency sought by President Nixon because it would cost more than $70 billion a year for the next seven years to do so.

The Cost of Living Council exempted from some price controls crude oil produced from wells producing small amounts of oil.

The council said its action is expected to step up production from the small wells and help relieve the nation's energy shortage. The so-called "stripper wells" are estimated to account for 13 percent of petroleum produced in the United States.

Sen. Hubert H. Humphrey, D-Minn., said a shortage of petroleum-based fertilizers arising from the Arab boycott will curtail U.S. food production and could lead to starvation in the poor nations of Africa and Asia.

ALLOCATING OIL THE MILITARY WAY

(By Rowland Evans and Robert Novak)

The federal agency exerting life-or-death power over the American economy through allocation of scarce gas and oil is being run by a crusty three-star admiral who privately vows the program will work "the military way" no matter what the public wants.

Vice Adm. Eli T. Reich, 60, last month quietly retired from the Navy (ending 38 years' service), left his Pentagon job as Deputy Assistant Secretary of Defense for Logistics and the next day came downtown to take over the new Office of Petroleum Allocation in the Interior Department. Since then Reich (pronounced "rich") has brought in more than 15 retired or active duty military officers (colonels and above). More are on the way.

A Prussian complexion for what is now the government's most important people program seems dubious. But beyond image. Interior Department officials question whether generals and admirals are equipped to dictate allocation and rationing with transcendent political and economic impact.

Their doubts were fueled by Adm. Reich's first days on the job. Gathering Interior Department staffers about him, Reich declared: "I don't give a damn for the public image. We're not here to create an image. We're to do a job—my way. And that's the military way." Reich then launched into what civilians at the Interior Department describe as a series of "old sea stories."

Interior Department civilians were suddenly in coventry, cut off from what was happening. Simultaneously, the brass migration began. Navy Capt. Robert C. (Bing) Gillette became acting executive director, Air Force Lt. Col. R. D. (Deek) Hensley is Reich's administrative assistant, retired Air Force Maj. Gen. James Curtin was named director of operations.

Retired officers will be in charge of regional offices in Atlanta, Dallas and Denver, Col. James Scanlan was put in charge of personnel with a Navy captain as his deputy. A retired major general was scheduled to become permanent executive director but bowed out because of poor health. Four officers, active and retired, were assigned to the Office of Planning and Policy. And the underground railway from the Pentagon has not yet run its course.

The reason for the topside military invasion is given as dire necessity. The allocation

office was struggling along with some 200 nondescript bureaucrats detailed from the poverty program, the Agriculture Department and other departments utterly irrelevant to the energy program. With the crisis at hand, following months of White House procrastination, the office was incapable of doing the job. So, presidential counselor Melvin R. Laird suggested that Reich, an expert at military logistics, take over.

"Frankly, we had chaos," Reich told us, defending the brass as the best available talent. For instance, Col. William Steger, brought over from the Pentagon, is a recognized petroleum expert.

Reich contends that some of his retired generals will stay only six months and that, once conflict-of-interest and antitrust complications are ironed out, he plans to draw 225 persons from private industry. Moreover, high administration officials claim that Reich's army is strictly administrative.

In truth, however, it is more than that. His office is now setting priorities in the critical middle-distillate (heating fuel, jet fuel, diesel fuel, etc.) area. Whether those decisions are correct or not, some administration officials worry about the image. Interior Department bureaucrats cringed when Reich's first act in the new job was to establish top priority for the Defense Department They fear repercussions when he allocates fuel for defense contractors at the expense of other industries.

The once warm relationship between Democratic Sen. Henry M. Jackson of Washington and the Nixon administration underwent further deterioration during the Mideast crisis, with Jackson fuming to friends that he was cut off from diplomatic information.

What incensed Jackson was the continuing ardent courtship by Secretary of State Henry Kissinger of Jackson's arch foe and inveterate Nixon-baiter, Sen. J. W. Fulbright of Arkansas—a fact spread around town by friends of the Foreign Relations Committee chairman.

Jackson, President Nixon's invaluable ally through the long agony of Vietnam, felt he was cut off from the information spigot because of criticism of détente and the Nixon-Kissinger handling of the Mideast crisis. Last week Kissinger finally telephoned Jackson to ask him for an appointment—but resentment endures.

OIL-LEADER DRAFT HITS LEGAL SNAGS

President Nixon's plan to draft 250 oil industry executives to help run his emergency energy programs is running afoul of antitrust and conflict-of-interest laws.

But the administration will try to get Congress to exempt the executives from the laws so that they can come to work as soon as possible.

Nixon said Sunday night he would activate 250 of the more than 400 oil executives who signed up some years ago to take government posts in a national emergency.

At the Interior Department, officials were uncertain how soon the executives would be coming to work and in precisely what capacity.

"We expect some difficulty in getting them on board," said Ben Tafoya, an official in the Oil and Gas Division who is in charge of keeping the executive list up to date.

"You have to make sure the conflict-of-interest and antitrust problems are resolved to the individuals' satisfaction," he said. "Most people in the oil industry are very sensitive to that."

Under the emergency planning program, the executives would be the key officials in the Emergency Petroleum and Gas Administration, an agency that would regulate the industry during national emergency.

Until now, that agency existed only on paper, but the White House said it will be "partially activated" to help run Nixon's new oil-allocation programs.

The oil industry is pressing for a general exemption from antitrust laws for any executives who take a government post, either to help with rationing, allocation or other program. White House energy adviser John A. Love said he would support the exemption.

NATIONAL HEADQUARTERS UNIT—TABLE OF ORGANIZATION (KEY POSITIONS)

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

100; National Administrator; Hon. Rogers C. B. Morton (Sec'y of the Interior).

100–A; Alternate National Administrator; Stephen A. Wakefield (AS/EM).

110; Deputy Administrator.

110–A; Alternate Deputy Administrator; Harold M. McClure, Jr. (McClure).

110–B; Alternate Deputy Administrator; Duke R. Ligon (OOG).

110.1; Special Assistant; Vincent M. Brown (NPC).*

110.2; Regional Coordinator; Maxwell S. McKnight (NPC).

110.3; Coordinator—International Alliances; John Ricca (General Motors).

120; Director—Office of Program Coordination; Jack H. Doores (Exxon Corp.).

120.01; Staff Assistant; W. Gibson Jaworek (Foster Assn.).

120.1; Asst. Director—Long Range Branch; C. Marvin Case (Consultant).

120.11; Chief—Long Range Programs Section; E. F. Dellamonte (Texaco).

120.12; Chief—Liaison, Production; Clarence W. Lee (Phillips).

120.13; Chief—Liaison, Refining.

120.14; Chief—Liaison, Supply and Transportation; Harold E. Cashman (Retired).

120.15; Chief—Liaison, Distribution and Marketing; Francis X. Jordan (IPAA).

120.16; Chief—Liaison, Gas Operations; William W. Cofield (Transco).

120.17; Chief—Liaison, Support Services.

120.18; Chief—Facilities Research Section.

120.2; Asst. Director—Intermediate Range Branch; Robert L. Presley (OOG).

120.21; Chief—Domestic Pet. Area Programs Section.

120.22; Chief—Foreign Pet. Area Programs Section.

120.23; Chief—Gas Programs Section.

120.3; Asst. Director—Short Range Branch.

120.31; Chief—Domestic Programs Section.

120.32; Chief—Foreign Programs Section.

120.4; Asst. Director—Defense Liaison Branch; Richard S. Fourman (Cities Service).

120.41; Chief—Long Range Mil. Programs Section.

120.42; Chief—Inter. & Short Range Mil. Prog. Sect.

140; Director—Office of Statistical Services; James S. Cross (Sun).

140.1; Asst. Director—EDP Branch; John S. Christenson (Caltex).

140.11; Chief—Programming Section.

140.12; Chief—Machine Operations Section.

140.2; Asst. Director—Operations Statistics Branch; Jack L. Morrison (U. of Okla).

140.21; Chief—Domestic Operations Section; Herbert J. Ashman (OOG).

140.22; Chief—Foreign Operations Section; William J. Darby (OOG).

140.23; Chief—Gas Operations Section; Frederick W. Lawrence (EPA).

140.24; Chief—Support Services Section.

140.25; Chief—OPC and Staff Section.

140.3; Asst. Director—Mat. Alloc. Acct. Branch.

140.31; Chief—Domestic Operations Section.

140.32; Chief—Foreign Operations Section.

140.33; Chief—Gas Operations Section.

150; Director—Office of Secretariat; Carrol D. Fentress (Phillips).

150.1; Asst. Director—Conferences & Reports Br.; Robert E. Plett (OOG).

150.11; Professional Assistant.

150.12; Staff Assistant (Industry Advisory Comm.)

150.2; Asst. Director—Executive Communications Br.; Walter E. Rogers (INGAA) **

160; Director—Office of Administrative Service; Joe H. Cooley (Bu Mines).

161; Dep. Dir.—Office of Administrative Services.

160.1; Asst. Director—Office Services Branch; Leonard A. Vickers (OOG).

160.11; Chief—Gen. Adm. Services.

160.12; Chief—Reprod., Printing & Binding Sect.; Marshall L. Atkinson (LLM).

160.13; Chief—Mail & Internal Comm. Section.

160.14; Chief—Records Management Section.

160.2; Asst. Director—Budget & Finance Branch; Wayne E. Fichtner (USGS).

160.21; Chief—Annual Budget Section.

160.22; Chief—Fiscal Control Section.

160.23; Chief—Employee Travel & Transp. Section.

160.3; Asst. Director—Personnel Branch; Mrs. Lola E. Rowe (ASO–USDI).

160.31; Chief—Gen. Personnel Adm. & Supvn. Sect.

160.32; Chief—Employee Relations & Serv. Section.

160.33; Chief—Staffing Section.

160.34; Chief—Safety Mgmt. & Pers. Security Sect.

160.4; Asst. Director—Organization Planning Branch; Stephen G. Lynch (USGS).

160.41; Chief—Records System & Mail Mgmt. Section.

160.42; Chief—Records Creation & Disposal Section.

170; Director—Office of Information.

170.01; Staff Assistant; Rhoda Ritzenberg (OOG).

170.1; Asst. Dir.—Public Relations & Comm. Branch; Ralph E. Williams (AS/EM).

170.2; Asst. Director—Internal Relations Branch.

180; General Counsel.

180.1; Asst. General Counsel—Domestic Pet. Operns.

180.2; Asst. General Counsel—Foreign Pet. Operns.

180.3; Asst. General Counsel—Gas Operations; Jerry P. Fortenberry (Tenneco).

180.4; Asst. General Counsel—Support Services.

190; Finance Counselor; Jerry J. O'Brien (Seaboard).

190.01; Staff Assistant.

190.1; Asst. Counselor—Govt' Agencies Liaison; J. Cordell Moore (Consultant).

190.2; Asst. Counselor—Financial Policy.

200; Asst. Administrator—Domestic Pet. Operns.; Warren B. Brooks (Mobil).

200.1; Executive Assistant.

210; Director—Dom. Prod. & Nat. Gas Process. Div.; Claude W. Brown (Br. & Thorp).

210.01; Special Assistant; J Roy Goodearle (OOG).

211; Dep. Dir.—Dom. Prod. & Nat. Gas Process. Div.

211.01; Statistical Assistant.

210.1; Asst. Director—Analysis & Planning Branch; Billie D. O'Neal (Exxon Co.).

210.11; Chief—Supply Section; Sherwood W. Kingsbury (Atlantic Richfield).

210.12; Chief—Economics & Spec. Studies Section.

210.2; Assistant Director—Production Branch; James Gill (OOG).

210.21; Chief—Production Coordination Section.

210.22; Chief—Facilities Section.

210.3; Asst. Dir.—Gas Gathering & Processing Br.; Harold R. Galloway (Exxon Co.).

210.31; Chief—Operations Coordination Section; Joseph A. Golasinski (OOG).

210.32; Chief—Facilities Section.

220; Director—Dom. Refining & Manufacturing Div.; W. H. Decker (Atl. Richfield).

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* NPC—National Petroleum Council.

** Independent Natural Gas Association of America.

221; Dep. Dir.—Dom. Refining & Manufacturing Div.; Eugene L. Peer (OOG).
221.01; Statistical Assistant.
220.1; Assistant Director—Facilities Branch; David L. Uzzell (Monsanto Co.).
220.11; Chief—Materials Section.
220.12; Chief—Manpower & Construction Section.
220.2; Assistant Director—Technical Branch; Jack E. Phillips (Bu. Mines).
220.21; Chief—Technology Section.
220.22; Chief—Planning Section; George S. Birchfield (Exxon).
220.23; Chief—Economics Section.
220.3; Assistant Director — Operations Branch; Frank A. M. Buck (Shell).
220.31; Chief—Operations Section—Regions 1 & 2.
220.32; Chief—Operations Section—Region 3.
220.33; Chief—Operations Section—Region 4.
220.34; Chief—Operations Section—Region 5.
220.35; Chief—Operations Section—Region 6.
220.36; Chief—Operations Section—Regions 7 & 8.
220.37; Chief—Operations Section—Region 9.
220.38; Chief—Operations Section—Region 10.
220.4; Asst. Dir.—Additives & Catalysts Operns. Br. J. Lisle Reed (OOG).
220.41; Chief—Lead Alkyls, & Gas Inhib. Section.
220.42; Chief—Petroleum Cracking Cat. Section.
220.43; Chief—Lube Oil Additives Section.
220.44; Chief—Other Additives Section.
220.5; Asst. Dir.—Petrochemical Operns. Branch David L. Neal (Phillips).
220.51; Chief—Operations Section—Regs. 1, 2 & 4.
220.52; Chief—Operations Section—Region 3.
220.53; Chief—Operations Section—Region 5.
220.54; Chief—Operations Section—Region 6.
220.55; Chief—Operations Section—Regions 7 & 8.
220.56; Chief—Operations Section—Regions 9 & 10.
230; Director—Domestic Supply & Transp. Division; Frank S. English, Jr. (Marathon).
231; Dep. Dir.—Domestic Supply & Transp. Division.
230.01; Statistical Assistant.
230.1; Assistant Director—Supply Planning Branch.
230.11; Chief—Intermediate Range Program Section.
230.12; Chief—Short Range Program Section.
230.2; Assistant Director—Supply Coordination Branch; Paul M. Kinnaird (Ashland).
230.21; Chief—Crude & Gas Liquids Section; W. R. Pettigrew (Kerr-McGee).
230.22; Chief—Products Section.
230.3; Assistant Director—Transportation Branch; Earl G. Ellerbrake (OOG).
230.31; Chief—Pipeline Section; C. P. Bowie (Cont. Pipeline).
230.32; Chief—Surface & Inland Waterways Section.
230.33; Chief—Tanker Section; Otto G. Glander (C. D. Mallory).
230.34; Chief—Facilities.
240; Director—Domestic Dist. & Mktg. Division; Virgil A. Shriver (Cities Service).
Dep. Dir.—Domestic Dist. & Mktg. Division; Daniel E. Hendricks, Jr. (Shell).
241.01; Statistical Assistant.
240.1; Assistant Director—Analysis & Planning Br.
240.11; Chief—Products Section; Max H. Biber (Marathon).
240.12; Chief—Support Services Section.
240.2; Assistant Director—Operations Branch; Edward F. Shannon (Retired).
240.21; Chief—Products Section.
240.22; Chief—Support Services Section.
300; Asst. Administrator-Foreign Petroleum Operns.
300.1; Executive Assistant; Douglas H. Harnish, Jr. (OOG).
310; Director—Foreign Production Division; G. R. Bates (Texaco).
311; Dep. Dir.—Foreign Production Division.
311.01; Statistical Assistant.
310.1; Assistant Director—Technical Branch.
310.2; Assistant Director—Latin America Branch; Ernest E. Merkt, Jr. (Gulf).
310.3; Assistant Director—Canada Branch.
310.4; Assistant Director—Europe & Africa Branch.
310.5; Assistant Director—Near & Middle East Br.
310.6; Assistant Director—Far East Branch.
320; Director—Foreign Ref. & Mfg. Division; Walter A. Arnold (Mobil).
321; Dep. Dir.—Foreign Ref. & Mfg. Division.
321.01; Statistical Assistant.
320.1; Assistant Director — Facilities Branch.
320.11; Chief—Materials Section.
320.12; Chief—Manpower & Const. Section.
320.2; Assistant Director — Technical Branch; Bari Saunders (Exxon Co.).
320.21; Chief—Technology Section.
320.22; Chief—Planning Section.
320.23; Chief—Economics Section.
320.3; Assistant Director—Refinery Operns. Branch; Kenneth G. Brown (Consultant).
320.31; Chief—West. Hem. (Ex. U.S.) Section.
320.32; Chief—East. Hem. Section.
320.4; Asst. Dir.—Additives & Catalysts Operns. Br.
320.41; Chief—Alkyls., Inhib., & Cat. Section.
320.42; Chief—Lube & Other Additives Section.
320.5; Assistant Dir. — Petrochemicals Operns. Br.; A. R. Rehrig (Phillips).
320.51; Chief—West Hem. (Ex. U.S.) Section.
320.52; Chief—East Hem. Section.
330; Director—Foreign Supply & Transp. Division; Wessel C. Brodhead (Gulf).
330.1; Asst. Director—Program Coordination Branch; R. V. Kahle (Esso).
330.11; Chief—Supply Scheduling Section.
330.12; Chief—Technical Section.
330.2; Asst. Director—Supply Operations Branch; Leonard S. Marshman (Mobil).
330.21; Chief—Supply Scheduling Section.
330.22; Chief—Supply Development Section.
330.3; Assistant Director—Transportation Branch; J. R. Shipley (P/L Tech.).
330.31; Chief—Tanker Claimancy Section.
330.32; Chief—Analysis Section.
400; Assistant Administrator—Gas Operations.
400.1; Executive Assistant; Lucio D'Andrea (OOG).
410; Director—Gas Distribution Division.
411; Dep. Director—Gas Distribution Division; David E. Hochandadel (Panhandle East. P/L).
411.01; Statistical Assistant.
410.1—Assistant Director—Program Coordination Br.; William B. Cameron (Brooklyn Union Gas Co.).
410.11; Chief—Operations Priorities Section.
410.12; Chief—Support Services Section; Orion A. Fink (S. Cal. Gas Co.).
410.2—Assistant Director—Gas requirements Branch; Stuart B. Eynon (Heath Survey).
410.21; Chief—Validation Section.
410.22; Chief—Planning & Analysis Section.
420; Director—Gas Transmission Division; Semour Orlofsky (Col. Gas).
421; Dep. Director—Gas Transmission Division.
421.01; Statistical Assistant.
420.1; Asst. Director—Gas Transmission Branch; Ferdinand L. Gagne (No. Natural Gas Co.).
420.11; Chief—Pipe Line Operations Section; William C. Day (Retired).
420.12; Chief—Support Services Section.
420.2; Asst. Director—Program Planning Branch; James B. Thomas (Texas East. Trans. Corp.).
420.21; Chief—Long Range Planning Section.
420.22; Chief—Short & Inter. Range Plan.
500; Assistant Administrator—Support Services; Joseph G. Wilson (Consultant).
500.1; Executive Assistant.
510; Director—Materials Division, Howard B. Douglas (Chevron).
511; Deputy Director—Materials Division.
511.01; Staff Assistant.
511.1; Assistant Director—Claims Staff.
511.2; Assistant Director—Priorities Staff.
510.1; Asst. Dir.—Oilfield Equip. & Const. Branch.
510.11; Chief—Oilfield Machinery Section.
510.12—Chief—Metals Section.
510.13; Chief——Tubular Goods Section; Charles T. McClure (Youngstown).
510.14; Chief—Construction Projects Section.
510.2; Asst. Dir.—Stock Equip. & Supplies Branch; Robert E. Elmore (Mid-Cont.).
510.21; Chief—Industrial Equipment Section.
510.22; Chief—Chemicals & Containers Section.
510.23; Chief—Scient. & Tech. Equip. Section.
510.3; Asst. Director—Foreign Coordination Branch; James F. Gleason (Caltex).
510.31; Chief—Production Section.
510.32; Chief—Refining Section.
510.33; Chief—Supply & Transp. Section.
520; Director—Manpower Division.
521; Deputy Director—Manpower Division; Anthony C. Sabatine (UCAW).
521.01; Statistical Assistant.
520.1; Assistant Director—Manpower Branch; Kenneth L. Dupuy (OOG).
520.11; Chief—Domestic Section.
520.12; Chief—Foreign & Gas Section.
520.2; Assistant Director—Claimancy Branch; Richard C. King (Sohio).
520.21; Chief—Labor Dept. Liaison Section.
520.22; Chief—Other Govt. Liaison Section.
530; Director—Communications Division; Lloyd E. Cook (Atlantic R).
531; Deputy Director—Communication Division.
530.1; Asst. Dir.—Engineering & Operns. Branch; Charles E. Wilson (Exxon Co).
530.11; Chief—Engineering Section.
530.12; Chief—Operations Section.
530.2; Assistant Dir.—Liaison & Claimancy Branch; Charles L. Farrell (Sun).
530.21; Chief—Liaison Section.
530.22; Chief—Claims Section.
540; Director—Facility Security Division; A. Lewis Russell (Retired).
540.01; Staff Assistant; Lee H. Kostora (Retired).
540.1; Asst. Dir.—Programs & Standards Branch; Maynard M. Stephens (OOG).
540.2; Assistant Director—Domestic Branch; John C. Newson (Conoco).
540.21; Chief—Physical Security Section.
540.22; Chief—Personnel Security Section.
540.3; Assistant Director—Foreign Branch; James A. Abshier (Gulf).
Total number of key positions, 253.
Number of assigned positions as of October 31, 1973, 99.

NOTE.—The following persons in unassigned positions:

E. Clyde McGraw.

Henry K. Holland.

R. Phillip Wheeler.

REGION I AND REGION II (FORMERLY REGION I) EMERGENCY PETROLEUM AND GAS ADMINISTRATION

(Roster and table of key positions)

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

Regional administrator

R1-2-100; Regional Administrator; Vacant.

R1-2-100.1; Special Assistant; Robert E. Geiger, Mobil Oil Corporation, 150 East 42nd Street, New York, New York (10017 (212) 883-3192.

R1-2-110; Deputy Regional Administrator; John H. Osborne, Buckeye Pipe Line Company, 345 Park Avenue, New York, New York 10022 (212) 832-0900.

Office of Administrative Services

R1-2-106; Director; Kevin P. Kelley, General Services Administration Room 712, John McCormack Post Office and Courthouse, Boston, Massachusetts 02109, (617) 223-264.

R1-2-170; Director; Leonard Braun, Granite Management Services, Inc., 500 Old Country Road, Garden City, New York 11530 (516) 421-0848.

R1-2-170.1, Assistant Director; John Lord, Continental Oil Company, 30 Rockefeller Plaza, New York, New York 10020 (212) 586-2510.

Office of general counsel

R1-2-180, Regional Counsel; Irving Slifkin, Shell Oil Company, 600 Summer Street, Stamford, Connecticut 06903 (203) 327-3600.

R1-2-180.1, Asst. Regional Counsel; James J. Grifferty, New England Division, Mobil Oil Corporation, P.O. Box 228, Waltham, Massachusetts 02154 (617) 890-6400.

Petroleum operations

R1-2-200, Asst. Regional Administrator; Vacant.

Refining and manufacturing division

R1-2-220, Director; C. G. Cortelyou, Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017 (212) 883-4977.

R1-2-220.1, Asst. Dir., Facilities Branch; Vacant.

R1-2-220.3, Asst. Dir., Operations Branch; Albert E. Williamson, Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017 (212) 883-4242.

R1-2-220.5, Asst. Dir., Petrochemical Br.; Vacant.

R1-2-220.11, Chief, Materials & Equipment Sec.; Vacant.

R1-2-220.12, Chief, Construction & Maint. Sec.; Vacant.

R1-2-220.31, Chief, Technology & Planning Sec.; Vacant.

R1-2-220.32, Chief, Operations & Supply Sec.; David T. Smith, Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017 (212) 883-2492.

Supply and transportation division

R1-2-230, Director; Gilbert G. Sykes, Senior Vice President, Metropolitan Petroleum Co., 380 Madison Avenue, New York, New York 10017 (212) 867-4141.

R1-2-230.1, Asst. Dir., Supply; Arthur E. Pereless, Shell Oil Company, P.O. Box D, Sewaren, New Jersey 07077 (201) 634-3063.

R1-2-230.2, Asst. Dir., Supply Coord. Br.; Vacant.

R1-2-230.3, Asst. Dir., Transportation Br.; Vacant.

R1-2-230.11, Chief, Planning Section; Vacant.

R1-2-230.21, Chief, Crude Section; Vacant.

R1-2-230.22, Chief, Products Section; James J. Conlin, BP Oil Corporation, 560 Sylvan Avenue, Englewood Cliffs, New Jersey (201) 871-3500.

R1-2-230.31, Chief, Pipeline Section; Vacant.

R1-2-230.32, Chief, Surface & Inland Waterways Section; G. Donnelly, Exxon Company, U.S.A., P.O. Box 66, Linden, New Jersey 07036 (201) 862-7000, ext. 269.

R1-2-230.33, Chief, Tanker Sec. (Liaison), Vacant.

Distribution & marketing division

R1-2-240, Director; A. Lewis Collie, Jr., Texaco Inc., P. O. Box 149, Brookline, Mass. 02146 (617) 734-1070.

R1-2-240.1, Asst. Director; James F. Noon, Atlantic Richfield Company, 155 South Main Street, Providence, Rhode Island 02903 (401) 421-8040.

R1-2-240.11, Chief, Product Section; Roy M. Ritota, Texaco Inc., 2100 Hunters Point Avenue, Long Island City, N.Y. 10803 (212) 361-3100.

R1-2-240.2, Chief, Support Services; Harvey A. Davenport, Shell Oil Company, P.O. Box D, Sewaren, New Jersey 07077 (201) 634-1000.

Gas operations

R1-2-400, Asst. Regional Administrator; Edwin S. Larson, The Brooklyn Union Gas Company, 195 Montague Street, Brooklyn, New York 11201 (212) 643-2837.

R1-2-410, Dir., Distribution Division; David L. Cownie, Jr., Iroquois Gas Corporation, 10 Lafayette Square, Buffalo, New York 14203 (706) 854-4360.

R1-2-420, Dir., Transmission Division, John R. Coker, Transcontinental Gas Pipe Line Corp., 744 Broad Street, Newark, New Jersey 07102 (201) 622-0830.

Support services

R1-2-500, Asst. Regional Administrator, Vacant.

Materials division

R1-2-510, Director, John L. Gompf, Oasis Oil Company of Libya, Inc., 1270 Avenue of the Americas, New York, New York 10020 (212) 582-9140.

R1-2-510.1, Asst. Director, Vacant.

R1-2-510.11, Chief, Oil Industry Specialized Materials & Equipment Section, Vacant.

R1-2-510.21, Chief, Industrial Equipment & Supply Section, Vacant.

Manpower division

R1-520, Director, Vacant.

R1-520.1, Asst. Dir., Manpower Branch, William S. Waddell, Continental Oil Company, Park 80 Plaza East, Saddle Brook, New Jersey 07662 (201) 845-3800.

R1-520.2, Asst. Dir., Claimancy Branch, Vacant.

Communications division

R1-2-530, Director; Edward P. Fitzgerald, Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020 (212) 974-5720.

R1-2-530.1, Asst. Dir., Operations Br., Vacant.

R1-2-530.2, Asst. Dir., Claimany Br.; Vacant.

Facilities securities division

R1-2-540, Director; Arba S. Taylor, Verdi Road, Shelter Harbor, Westerly Rhode Island 02891 (401) 322-7297.

R1-2-540.1, Asst. Dir., Physical Security Br.; Vacant.

R1-2-540.2, Asst. Dir., Personnel Security Br.; Vacant.

REGION I

EPGA State offices

Maine

RS1-200-(ME), Manager—Petroleum; Vacant.

RS1-201-(ME), Asst. Manager—Petroleum; Roy A. Jones, Maine Oil Dealers Association, 477 Congress Street, Portland, Maine 04111 (207) 774-8291.

New Hampshire

RS1-200-(NH), Manager—Petroleum, Herbert L. Small, Cities Service Oil Co., 10 Forbes Road, Braintree, Mass. 02184 (617) 436-8000.

RS1-201-(NH), Asst. Manager—Petroleum; Vacant.

Vermont

RS1-200-(VT), Manager—Petroleum; C. Douglas Cairns, Champlain Oil Co., Inc., P. O. Box 216, S. Burlington, Vermont 05401 (802) 864-5380.

RSI-201-(VT), Asst. Manager—Petroleum; Joel Ryshpan, Green Mountain Petroleum Corp., P. O. Box 982, Burlington, Vermont 05401 (802) 862-9754.

Rhode Island

RS1-200-(RI), Manager—Petroleum; Herbert F. Porter, Jr., Texaco, Inc., 1116 Eddy Street, Providence, Rhode Island 02905 (401) 781-5650.

RS1-201-(RI), Asst. Manager—Petroleum; Vincent L. Cadigan, American Oil Company, P. O. Box 4542, Riverside, Rhode Island 02915 (401) 434-5500.

Connecticut

RS1-200-(CT), Manager—Petroleum; Donald B. Craft, Vice President, Wyatt, Inc., Chapel Square, 900 Chapel Street, New Haven, Connecticut 06510 (203) 787-2175.

RS1-201-(CT), Asst. Manager—Petroleum; Arthur K. Kelly, Exon Company, U.S.A., P. O. Box 1083, Hartford, Connecticut 06107 (203) 521-7350.

RS1-400-(CT), Manager—Gas; Herbert E. Johnson, Connecticut Natural Gas Corp., P. O. Box 1230, Hartford, Connecticut 06101 (203) 525-0111.

Massachusetts

RS1-200-(MA), Manager—Petroleum; Donald A. Hosmer, Frontier Petroleum Company, 824 Boylston Street, Chestnut Hill, Mass. 02167 (617) 734-2070.

RS1-201-(MA), Asst. Manager—Petroleum; Nicholas H. Fitzgerald, Fitzgerald Fuel Co., Inc., 36 Church Street, Winchester, Mass. 01890 (617) 729-3000.

RS1-400-(MA), Manager—Gas; William E. Lawson, Algonquin Gas Transmission Co., 1284 Soldiers' Field Road, Boston, Massachusetts 02135 (617) 254-4050.

REGION II

EPGA State offices

New York

RS2-200-(NY), Manager—Petroleum; Mark J. Hannon, 84 Chicken Valley Road, Old Brookville, Glen Head, New York 11545 (516) 671-6562.

RS2-201-(NY), Asst. Manager—Petroleum; James M. Laine, Gulf Oil Company—U.S., P.O. Box 126, Salina Station, Syracuse, New York 13208 (315) 478-5791.

RS2-400-(NY), Manager—Gas; Earle L. Traub, Niagara Mohawk Power Corp., 300 Erie Blvd., Syracuse, New York 13202 (315) 464-1511 Ext. 1352.

New Jersey

RS2-200-(NJ), Manager—Petroleum; Alfred V. Edelmann, Exxon Company, U.S.A., Hutchinson River Parkway, Pelham, New York 10803 (914) 738-4700.

RS2-201-(NJ), Asst. Manager; Petroleum, John T. Shultz, Jr., Gulf Oil Corporation, P.O. Box 4279, East Providence, R.I. 02914.

RS2-400-(NJ), Manager; Gas, John B. DiRienzo, Public Service Electric & Gas Co., 80 Park Place, Newark, New Jersey 07101 (201) 622-7000, ext. 3735.

Puerto Rico

S2-200-(PR), Manager; Petroleum, Noel Totti, Jr., The Shell Co. (Puerto Rico), Ltd., G.P.O. Box 2768, San Juan, Puerto Rico 09936 (809) 722-0150.

RS-201-(PR), Asst. Manager; Petroleum, Vacant.

Virgin Islands

RS2-200-(VI), Manager; Petroleum, Vacant.

Total No. of Positions, 73.

Unassigned—William H. Kramer, Jr., Department of Labor and Industry, Bureau of Engineering and Safety State of New Jersey, Room 419, 1100 Raymond Boulevard, Newark, New Jersey 07102 (201) 648-2357.

REGION III—EMERGENCY PETROLEUM AND GAS ADMINISTRATION

(Roster and table of key positions)

POSITION NUMBER, POSITION TITLE, INCUMBENT

Regional administrator

R3-100; Regional Administrator; Vacant.

R3-100.1; Special Assistant; Laurance H. Major, Ashland Oil & Refining Co., Post Office Box G, Freedom, Pennsylvania 15042 (412) 775-3774.

R3-110; Deputy Regional Administrator; Vacant.

R3-110-A; Alternate Deputy Reg. Admin.; Vacant.

Office of Administrative Services

R3-160; Director; Vacant.

R3-160.1; Asst. Dir.—Office Services Br.; Vacant.

R3-160.2; Asst. Dir.—Budget & Finance Br.; Vacant.

Office of Information

R3-170; Director; Pat R. Wrigley, National Petroleum Refineries Assn., 1725 DeSales Street, N.W., Washington, D.C. 20036 (202) 638-3722.

R3-170.1; Asst. Director; Vacant.

Office of General Counsel

R3-180; Regional Counsel; Charles E. McGinnis, Pennzoil Company, Suite 410, Four Gateway Center, Pittsburgh, Pennsylvania 15222 (412) 261-1837.

R3-180.1; Asst. Regional Counsel; William H. Borghesani, Jr., Keller and Heckman, 1150 17th Street, N.W., Washington, D.C. 20036 (202) 296-2700.

Petroleum Operations

R3-200; Asst. Regional Administrator; John Savoy, Sun Oil Company, 240 Radnor-Chester Road, St. Davids, Pennsylvania 19087, (215) 935-1600.

Production & Natural Gas Processing Division

R3-210; Director (Liaison); William S. Lytle, Oil & Gas Division, Bureau of Topographical & Geologic Survey, Dept. of Environmental Resources, Room 401, State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 565-5030.

R3-210.1; Asst. Director (Liaison); John C. McCarthy, 1010 Buffalo Street, Franklin, Pennsylvania 16323 (814) 437-3055.

Refining & Manufacturing Division

R3-220; Director; Raymond K. Arzinger, Getty Oil Company, Inc., Eastern Operations, Delaware City, Delaware 19706, (302) 834-4581.

R3-220.1; Asst. Director—Facilities Br.; Charles K. Fleming, Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840, (419) 422-2121.

R3-220.3; Asst. Director—Operations Br.; Vacant.

R3-220.5; Asst. Director—Petrochemicals Br.; Dr. Edward B. Stuart, Chemical & Petroleum Engineering Department, University of Pittsburgh, Pittsburgh, Pennsylvania 15213, (412) 621-3500, ext. 6121.

R3-220.11; Chief, Materials & Equipment Sec.; Vacant.

R3-220.12; Chief, Const. & Maint. Section; Vacant.

R3-220.31; Chief, Technology & Planning Sec.; Maurice L. Webster, Jr., Sun Oil Company, Marcus Hook, Pennsylvania 19061, (215) 485-2121.

R3-230.32; Chief, Operations & Supply Sec.; Vacant.

RF3-(RC1)-220.1; Delaware River R.C.; Vacant.

Supply & Transportation Division

R3-230; Director; John C. S. Wood, Jr., Sun Oil Company, 108 Walnut Street, Philadelphia, Pennsylvania 19101, (215) 985-1600.

R3-230.1; Asst. Dir.—Supply Planning; Vacant.

R3-230.2; Asst. Dir.—Supply Coord. Br.; Vacant.

R3-230.3; Asst. Dir.-Transportation Br.; John W. Scanlon, Buckeye Pipe Line Co., P.O. Box 368 Emmaus, Pennsylvania 18049, (215) 967-3131.

R-230.11; Chief, Planning Section; Vacant.

R3-230.21; Chief, Crude Section; Victor E. Schermerhorn, Jr. Standard Oil Co. (Ohio) Midland Building, Cleveland, Ohio 44115 (216) 575-5280.

R3-230.22; Chief, Products Section; Ernest A. Slade, Laurel Pipe Line Co., P.O. Box 426, Trindle & Fallowfield Roads, Camp Hill, Pennsylvania 17011, (717) 737-8611.

R3-230.31; Chief, Pipeline Section; Frank A. Young, Sun Pipe Line Co., Eastern Region, 216 Goddard Boulevard, R.F.D. No. 2, King of Prussia, Pennsylvania, (215) 265-7210.

R3-230.32; Chief Inland Waterways & Transportation Sec.; Vacant.

R3-230.32.1; Chief, Motor Transportation Sec.; Vacant.

R3-230.33; Chief, Tanker Section (Liaison); Vacant.

Distribution & Marketing Division

R3-240; Director; William R. Siler, Sun Oil Company, P.O. Box 6356, Clevleand, Ohio 44101, (216) 883-6100.

R3-240.1; Asst. Director; Vacant.

R3-240.11; Chief, Product Section; Vacant.

R3-240.12; Chief, Support Services; Vacant.

Gas operations

R3-400; Asst. Regional Administrator; Vacant.

R3-410; Dir., Distribution Division; Vacant.

R3-410.1; Asst. Dir., Distribution Div.; Aaron H. Griffin, Texas Gas Transmission Corp., P.O. Box 1160, Owensboro, Kentucky 42301, (502) 683-2431.

R3-420; Director, Transmission Division; DeWitt C. MacKenzie, Consolidated Natural Gas Serv. Co., Inc., 4 Gateway Center, Pittsburgh, Pennsylvania 15222, (412) 471-9957.

R3-420.1; Asst. Dir., Transmission Div.; Pliny Rogers, Consolidated Gas Supply Corp., 445 West Main Street, Clarksburg, West Virginia 26301, (304) 623-3611.

Support services

R3-500; Asst. Regional Administrator; Vacant.

Materials division

R3-510; Director; Harry F. MacPhee, Catalytic, Inc., 1528 Walnut Street, Philadelphia, Pennsylvania 19102, (215) 545-7500.

R3-510.1; Asst. Director; Vacant.

R3-510.11; Chief, Oil Industry Specialized Materials & Equipment Section; Vacant.

R3-510.21; Chief, Industrial Equipment & Supply Section; Robert J. Ford, Exxon Company, U.S.A., Box 1288, 7720 York Road, Baltimore, Maryland 21203, (301) 825-5400.

Manpower Division

R3-520; Director; Russell M. Loughner, Sun Oil Company, 1608 Walnut Street, Philadelphia, Pennsylvania 19103, (215) 985-1600.

R3-520.1; Asst. Director—Manpower Br.; Vacant.

R3-520.2; Asst. Director—Claimancy Br.; Vacant.

Communications Division

R3-530; Director; A. H. Hewlett, Columbia Gas System Service Corp., 1600 Dublin Road, Columbus, Ohio 43215, (614) 486-3681.

R3-530.1; Asst. Director—Operations Br.; Charles H. Burgess, Sun Oil Company, 240 Radnor-Chester Road, St. Davids, Pennsylvania 19087, (214) 985-1600.

R3-530.2; Asst. Director—Claimancy Br.; Vacant.

Facilities Division

R3-540; Director; Perry W. Johnson, Jr., Shell Chemical Company, P.O. Box 700, Woodbury, New Jersey 08096, (609) 848-8800.

R3-540.1; Asst. Dir.—Physical Security Br.; Vacant.

R3-540.2; Asst. Dir.—Personnel Security Br.; Vacant.

Gas Group No. 2

Elkins, West Virginia

R3(G2)-400; Director; Arthur M. Ferenz, Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, W. Virginia 25325, (304) 346-0951.

R3(G2)-400.1; Asst. Director; Howard S. Gray, Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Texas 77001 (713) 229-4961.

EPGA State Offices

Pennsylvania

RS3-200(PA); Manager—Petroleum; Vacant.

RS3-201-(PA); Asst. Manager; Vacant.

RS3-400-(PA); Manager—Gas; Vacant.

Delaware

RS3-200-(DL); Manager—Petroleum; George W. Ruppersberger, Gulf Oil Corporation, P.O. Box 8056, Philadelphia, Pennsylvania 19101 (215) 839-6111.

RS3-201-(DL); Asst. Manager; Vacant.

RS3-400-(DL); Manager—Gas; Charles G. Minich, Jr., Delmarva Power & Light Co., 800 King Street, Wilmington, Delaware 19899 (302) 429-3203.

Maryland

RS3-200-(MD); Manager—Petroleum; John I. Loving, Crown Central Petroleum Corp., P.O. Box 1168, Baltimore, Maryland 21203, (301) 539-7400.

RS3-201-(MD); Asst. Manager; John P. Poling, Gulf Oil Company—U.S. P.O. Box 2235, Baltimore, Maryland 21203, (301) 675-5970.

RS3-400-(MD); Manager—Gas; Dean F. Gunby, Federal Power Commission, Bureau of Natural Gas, 825 N. Capitol St., Rm. 7000-G, Washington, D.C. 20002, (202) 386-5755.

Virginia

RS-3-200-(VA); Manager—Petroleum; Vacant.

RS3-201-(VA); Asst. Manager; Vacant.

RS3-400-(VA); Manager—Gas; Vacant.

West Virginia

RS3-200-(WV); Manager—Petroleum; Kenneth C. Brand, Exxon Company, U.S.A., 1410 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, (304), 344-8361.

RS3-201-(WV); Asst. Manager; Vacant.

RS3-400-(WV); Manager—Gas; George T. Weaks, Columbia Gas Transmission Co., P.O. Box 1273, Charleston, West Virginia 25325, (304) 346-0951.

District of Columbia

RS3-200-(DC); Manager—Petroleum; John S. Cooke, BP Oil Corporation, 401 Farragut Street, N.E., Washington, D.C. 20011, (202) 832-8500.

RS3-201-(DC); Asst. Manager (Covering); John I. Loving, Crown Central Petroleum Corp., P.O. Box 1168, Baltimore, Maryland 21203, (301), 539-7400.

RS3-400-(DC); Manager—Gas; Lancy F. Heverly, Office of Pipeline Safety, Department of Transportation, 400 Sixth Street, S.W., Washington, D.C. 20590, (202) 426-2082.

Total No. of Positions, 77.

Standby: Thurman J. Dupy, Gulf Oil Company, P.O. Box 1023, Toledo, Ohio 43601, (419) 729-3891.

REGION IV—EMERGENCY PETROLEUM AND GAS ADMINISTRATION, THOMASVILLE, GA.

(Table of organization, roster and table of key positions)

POSITION NUMBER, POSITION TITLE, INCUMBENT

Regional headquarters

R4-100; Regional Administrator.

R4-110; Deputy Regional Administrator; William D. Mounger, P. O. Box 1200, Jackson, Mississippi (601) 353-9996, 39201.

R4-100.1; Special Assistant; Jack M. Hoff-

man, GiftAmerica, 85 McKee Drive, Mahwah, N.J. 07430 (201) 529-4600, x. 2588.

Office of Administrative Services

R4-160; Director; Jack D. Marquis, Gulf Oil Corporation, P. O. Box 7245, Station C, Atlanta, Georgia 30309 (404) 892-1101 x. 371.

R4-160.1; Assistant Director, Office Services and Records Branch; Lamar Lund, Standard Oil Co. of Ky., P. O. Box 1446, Louisville, Ky. 40201 (502) 587-7531.

R4-160.2; Assistant Director, Finance and Personnel Branch.

Office of Information

R4-170; Director; Dan Lee Grant, American Petroleum Inc., 2218 Peachtree Ctr. Bldg., Atlanta, Georgia 30309 (404) 521-3476.

R4-170.1; Assistant Director.

Office of Regional Counsel

R4-180; Regional Counsel.

Petroleum Operations

R4-200; Assistant Regional Administrator; Harry L. Moir 531 Golden Harbor Dr., Boca Raton, Fla. 33432 (305) 395-8855.

R4-200.1; Executive Assistant.

Production and Natural Gas Processing Division

R4-210; Director of Coordination.

*State Regulatory Agency Liaison**

RL4-210.31; Alabama Oil and Gas Board Liaison.

RL4-210.32; Florida Department of Conservation Liaison.

RL4-210.34; Mississippi Oil and Gas Board Liaison.

Refining and Manufacturing Division

R4-220; Director; Robert T. Prater, Delta Refining Co., P. O. Box 9097, Memphis, Tenn. 38109 (901) 774-3100.

R4-220.1; Assistant Director Facilities and Operations Branch.

R4-220.32; Chief—Operations Section.

RF-220.31; Representative—Refinery Center 31—Alabama.

FR4-220.34; Representative—Refinery Center 31—Mississippi-Alabama; James A. McDaniel, Southland Oil Co., P.O. Box 79, Brookhaven, Miss. 39601, (601) 833-2904.

RF4-220.37; Representative—Refinery Center 31—Tennessee.

Supply and Transportation Division

R4-230; Director; Harry Wearne, 4740 Merlendale Dr. NW, Atlanta, Georgia 30327, (404) 255-8636.

R4-230.1; Assistant Director—Supply Planning & Coordination Branch; James W. Davis, Texaco Inc., P.O. Box 1722, Atlanta, Georgia 30301, (404) 631-4411.

R4-230.11; Chief—Product Supply/Demand Section.

R4-230.14; Chief—Refining Section.

R4-230.3; Assistant Director—Transportation Branch.

R4-230.31; Chief—Pipeline Section.

R4-230.32; Chief—Surface and Inland Waterways Section; Rupert D. Belt, Ashland Oil & Refining, 1409 Winchester Ave., Ashland, Ky. 41101, (606) 324-1111.

R4-230.33; Chief—Tanker Section.

R4-230.36; Chief—Facilities Section.

Distribution and Marketing Division

R4-240; Director.

R4-240.1; Assistant Director—Products Branch; Leslie G. Denny, Phillips Petroleum Co., 5050 Poplar, Memphis, Tenn. 38117, (901) 682-8311.

R4-240.11; Chief—Products Section.

R4-240.12; Chief—Support Services Section.

RF4-240.41; Representative—Mobile, Alabama.

RF4-240.42; Representative—Sheffield, Alabama.

RF4-240.43; Representative—Jacksonville, Florida.

RF4-240.44; Representative—Miami, Florida.

RF4-240.45; Representative—Tampa, Florida; Herbert T. Cartright, Eastern Seaboard Petroleum, P.O. Box 3233 Sta. F., Jacksonville, Fla. 32200 (904) 355-9676.

RF4-240.46; Representative—Albany, Georgia.

RF4-240.47; Representative—Savannah, Georgia.

RF4-240.48; Representative—Charlotte, North Carolina; Fenton A. Adkins (retired), 2043 Forest Dr. East, Charlotte, N.C. 28211 (714) 366-3801.

RF4-240.49; Representative—Greensboro, N.C.; J. Willard Hobbs, Kenco Petroleum Mktr., P.O. Box 11237, Greensboro, N.C. 27400 (919) 299-3431.

RF4-204.51; Representative—Wilmington, N.C.; Loren A. Tompkins, McLeod Oil Co., Inc., P.O. Box 99, Mebane, N.C. 27302 (919) 563-3172.

RF4-240.52; Representative—Charleston, S.C.

RF4-240.53; Representative—Spartanburg, S.C.

RF4-240.54; Representative—Knoxville, Tennessee.

RF4-240.55: Representative—Chattanooga, Tenn.; Donald J. Schillaci, Texaco Inc., P.O. Box 8276, Chattanooga, Tenn. 3741 (615) 894-0667.

Gas Operations

R4-400; Assistant Regional Administrator.

R4-400.1; Executive Assistant.

Gas Distribution Division

R4-410; Director.

R4-410.11; Chief—Priority Section.

R4-410.21; Chief—Gas Requirements Section; T. Cecil Wray, 1413 Granny White Pike, Nashville, Tenn. 37220 (615) 297-2950.

Gas Transmission Division

R4-420; Director; Louis N. Brown (retired) 3309 Cherokee Roa i, Birmingham, Ala. 35223 (205) 967-5600.

R4-420.11; Chief—Pipeline, Operations Section; Harold J. Hofsess, Transcontinental Gas Pipeline Corporation, P.O. Box 16, Grover, N.C. 28073 (704) 937-7751.

Gas Group Office No. 1, Birmingham, Ala.

R4-(G1)400; Director.

R4-(G1)401; Deputy Director; Charles M. Hunter, Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202 (205) 325-7410.

Support Services

R4-500; Assistant Regional Administrator; Robert C. Wiles, Colonial Pipeline Co., P.O. Box 18855, Atlanta, Ga. 30326, (404) 264-1470.

R4-500.01; Staff Assistant.

Materials Division

R4-510; Director; John Ed Johnson, American Oil Company, P.O. Box 5077, Atlanta, Ga. 30302, (404) 634-6611.

R4-510.1; Assistant Director-Claims and Priorities Branch; Samuel O. Franklin, Plantation Pipeline Co., P.O. Box 18616, Atlanta, Ga. 30326, (404) 261-2137.

R4-510.3; Assistant Director-Petroleum Equipment Construction and Supplies Branch.

R4-510.31; Chief-Oil Field Machinery, Metals, and Tubular Goods Section.

R4-510.34; Chief-Construction Projects.

R4-510.41; Chief-Stock Equipment and Supplies Section.

Manpower Division

R4-520; Director.

R4-520.1; Assistant Director.

Communications Division

R4-530; Director; William E. Freese, Colonial Pipeline Co., P.O. Box 18855, Atlanta, Ga. 30326, (404) 261-1470.

R4-531; Deputy Director.

Facilities Security Division

R4-540; Director; John C. Wilson (retired), 108 Princess Drive, Ashland, Ky. 41101 (606) 325-1520.

R4-540.1; Assistant Director.

EPGA State Offices

RS4-200 (AL); Alabama—State Petroleum Manager.

RS4-200 (FL); Florida—State Petroleum Manager; Hogan T. McWilliams, Texaco, Inc., P.O. Box 109, Tampa, Florida 33601 (813) 872-1555.

RS4-200 (GA); Georgia—State Petroleum Manager.

RS4-200 (KY); Kentucky—State Petroleum Manager.

RS4-201 (KY); Kentucky—Asst. State Petroleum Manager.

RS4-200 (MS); Mississippi—State Petroleum Manager.

RS4-200 (NC); North Carolina—State Petroleum Manager; John J. Siegner, Exxon Co., U.S.A., P.O. Box 420, Charlotte, N.C. 28201 (704) 523-2211.

RS4-200 (SC); South Carolina—State Petroleum Manager.

RS4-200 (TN); Tennessee—State Petroleum Manager; Leo T. Hampel, Exxon Co., U.S.A., P.O. Box 120, Nashville, Tenn. 37201 (714) 523-2211.

RS4-400 (AL); Alabama (1)[1] State Gas Manager.

RS4-400.1 (AL-FL); Alabama-Florida (4) Gas Intrastate Representative.

RS4-400.2 (AL); Alabama (2)[1] Gas Intrastate Representative; A. Guy Franks, Alabama-Tennessee Natural Gas Company, P.O. Box 918, Florence, Ala. 35630, (205) 383-3631.

RS4-400 (FL); Florida (1)[1] State Gas Manager; E. J. Burgin, Florida Gas Transmission Company, P.O. Box 44, Winter Park, Fla. 32790, (305) 644-2210.

RS4-400 (GA); Georgia (1)[1] State Gas Manager.

RS4-400 (KY); Kentucky ( )[1] State Gas Manager; R. H. Walton, Louisville Gas and Electric Company, P.O. Box 354, Louisville, Ky. 40201, (502) 582-3511, x. 363.

RS4-400 (MS); Mississippi (4)[1] State Gas Manager; Edmund R. Butler, Mississippi Valley Gas, P.O. Box 3348, Jackson, Miss. 39207, (601) 354-2511.

RS4-400.1 (MS); Mississippi (1)[1] Gas Intrastate Representative; (a).

RS4-400.2 (MS); Mississippi (2)[1] Gas Intrastate Representative; (a).

RS4-400.3 (MS); Mississippi (3)[1] Gas Intrastate Representative; (a).

RS4-400 (NC); North Carolina (1)[1] State Gas Manager; Arthur P. Gnann, Jr., North Carolina Natural Gas Company, P.O. Drawer 909, Fayetteville, N.C. 2830 , (919) 483-0315.

RS4-400 (SC); South Carolina (1)[1] State Gas Manager.

RS4-400 (TN); Tennessee (2)[1] State Gas Manager; Thomas K. Davis, East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tenn. 37919, (615) 588-3501.

RS4-400.1 (TN); Tennessee (3)[1] Gas Intrastate Representative; Otis D. Korn, Tennessee Gas Pipeline, P.O. Box 188, Middleton, Tenn. 38052, (901) 376-8401.

Total Number of Positions—88—this does not include Miss. Gas Reprs.

(a) Since Mr. Butler's company is associated with this Gas Group taking gas from it, this position may not be necessary.

REGION V—EMERGENCY PETROLEUM AND GAS ADMINISTRATION, CHICAGO, ILL.

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

Regional headquarters

R5-100; Regional Administrator.

R5-110; Deputy Regional Administrator.

R5-110.1; Special Assistant.

* Under Region 6.

[1] Gas Group.

Office of administrative services

R5-160; Director.

R5-160.1; Assistant Director, Office Services Branch.

R5-160.2; Assistant Director, Budget & Finance Branch.

R5-160.3; Assistant Director, Personnel Branch; Richard D. Shook, Defense Logistics Services Center, Federal Center, ATTN: CPP, Battle Creek, Michigan 49016, (616) 962-6511, Ext. 6411.

Office of information

R5-170; Director.

Office of general counsel

R5-180; Regional Counsel, M. R. Burmaster, Clark Oil & Refining Corporation, 8530 West National Avenue, Milwaukee, Wisconsin 53227, (414) 321-5100, Ext. 236.

R5-181; Assistant Regional Counsel, Thomas A. Graham, Graham, Meyer, Young, Welsch & Maton, 10 South LaSalle Street, Room 1620, Chicago, Illinois 60603, (312) 332-0905.

Petroleum operations

R5-200; Assistant Regional Administrator, David W. Dolson, TOTAL Leonard, Inc., East Superior Street, P.O. Box 231, Alma, Michigan 48801, (517) 463-1161.

Production and natural gas processing division

R5-210; Director.

R5-211; Deputy Director.

Refining and manufacturing division

R5-220; Director, Kenneth R. Buckler, TOTAL Leonard, Inc., East Superior Street, P.O. Box 231, Alma, Michigan 48801 (517) 463-1161.

R5-230.32; Chief, Surface and Inland Waterways Section.

R5-230.32.2; Chief, Rail Transport Unit.

R5-230.32.3; Chief, Motor Transport Unit, Alfred R. White, Commercial Transport, Inc., 207 South 20th Street, P.O. Box 469, Belleville, Illinois 62222, (618) 233-5260.

Distribution and marketing division

R5-240; Director, Louis C. Steffano, Shell Oil Company, 1605 East Algonquin Road, Arlington Heights, Illinois 60009, (312) 625-0615.

R5-240.1; Assistant Director, Lorne C. Black, Jr., Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840, (419) 422-2121.

R5-240.11; Chief-Products Section, George R. Warner, Cities Service Oil Company, 1 Salt Creek Lane, Hinsdale, Illinois 60521, (312) 325-4400.

R5-240.12; Chief-Support Service Section, Robert H. Grant, Marathon Oil Company, 539 South Main Street, Findley, Ohio 45840, (419) 422-2121.

Gas operations

R5-400; Assistant Regional Administrator, Keith Bentz, 713 S. 6th Street, St. Charles, Illinois 60174, (312) 584-4638.

R5-220.1; Assistant Director, Facilities Branch, John H. Lovett, Illinois Environmental Protection Agency, Division of Air Pollution Control, 309 West Washington Street, Chicago, Illinois 60606, (312) 793-3875.

R5-220.11; Chief, Materials Section, Harry E. Jacobs, Atlantic Richfield Company, 400 East Sibley Blvd., Harvey, Illinois 60426, (312) 333-3000 or (312) 468-9300.

R5-220.12; Chief, Manpower and Construction Section.

R5-220.3; Assistant Director, Operations Branch, John A. Marshall, Shell Oil Company, P.O. Box 262, Wood River, Illinois 62095, (618) 254-7371.

Supply and transportation division

R5-230; Director.

R5-230.1; Assistant Director, Supply Planning Branch, Keith D. Wall, Union Oil Company of California, 200 East Golf Road, Palatine, Illinois 60067, (312) 529-7576.

R5-230.3; Assistant Director, Transportation Branch.

R5-230.31; Chief, Pipeline Section, Howard M. Davis, Marathon Pipe Line Company, 539 South Main Street, Findlay, Ohio 45840, (415) 422-2121, Ext. 2219.

R5-400.1; Executive Assistant.

Gas distribution division

R5—410; Director, Ernest B. ———, Michigan Wisconsin, Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226, (313) 965-1616, Ext. 2238.

R5-410.12; Chief, Support Services Section.

Gas transmission division

R5-420; Director.

Gas group office No. 3 Kansas City, Mo.

R5-(G3)400; Director, B. J. Roberts, Panhandle Eastern Pipe Line Company, 3444 Broadway, P. O. Box 1348, Kansas City, Missouri 64141, (816) 753-5600.

R5-(G3)401; Deputy Director.

Support services

R5-500; Assistant Regional Administrator, James R. Cross, The Standard Oil Company, (Ohio), Midland Building, Cleveland, Ohio 4416, (216) 575-5394.

Materials division

R5-510; Director, August P. Koopmann, Phillips Petroleum Co., 1750 Brenwood Blvd., St. Louis, Missouri 63144, (314) 968-1666.

R5-511; Deputy Director, Herbert A. Widell, Murphy Oil Corporation, Superior Refinery, P. O. Box 2060, Superior, Wisconsin 54860, (715) 398-3566.

R5-510.21; Chief, Industrial Equipment Section.

R5-510.22; Chief-Chemicals and Containers Section.

R5-510.23; Chief-Scientific and Technical Equipment Section.

Manpower division

R5-520; Director, Paris W. Phipps, P. W. Phipps & Associates, 1232 South Chester Avenue, Park Ridge, Illinois 60068, (312) 823-7174.

R5-521; Deputy Director, Lewis H. Maynard, Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 68226, (313) 965-2430, Ext. 3202.

R5-520.11; Chief-Petroleum Section, William R. Standefer, Amoco, 2400 New York Avenue, P. O. Box 270, Whiting, Indiana 46394, (219) 659-2700.

R5-520.12; Chief, Gas Section, Clark H. Duncan, Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603, (312) 431-7635.

Communications division

R5-560, Director, Theodore P. Rykala, Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226, (313) 965-2430, Ext. 2747.

R5-531; Deputy Director.

Facility security division

R5-540; Director.

R5-541; Deputy Director.

R5-540.21; Chief—Physical Security Section.

R5-540.22; Chief—Personnel Security Section.

EPGA State offices

ILLINOIS

RS5-200-(Ill); Manager, Petroleum, Ronald J. Peterson, Martin Oil Service, Inc., P.O. Box 298, Blue Island, Illinois 60406, (312) 928-6700.

RS5-400-(Ill); Manager, Gas, Garlin F. Crouch, Panhandle Eastern Pipeline Company, 3695 South Sixth Street, Springfield, Illinois 62703, (217) 529-6711.

INDIANA

RS5-200-(Ind); Manager, Petroleum, Walter O. Seabury, Jr., Public Service Commission of Indiana, State Office Building, Room 906, Indianapolis, Indiana 46204, (317) 633-4618.

RS5-400-(Ind); Manager, Gas.

MICHIGAN

RS5-200-(Mich); Manager, Petroleum, Raymond J. Oosdyke, 3246 Soft Water Lake Drive, Grand Rapids, Michigan 49505, (616) 361-5881.

RS5-400-(Mich); Manager, Gas, Donald R. Green, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, (517) 788-1891.

MINNESOTA

RS5-200-(Minn); Manager, Petroleum, William H. Starr, Jr., 10404 Crestridge Drive, Minnetonka, Minnesota 55343, (612) 545-1092.

RS5-400-(Minn); Manager, Gas, Larry N. Reed, Northern Natural Gas Co., 730 2nd Avenue, South Suite 905, Minneapolis, Minnesota 55402, (612) 339-6827.

OHIO

RS5-200-(Ohio); Manager, Petroleum, J. G. McDonald, The Standard Oil Company (Ohio), Midland Building, Cleveland, Ohio 44115, (216) 575-5289.

RS5-400 (Ohio); Manager, Gas, Charles E. Campbell, The East Ohio Gas Company, 1717 East Ninth Street, Cleveland, Ohio 44114, (216) 522-2922.

WISCONSIN

RS5-200X(Wisc.); Manager, Petroleum, Charles D. Jacobus, The Jacobus Company, 7700 West State Street, Milwaukee, Wisconsin 53213, (414) 258-7700.

RS5-400-(Wisc.); Manager, Gas, Jack H. Mikula, Michigan Wisconsin Pipe Line Company, 615 W. Moreland Boulevard, P.O. Box 149, Waukesha, Wisconsin 53186, (414) 547-5520.

RE5-(RC2) 220.2; Northern Ohio RC.

RP5-(RC4) 220.3; Ohio River RC.

Unassigned; E. C. Featheringill, Mobil Oil Corporation, 7280 North Caldwell Avenue, Niles, Illinois 60648, (312) 775-4100.

Unassigned; Dan C. Long, Carr Mfg. & Supply, 57 East Naghten Street, Columbus, Ohio 43215, (614) 221-7883.

Total number of positions, 66

REGION VI—EMERGENCY PETROLEUM AND GAS ADMINISTRATION, DENTON, TEX.

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

Regional headquarters

R6-100; Regional Administrator; Carrol M. Bennett, Texas Pacific Oil Company, 1700 One Main Place, Dallas, Texas 75250 (214) 741-5933.

R6-110; Deputy Regional Administrator.

R6-100.1; Special Assistant; Albert E. Sweeney, Jr., U.S. Dept. of the Interior, Office of Oil and Gas, Federal Center—Loop 288, Denton, Texas 76201 (817)387-5811, x. 372.

Office of Administrative Services

R6-160; Director; Kenneth Hughes, U.S. Dept. of the Interior, Bureau of Mines Research C, P.O. Box 1398, Bartlesville, Okla. 74003 (918)FE-6-2400.

R6-161; Deputy Director.

R6-160.1; Assistant Director-Office Services.

R6-160.2; Assistant Director—Records and Finance.

R6-160.3; Assistant Director—Personnel; Melvin F. Sears, U.S. Dept. of the Interior, Bureau of Reclamation, Herring Plaza, 317 Third Street, Amarillo, Texas 79101 (806) 376-2452.

Office of Information

R6-170; Director; John W. Wagner, Texas Mid-Continent, Oil & Gas Association, 2920 Southland Center, Dallas, Texas 75201 (214) 748-8861.

R6-170.1; Assistant Director-Public Relations & Communications.

R6-170.2; Assistant Director-Internal Re-

lations; Charles F. Morrison, Mobil Oil Corporation, P. O. Box 900, Dallas, Texas 75221 (214) RI-2-4131.

Regional Counsel

R6-180; Regional Counsel.

R6-180.1; Assistant Counsel-Petroleum Operations; W. Perry Dornaus, 203 Columbia Building, Tulsa, Oklahoma 74114 (918) 584-3481.

R6-180.3; Assistant Counsel-Gas Operations.

R6-180.4; Assistant Counsel-Support Services.

Petroleum Operations

R6-200; Assistant Regional Administrator; Gene C. Bankston, Shell Oil Company, P. O. Box 2099, Houston, Texas 77001, (713) 222-1181, x. 202.

R6-200.1; Executive Assistant; John B. Campbell, Exxon Co. U.S.A., P. O. Box 1600, Midland, Texas 79701, (915) 684-4411.

Production & Natural Gas Processing Division

R6-210; Director; Irvin R. Yancey, Mobil Oil Corporation, 1030 Plaza Tower, 1001 Howard Avenue, New Orleans, La. 70113 (504) 529-2461.

R6-210.01; Special Assistant.

R6-210.1; Assistant Director-Analysis & Planning Branch; K. Marshall Fagin, Fagin Associates, 5630 Yale Boulevard, Dallas, Texas 75214, (214) 369-6300.

R6-210.11; Chief-Supply Section; E. Eugene Funk, Cities Service Oil Co., P. O. Box 300, Tulsa, Oklahoma 74102, (918) 560-3199.

R6-210.2; Assistant Director-Production Branch; Nace F. Mefford, Jr., Patrick Petroleum Co., C and I Building—1006 Main St., Houston, Texas 77002, (713) 228-6465.

R6-210.21; Chief-Production Section.

R6-210.22; Chief—Facilities Section; George E. Farenthold, The Crispin Company, 22 World Trade Bldg., Houston, Texas 77002 (713) 224-8000.

R6-210.3; Assistant Director—Gas Gathering & Processing Branch.

R6-210.31; Chief—Gas Gathering & Processing Operations Coordination Section.

R6-210.32; Chief—Gas Gathering & Processing Facilities Section; George W. Gaulding, Warren Petroleum Company, P. O. Box 905, Tatum, New Mexico 88267 (505) 298-5566.

State Regulatory Agency Liaison*

RL6-210.51; Arkansas Oil and Gas Commission Liaison; Lynn J. Fite; Arkansas Oil & Gas Comm., 314 East Oak Street, El Dorado, Ark. 71730 (501) 862-4965.

RL6-210.52; Louisiana Department of Conservation Liaison; Carlton V. Hudson, Louisiana Dept. of Conservation, P. O. Box 44275, Capitol Station, Baton Rouge, La. 70805 (504) 389-5161.

RL6-210.53; New Mexico Conservation Commission Liaison; I. R. Trujillo, New Mexico Land Board, State Capitol, Santa Fe, New Mexico 87501 (505) 827-2261.

RL6-210.54; Oklahoma Corporation Commission Liaison; Lawrence W. Elderkin, Oklahoma Corporation Comm., Jim Thorpe Building, Oklahoma City, Okla. 73105 (405) 521-2203.

RL6-210.55; Railroad Commission of Texas Liaison.

Production and Natural Gas Processing Division Field Representatives

RF6-210.11; Representative—Aztec ,New Mexico.

RF6—210.11; Representative—Aztec, New Mexico.

RF6-210.13; Representative—Guymon, Oklahoma.

RF6—210.14; Representative—Midland, Texas; Travis J. Crutchfield, El Paso Natural Gas Co., 600 Bank of the Southwest, Midland, Texas 79701 (915) 684-5701.

*Liaisons for Alabama, Florida, and Mississippi are in Region 4 Table of Organization.

Refining and Manufacturing Division

R6—220; Director; James M. Seamans, Texaco Inc., P. O. Box 52332, Houston, Texas 77052 (713) 224-9811.

R6—221; Deputy Director; T. Gerald Harper, Gulf Oil Company, P. O. Box 1519, Houston, Texas 77001 (713) 226-1011.

R6—220.1; Assistant Director—Facilities Branch; John L. Coulter, Gulf Oil Company, P. O. Box 2100, Houston, Texas 77001 (713) 226-1604.

R6—220.11; Chief—Materials Section; Eugene H. Busby, Exxon Co. U.S.A., P. O. Box 3950, Baytown, Texas 77520 (713) 427-5711, x. 2012.

R6—220.12; Chief—Manpower and Construction Section; Lonnie C. Estes, Brown & Root Inc., P. O. Box 3, Houston, Texas 77001 (713) 672-4361.

R6—220.3; Assistant Director—Operations Branch, David C. Lehwalder, Shell Oil Company, 1 Shell Plaza, Houston, Texas 77001 (713) 220-6782.

R6-220.37; Chief—Operations Section; R. N. Burnley, Shell Oil Company, 1 Shell Plaza, Houston, Texas 77001 (713) 220-6784.

RF6 — 220.31; Representative — Refinery Center 51—Tulsa, Oklahoma; Walter L. Swander, Sun Oil Co., P. O. Box 2039, Tulsa, Oklahoma 74102 (918) 583-4300.

RF6 — 220.32; Representative — Refinery Center 52—Baton Rougle, Louisiana; Irving J. Staid, Exxon Co. U.S.A., P. O. Box 551, Baton Rouge, La. 70821 (504) 359-7800.

RF6 — 220.33; Representative — Refinery Center 53—Beaumont, Texas; Hunter L. Jaggard, Mobil Oil Corporation, P. O. Box 3311, Beaumont, Texas 77704 (713) 833-9411.

RF6 — 220.34; Representative — Refinery Center 54—Houston, Texas.

RF6 — 220.35; Representative — Refinery Center 55—Corpus Christi, Texas.

RF6-220.36; Representative—Refinery Center 56—El Paso, Texas, William J. Ruth, Chevron Oil Company—Western Division, P.O. Box 20002 El Paso, Texas 79999 (915) 772-1411.

RF6-220.38; Representative—Refinery Center 57—Ardmore, Oklahoma.

RF6-220.39; Representative—Refinery Center 57—Artesia, New Mexico.

R6-220.4; Assistant Director—Additives and Catalysts Branch, Kenneth M. Brown, Universal Oil Products, Algonquin Road, Des Plaines, Illinois 60016 (312) 391-2636.

R6-220.41; Chief—Lead Alkyls and Gasoline Inhibitors Section, Marcel J. Voorhies, Jr., Ethyl Corporation, 451 Florida Boulevard, Baton Rouge, La. 70801 (504) 348-0131.

R6-220.42; Chief—Petroleum Cracking Catalysts Section.

R6-220.43; Chief—Lubrication Oil Additives Section, Peter A. Asseff, The Lubrizol Corporation, P.O. Box 3057, Cleveland, Ohio 44117 (216) 943-4200.

RF6-220.56; Representative—Lake Charles, Louisiana.

Supply and Transportation Division

R6-230; Director; H. E. White, Shell Pipe Line Corp., P.O. Box 2648, Houston, Texas 77001 (713) 222-1181.

R6-230.1; Assistant Director; Joe W. Meehan, South Central Oil Company, 1108—107th Street, Arlington, Texas 76010 (817) 261-6621.

R6-230.12; Chief—Short Range Program Section; Robert E. White, Continental Oil Company, P.O. Box 2197, Houston, Texas 77001 (713) 225-1511.

R6-230.2; Assistant Director—Supply Coordination; Walter I. Weed, Phillips Petroleum Company, Phillips Annex Building, Bartlesville, Oklahoma 7400 (918) 661-4140.

R6-230.21; Chief—Crude & Gas Liquids Section; Robert F. Thornburg, Cities Service Oil Company, P.O. Box 300, Tulsa, Oklahoma 74101 (918) 560-2960.

Supply and Transportation Division

R6-230.22; Chief—Production Section; J. R. Lennon, Charter International, 893B Manchester, Houston, Texas 77012 (713) 923-1651.

R6-230.3; Assistant Director—Transportation Branch; Robert A. J. Roger, Shell Oil Company, 1 Shell Plaza, Houston, Texas 77001 (713) 220-6439.

R6-230.31; Chief—Pipeline Section.

R6-230.32; Chief—Surface & Inland Water Section.

R6-230.33; Chief—Tanker Section; Emmitt T. Smith, Jr., Sun Oil Company, P.O. Box 1349, Beaumont, Texas 77704 (713) 838-0111.

R6-230.34; Chief—Facilities Section.

Distribution and Marketing Division

R6-240; Director; Fritz D. Stellijes, Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001 (713) 229-4351.

R6-240.01; Special Assistant; W. Glen Andrea, U.S. Dept. of Interior, Office of Oil & Gas, 2120 Travis—Room 801, Houston, Texas 77004 (713) 226-5487.

R6-240.2; Assistant Director—Operations Branch; Paul W. Edge, Jr., Exxon Co., U.S.A., Southland Center, Dallas, Texas 75201 (214) 748-8261.

R6-240.21; Chief—Products Section.

R6-240.22; Chief—Support Services Section; Robert O. Wilson (retired), 4325 Westway Drive, Dallas, Texas 75205 (214) 528-0615.

Field Representatives

RF6-240.51; Representative—Fort Smith, Arkansas.

RF6-240.52; Representative — Shreveport, Louisiana.

RF6-240.53; Representative—Albuquerque, New Mexico.

RF6-240.63; Representative — Tucumcari, New Mexico.

RF6-240.54; Representative — Oklahoma City, Oklahoma.

RF6-240.55; Representative—Abilene, Tex.; John Paul Williams (retired), 3527 West Wadley, Midland, Texas 79701 (915) 694-5041.

RF6-240.65; Representative—Dallas-Fort Worth, Texas.

RF6-240.75; Representative—Wichita Falls, Texas.

RF6-240.85; Representative—El Paso, Tex.

Gas Operations

R6-400; Assistant Regional Administrator; Frederick Clarke, Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Texas 77001 (713) 229-2589.

R6-400.1; Executive Assistant.

Gas Distribution Division

R6-410; Director.

R6-410.1; Assistant Director-Program Coordination; Lewis O. Smith, Columbia Gulf Transmission, P.O. Box 683, Houston, Texas 77001 (713) 621-1200.

R 6-410.11; Chief—Operations Priorities Section.

R 6-410.12; Chief—Support Services Section.

R6-410.2; Assistant Director—Gas Requirements.

R 6-410.21; Chief—Validation Section.

R 6-410.22; Chief—Planning and Analysis Section; Stephen S. Clair, Jr., Columbia Gulf Transmission, P.O. Box 683, Houston, Texas 77001 (713) 621-1200.

Gas Transmission Division

R 6-420; Director; Thomas H. Pofahl, El Paso Natural Gas Co., P. O. Box 1492, El Paso, Texas 79948 (915) 548-4957.

R 6-420.1; Assistant Director—Gas Transmission Branch; Jack W. Seaman, Northern Natural Gas Co., P. O. Box 3316, Midland, Texas 79701 (915) MU-2-7964.

R 6-420.11; Chief—Pipeline Operations Section; E. L. Colvin, Texas Eastern Trans-

mission, P. O. Box 1612, Shreveport, Louisiana 7110 (318) 424-0331.

R 6-420.12; Chief—Support Services Section.

R 6-420.2; Assistant Director—Program Planning Branch.

R 6-420.21; Chief—Long Range Planning Section.

R 6-420.22; Chief—Intermediate and Short Range Planning Section.

Gas Group Office No. 4: Shreveport, Louisiana

R6(G4)400; Director; John E. Taylor, Ark-La Gas Company, P. O. Box 1734, Shreveport, La. 71102 (318) 425-1271.

R6(G4)401; Deputy Director.

Gas Group Office No. 5: Oklahoma City, Oklahoma

R6(G5) 400; Director.

R6(G5) 401; Deputy Director; Richard S. Sidwell, Cities Service Gas Company, P. O. Box 25128, Okla. City, Okla. 73112 (405) 236-0601.

Support Services

R6-500; Assistant Regional Administrator.

R6-500.1; Executive Assistant; H. F. Rainey, Shell Oil Company, 1 Shell Plaza, Houston, Texas 77001 (713) 220-6161, x. 4119.

Materials Division

R6-510; Director; Felix W. Dreyfus, 121 North Drive, Covington, La. 70433 (504) 892-4790.

R6-510.1; Assistant Director—Oil Field Equipment & Construction Branch; Robert E. Dickson, USS Oilwell Div. U.S. Steel, P. O. Box 2506, Houston, Texas 77001 (713) 225-6491.

R6-510.11; Chief—Oil Field Machinery Section.

R6-510.12; Chief—Metals Section.

R6-510.13; Chief—Tubular Goods Section.

R6-510.14; Chief—Construction Projects Section; William R. Roever, 2001 B. Stoneybrook, Houston, Texas 77042 (713) 781-1501.

R6-510.21; Chief, Industrial Equipment

R6-510.22; Chief, Chemicals and Contain-
99-060 x44-18-19

R6-510.2; Assistant Director—Stock Equipment & Supplies Branch; John E. Ellis, Texaco, Inc., P.O. Box 52332, Houston, Texas 77052, (713) 224-9811.

R6-510.21; Chief—Industrial Equipment Section.

R6-510.22; Chief—Chemicals and Containers Section.

R6-510.23; Chief—Scientific and Technical Equipment Section; F. Earl Neal, The Chevron Oil Company, 1111 Tulane Avenue, New Orleans, La. 70112, (504) 524-5711.

Manpower Division

R6-520; Director; E. W. McNeil, Jr., Dept., Exxon Co. U.S.A., P.O. Box 2180, Houston, Texas 77001, (713) 221-3636.

R6-521; Deputy Director; Robert F. Tierney, Texaco, Inc., P.O. Box 52332, Houston, Texas 77052, (713) 224-9811.

R6-521.01; Statistical Assistant.

R6-520.1; Assistant Director—Manpower Branch.

R6-520.11; Chief—Petroleum Section.

R6-520.12; Chief—Gas Section.

R6-520.2; Assistant Director—Claimancy Branch.

R6-520.21; Chief—Labor Department Liaison Section.

R6-520.22; Chief—Other Government Liaison Section.

Communications Division

R6-530; Director; William E. Walker, Shell Pipeline Company, P. O. Box 2648, Houston, Texas 77001 (713) 220-5956.

R6-531; Deputy Director.

R6-530.1; Assistant Director—Engineering & Operations Branch; Ralph H. Echols, Atlantic Richfield Company, P. O. Box 2819, Dallas, Texas 75221 (214) 747-6484.

R6-530.2; Assistant Director—Liaison and Claimancy Branch.

Facilities Security Division

R6-540; Director; Albert Dalton, Exxon Co. U.S.A., Southland Center—34th Floor, Dallas, Texas 75201 (214) 748-8261.

R6-540.2; Assistant Director—Domestic Branch.

R6-540.21; Chief—Physical Security Section.

R6-540.22; Chief—Personnel Security Section.

EPGA State Offices

RS6-200 (AK); Arkansas—State Petroleum Manager.

RS6-200 (LA); Louisiana—State Petroleum Manager; Thomas W. Doyle, Texaco Inc., P. O. Box 60252, New Orleans, Louisiana (504) 524-8511, 70160.

RS6-200 (NM); New Mexico—State Petroleum Manager; Gerald L. Wolf, Zia Oil Company, 2350 Second, SW., Albuquerque, New Mexico, (505) 242-2751, 87102.

RS6-200 (OK); Oklahoma—State Petroleum Manager; William N. Pritchett, Kerr-McGee Corporation, Kerr-McGee Building, Oklahoma City, Okla. 73100 (405) 236-1313.

RS-6-200 (TX); Texas—State Petroleum Manager.

RS 6-201 (TX); Texas—Assistant State Petroleum Manager; Orville Dial Bridges, Exxon Co. U.S.A. Southland Center, Dallas, Texas 75201 (214) 748-8261.

RS 6-221 (TX) Texas—Assistant State Petroleum Manager—Refining & Manufacturing.

RS 6-400 (AK); Arkansas (4) **State Gas Manager.

RS 6-400.1 (AK); Arkansas (3) **Gas Intrastate Representative.

RS 6-400 (LA); Louisiana (4) **State Gas Manager.

RS 6-400 (NM); New Mexico (8) **State Gas Manager; Lowell Parrish, Jr., El Paso Natural Gas Co., P.O. Box 990, Farmington, N.M. 87401 (505) 325-2841.

RS 6-400.1 (NM); New Mexico (5) **Gas Intrastate Representative.

RS 6-400.2 (NM); New Mexico (7) **Gas Intrastate Representative.

RS 6-400 (OK); Oklahoma (5) **State Gas Manager.

RS 6-400.1 (OK); Oklahoma (4) **Gas Intrastate Representative.

RS 6-400.2 (OK); Oklahoma (7) **Gas Intrastate Representative.

RS 6-400 (TX); Texas (5) **State Gas Manager.

RS 6-400.1 (TX); Texas (4) **Gas Intrastate Representative.

RS 6-400.2 (TX); Texas (7) **Gas Intrastate Representative.

RS 6-400.3 (TX); Texas (8) **Gas Intrastate Representative.

** Gas Group.

Total Number of Positions—157.

REGIONS 7 AND 8—EMERGENCY PETROLEUM AND GAS ADMINISTRATION, DENVER, COLO.

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

Regional headquarters

R7-8-100; Regional Administrator; Otis B. Hocker, Texaco, Inc., P.O. Box 2100, Denver, Colorado 80201 (303) 573-7571, Ext. 331.

R7-8-100.1; Executive Assistant; Dr. Philip F. Dickson, Chemical Petroleum Refining Dept., Colorado School of Mines, 1500 Illinois, Golden, Colorado 80401 (303) 279-3381, Ext. 355.

R7-8-110; Deputy Regional Administrator.

Office of Administrative Services

R7-8-160; Director; Warren W. Mankin, RMR, OOG Dept. of the Interior, Bldg. 67, Denver Federal Center, Denver, Colorado 80225 (303) 234-2596.

R7-8-161; Asst. Director, Fiscal Branch.

Office of Information

R7-8-170; Director; (P) Daniel L. Dienstbier, Northern Natural Gas Company, P.O. Box 308, Omaha, Nebraska 68101 (402) 348-4468.

Office of Regional Counsel

R7-8-180; Regional Counsel; Burns H. Errebo, Mobil Oil Corporation, P.O. Box 5444, Denver, Colorado 80217 (303) 572-3636.

R7-8-181; Deputy Regional Counsel.

Petroleum Operations

R7-8-200; Asst. Regional Administrator; Joseph S. Bowman, Fluor Oil and Gas Company, 1050 Colorado State Bank Bldg., 1600 Broadway Ave., Denver, Colorado 80202 (303) 572-8406.

Production and Natural Gas Processing Division

R7-8-210; Director; William T. Blackburn, Vaughey, Vaughey & Blackburn, 1650 Denver Club Building, 518 17th Street, Denver, Colorado 80202 (303) 825-8178.

R7-8-211; Deputy Director; Jack P. Denny, Phillips Petroleum Company, 1010 Security Life Building, Denver, Colorado 80202 (303) 573-6611, Ext. 269.

R7-8-210.2; Asst. Director, Production; W. Jones Turner, Jr., Sun Oil Company, 800 Security Life Building, Denver, Colorado 80202 (303) 266-2181.

R7-8-210.3; Asst. Director, Gas Gathering and Processing Branch.

R7-8-210.31; Chief, Natural Gas Branch.

R7-8-210.32; Chief, Natural Gasoline Branch.

R7-8-210.33; Chief, LPG Branch.

Domestic Refining and Manufacturing Division

R7-8-220; Director.

R7-8-220.1; Asst. Director, Facilities Branch; Leonard R. Cox, Continental Oil Company, Asphalt Unit, P.O. Box 40, Commerce City, Colorado 80022 (303) 534-2100, Ext. 66.

R7-8-220.2; Asst. Director, Technical Branch; Philip G. Morrow, Farmers Union Central Exchange, Inc., P.O. Box 126, Laurel, Montana 59044 (406) 698-4311.

R7-8-220.3; Asst. Director, Operations Branch; Barry D. Nolan, Exxon Company U.S.A., P.O. Box 1163, Billings, Montana 59103 (406) 252-3811, Ext. 201.

R7-8-220.4; Asst. Director, Petrochemical Branch.

Domestic supply and transportation division

R7-8-230; Director; Cortlandt S. Dietler, Western Crude Oil, Inc., P.O. Box 5568 TA, Denver, Colorado 80217 (303) 222-4561.

R7-8-231; Deputy Director.

R7-8-230.1; Asst. Deputy Director, Supply.

R7-8-230.3; Asst. Deputy Director, Transportation; (P) Robert B. Hastie, ARCO Pipe Line Company, ARCO Building, Independence, Kansas 63701 (316) 331-1300 Ext. 292.

R-8-230.31; Chief; Pipeline Branch.

R7-8-230.32; Chief, Motor Transportation Branch.

R7-8-230.33; Chief; Rail Transport Branch.

Domestic distribution and marketing division

R7-8-240; Director; Robert J. Alfrey, Chevron Oil Co.—Western Division, 1700 Broadway, Denver, Colorado 80202 (303) 292-1400, Ext. 239.

R7-8-241; Asst. Director; Robert M. McManis, Husky Oil Company, 4040 E. Louisiana Ave., Denver, Colorado 80222 (303) 756-1511.

Gas operations

R7-8-400; Asst. Regional Administrator.

Gas distribution division

R7-8-410; Director.

Gas transmission division

R7-8-420; Director; Jack T. Simon, Mountain Fuel Supply Company, P.O. Box 11368, Salt Lake City, Utah 84111 (801) 328-8315.

Gas Group Office 6, Omaha, Nebraska

R7-8(G6)400; Director; Glen L. Grove, Jr., Northern Natural Gas Company, P.O. Box 308, Omaha, Nebraska 68101 (402) 348-4669.

R7-8(G6)401; Deputy Director.

R7-8(G6)400.1; Member; Gayle B. Roseland, Northern Natural Gas Co., P.O. Box "S", Ogden, Iowa 50212 (515) 275-2452.

Gas Group Office 7, Colorado Springs, Colorado:

R7-8(G7)400; Director; Robert C. McHugh, Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80901 (303) 473-2300, Ext. 345.

R7-8(G7)401; Deputy Director; Stephen D. Ford, Jr., Kansas-Nebraska Natural Gas Co., P.O. Box 608, Hastings, Nebraska 68901 (402) 462-2141.

R7-8(G7)400.1; Member; Stanley W. Jervis, Western Region, Peoples Div. Northern Natural Gas Co., P.O. Box 1357, Colorado Springs, Colorado 80901 (303) 634-5537.

Gas Group Office 9, Butte, Montana

R8(G9)400; Director; Louis S. Stadler, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701 (406) 723-5421, Ext. 267.

R8(G9)401; Deputy Director; David P. Price, Montana-Dakota Utilities Co., P.O. Box 131, Glendive, Montana 59330 (406) 365-5251.

R8(G9)420; Chief, Gas Supply & Transmission; John B. Van Gelder, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701 (406) 723-5421, Ext. 268.

R8(G9)430; Chief, Gas Distribution; Guy S. McBane, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701 (406) 723-5421, Ext. 236.

Support services

R7-8-500; Asst. Regional Administrator; Jene P. Harper, Franklin Supply Company, Suite 2400, Colorado State Bank Bldg., Denver, Colorado 80202, (303) 292-0050.

Materials division

R7-8-510; Director; John D. Cranor, Jr., Manning Gas & Oil Company, 2332 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colorado 80202, (303) 572-7787.

Manpower division

R7-8-520; Director.

Communications division

R7-8-530; Director; William I. Blount, Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80901, (303) 473-2300.

Facility security division

R7-8-540; Director; John G. Wilkinson, Jr., Texaco, Inc., P.O. Box 2100, Denver, Colorado 80201, (303) 573-7571, Ext. 240.

EPGA state offices

Colorado

RS8-200(CO); Manager—Petroleum; John R. Allexan, Texaco, Inc., P.O. Box 2100, Denver, Colorado 80201, (303) 573-7571 Ext. 204.

RS8-400(CO); Manager—Gas; Robert F. Jonas, Fuel Resources Development Co., P.O. Box 840, Denver, Colorado 80201, (303) 297-7776.

Iowa

RS7-200(IA); Manager, Petroleum.

RS7-400(IA); Manager, Gas; Evan M. Griffiths, Northern Natural Gas Company, Travelers Building—3rd Floor, 215 Keo Way, Des Moines, Iowa 50309 (515) 243-6139.

Kansas

RS7-200(KS); Manager, Petroleum.

RS7-400(KS); Manager, Gas; Eugene O. Bacon, Northern Natural Gas Company, 2130 N. Hiway 83, Liberal, Kansas 67901 (316) 624-5623.

Missouri

RS7-200(MO); Manager, Petroleum.

RS7-400(MO); Manager, Gas; Ben H. Longshore, Panhandle Eastern Pipe Line Co., P.O. Box 1348, Kansas City, Missouri 64141 (816) 753-5600, Ext. 631.

Montana

RS8-200(MT); Manager, Petroleum; Max G. Punches, Continental Oil Company, P.O. Box 2548, Billings, Montana 59103 (406) 252-3841.

RS8-400(MT); Manager, Gas; Justus W. Leggate, Montana-Dakota Utilities Co., P.O. Box 2546, Billings, Montana 59103 (406) 245-4161.

Nebraska

RS7-200(NB); Manager, Petroleum; Milton E. Whitehead, Jr., Whitehead Oil Company, 2537 Randolph Street, Lincoln, Nebraska 68510 (402) 435-3509.

RS7-400(NB); Manager, Gas; David P. Corkill, Northern Natural Gas Company, P.O. Box 308, Omaha, Nebraska 68102 (402) 348-4489.

North Dakota

RS8-200(ND); Manager, Petroleum.

RS8-400(ND); Manager, Gas; Albert J. Mayer, Montana-Dakota Utilities Company, 400 N. Fourth Street, Bismarck, North Dakota 58501 (701) 224-3224.

South Dakota

RS8-200(SD); Manager, Petroleum.

RS8-400(SD); Manager, Gas; George O. Miller, Montana-Dakota Utilities Company, 703 Kansas City Street, Rapid City, South Dakota 57701 (605) 342-0160, Ext. 22.

Utah

RS8-200(UT); Manager, Petroleum; Robert J. Martin, 3489 South 325 West, Bountiful, Utah 84010 (801) 328-8315.

RS8-400(UT); Manager, Gas; Clair F. Coleman, Mountain Fuel Supply Company, P.O. Box 11368, Salt Lake City, Utah 84111 (801) 328-8315.

Wyoming

RS8-200(WY); Manager, Petroleum; Howard R. Gagon, Husky Oil Company, P.O. Box 380, Cody, Wyoming 82414, (307) 587-4711, Ext. 274.

RS8-400(WY); Manager, Gas.

EPGA field liaison representatives

RF8-210.1; Utah, Petroleum Production; Cleon B. Feight, Utah State Dept. of Natural Resources, Div. of Oil & Gas Conservation, 1588 West North Temple, Salt Lake City, Utah 84116 (801) 328-5771.

RF8-220.1; Utah, Refinery & Manufacturing; Louis H. Butterworth, Amoco Oil Company, 474 West 8th North, Salt Lake City, Utah 84103, (801) 364-3103.

RF8-230.1; Montana, Supply & Transportation; William H. Behr, Jr., Continental Oil Company, P.O. Box 2548, Billings, Montana 59103, (406) 252-3841.

RF8-230.3; Utah, Supply & Transportation; Donald E. Hull, Phillips Petroleum Company, 393 So. 800 West, Woods Cross, Utah 84087 (801) 295-2311.

RF7-400.1; Nebraska, Natural Gas; James W. Asbury, Kansas-Nebraska Natural Gas Co., P.O. Box 608, Hastings, Nebraska 68901 (402) 462-2141.

RF7-400.2; Kansas, Natural Gas; Otto V. Barbee, Northern Natural Gas Company, 3007 West Tenth Street, Great Bend, Kansas 67530 (316) 792-2161.

Unassigned; Thomas L. Pelican, Colorado Interstate Corp., P.O. Box 1087, Colorado Springs, Colo. 80901 (303) 473-2400, Ext. 264.

Total number of positions, 74.

REGION 9—EMERGENCY PETROLEUM AND GAS ADMINISTRATION, SAN FRANCISCO, CALIF.

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

Office of the Administrator

R9-100; Regional Administrator; John E. Ford, Jr., U.S. Oil & Refining Company, 5150 Wilshire Blvd., Los Angeles, CA 90036, (213) 938-7156.

R9-110; Deputy Regional Administrator; Ellerton E. Wall, Standard Oil Co. of Calif., WOI, P.O. Box 2437, Terminal Annex, Los Angeles, CA 90051, (213) 489-1000.

R9-110.1; Executive Assistant; Wayne Guymon, Standard Oil Co. of Calif., WOI, 225 Bush Street, San Francisco, CA 94120, (415) 894-0159.

R9-110.2; Staff Assistant; Eugene W. Standley, Office of Oil and Gas, U.S. Department of the Interior, 450 Golden Gate Avenue, Box 36032, San Francisco, CA 94102, (415) 556-2833.

Office of Administrative Services

R9-160; Director; Joel C. Berry, Bureau of Reclamation, U.S. Department of the Interior, P.O. Box 988, Willows, CA 95988, (916) 934-7066.

R9-160.1; Assistant Director—Office Services Branch.

R9-160.2; Assistant Director—Personnel—Fiscal Branch; David E. Dunahay, Bureau of Reclamation, U.S. Department of the Interior, 140 Squire Lane, Auburn, CA 95603, (916) 484-4691.

Office of Information

R9-170; Director.

Office of General Counsel

R9-180; Regional Counsel (Petroleum); Robert H. Buchanan, Poindexter, Lynch & Buchanan, 626 Wilshire Blvd., Los Angeles, CA 90017, (213) 680-9590.

R9-181; Deputy Regional Counsel (Natural Gas); Charles R. Salter, Pacific Lighting Corporation, P.O. Box 60043, Terminal Annex, Los Angeles, CA 90060 (213) 689-3538.

R9-200; Assistant Regional Administrator; A. J. Horn, Petroleum Consultant, 34 Lloyden Drive, Atherton, CA 94025.

R9-210; Director; O. W. Ward, Tenneco Oil Company, Post Office Box 1996, Bakersfield, CA 93303, (805) 832-9090, X 468.

R9-210.1; Assistant Director-Analysis & Planning Br.; James S. Eads, Jr., Superior Oil Company, Post Office Box 1031, Bakersfield, CA 93302, (805) 589-2522.

R9-210.11; Chief-Crude Oil Section; Donald E. Grosskurth, Texaco Inc., 3350 Wilshire Blvd., Los Angeles, CA 90010, (213) 385-0515.

R9-210.12; Chief-Natural Gas Section.

R9-210.2; Assistant Director-Production Branch.

R9-210.21; Chief-Production Coordination Section.

R9-210.22; Chief-Facilities Section; Eugene E. Nichols, Atlantic Richfield Company, Post Office Box 147, Bakersfield, CA 93302, (805) 831-1600.

R9-210.3; Assistant Director-Gas Gathering & Processing Branch.

R9-210.31; Chief-Operations Coordination Section.

R9-210.32; Chief-Facilities Section; W. L. Bradford, Union Oil Company of California, Union Oil Center, Los Angeles, CA 90051, (213) 482-7600.

Refining and Manufacturing Division

R9-220; Director; Charles E. Auerbach, Standard Oil Company of California, 225 Bush Street, San Francisco, CA 94120, (415) 894-2471.

R9-220.1; Assistant Director-Facilities Branch; David K. Beavon, The Ralph M. Parsons Company, 617 West 7th Street, Los Angeles, CA 90017, (213) 629-2484.

R9-220.11; Chief-Materials and Equipment Section; Edward J. Smet, Fluor Corporation, P.O. Box 7030, East Los Angeles Branch, Los Angeles, CA 90022, (213) 262-6111.

R9-220.12; Chief-Construction and MRO Section; T. J. Gates, 3945 Via Solano, Palos Verdes Estates, CA 90274.

R9-220.2; Assistant Director—Operations pany of California, San Francisco Refinery, Rodeo, CA 94572, (415) 799-4411.

R9-220.21; Chief—Technology and Planning Section.

R9-220.22; Chief—Operations and Supply Section.

R9-220.3; Assistant Director—Petrochemicals Br.

R9-220.31; Chief—Technology and Planning Section; John P. Alexander, Union Carbide Company, Post Office Box 407, Torrance, CA 90508, (213) 371-5521.

R9-220.32; Chief—Operations and Supply Section; E. Walker Baylor, Atlantic Richfield Company, Post Office Box 787, Wilmington, CA 90744, (213) 834-2521.

R9-220.33; Chief—Additives and Catalysts Section; John F. Shaw, E. I. duPont de Nemours & Co., Inc., 612 South Flower Street, Suite 433, Los Angeles, CA 90017, (213) 624-1354.

R9-230; Director; George H. Hemmen, Union Oil Company of California, Union Oil Center, Los Angeles, CA 90017, (213) 486-6109.

R9-230.1; Assistant Director—Supply Planning Branch, Roy L. Steen, Exxon Company, USA, 1800 Avenue of the Stars, Los Angeles, CA 90067, (213) 879-2700.

R9-230.11; Chief—Program Section.

R9-230.2; Assistant Director—Supply Coordination Br.; Clinton E. Kelley, Atlantic Richfield Company, 515 South Flower Street, Los Angeles, CA 90017, (213) 629-4111.

R9-230.21; Chief—Crude Oil Section.

R9-230.22; Chief—Products Section.

R9-230.23; Chief—Gas Liquids Section.

R9-230.3; Assistant Director—Transportation Coordination Branch; Richard Canham, Standard Oil Company of California, 130 Sutter Street, San Francisco, CA 94104, (415) 894-2125.

R9-230.31; Chief—Tanker Section.

R9-230.32; Chief—Pipeline and Inland Waterways Section.

R9-230.33; Chief—Rail and Motor Section; James L. Hand, Douglas Oil Company of California, 530 West 6th Street, Los Angeles, CA 90014, (213) 625-7541.

R9-230.34; Chief—Facilities Section.

Distribution and Marketing Division

R9-240; Director; Houghton W. Bragg, Union Oil Company of California, 461 South Boylston Street, Los Angeles, CA 90017, (213) 482-7600.

R9-240.1; Assistant Director—Operations Branch.

R9-240.11: Chief—Products Section.

R9-240.12; Chief—Support Services Section.

R9-400; Assistant Regional Administrator.

R9-400.1; Executive Assistant; Walter T. Johnson, Jr., Southern California Gas Company, P.O. Box, 3249, Terminal Annex, Los Angeles, CA 90051, (213) 689-2311.

Distribution Division

R9-410: Director; Thomas C. Hinrichs, San Diego Gas & Electric Company, Post Office Box 1831, San Diego, CA 92112. (714) 232-4252.

R9-410.1: Assistant Director—Gas Requirements Dr; Richard L. Johnson, Arizona Public Service Company, Post Office Box 21666, Phoenix, AZ 85036, (602) 261-8480.

R9-420; Director, Harry P. Prudhomme, Pacific Gas & Electric Company, 245 Market Street, San Francisco, CA 94106 (415) 781-4211.

R9-420.1; Assistant Director, Operations Branch.

R9-420.2; Assistant Director, Supply Planning Br., Skyles E. Runser, Jr., Pacific Gas & Electric Company, 77 Beale Street, San Francisco, CA 94106 (415) 781-4211.

R9-420.21; Chief—Program Section, Edward C. Wright, Gas Department, City of Long Beach, 2400 East Spring Street, Long Beach, CA 90802 (213) 595-5311.

Gas Group Office No. 8 (Kingman, Arizona)

R9(G8)-400; Director, Edward E. Alsup, El Paso Natural Gas Company, Post Office Box 308, Flagstaff, AZ 86001 (602) 774-1403.

R9(G8)-401; Deputy Director, Francis J. Parsons, Pacific Gas & Electric Company, 245 Market Street, San Francisco, CA 94106 (415) 781-4211.

R9(G8)-410; Chief Program Coordination, James W. Ritter, Southern California Gas Company, P.O. Box 3249, Terminal Annex, Los Angeles, CA 90051 (213) 689-3575.

R9(G8)-420; Chief—Gas Supply and Transmission, James H. Beeler, Transwestern Pipeline Company, Post Office Box 2018, Roswell, New Mexico 88201 (505), 623-2761.

R9(G8)-430; Chief—Gas Requirements and Allocation.

R9-500; Assistant Regional Administration, Charles W. Seitz, C. F. Braun & Company, 1000 South Fremont Avenue, Alhambra, CA 91802 (213) 570-1000.

Materials Division

R9-510; Director.

R9-510.1; Assistant Director—Special Materials and Equipment Branch, John B. Campbell, Atlantic Richfield Company, 515 South Flower Street, Los Angeles, CA 90017 (213) 629-4111.

R9-510.2; Assistant Director—Industrial Materials and Equipment Branch, P. J. Lazzarini, Phillips Petroleum Company, Avon Refinery, Martinez, CA 94553 (415) 228-1220.

Manpower Division

R9-520; Director, William R. Bearding, Exxon Company, USA, Benicia Refinery, Benicia, CA 94510, (707) 745-3450.

R9-520.1; Assistant Director—Manpower Branch., Peter R. Hemphill, Shell Oil Company, 1008 West Sixth Street, Los Angeles, CA 90054 (213) 482-3131.

R9-520.2; Assistant Director—Claimancy Branch.

Communications Division

R9-530; Director, Henry Schoellhorn, III, Standard Oil Company of California, Telecommunications, Post Office Box 397, La Habra, CA 90631 (213) 691-2251.

R9-530.1; Assistant Director—Operations Branch, Donald G. Gregory, Pacific Gas & Electric Company, 245 Market Street, Room 244, San Francisco, CA 94106 (415) 781-4211.

R9-530.2; Assistant Director—Claimancy Branch., Leonard C. Hylton, Getty Oil Company, Route 1, Box 197-X, Bakersfield, CA 93308 (805) 399-2961.

Facilities Security Division

R9-540; Director, Robert B. Farrell, Texaco Inc., 3350 Wilshire Blvd., Los Angeles, CA 90005 (213) 385-0515.

R9-540.1; Assistant Director—Programs-Standards Branch., Richard J. Buxton, Atlantic Richfield Company, 515 South Flower Street, Los Angeles, CA 90017 (213) 486-2467.

STATE OFFICES

Arizona

RS9-200 (AZ) Manager—Petroleum., John C. Bauguss, Southern Pacific Pipe Lines, Inc., Post Office Box 12428, Tucson, AZ 85711 (602) 623-6464.

RS9-400 (AZ) Manager—Natural Gas, William B. Page, El Paso Natural Gas Company, Post Office Box 1630, Phoenix, AZ 85001 (602) 967-1686.

California

RS9-200 (CA) Manager—Petroleum.

RS9-400 (CA) Manager—Natural Gas., Jean W. Adamson, Pacific Gas & Electric Company, 4040 West Lane, Stockton, CA 95204 (209) 466-2261.

Hawaii

RS9-200 (HI); Manager—Petroleum; Mark W. Allen, Standard Oil Company of California, 141 Merchant Street, Honolulu, Hawaii 96813 (808) 533-2911.

RS9-400 (HI); Manager—Manufactured and LP Gas; Paul C. Joy, Pacific Resources, Inc., Post Office Box 3379, Honolulu, Hawaii 96801 (808) 548-5321.

Nevada

RS9-200 (NV); Manager—Petroleum; Donald L. Spanier, Southern Pacific Pipe Lines, Inc., Post Office Box 917, Sparks, Nevada 89431 (702) 358-6971.

RS9-400 (NV); Manager—Natural Gas; James M. Miller, Southwest Gas Corporation, Post Office Box 1190, Carson City, Nevada 89701 (702) 882-2126.

FIELD LIAISON REPRESENTATIVES

California

RF9-201.1; Production (All Centers); Ralph M. Barger, California Division of Oil and Gas, 117 West Main Street, Woodland, CA 95695 (916) 662-4683.

RF9-220.1; Refining (Northern California); Charles L. Persyn, Phillips Petroleum Company, Avon Refinery, Martinez, CA 94553 (415) 228-1220.

RF9-220.2; Refining (Southern California).

RF9-230.1; Supply & Transportation (Northern California); Darius N. Keaton, Jr., Charter Trading Company, 666 Camino Aguajita, Monterey, CA 93940 (408) 373-0955.

RF9-230.2; Supply & Transportation (Southern California); Edwin H. Anderson, Fletcher Oil & Refining Company, Post Office Box 548, Wilmington, CA 90744 (213) 775-3503.

Alaska

RF9-210.2; Production (All Centers); O. G. Simpson, Atlantic Richfield Company, P.O. Box 360, Anchorage, Alaska 99501 (907) 277-5673.

Total Number of Positions: 87

REGION 10—EMERGENCY PETROLEUM AND GAS ADMINISTRATION, BOTHELL, WASH.

POSITION NUMBER, POSITION TITLE, AND INCUMBENT

Office of the administrator

R10-100; Regional Administrator.

R10-110; Deputy Regional Administrator.

R10-110.1; Executive Assistant.

Office of administrative services

R10-160; Director; John B. Benedetto, Bureau of Indian Affairs, U.S. Department of the Interior, Federal Bldg., 3006 Colby Ave., Everett, WN 98201, (206) 259-0349.

R10-160.1; Assistant Director, Office Services Branch.

R10-160.2; Assistant Director—Personnel-Fiscal Branch.

Office of information

R10-170; Director.

Office of general counsel

R10-180; Regional Counsel; Vernon L. Lindskog, Pebbles, Swanson & Lindskog, 202-212 Security Building, Olympia, WN 98501, (206) 943-8440.

Petroleum operations

R10-200; Assistant Regional Administrator.

Refining & manufacturing division

R10-220; Director; Michael Humphrey, Mobil Oil Corporation, Post Office Box 8, Ferndale, WN 98248, (206) 384-1011.

R10-220.1; Assistant Director-Facilities Branch; Jack Webb, Texaco Inc., Post Office Box 622, Anacortes, WN 98221, (206) 293-2131.

R10-220.11; Chief-Materials, Construction and MRO Section; Raymond R. Snover, Atlantic Richfield Company, P. O. Box 1127, Ferndale, WN 98248, (206) 384-1500.

R10-220.2; Assistant Director-Operations Branch; Richard C. Flickinger, Shell Oil Company, Post Office Box 700, Anacortes, WN 98221, (206) 293-3111.

R10-220.21; Chief-Technology & Planning Section; Ralph W. Moulton, Dept. of Chemical Engineering, University of Washington, Seattle, WN 98105, (206) 543-2250.

R10-220.22; Chief-Operations & Supply Section; James R. Nierman, Shell Oil Com-

pany, Post Office Box 700, Anacortes, WN 98221, (206) 293-3111.

R10-220.3; Assistant Director-Petrochemicals Branch; Andrew T. Peery, Phillips Pacific Chemical Co., Post Office Box 6008, Kennewick, WN 99336, (509) 586-6191.

R10-220.31; Chief-Additives & Catalysts Section; Donald R. Thorson, Mobil Oil Corporation, Post Office Box 8, Ferndale, WN 98248, (206) 384-1011.

Supply and Transportation Division

R10-230; Director; Warren G. Dulin, Union Oil Co. of California, 2901 Western Avenue, Seattle, WN 98111, (206) 682-7600.

R10-230.1; Assistant Director, Supply Planning Branch.

R10-230.11; Chief, Program Section.

R10-230.2; Assistant Director, Supply Coordination Br.

R10-230.21; Chief, Crude Oil Section; Ken Denton, Sound Refining Co., Inc., 2628 Marine View Drive, Tacoma, WN 98401, (206) 272-9348.

R10-230.22; Chief, Products Section; W. Kermit Rice, Phillips Petroleum Company, 66 Bovet Road, San Mateo, CA 94402, (415) 349-3166.

R10-230.3; Assistant Director, Transportation Coordination Branch.

R10-230.31; Chief—Pipeline Section.

R10-230.32; Chief—Tanker, Barge, Motor & Rail Section; Michael D. Duppenthaler, Foss Launch & Tug Company, 1901 Tidewater Road, Anchorage, Alaska 99501, (907) 272-9332.

Distribution & marketing division

R10-240; Director.

R10-240.1; Assistant Director—Operations Branch; James T. Clarkson, Shell Oil Company, 2540 - 11th Avenue, S.W., Seattle, WN 98134, (206) 624-0550.

R10-240.11; Chief—Products Section; Billy E. Myron, Shell Oil Company, Post Office Box 10327, Portland, Oregon 97210, (503) 228-7321.

R10-240.12; Chief—Support Services Section.

Natural gas operations

R10-400; Assistant Regional Administrator; Norman F. Trainor, El Paso Natural Gas Company, Post Office Box 1526; Salt Lake City, Utah 84110, (810) 328-8252.

Distribution division

R10-410; Director; Karl B. Reese, Washington Natural Gas Co., Post Office Box 1869, Seattle, WN 98111, (206) 622-6767.

R10-410.1; Assistant Director—Gas Requirements Branch; Reed Penning, Intermountain Gas Company, 555 South Cole Road, Boise, Idaho 83707, (208) 375-1361.

Transmission division

R10-420; Director; Carl F. Whitmire, Pacific Gas Transmission Co., P. O. Box 4395, Station B, Spokane, WN 99202, (509) 534-0657.

R10-420.1; Assistant Director—Operations Branch; Paul A. Hoglund, Washington Natural Gas Co., Post Office Box 1869, Seattle, WN 98111, (206) 622-6767.

R10-420.2; Assistant Director—Supply Planning Branch; Robert T. McLendon, The Washington Water Power Co., Post Office Box 1445, Spokane, WN 99210, (509) 489-0500.

R10-420.21; Chief—Program Section; Murray L. Neal, California-Pacific Utilities Co., Post Office Box 1709, Medford, Oregon 97501, (503) 772-5281.

Support Services

R10-500; Assistant Regional Administrator; Ernest W. Baxter, Jr., Post Office Box 622, Anacortes, WN 98221, (206) 293-2131.

Materials Division

R10-510; Director; Howard L. Graul, Standard Oil of Calif., Post Office Box 125, Edmonds, WN 98020, 206 542-2131.

R10-510.1; Assistant Director-Specialized Materials & Equipment Branch.

R10-510.2; Assistant Director-Industrial Materials & Equipment Branch; Abe W. Jackson, Atlantic Richfield Company, P.O. Box 1127, Ferndale, WN 98248, (206) 384-1500.

Manpower Division

R10-520; Director; Charles L. Hamer, Phillips Petroleum Company, 848-106th Avenue, N.E., Bellevue, WN 98004, (206) 455—3666.

R10-520.1; Assistant Director-Manpower Branch.

R10-520.2; Assistant Director-Claimancy Branch.

Communications Division

R10-530; Director; Roy A. Charves, Pacific Gas Transmission Co., 245 Market Street, San Francisco, CA 9410, (415) 781-0474.

R10-530.1; Assistant Director, Operations Branch; Harry T. Schriver, El Paso Natural Gas Co., Post Office Box 1526, Salt Lake City, Utah, 84110, (801) 382-8252.

R10-530.2; Assistant Director, Claimancy Branch.

Facilities Securities Division

R10-540; Director.

R10-540.1; Assistant Director, Programs Standards Br.

State offices

Alaska

RS10-200 (AK) Manager, Petroleum; H. Russell Painter, Tesoro-Alasaka Petroleum Corp., P.O. Box 6272, Anchorage, Alaska, 99502.

RS10-400; (AK) Manager, Natural Gas; Dale Teel, Alaska Pipeline Company, 202 Spenard Road, Anchorage, Alaska, 99502.

Idaho

RS10-200 (ID); Manager—Petroleum; G. T. Brower, Chevron Pipe Line Company, 201 N. Phillippi Street, Boise, Idaho 83704, (208) 375-2912.

RS10-400 (ID); Manager—Natural Gas; Scott W. Busselle, Intermountain Gas Company, 555 South Cole Road, Boise, Idaho 83707, (208) 375-1361.

Oregon

RS10-200 (OR); Manager—Petroleum; Newton P. Lesh, Time Oil Company, Post Office Box 03117, Portland, Oregon 97203, (503) 286-1611.

RS10-400 (OR); Manager—Natural Gas; Ronald T. Miller, Northwest Natural Gas Company, 123 N. W. Flanders Street, Portland, Oregon 97209, (503) 226-4211.

Washington

RS10-200 (WA); Manager—Petroleum.

RS10-400 (WA); Manager—Natural Gas; Melvin C. Clapp, Cascade Natural Gas Corporation, 222 Fairview Avenue, North Seattle, WN 98109, (206) 624-3900.

Field Liaison Representatives

Alaska

RF10-230.1; Supply & Transportation; Robert B. Tinnell, Standard Oil Company of Calif., Post Office Box 1580, Anchorage, Alaska 99501, (907) 279-9666.

Oregon (Western)

RF10-230.3; Supply & Transportation.

Washington (Eastern)

RF10-230.4; Supply & Transportation; Robert B. Pennington, Phillips Petroleum Company, Post Office Box 2123, Spokane, WN 99210, (509) 534-9391.

Standby; David L. Dennard, Cook Inlet Pipeline Company, P.O. Drawer 4-XX, Anchorage, Alaska 99503, (907) 272-9568.

Total No. of Positions: 60.

OUR CURRENT ENERGY SHORTAGE

Mr. BEALL. Mr. President, surely all of us in this body recognize the tremendous responsibility government has to insure that, in the face of our current energy shortage, farm operations receive whatever fuel is necessary to plant, tend, and harvest the foodstuffs of this Nation. Already, with the passage of S. 1570, the Emergency Petroleum Allocation Act, the Congress has noted the priority status that agriculture ought to receive in any fuel allocation formula. The administration has also realized the need for preferences for essential farm operations, and I have been hopeful that with this firm mandate, our Nation's farm community would have little difficulty in receiving the necessary quantities of fuel for their critical operations.

However, Mr. President, it came to my attention last week that because of delays in the processing of applications for additional allocations, farmers were not getting fuel in a timely fashion. Delays of up to 10 days or more were occurring, and farm equipment was forced to stand idle, waiting for orders from Washington to begin the fuel flow.

Because of the critical time factor involved in farm operations, such delays were of course intolerable. Therefore, on November 20 I contacted Secretary of the Interior Morton urging him to take action to cut this unnecessary redtape and expedite the flow of fuel to our Nation's farmers. Specifically, I asked that he permit responsible State officials to make a determination of need, pending further review by the Department of the Interior.

Mr. President, I am pleased to note that the Department has begun to take steps to break this bureaucratic logjam. In today's Federal Register of November 27, 1973, Mr. Eli T. Reich, Administrator of the Office of Petroleum Allocation, announced procedures whereby diesel fuel is to be delivered to farmers without formal petition or approval by Federal officials. Preference category customers, such as farmers, can now directly apply to their supplier for diesel fuel needed for essential farm operations, accompanied only by a written statement certifying that the volumes requested are needed for essential requirements. The order further stipulates that the needs of priority customers should be met in full by suppliers in the most expeditious manner possible.

Mr. President, I welcome these new regulations as a much needed step to end bureaucratic delays and permit the rapid supply of essential diesel fuel to farmers. I am hopeful that similar actions will soon be taken with regard to other fuels, such as gasoline, so that our country's vital food supply is not significantly affected by current energy shortages.

In a time of crisis such as we are experiencing, it is important that government not further complicate matters by bureaucratic inaction. I commend the administration on this forthright step to meet a pressing problem.

Mr. President, I ask unanimous consent to print in the RECORD a copy of the letter I sent to Secretary Morton along with copies of the regulations as published in the Federal Register.

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

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., November 20, 1973.

The Honorable ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: In the face of the critical energy crisis confronting our Nation today, I believe it ought to be the role of government to take actions which will assure the timely allocation of needed resources to those areas of particular high priority. As you know, one such area is agriculture, and I am pleased to note the importance Congress and the Administration has attached to this sector in allocating scarce fuel resources.

However, a situation has come to my attention which is seriously threatening the ability of farmers in my State and, indeed, the whole Nation, to harvest their crops on which our citizens rely. As you know, for a farmer to receive special consideration for available fuel resources, he must submit an application for certification of need to his State, who then must forward his request to the appropriate federal officials. This bureaucratic procedure, however, is causing undue delays in processing applications, which is in turn curtailing or halting farm operations for lacking of additional fuel. In view of the critical time factors involved in farming, such delays are potentially disastrous.

I call upon the Department of the Interior to take actions to cut this unnecessary red tape, and expedite the flow of fuel to our Nation's farmers. Specifically, I propose that you permit responsible State officers, such as the Governor or Secretary of Agriculture for each State, to temporarily make a determination of certification of need, pending further review by your Department. I believe that this action will significantly ease the log jam of applications now pending, thus permitting needy farmers to receive fuel as quickly as possible, while at the same time allowing the Department of the Interior to make the final determination.

In a time of crisis such as we are experiencing, it is important that government not further complicate matters by bureaucratic inaction. Such a plan as I have proposed will meet a crucial need, and I ask your immediate consideration of this matter.

With best wishes, I am
Sincerely yours,
J. GLENN BEALL, Jr.

[Federal Register, Vol. 38, No. 222—Monday, November 19, 1973]

Office of Petroleum Allocation [Advisory Notice 2]

MIDDLE DISTILLATE FUELS—ALLOCATION PREFERENCES

In order to relieve unintended results under the Mandatory Allocation Program for Middle Distillate Fuels, it has been determined that pursuant to section 12 of the regulations (EPO Reg. 1; 38 FR 28660) for a period of 60 days effective immediately, suppliers shall give preference in the allocation of diesel fuels in the middle distillate range to the following purposes:

(1) For the operation of prime movers or power units necessary for the exploration, production, refining, and distribution of fossil fuels which includes petroleum, natural gas, and coal.

(2) For the operation of mobile and fixed farm and ranch equipment essential to the planting, growth, or harvesting of crops and or livestock.

(3) For the operation of public mass transportation systems within metropolitan areas when certified as essential to the public welfare by the Governor of the State to the Administrator.

It is intended that the preference granted herein shall apply only to delivery of diesel fuels in the middle distillate range during the 60-day period and does not apply to orders placed on a supplier for delivery beyond the next 60 days.

Purchasers requesting assistance under this notice are cautioned to limit their requests to actual current requirements as it is intended that quantities of such fuels delivered during the 60-day period will be assessed against their adjusted total annual allocation.

ELI T. REICH, *Administrator.*

November 15, 1973.

[FR Doc.73-24716 Filed 11-16-73;9:14 am]

[Federal Register, Vol. 38, No. 227—Tuesday, November 27, 1973]

Office of Petroleum Allocation [Advisory Notice No. 6]

DIESEL FUELS—ALLOCATION PREFERENCES

This is to provide clarification as to the intent of Advisory Notice No. 2, published in the Federal Register on November 19, 1973 (38 FR 31857), which established a preference for diesel fuel supply to three categories of customers.

The intent of Advisory Notice No. 2 is that:

1. The diesel fuel needs of customers in each of the three categories be met in full by the appropriate supplier to the customer.

2. Such supply be delivered without formal petition to or approval by representatives of the Office of Petroleum Allocation. That is, suppliers at each level are expected to meet the indicated essential needs of customers in each of the three preference categories in the most expeditious manner possible.

3. Preference category customers will limit demands under these provisions to those volumes essential to the accomplishment of the basic preference function of each customer. It is necessary that customers receiving diesel fuel supplies under these preference categories furnish a written statement certifying to their supplier that volumes requested constitute essential requirements during the period covered by Advisory Notice No. 2. It is not intended that Advisory Notice No. 2 be used as a device for stocking fuels against potential future needs.

4. Records, including customer certification statements, will be kept at each level of supply as to the additional quantities provided in each monthly period to meet essential preference category needs; and such records shall be available on demand for inspection by representatives of the Office of Petroleum Allocation.

5. If suppliers act in accordance with the intent of this Advisory Notice, no sanctions under the Mandatory Distillate Fuel Allocation Program shall be imposed by the Office of Petroleum Allocation as a consequence of any unintended results stemming from implementation of these preference category demands.

The purpose of Advisory Notice No. 2 is to insure that adequate supplies of diesel fuel be delivered to preference category customers in an expeditious and effective manner, with no delays stemming from formal pre-delivery documentation. Expeditious fulfillment of preference demand is essential.

ELI T. REICH, *Administrator.*

November 23, 1973.

[FR Doc. 73-25214 Filed 11-23-73; 2:42 pm]

PAN AMERICAN DEVELOPMENT FOUNDATION

Mr. KENNEDY. Mr. President, during the annual meeting of the Pan American Development Foundation, I think it appropriate to call to the attention of my colleagues the work of this unique organization.

As a member of the board of trustees, along with Senator JAVITS, I have watched with some admiration the accomplishments of this independent and nonprofit agency which is sponsored by the Organization of American States and whose chairman is Galo Plaza. For over a decade, PADF has attempted to provide a mechanism to provide low-interest loans to finance community self-help projects in various countries in Latin America.

Beyond the value of the particular project which is determined by the community rather than by any remote governmental agency, the loans guaranteed by the local national development foundations force traditional credit institutions to reach out to the poorest communities which are on the periphery of the economic and social structure of most developing nations.

The national development foundations formed in each nation have become not only a source of technical assistance to these communities but serve as a vital conduit to enable local communities to take a small step toward ultimately becoming integrated into the ongoing economic, social, and political life of the country.

In a recent article in Vision magazine by Winthrop Carty, the work of the Nicaraguan Development Foundation following the devastating earthquake a year ago is shown in sharp contrast to the concerns of traditional sources of credit. The banks' concerns were with corporations and those with established credit ratings. The foundation's concern was with the "little man at the bottom of the entrepreneurial heap."

Mr. President, I ask unanimous consent that a translation of the article "Rebuilding Businesses" be printed in the RECORD. I also ask unanimous consent that the names of the officers and board of trustees of the Pan American Development Foundation be printed in the RECORD.

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

PAN AMERICAN DEVELOPMENT FOUNDATION

(The following is the English version of a story on the Managuan recovery program. The story, written by Winthrop P. Carty, appeared in Vision Magazine.)

What are the consequences to a nation's economy if the capital's commercial center virtually disappears? Managua sadly found out last December 23. A series of giant tremors tumbled the downtown area and the ensuring fires and looting ravaged the region. Perhaps 8,000 people died in the holocaust.

Today, roughly 500 city blocks have been sealed off by barbed wire. Gutted buildings have been dynamited and much of the rubble has been pushed into Lake Managua. Only a few high-rise office buildings remain—too unsafe for occupancy—to break the picture of utter desolation.

The layout of the city, similar to many world capitals, dictated the economic results of the disaster. Large commercial enterprises, small business, and governmental agencies were jammed into the bustling center. Woven into the downtown area and the immediately surrounding area was the housing of the white-collar workers employed in the commercial institutions, government offices, and shops. The outer ring of Managua was composed of factories and the housing of blue-collar workers.

Roughly 95% of the commercial area was

wiped out. The surviving clerks, accountants, secretaries, small shop-keepers and other center city workers were left jobless. Their housing, located in the epicenter and made mostly of adobe, fell, and Managua's predominantly lower middle class residents fled to outlying areas. But in sharp contrast of fortune, only 10% of the city's outer ring of factories and industrial worker's housing was seriously damaged.

Of all the major categories of financial interests, the biggest question mark is attached to the fate of urban landowners. The value of highpriced property in downtown Managua tumbled in the wake of the earthquake. Landowners possess title to formerly prized land which now brings no rent and lies forsaken behind barbedwire. The hope of revived real estate values turns mainly on exactly how the government rebuilds the city. At the very least, realtors expect some return by selling their property to the government for an integrated reconstruction effort. On the other end of the seesaw, property-owners on the outer circles of the city hold strategically located land and stand to make windfall profits.

Manufacturers suffered the least. No more than 10% of Managuan factories, strung along the outskirts, had production seriously interrupted. The Managuan Pepsi Cola plant is cited as an admirable example of the manufacturing sectors's resiliency. The management quickly removed the rubble of the collapsed roof, found the machinery basically intact, and placed a jerrybuilt canvass cover over the plant. Full production was reached within a month. Meanwhile, permanent steel roofing was constructed before the rainy season set in. "From ashes to production in 28 days," exclaims a sign outside the factory. Industrial capacity is now reaching 100%, and some manufacturers have expanded into new lines during the renovation period.

The larger commercial and retail enterprises survived the disaster with unexpected ease. The large firms had branches in nearby Masaya, Grenada, and Leon, Nicaragua's other population centers. The branches became the headquarters while the companies scrambled for a new roof in Managua. A human wave followed the same pattern. Possibly half of Managua's population of 400,000 fled the city and often found lodging with relatives in the secondary cities. The uprooted brought manpower and clients to the firms' temporary headquarters.

The Managuan headquarters of the Nicaraguan Branch of the Bank of America, the world's largest private bank, was the kind of business well able to jump back into operation. The original downtown headquarters was built of re-inforced concrete but fire weakened the structure beyond repair. Armando Ortega, the Nicaraguan-born manager took a route familiar to many business leaders. The government assigned a day when police would escort the transfer of assets from the wrecked headquarters to a new location. The Banco Nicaraguense lent the Bank of America a window at its Masaya branch. At first some depositors raced to withdraw their savings but the bank paid cheerfully and confidence was quickly restored. Subsequently, Ortega rented a house in Masaya to enlarge the operation. Finally, a colonial-style house, only one-third constructed in Managua, was purchased and converted into the permanent headquarters.

"A high percentage of the destroyed enterprises have a credit relationship with the banking community," notes Ortega, "and we, like other banks, are serving our clients." The banks are experiencing high liquidity. Clients with cash on hand and policy-holders of earthquake insurance have reserves they don't wish to invest until they have a clear picture of the government's plans to reconstruct Managua.

The large insurance companies survived financial pay-outs and business dislocation. Leonel Argüello, the executive director of the Compania Nacional de Seguros, the largest Nicaraguan insurance company, points out that substantial companies have a hedge against being swamped by a disaster like the Managuan earthquake. The companies belong to an international system of catastrophic insurance that provides back-up foreign reserves in case of an overwhelming national calamity.

Argüello's first task was to save the company records. After the six-story main office was dangerously cracked by the quake, employees, numbering 70, formed a human chain to pass out the irreplaceable records and load them on trucks. Private houses were rented in residential suburbs, and the company began the job of processing the fallout of claims. The superintendent of banks has announced that $56 million in claims were honored in the first half of 1973, and industry sources estimate as much as $75 million may be paid out by year's end.

Argüello notes that foreign companies tended to have more earthquake insurance than local firms. "After the 1931 earthquake," he observes, "people thought lightening doesn't strike twice;" furthermore, a local claims' movement puts the Nicaraguan insurance in a public-relations bind. The earthquake triggered fires and looting. Policyholders with fire and theft insurance are pressing claims. But the international consortium as well as local companies, under the terms of their contracts, only pay for coverage of the prime cause of the disaster, the earthquake.

The survival of shop-keepers, restaurateurs, commercial district suppliers and the like turns on access to credit. Some shops in the center represented the owner's place of business, warehouse and residence. In a few tumultuous hours, a man could lose his established location, inventory, home, helpers, and, if a property-owner, the value of his land. A scant 10% of an estimated 900 small Managuan enterprises were located on the spared outskirts of town, and only 12% of all small businesses had any form of insurance.

The established entrepreneurs were able, despite financial loss and dislocation, to resume business. An industrial fairground was redesigned to accommodate 200 shops previously situated in the center. The rents are relatively low and the government is providing some recovery financing, but many relocated entrepreneurs suffer doubts. "Business is slow here," wearily said a druggist, "but we are waiting for the city to begin bus service to this shopping area. We have another small pharmacy on the other side of town—just in case."

With the final design of the reconstructed capital not yet settled, many entrepreneurs are hedging their bets. Italian-born Annunziato Esposito, who ran the popular El Coloseo restaurant in the old center, has converted a house on the main road to Masaya, but he too has purchased a spot in a different section of town in case the city grows away from his present site. Come what may, Esposito is confident: "I'll make it—I work hard, know my business, and have faithful customers."

Familiar Managuan commercial names are popping up in suburban houses. Casa Commercial Gertsch Molina is typical of the established enterprise which has survived the earthquake, and can look to the future with reasonable confidence. Federico Gertsch, a Swiss-born engineer, ran a machinery import business next door to his wife's successful jewelry shop, Relojeria Omega. Married three months before the 1931 earthquake, they maintained earthquake insurance for 25 years, but let the policy lapse two years ago. The elderly couple owned six houses, three of which were in the devastated center. With funds saved over the years, they are back in business in one of the three undamaged houses.

The lasting economic victims of the Managuan earthquake are the small entrepreneurs without access to credit, and white-collar workers who lost their homes. Housing in the old commercial center, it should be remembered, represented proximity to jobs. In common with most Latin American nations, the Nicaraguan economy isn't geared to extend credit to small entrepreneurs, or constructing appropriate housing for white-collar workers. Both government and private banking lack a small-loan delivery system for the little man at the bottom of the entrepreneurial heap. Usurers provide the financing for the marginal members of the cash economy.

With varying success, private foundations in Latin America have tackled the problem of making proper credit available to "marginated" persons. The Nicaraguan Development Foundation (FUNDE) is one of the best run private-sector, non-profit foundations in the Americas. "We cannot pretend to solve the nation's problems," explains William Baez Sacasa, FUNDE's executive secretary, "but we can experiment and seek new approaches to old problems."

FUNDE has been virtually alone, for instance, in helping the vivanderas (market women), the lowest-level entrepreneurs but, by definition, classic symbols of the free-market economy. Before the earthquake, Managua's three main markets—Boer, Santo Domingo, and Oriental—represented 2,500 selling locations in such basic wares as bread, candy, simple jewelry, shoes, furniture, and clothes.

The economics of the ancient markets are complex. A woman operating a retail stand, needs between $15 and $150 daily to do business. Daily working capital for a woman with a basket runs from $5 to $7. Most women with medium or large stands receive loans from usurers for repayment over a one or two-month period. The daily interest rate averages 25% of the loan.

Some of the more enterprising women had built up a relatively substantial business. Cigar-maker Lila Garcia, for example, rented a house fronting one of the markets for $115 monthly, and employed four women to roll tobacco. Her most popular pack was 50 small cigars for 50 cents, and, on an average day, she would sell as many as 5,000. Her cigars were sold in the front of the house, while they were fashioned and the tobacco stored in the back rooms.

Lila started her business in Managua at a conspicuous corner of a main market, and rolled her cigars in public as a way of advertising her product. She considered herself "established" after six months of maintaining her corner station and building up a regular clientele.

During the earthquake, her cigar business literally went up in smoke. The house, serving as her retail outlet, storage facility and home, and her modest inventory of tobacco, were completely lost. She raced to the countryside. But 15 days later she was back in Managua rolling tobacco. FUNDE loaned her money sufficient to regain her position in the market place. "Little by little I shall build back my former production," the rugged vivandera claims. Aware that a lack of a trademark and transportation limit her operation to her door front, she adds, "I hope some day to own a well marked truck to deliver well packaged cigars" to put the business on a higher commercial level. "She unquestionably will receive the money she needs from FUNDE," says Baez Sacasa, "once she raises her daily production."

Even an enterprising woman like Lila Garcia is intimidated by the formal lending system. At first FUNDE attempted to draw the vivanderas into forming cooperatives and collectively applying for bank loans. The

women, however, rejected the prospect of entering the marble halls of a bank for a loan, and clung to their tradition of borrowing from usurers who keep their accounts in a booklet. As a first step toward overcoming the vivanderas' cultural resistance to formal banking procedures, FUNDE designed a booklet similar to that of the usurers. The group then accepted the foundation's loan and their weekly repayments are recorded in the familiar booklets which the women are given to hold. The vivanderas also have been encouraged to form cooperatives—to buy in bulk, build adequate storage facilities, etc.—and their repayment record is excellent. The fact they traditionally finance their businesses with money borrowed at usurious rates indicates the inherent strength of their operations.

In the first half of 1973, FUNDE had completed 186 projects, including 48 small businesses, eight small businessmen's cooperatives, 27 other cooperatives, and extended technical assistance to 44 small enterprises. But the work among the market women best illustrates FUNDE's ability to reach the thousands of little people who are generally bypassed by disaster relief.

Housing for white-collar workers is another area hardly touched by the government. With great fanfare, Gen. Anastasio Somoza and Ambassador Turner Shelton earlier this year opened a U.S.-financed housing project called "Las Americas". The project, originally designed for 11,000 shelters, is a manifest failure. The housing project is only partially occupied and blacks basic facilities. Popularly called "the concentration camp", Las Americas was erected in the worker's district, where damage was relatively light. Inconveniently located and crudely serviced, the drab units are of no use to needy white-collar workers.

FUNDE constructed a cheaper, portable house. The pre-fabricated units were designed with the help of the Pan American Development Foundation, the OAS-associated stimulous for the Latin American national development foundations. The pre-fabs can be placed on land people already own, in a relative's backyard, or near existing public facilities. White-collar workers, who were scattered badly, find the mobile houses more practical than the government's poorly serviced, fixed units.

The Managuan experience spotlights many of the problems surrounding disaster relief. Foreign governments and agencies can send medicine, food, clothing and other items of immediate help, but aid for long-range economic recovery is another matter. Foreign disaster relief often raises unfulfilled hopes among the recipients and disillusionment among donors. Among the many extraneous supplies reportedly sent stricken Managua were Spanish wine and frozen German chickens. In the chaos following a major earthquake or flood, there is no sound way of accounting for relief items. The Somoza dynasty naturally engenders doubts about the disposition of foreign assistance. Many observers quietly believe President Luis Echeverria was prudent in politely turning down offers of international aid after Mexico's recent earthquake. Mexico has the resources to help its own people, and can avoid the misunderstandings which all too often attend foreign relief programs.

Most Latin American nations, unfortunately, simply lack the grassroots agencies to assist the little man beyond charity. The Peruvian government is still attempting to reconstruct Huarez, the picturesque town demolished three years ago in an earthquake. "Over the fundations that remain we will not reconstruct misery," the recovery program's slogan proclaims. But the process of making Huarez into a model town and redistributing local wealth has been painfully slow.

"People's values change after an earthquake," notes Baez Sacasa. "Property doesn't seem so important—people discover that possessions can crumble in 30 seconds, and one is lucky just to be alive. But Managuans soon found that it was important to get back to work—it gave them a chance to forget the past and regain a sense of purpose about the future."

PAN AMERICAN DEVELOPMENT FOUNDATION OFFICERS

Galo Plaza, Chairman of the board.
T. Graydon Upton, President.
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EMBASSY CONDUCT IN CHILE

Mr. KENNEDY. Mr. President, during the recent coup in Chile, several Americans were detained, several were beaten and two were killed, Charles Horman and Frank Teruggi. These tragic incidents reflect the pattern of conduct of the military regime in the days and weeks following the coup.

Questions concerning the policies of the United States toward the Allende Government, questions concerning the sharp turnabout in that policy since the coup, and questions concerning the attitude of the U.S. Government toward the violence and the violation of human rights in Chile have not yet been answered to my satisfaction.

However, there is an additional question that I would call to the attention of the Senate today, the question of how well the U.S. Embassy and its officers fulfilled their responsibility to protect and safeguard American citizens during the coup.

The wife and father of Charles Horman have raised serious doubts about both the attitude and conduct of U.S. embassy officials. They feel that an attitude of concern and vigorous action by U.S. officials might have prevented the death of Charles Horman. Their criticism is echoed by several other individuals in Chile at the time of the coup.

In a recent column by Jack Anderson in the Washington Post and in news articles appearing in the New York Times, the question of the vigor with which the embassy pursued its responsibilities to protect the lives of U.S. citizens is raised again.

I ask unanimous consent that these articles be printed in the RECORD.

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

TWO AMERICANS SLAIN IN CHILE: THE UNANSWERED QUESTIONS

(By Marvine Howe)

SANTIAGO, CHILE, November 5.—The quiet young Americans met violent death in the troubled aftermath of the military coup d'état here two months ago, and the reason is still unclear.

Investigations into the deaths of Charles E. Horman, a 31-year-old filmmaker from New York, and Frank Teruggi, a 23-year-old economics student from Chicago, raise disturbing questions, in the opinion of friends of the victims, about the role of some United States officials in the crisis and about the failure to protect American citizens.

It is generally believed that more than 2,000 people were killed in the turmoil and repression that followed the overthrow of the democratically elected Marxist President, Dr. Salvador Allende Gosens, on Sept. 11. Most of the dead were Chileans and other Latin Americans, executed because they were said to have tried armed resistance or were believed to be leftist activists.

But Mr. Teruggi and Mr. Horman, according to many friends and relatives questioned, were, while deeply committed to the Allende cause, pacifists and gentle intellectuals not involved in Chilean politics.

ACCIDENT WIDELY DOUBTED

Of course there were many accidents in the troubled weeks after the coup, and there is nothing to rule out accidential shooting in the cases of Mr. Horman and Mr. Teruggi. But on the basis of the mild personalities of the two Americans and the discrepancies in the official reports, the theory is widely doubted.

"It can't be a complete mishap because the authorities called both of them by name—Teruggi in the stadium, where he was a prisoner, and Horman at the homes of two friends," said an American resident in Chile who knew both men well and has been investigating their deaths.

There is no evidence that the killings were connected other than the fact that the two men are said to have died in the same violent way. They were acquainted and had a number of mutual friends, but they were not close friends.

Both were associated with North American News Sources, a group of young Americans who published a small nonprofit magazine on the United States for the local leftist press. The articles were often critical of the negative United States position on the Allende Government. The group disbanded after the first attempted military revolt at the end of June.

WORKING ON A CARTOON

"Charles was a poet at heart, totally involved in the cultural revolution and a fervent believer in Chile's experiment of socialism in freedom," one of his former colleagues said.

Mr. Horman and his wife, Joyce, came to Chile in June, 1972, and were working on an animated cartoon called "The Sunshine Grabbers" for a small Chilean movie company. Mr. Horman had also written a script on the history of imperialism in Chile and was doing research for a book on Chile's "transition to socialism."

In the beginning the Hormans lived in a large, comfortable house in Las Condes, a fashionable Santiago suburb. It was a permanent open house for Chilean and foreign artists, Marxist-Leninist discussion groups and other intellectuals and their children.

Recently the Hormans' funds had run low and they moved to a working-class district, Vicuña Mackenna, at the beginning of September, and their easy-going, gregarious lifestyle changed.

On the weekend before the coup Mr. Horman took Terry Simon, a houseguest from New York, to see the sights of Valparaiso and the coast.

By most accounts, the armed forces' moves against the Allende Government started with the navy at Valparaiso. When the military took control and established a curfew, Mr. Horman and Miss Simon were stranded with a number of other Americans at the resort of Viña del Mar.

RIDE WITH NAVY MAN

Mr. Horman and Miss Simon were given a ride back to Santiago on Sept. 15 by Capt. Ray Davis, chief of the United States military mission here, who says he had gone to Valparaiso to check on the safety of his people at the United States Navy station there.

According to Mrs. Horman, her husband brought with him information on American activities at Valparaiso on the eve of and during the coup. This information has been relayed to friends.

"Charlie's information is interesting as part of the general picture of the United States intervention in the Chile crisis, but it did not warrant killing him off," said a friend who had access to the information.

Mr. Horman's report is said to include a description of special activity at the Valparaiso port at the time of the coup, as well as conversations with American civilians and military men there. A retired American engineer who had been at the 15th Naval District headquarters in the Panama Canal Zone was quoted as saying, "We came down to do a job and it's done."

Mrs. Horman has indicated that this was a reference to the coup; however, it is not known whether Mr. Horman obtained proof that the engineer was speaking of the military take-over.

United States Government sources have firmly denied any role in the coup and insist that there were no navy vessels in Chilean ports or scheduled to bring in military equipment.

On Mr. Horman's return from Valparaiso, he discussed the situation with his wife and they decided they should leave Chile as soon as possible, Miss Simon said.

On Monday, Sept. 17, Mr. Horman registered in a downtown hotel. Then he and Miss Simon tried to get airplane seats. They were told to go to the embassy, which was said to be drawing up a list of Americans who wanted to leave. At the embassy they were told to go to the consulate, in another part of town.

NEVER SEEN AGAIN

Two hours later Mr. Horman was arrested in his home by military men, taken away and never seen again.

Alone at the time, he had gone to get the family's belongings. His wife was doing some final shopping and Miss Simon had gone to the consulate, there to be told by a consul that he knew no special measures to get Americans out and that she should inquire at the airline, Braniff.

Neighbors reported that military men broke into the small house rented by the Hormans at 5:30 p.m., using a ladder to scale the wall. They raided the house and took Mr. Horman toward the National Stadium, according to a witness.

"When I got back at 8:30 the next morning, I found the house in shambles, the mirrors broken, the gas and electricity cut, the beds ripped apart," Mrs. Horman said in an interview a few days later. She had been caught by the early curfew and had spent the night of the 17th with a friend.

"They stole everything we had of value," she added.

On the morning of the 18th Chilean military-intelligence officers called two of Mr. Horman's friends and asked them to visit the police and give information about him. Neither went, but one of them, a United Nations official, says he called the American consul, Frederick D. Purdy, to report the incident. Mr. Purdy denied to newsmen having received the call.

Mr. Horman's father, Edmund, a semi-retired businessman, appealed to United States congressmen and press and business circles to put pressure on the embassy in Santiago and the Chilean military authorities to find his son. Finally he came to Santiago to press the search, assisted by Americans at the embassy.

It was Captain Davis who appeared to be leading the embassy investigation into the case. He asked Mrs. Horman for a picture of her husband and a detailed description. He also asked for a list of their friends, which she refused.

Finally, on Oct. 19, the Chilean military-intelligence agency officially informed Mr. Horman that his son had died by gunfire and was buried in the National Cemetery. Identification was made, they said, by fingerprints. Yet military intelligence officers denied having picked Charles Horman up, nor, according to his father, was there any record of him at the stadium or in any prison.

Mr. Purdy says he was informed that Mr. Horman's body was picked up in the street by a military patrol on Sept. 18.

Members of the Horman family have not seen the autopsy report, which is said to give as cause of death "multiple bullet wounds," nor have they been given any explanation of the circumstances.

MULTIPLE BULLET WOUNDS

The autopsy report for the other American, Mr. Teruggi, gives the same cause of death—multiple bullet wounds, 9 to 17 of them. Yet a Columbia University graduate student, Steven Volk, who identified Mr. Teruggi's body at the morgue, insists that he did not see 17 wounds but only a gash in the neck and a hole in the cheek.

Mr. Purdy acknowledges that there are a number of "technical discrepancies" connected with both deaths.

A principal one in the Teruggi case is the official contention that he was arrested "because he was outside after curfew." Yet, according to a friend, David Hathaway, he and Mr. Teruggi were arrested on Sept. 20 at 8:15 P.M., 15 minutes after the curfew, in the apartment they shared.

In an interview on his release a week later, Mr. Hathaway told how paramilitary policemen raided the apartment, seized a number of Mr. Teruggi's Marxist books, punched him in the stomach and took him to a police station for a rough interrogation before transferring them to the stadium.

Mr. Teruggi was called out of the cell by name the following afternoon, according to Mr. Hathaway, and not seen alive again.

NO RECORD OF RELEASE

Official sources said that Mr. Teruggi was set free on Sept. 21, but there is no record of his release, nor did he make contact with his friends.

He had lived in Santiago for a year and a half and had been attending the school of political economy at the University of Chile. Described by colleagues as conscientious and hard-working, he was more concerned with the technical side of their magazine than with content. Most people who knew him say he was something of a loner, quiet, monk-like and completely dedicated to the cause of socialism.

A spokesman for the military junta, in confirming Mr. Teruggi's death, described him as "a rebel, of quick temper, easily disturbed." He suggested that newsmen go to the embassy for more details.

"We have no knowledge as to the circumstances of the death of either Horman or Teruggi," the consul, Mr. Purdy, said, adding that the United States Embassy had asked the Chileans for an investigation.

VICTIM'S FATHER IS BITTER AT U.S. HANDLING OF CASE

The father of a 31-year-old American filmmaker and writer killed in Chile during the September coup believes that the handling of his son's case by United States officials in Santiago was "either a cover-up or an incredible apathetic bit of stupidity."

Edmund C. Horman, the father of Charles E. Horman, who was shot to death Sept. 18, and Charles' wife, Joyce, believe that his death could have been prevented if the American Consulate had acted on information they received that morning, the day after Charles was detained.

Official United States Consulate documents made available by Mr. Horman show that the consulate knew of Charles' seizure on the 18th. The documents also show that the consulate was informed two days after his seizure that Chilean military intelligence was questioning his friends about his activities.

Yet 17 days later, according to Mr. Horman, a consular official in charge of the case denied any knowledge of this information.

After pleading for days with American officials to check the National Stadium for his son—Mr. Horman recalls always getting the same reply, that "Charles' name is not on the computerized list of prisoners"—he was allowed to go to the stadium.

"THIS IS YOUR FATHER"

Using a bullhorn he called out in English: "Charles Horman, I hope you are out there. This is your father speaking. If you hear me please come forward. You have nothing to fear." Mr. Horman still did not know his son had been shot to death more than three weeks before.

A State Department official, asked about the handling of the case and Mr. Horman's charges, said, "The embassy and consulate followed up on every clue and bit of information they received regarding the incident."

Mr. and Mrs. Horman—along with Charles' wife and friends of his interviewed in New York—disagree with that account.

Mr. Horman, a lifelong resident of New York and a semi-retired sales and design engineer and inventor who for many years headed his own company, says he learned of his son's arrest four days after it occurred.

Placing a call to his son's home, he was informed that he had moved. The call was switched to the consulate and Mr. Horman was told by a consular official that his son had been arrested.

CAMPAIGN OF PRESSURE

Mr. Horman set out to organize a campaign of pressure on the embassy and consulate and the Chilean Government, using letters, cables and phone calls from legislators and other influential people. Among them were Senators Jacob K. Javits, James L. Buckley, Edward M. Kennedy and J. W. Fulbright; the Ambassador to India, Daniel P. Moynihan, and Secretary General Waldheim.

Mr. Horman and his family hope to present the facts of Charles's death to Congressional committees investigating the situation in Chile and the question whether aid should be reinstated.

"I'm not interested in revenge," Mr. Horman said. What can revenge do? I don't "want this to happen to an American citizen again."

In Chicago the family of Frank Teruggi, the other young American killed during the coup, is taking steps similar to those of the Horman family. They have appealed to their Congressional representatives and are trying to find out from the State Department and the Chilean Government just how and why he was killed.

The Horman family has been told that on Sept. 18, the day after Charles was taken from his home, reportedly by Chilean sol-

diers, two friends received calls from Chilean military intelligence.

One, a Chilean whom Mr. Horman feels it would be unsafe to identify, was reportedly asked why Charles Horman would have his phone number. He was also asked what he knew about Charles's activities in Chile.

According to the account, the Chilean was told that Charles was "an extremist" and that if he, the Chilean, lied he would be arrested.

Warwick Armstrong, a New Zealander who worked for the United Nations, was the other person called. He said he was also questioned regarding Charles and told to report to the nearest police station to make a statement. He did not go, he said, but telephoned to tell the consul, Frederick D. Purdy, what had happened.

The Chilean did not call the embassy, but he informed Mrs. Horman, who was following every lead she could, and she in turn informed the consulate.

On Oct. 5 Edmund Horman arrived in Santiago and was picked up at the airport by Mr. Purdy. At the embassy they met with Joyce Horman, the Ambassador, Nathaniel Davis, and Col. William Hon, the military attaché.

QUESTION AT THE EMBASSY

Mr. Horman, who had been in contact with his daughter-in-law since he was informed of his son's arrest, asked if any leads had developed relating to the phone calls and neighbors' reports that Charles had been picked up by men in Chilean Army uniforms and taken to the National Stadium.

Ambassador Davis then asked Mr. Purdy, according to Mrs. Horman and Mr. Horman, whether those tips had led to anything. Mr. Purdy replied that he knew nothing of the calls. Mrs. Horman then pointed out to him that his notes on the case, which she had been shown by another consular official, listed the calls and the information they contained.

At this point, the Horman account went on, Mr. Purdy got his notes, looked them over and said, according to Mrs. Horman, "Yes, the information on the calls is here."

The Ambassador then asked that the calls and the neighbors' reports be checked out and that Mr. Purdy write a resume of the case.

The resume, as made available to Mr. Horman, says

"18 September—Consulate received report of Horman's detention from one of its local employes one of whose relatives knew Horman. Few details given.—Later also received call from Mr. Armstrong, also telling that Horman missing since late 17 September when reportedly detained by military.—Consulate called pertinent Commisaries with no success."

JAILED AND RELEASED

On Oct. 3 the embassy received a note from the Chilean Foreign Ministry—later corrected in another note dated Oct. 22 and given to Mr. Horman—saying that "Mr. Horman had been jailed on 20 September and subsequently released the next day."

Edmund Horman cites this letter as an example of lack of initiative on the part of the embassy. He feels that it should have picked up this discrepancy in dates and questioned the Chilean Government.

A State Department official said that the Ambassador did question the Chilean Government on this matter. The official noted that getting information at the time was difficult.

"Everything was in chaos," he said. "The Chilean Government was not functioning. Ministers were being removed and new people were coming in. Operational procedures were highly irregular."

The official also said that the embassy was "constantly impressing on the Chilean Government and military their concern for the safety and well-being of Mr. Horman."

"We had 2,800 Americans down there," he added. "There were other Americans who were detained. We were trying to secure all of their releases. We didn't think people would get killed."

While in Chile, Mr. Horman, who constantly met with United States and Chilean officials, pressed the consulate hard to get an identification check made at the Santiago morgue since his son had had a Chilean identification card.

In a letter to Mr. Horman dated Oct. 10 Mr. Purdy said: "The morgue has verified to me that prints are taken almost immediately of all bodies at the morgue, and sent to identification. There they are checked against all prints on file, which includes anyone who has gotten a Chilean ID card or anyone whose prints have otherwise been furnished them.

"The latter category as well as the former applies to your son since we supplied them with his classification on Oct. 2."

"We specifically asked the prints be used to verify whether any one of the unidentified bodies might be that of Charles, and were later informed that none could be so identified," the latter concluded.

The word from the embassy and consulate the Mr. Horman and Charles's wife received daily was that everything possible was being done. There was embassy speculation on Charles's fate. Perhaps, the Hormans say they were told, Charles was in hiding; perhaps he was detained and released, and then picked up by leftists and killed.

FULL-TIME SEARCH ORDERED

On Oct. 18, Mr. Horman says, an Inspector Rojas from the investigation office visited him and Joyce Horman. He showed them a letter from the Minister of the Interior that directed him to devote his entire effort to finding the truth about Charles.

That afternoon Mr. Purdy telephoned Mr. Horman to tell him that the Chileans had matched Charles's fingerprints with those of the body of a man shot in the National Stadium on Sept. 18 who had been interred in the wall of the National Cemetery on Oct. 3.

The Hormans say they have never seen an autopsy report and are now being told by the State Department it has asked Chile to make an exception to a policy of cremation and allow the return of the body.

The next day Inspector Rojas paid a call on Mr. Horman to inform him officially of the death. The conversation in Spanish was brief.

Mr. Horman asked, "Shot?" The inspector replied, "Yes." Mr. Horman asked, "In the stadium?" The reply was yes. Mr. Horman asked, "On Sept. 18?" "Yes," the inspector replied and turned to leave. Mr. Horman recalls that tears were streaming down the inspector's face.

CALLOUS CONSULATE

American families have complained to the Senate that U.S. diplomats in Chile timidly stood by while their loved ones were murdered by the military dictatorship.

Copies in our hands of the private statements given to the Senate Foreign Relations Committee charge that the U.S. embassy in Santiago ignored the disappearance and abuse of American citizens in order not to ruffle the epaulettes of the new Chilean junta.

For example, Mrs. Charles Horman, in a moving statement, described how she was given the runaround while the junta was murdering her American filmmaker husband. Charles Horman, a Ph. D. from Harvard, was dragged out of his home in Santiago.

His distraught wife had a friend notify the U.S. Consulate that Charles was missing; another friend reported it on his own. Though it was common knowledge that the military was hustling prisoners into the National Stadium, the consulate contented itself that day with a call to police headquarters and a few calls to various precincts.

When Mrs. Horman kept pressing the consulate, she was questioned about her husband's background. At one point, according to a friend's sworn statement, the consulate's rudeness drove her off "in tears and near hysteria."

Horman's alarmed father, Edmund, flew to Santiago and met with U.S. Ambassador Nathaniel Davis, Consul Frederick Purdy and others. The embassy tried to convince the Hormans that Charles was "in hiding." Not until a month later was his bullet-riddled body produced by the junta.

The statements of the two surviving Hormans charge the embassy with "negligence, inaction and failure." Mrs. Horman declares bluntly she believes "rapid, forceful action" by the consulate and embassy "could have saved Charles' life." She claims the embassy was more interested in "possible damage to our relationship with this new Chilean government" than in whether the new government murdered American citizens.

Similar charges of neglect were made by the father of Frank Teruggi, an economics student, whose body was identified days before his family was told he had been slain.

In another case, attested to by a sworn statement, a young Puerto Rican American whose visa had expired came to the consulate seeking sanctuary. He was told, at the height of the killing, to turn himself into junta authorities.

Still other documents in the Senate Foreign Relations Committee protest rude treatment, callousness and inefficiency by the embassy toward American students, clergymen and tourists. The committee has held one secret session with Ambassador Davis about the charges.

Footnote: We spoke at length by telephone to Santiago with Consul Purdy who heatedly defended U.S. diplomats' handling of the crisis. "Frankly, I worked my tail off," he said. Asked about the calls to the consulate about Horman, Purdy snapped: "I don't remember the details. We don't have tapes like the White House."

FAMINE IN ETHIOPIA

Mr. KENNEDY. Mr. President, as chairman of the Judiciary Subcommittee on Refugees, I have followed with growing concern the tragic effects of the drought in Africa—stretching from the Sahel region in West Africa across to Ethiopia. Considerable attention and, even more important, a successfull international relief effort, has been focused on the emergency food problems in West Africa. However, little attention and even less concern has been directed to an equally serious drought-stricken area in Ethiopia.

Recent reports from the field indicate that the 3-year drought in Ethiopia is producing widespread hunger and famine in many areas, displacing millions and threatening the lives of several hundred thousand people.

One of the most disturbing of these reports has been prepared by the regional office of the United Nations Development Program—UNDP—in Addis Ababa. It reveals what our Government has apparently been unwilling to recognize to date: That the effects of the drought have been, what the U.N. report terms as

"catastrophic," and that an emergency situation has developed.

The UNDP reports that the current estimates of deaths number in "the tens of thousands" and concludes:

Over 100,000 people are living in conditions inimical to the preservation of a reasonable standard of health.

Over 6 million people have been directly affected by the drought and 1.2 million are now in need of food aid. Some 63,000 famine refugees are already located in camps in one province alone.

Mr. President, this critical UNDP report raises serious questions as to the adequacy of our Government's response to the humanitarian needs created by the long-ignored drought in Ethiopia. It is for this reason that I have written this week to Secretary of State Henry A. Kissinger requesting the Department of State's assessment of food needs in this area, and its evaluation of the UNDP report.

The growing food needs in Ethiopia illustrate once again that food conditions have deteriorated so severely in so many areas of the world, that the international community can no longer speak of foreign aid for development, but for mere survival.

Mr. President, for the benefit of my colleagues in the Senate I ask unanimous consent that the full text of the UNDP report be printed in the RECORD, along with my letter of inquiry to Secretary of State Kissinger.

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

A REVIEW OF IMPLICATIONS OF THE DROUGHT IN THE STRICKEN AREAS OF TIGRE AND WOLLO PROVINCES IN ETHIOPIA

(Prepared by the Office of the Regional Representative of UNDP in Addis Ababa, October 2, 1973)

I. INTRODUCTION

1. Any attempt to analyze the implications of a drought situation should, to be sound, be based on factual base-line data in the first place, and detailed information reflecting the effects of the drought in terms of comparison with the base-line or normal situation. Unfortunately, full and accurate base-line data on human and animal populations, crop production, food intake and the like are not always readily available. Data reflecting the impact of the drought on crops, human and animal populations are even more difficult to obtain at this time. The information contained herein is based on Government data, where available, supplemented by information and impressions obtained during field trips into the drought regions by the FAO Senior Agricultural Adviser, the WFP Adviser and the UNDP Regional Representative, amongst others. The opinions expressed and conclusions drawn are those of the office of the Regional Representative of UNDP (but they are believed in the main to reflect the views of the IEG).

II. BACKGROUND

2. For three years, since the beginning of 1971, the major parts of Wollo and Tigre provinces, with an estimated total population of 4.2 million (1980 CSO Estimate), have been suffering from sub-normal rainfall. The harvest at the end of 1971 was on the whole poor, which, while not generating an emergency situation, led to a depletion of food reserves maintained by subsistence farming families (constituting 90% of the population) in the region. Both harvests in 1972 were even poorer, and as a result famine conditions began to appear in early 1973. The 1973 "short rains", which normally occur from February to April, were virtually a total failure in the region and throughout Ethiopia, which greatly deepened and intensified in the famine conditions and related disease problems in these two Provinces, directly affecting two million persons. Persons who received relief aid probably total some 1.2 million (670,000 in Wollo and 500,000 in Tigre Province). On 29 September, there were 63,000 people existing in 12 relief camps in Wollo Province.

(Famine conditions of almost equal severity were observed in the northern parts of Shoa and Harar Provinces, and obviously administrative boundaries are not drought demarcation lines. For purposes of this analysis however, our consideration is focused on the two most generally and severely affected provinces, Tigre and Wollo.)

3. Recognizing that the dimensions and depth of the drought and related problems were constituting an emergency of grave proportion, the Imperial Ethiopian Government established in April 1973 a National Relief Committee, an inter-ministerial body, under the chairmanship of H. E. Ato Mulatu Debebe, Minister of Community Development and Social Affairs, and mounted a campaign to mobilize funds and material supplies from internal and external resources to provide emergency assistance to the victims of the drought. Over E$3 million in cash and in kind, has been raised by the Committee from domestic resources, and external sources have provided the assistance indicated below:

USAID.—Allocated 8,000 tons of grain, 4,000 tons of which expected at Ethiopian port in next days, and has agreed that allocation may be used to replenish borrowed stocks.

WFP.—Allocated 10,000 tons of grain (5,000 wheat, 2,500 each corn and sorghum), first shipment due Ethiopian port early November; has under study question of provision of balance of 10,000 tons requested. WFP has also made an exceptional grant of US $200,000 towards the local transportation cost.

SIDA.—Provided approximately, E$1,000,000 of seed grain.

UK/ODA/OXFAM/Christan Aid.—Toward a food for wor scheme for Afars (nomads).

ODA: £ 25,000.

OXFAM: £ 15, 000.

Christian Aid: £ 10,000.

International Red Cross.—400 tons of grain, clothing, blankets and three medical teams, plus 120 tons skim milk powder. (From the EEC).

Swiss Government.—20 tons of skim milk powder plus air transport to Ethiopia; blankets; water purification tablets.

UNICEF.—Diverted 52,000 pounds of skim milk powder and 315,300 pounds of CSM from normal programmes to drought relief in Wollo and Tigre.

International Church Groups.—Provided various forms of assistance to the value of perhaps E $300,000.

EEC.—5,000 metric tons wheat.

The Chairman of the National Relief Committee convened local representatives of donor agencies, including voluntary organizations, on 17 August and gave a very full and frank account of the emergency and of the Government efforts to respond.

4. The purpose of this paper is to review the situation as at 30 September 1973, with a view to assessing the continuing requirements for assistance to the drought victims in the provinces of Wollo and Tigre which are estimated to be over and above the resources of those provinces, i.e. the requirements for aid from sources external to the affected regions. Emphasis is given to food aid.

III. FOOD AND CROPS

5. In assessing the crop situation in Wollo Tigre provinces, it must first be reemphasized that we are viewing the accumulating results of a prolonged drought stretching over four rain seasons in many areas, which have affected the quantity of land under cultivation, the yields from crops which have been planted, the amount of water forage and grazing available for livestock, and thus the condition of the human and livestock populations of the region. The debilitation and decimation of livestock has, for farmers, directly affected their ability to plant and cultivate, because of the loss or weakness of plow-oxen. For the nomadic populations (about 125,000 people), who depend on their herds for meat and milk and for bartering for grain, the effects have been catastrophic, making the nomads almost totally dependent on food relief. The debilitation of the human population has limited their ability to plant and cultivate by hand and has lowered their resistance to the endemic diseases of the region, thus creating additional and urgent requirements for medical care.

6. For purposes of analysing the 1973 harvest prospects and 1974 food aid needs, the Provinces of Wollo and Tigre have been regarded as consisting of four agricultural zones, namely:

A. Tigre Province Cropped areas.

B. Wollo Province Highland areas.

C. Wollo Province Lowland Cropping areas.

D. Nomadic areas.

While there is considerable variation and overlapping of agricultural systems within these zones there is sufficient homogeneity within each zone to be able to permit general opinions about the situation in a zone as a whole.

A. Tigre Province Cropped areas

7. The basic pattern of agriculture is reasonably homogeneous over the whole crop-growing area of the Province. The rainfall pattern permits of one main harvest season per year (in contrast to further south in the Highlands of Wollo where there are two identifiable rainy seasons and two harvest periods). Planting takes place from May to August roughly as follows:

May: Sorghum, Millet, Maize.

June–July: Barley, Horse Beans, Peas, Noug (Niger Seed), Sesame.

July–August: Wheat, Teff.

Harvesting starts in October and continues into December. The distribution and amount of rainfall in 1973 has been inadequate to produce a full harvest, except in Shira Awraja (in the west of the Province) where harvest prospects are good. In all the other seven awrajas there has been loss of crops due to the following principal factors:

(i) The early part of the annual rains failed. The May planting was therefore poor and in some places non-existent, and planting was generally late. Secondly, the quantity of rain which eventually fell was below average over much of the eastern and central parts of the Province and in some places did not reach a seasonal total of 300 mms, as compared with an average of 600 mms. Thirdly, the final showers fell over many areas in the second week of September. This factor, combined with rather late planting, has meant that for many crops the rains did not continue long enough to achieve proper filling of the grain. By the last week of September premature harvesting was already starting of barley, and many fields had ripened early with very little weight of grain in the heads. Other crops, notably wheat, teff and sorghum will reach harvest in October–November but a light crop is forecast. Thus 1973 yields are—overall—expected to be poor.

(ii) To the above must be added the cumulative effects of the poor harvest in five of the eight awrajas of the Province in 1972, which ranged from "below average" to "to-

tal loss". All of the areas affected in 1972 are included in the area again affected in 1973, and in some of these the 1971 production was also below average. In general it is the eastern side of the province which has suffered most, while the western parts of the Province are reasonably well off.

(iii) Coupled with the disappointing *yields* of 1973, there is the question of *area* planted and the distribution of the main grain crops. The May-planted cereals, notably sorghum, are relatively sparse. Farmers therefore tried to compensate by planting greater areas of the later crops, notably wheat, teff, barley and horse beans. This alone tended to reduce production of calories since sorghum is normally the highest yielder and teff the lowest.

(iv) The two other factors which reduced area planted in 1973 were shortage of seed and loss of work oxen. The poor 1972 season left many people without seed, and it was estimated that some 7,500 tons of seed were needed to be supplied for 1973 to allow a *full* area of planting. In the event the Government could only find 500 tons of teff. Some farmers were able to buy and some to borrow a certain amount of seed, but these efforts fell far short of meeting the full need.

(v) The effect of the loss of work oxen from lack of grazing is more difficult to assess. Perhaps 20% of the total working herd was lost but it was possible to some extent for people to help each other over land preparation. More serious may have been, not the actual death of work oxen, but the fact that many of them were too weak from under-nourishment to work. Overall, the inadequacy of the work oxen force probably had less effect on the area planted than the shortage of seed.

8. In one important respect Tigre is significantly better off than neighbouring Wollo. For some years the Governor-General has been energetically improving the communications of the Province. The network of feeder roads and telecommunications is thus better than it might well have been. This has been a most important factor in the Provincial Government's ability to deal with the emergency. The collection of information on the state of affairs has been quite good, and the distribution of relief measures has been possible to points reasonably near to people's homes. As a result it has been possible for farmers to stay on their farms to a greater extent than in Wollo and loss of area planted due to sheer absence of the inhabitants has been kept down. There is less evidence of destitute people in temporary shelters in towns and villages along the main roads.

9. Tigre also has a well-organized and active famine relief committee which has locally collected and used over E$90,000 on relief measures. This has played an important role in the Provincial Government's ability to keep the emergency under some degree of control. Morale of Government officials is generally high because they believe, rightly, that under the leadership of the Governor-General they have done a good job in dealing with the situation without as much help from outside as has been sent to Wollo.

10. Nevertheless, there are serious shortages in Tigre, and the food prospects for 1974 are gloomy. The reasonably good communication network has allowed the relief committee to make what are probably quite valid projections of the 1974 food needs. In all, food shortages in 1974 are expected to occur in some degree in seven of the eight awrajas, Shire being the only exception. The number of people likely to be affected is put at 1.3 million. Within this number are people ranging from those already destitute and with no means to produce a crop in 1974 to those who will get a crop but not enough to provide food until October 1974 when the next harvest will start.

11. The following table gives an indication of the numbers of people and the length of time food aid is expected to be required:

Category	Numbers of people	Months of aid in 1974	Tonnage of grain
Totally destitute	25,000	12	3,600
With practically no crop	225,000	10	27,000
With half a crop	250,000	6	18,000
With not quite enough crop	800,000	2	19,200
Total	1,300,000		[1] 67,800

[1] Say 68,000 tons.

The table assumes a minimum rate of food intake by aided persons of 12 kilos per month (400 gr. per day) per person. It takes no account of the varying needs of adults and children, but works on a low average figure aimed at obtaining a rough order of magnitude.

12. If the requirements of the total population of the province are calculated in the same way, a total consumption figure of 290,000 tons of grain is estimated. Thus, the estimated aid requirement of 68,000 tons is about 23.5% of total estimated consumption, which is a similar percentage to that estimated for Wollo Province.

B. Wollo Province Highland Areas

13. The higher parts of Wollo—that is, above an altitude of approximately 2,300 metres, form a backbone from North to South down the Centre of the Province to the west of the Addis Ababa-Asmara main road. This is the most densely populated part of the Province and indeed one of the most densely populated areas in Ethiopia. There are in, most places, two distinct cropping seasons and two equally distinct harvest periods. The short rains (or belg) crop is planted in February and harvested in June. The main short rains crop is barley, but teff, peas, lentils and horse beans are also grown. The long rains crops are planted in June-July and are harvested in November-December. The crops grown include wheat, barley, maize, teff, noug and horse beans. The importance of the short rains crop varies from place to place but is generally put at between 25% and 40% of the total year's production. The occurrence of two cropping seasons per year does not mean that all arable land is cropped twice a year, but this is often the case.

14. In 1972, both the short and long rains crops were on the whole satisfactory, although the short rains crop was somewhat disappointing in some areas. However most people in the *highland areas* entered 1973 with reasonable stocks of food in store, and a certain amount of reserve capacity to use in case of poor short rains crop in 1973.

15. In the event, the short rains crop of 1973 was almost a total failure and many farmers harvested nothing, not even getting their seed back. At the same time the drought had a severe effect on grazing and the condition of work oxen deteriorated. Some were lost; many more were in no condition to do a day's work. It was in this situation that preparation took place for the long rains crop. There was a shortage of oxen capacity for land preparation and a shortage of seed.

16. The 1973 long rains started normally and the total rainfall has been adequate. However, distribution and intensity of precipitation has been erratic. There were some very heavy storms, causing serious erosion and damage to crops and this, combined with a shortage of area planted, is expected to result in a "below average" long rains crop, totally inadequate to compensate for the loss of the short rains crop. The food shortage situation will therefore intensify as domestic reserves left over from 1972 are depleted. The situation cannot be retrieved before the short rains crop in June 1974, and then only if emergency steps are taken to provide seed for this crop without which there is likely to be a continuing shortage of area planted. Unlike Tigre, Wollo Province is not blessed with a feeder road network, indeed feeder roads are few and far between, making access to communities and farms off the main roads extremely difficult. Moreover, when the full effects of the drought began to be felt, the Province was ill-prepared in terms of organizational infrastructure. In July, a new Governor General, Dej. Legesse Bezou was appointed, and he with a few hand-picked lieutenants, launched a tremendous effort to develop institutional arrangements for identifying problems, organizing and policing solutions, with significant and positive results.

17. Anticipated food shortages are difficult to estimate, partly because there is little factual data on domestic reserves in hand, but the worst affected families will probably start to need aid about the end of January 1974. If people are forced to leave their farms in search of food they will have difficulty in planting a 1974 short rains crop in February and this, combined with a shortage of seed, could escalate the problem later in 1974 and into 1975. However, at this stage it is not possible to make any valid forecasts of the position after June 1974, and it must be assumed that after the June harvest the situation will improve. Grazing is now adequate so the condition of work oxen should not prove a severely limiting factor.

18. A fair assumption may be that only about 30% of the people in this area will get through to June without food aid. The remaining 70% will need to be fed for periods ranging from one to five months, at an average of about three months each. As the total population of these highland areas is about 1,100,000 people, we may estimate that about 750,000 people will need aid for three months. At a rate of 12 kilos per person per month, this would require 27,000 tons of grain. Supplies will need to start arriving in January 1974 and an adequate distribution system will have to be mounted in order to minimize the exodus of people from their homes in search of food and the concommitant loss of short-rains plantings in February.

C. Wollo Province Lowland cropping areas

19. It is, perhaps, misleading to call these areas "lowland", but they lie below the 2,300 metre contour and are thus below the "highland" areas. There are two quite separate areas, which, in ecological and agricultural terms comprise one zone. To the east of the highland backbone it forms the western part of the catchment of the Awash river and extends right down to the dry nomadic plains of the Awash valley. To the west of the highland backbone it falls within the catchment areas of the Blue Nile and Tekazze rivers with a highland range from east to west dividing the two. In the West, it does not descend to such low levels as it does to the east. Nor is the picture one of a straight highland backbone to the Province with an even descent on either side. The lowland areas, particularly in the west, generally take the form of deep gorges and valleys cut into the highlands forming a picture of very broken, steep and spectacular country. The Addis Ababa-Asmara road passes through the eastern section of this area which is thus reasonably served by road communication although there are very few feeder roads. The western section is, however, extremely remote and poorly served by any form of communications. It is thus an area from which it is difficult to get factual information, and into which it is equally difficult to deliver relief in times of shortage.

20. The basic pattern of agriculture is of one harvest period per year which occurs in November-December although the first harvesting may start in October. The short rains crop, for harvest in June, is typically negligible. The main crops grown are sorghum and teff, and to a lesser extent maize, wheat, barley and a range of warmer climate pulses

including chick-pea and horse beans. Typically sorghum is planted in May for harvest towards the end of the year; teff and other crops are planted later but have shorter growing periods. Poor early rains reduce the sorghum crop and usually lead to an increase in the area under teff. Since teff yields are lower than sorghum this at once reduces the volume of the harvest.

21. Any review of the harvest prospects in 1973 must first take into account the events of 1971 and 1972. In both years, wide areas suffered from drought. This was particularly the case in the northern parts of the eastern section in Raya-Kobo, Yeju and Ambassel awrajas (Sub-Provinces) and in the southern parts of the western section in Borena, Wareilu and Worehimenu awrajas. The three north-eastern awrajas extend into the nomadic areas which are reviewed in a separate section of this paper and the picture is typically of reducing rainfall as one goes east. The south-western and central western awrajas have been the source of much of the migration out of Wollo Province during the past year as groups of people trekked westwards and southwards in search of better conditions and/or paid employment. In the northern part of the western section in Wag and Lasta awrajas both 1971 and 1972 were also poor years and left the areas in a precarious situation.

22. At the start of 1973, the position of many people was thus already bad in that they were suffering from food shortages from the 1971 and 1972 production and were being forced to dispose of reserve assets in order to raise money to buy food. In this way they became poorer and poorer.

23. A favourable short rains season, although not normally of much significance for crop growing, could have helped to tide many people over the difficult period until November when the main harvest would become available, and would certainly have done much to retrieve the position of the livestock. In the event the short rains in February and March were virtually a total failure with the result that no "stop-gap" cropping was possible. And—more serious—grazing, already at a low ebb by January, instead of improving, got steadily worse.

24. The main cropping season therefore started unfavourably. Food was short and migration out of the Province had already started. Losses among work oxen had reached a level which has been estimated at between 20% and 25% of the total, and many others were too weak to work. Many people had no seed or not enough to plant a full area of crop. The Ministry of Agriculture distributed about 240 tons of seed—mostly teff—but this was considered to be only about half the known need. In any case, nothing could be done about the state of the work oxen.

25. On this reduced area of planting the long rains then fell in a somewhat unfortunate pattern. In some areas they came a little late, but the main difficulty lay in a number of very intense storms in July which caused severe erosion and almost did more harm than good. A few weeks of very heavy rain was then followed by a dry spell before the end of the rains, the pattern of which varied from place to place. In some places, notably the north-east (Raya-Kobo), already hard hit, the rains petered out early and only poor yields can be expected. In the South-east good late rain has revived the position and there was still some rain in late September, with the result that some good crops will be harvested. In the western section of the area there is less information on how the rains have ended, but indications are of average yields being below normal. Insect damage is reported as severe in the northwest (Wag awraja). Such outbreaks are usually associated with early stoppage of the rains.

26. In order to arrive at an estimate of relief food needed for 1974 it has been assumed that over the lowland cropping areas on average there is about 80% of an adequate yield on 70% of a normal area, giving a production of about 55% of the total required for minimum needs. Since part of a "normal" production, particularly in the Raya-Kobo awraja, would be sold in Asmara and other urban centers, it can be assumed that there will be no surplus for sale and that the area may also be about 35% short of its basic subsistence needs. Since few farmers have much left in the way of reserves, it must be assumed that this deficit will need to be met from outside sources. This implies that food relief will be needed in 1974 and that the need will build up significantly from about March onwards until the next harvest due in November. While some will want more and others less, the average need may be for four months of food aid per person during the year.

27. The estimated number of people in the area is 980,000. On the basis of this number of people requiring 12 kilos of grain per person per month the amount needed is 47,000 tons.

Summary of the gross need for the Wollo Province cropped areas in 1974

	Tons
Highland areas	27,000
Lowland areas	47,000
Total	74,000

28. The total population of Wollo (excluding the nomadic areas) is estimated about 2.4 million. On the basis of 12 kilos of grain per person per month the minimum gross quantity of grain to feed the population for one year is 354,000 tons. The food aid need is therefore 21.5% of the total minimum need, a percentage fairly close to that for Tigre Province.

D. The Nomadic Areas

29. While there is no accurate figure of population, it is believed that, before the 1973 drought, there were some 125,000 people in Wollo and Tigre whose way of life was basically nomadic. Meat, milk and blood are obtained from their flocks and grain, normally obtained in exchange for their livestock and livestock products, fills out their diet. But under their traditional way of life they plant no crops themselves, and hence are vulnerable to price and supply fluctations in the grain and livestock markets.

30. Three types of livestock normally kept are cattle, goats and camels. Herds may consist of any one of these three or a mixture of 2 or 3 of them. The extent to which communities have been hit by the drought depends on how their herds were composed. Camels have largely survived. Goats have also come through reasonably well, but it appears that between 80% and 90% of the cattle have been lost. Not all these died on the hoof. Some were got to a market and fetched a few dollars, and the hides of those that died and had value if it could be realized. But prices obtainable were very low indeed, and with grain prices correspondingly high, people were able to get far less in exchange for their stock than would normally have been the case. This is an alarming downward spiral towards destitution.

31. The prospects for recovery over the long range are in certain respects favourable assuming no major drought recurrence. The present availability of grazing and browse is good. When the rains came in July they fell upon drought-stricken land. Over wide areas the grass had gone, and will take many years to re-establish. Indeed there are places where a grass cover may never revive under natural conditions. The immediate effect of the rains in such areas has been to increase the scrub browse upon which the camels, and to some extent, the goats feed. Thus the camels which have largely survived the drought, now have abundant food and are in very good condition. There has been a move in the balance of the environment which has increased the "camel-country" at the expense of the "cattle-country". Camels are becoming a life-saver as a source of milk, and those fortunate families who had camel herds (perhaps 20% of the total) are on their way to recovery.

32. In other areas, soil moisture was not reduced to the same extent, and with the rains the grass revived. In some places, notably shallow depressions, the grass has revived fully. But there is now a very sparse livestock population to eat it, and a condition of undergrazing exists. This will allow the pasture to seed and multiply, and with luck the carrying capacity of the surviving grasslands should build up satisfactorily in the next few years. Indeed, unless cattle are injected from other areas, the carrying capacity of the pastures could be expected to build up at a faster rate than that of herd re-establishment, and thus for some years one could forsee a surplus of grazing.

33. While the camels are now thriving, the position of the goats and cattle is much less satisfactory. There is now abundant feed for both, but numbers are very severely depleted. In the case of cattle, losses from deaths has been the major contributory cause, but in the case of goats, where survival was greater, many people have been forced to sell in order to buy food to an extent where female breeding stock have been disposed of and the capacity of flocks to build up has been correspondingly damaged. The effect is much the same whether the stock has gone by death or by sale; cattle herds are depleted by 80–90%, and a great many people now have nothing left and are destitute. Further, what remains of the herds of cattle are unbalanced as between male and female and young and old stock. Remaining flocks of goats are probably less unbalanced, since it was possible to keep breeding females to be sold only after all else had gone. This factor, coupled with the shorter gestation period for goats will mean that the natural build-up of numbers can proceed faster with goats than it can with cattle. But in the best of cases, it will take many years, and those who have lost all their stock have nothing upon which to build up their resources again. Such people must be provided with the means of starting in a nomadic way of life or must be resettled into a changed way of life. A major long-term programme is evidently required to rehabilitate nomadic population.

34. The effect of all this on the structure of the human communities has been very great. Typically, as the resources of a nomadic community ran down, the able-bodied menfolk tended to leave the community and go in search of food and help. The women, children and old folk were left behind with the dwindling herds. In many cases the men have never returned. Some, no doubt, deserted, but most, even if they reached help, could not get back to their families and unquestionably many have died. Meanwhile the plight of those left behind grew steadily worse. There are cases where whole communities simply died. However, many attempted, with or without their livestock, to reach centres to get help. Stock died on the way and many of the human survivors are now to be found in the shelters and feeding centres which the Government and others have set up. These people have no functioning way of life to return to, and it is to be expected that they will have to be supported for a long time. They appear to be mostly women and children. No reliable information is available on the numbers of destitute, but there could be as many as 30,000 or 40,000 of them.

35. One aspect seems clear. If these nomadic people can resume their way of life, they will continue to be heavily dependent on grain for much of their food. As long as they

grow no crops of their own they will need to exchange their livestock products for grain and will continue to be doubly at the mercy of future droughts. It is therefore desirable that long-term plans for their future should include at least some capacity for them to grow some crops of their own. The Livestock & Meat Board food-for-work Project in the North-East rangelands assisted by UKODA/OXFAM/Christian Aid recognizes this point in that it includes a component for introducing simple waterspreading for a start of crop growing in the rangelands, which, if successful, may imply a major departure from traditional nomadic ways of life. Whatever else may be said, it seems clear that a major and long-term programme is required to rehabilitate the nomadic population. The immediate need is to feed and restore to health the destitute people. Insofar as food in 1974 is concerned a reasonable estimate appears to be that 35,000 people will need to be fed for the full 12 months of the year. At a rate of 12 kilos of grain per person, per month this will need 5,040 tons of grain—in round figures 5,000 tons. Relief supplies of powdered skim milk anticipated from Europe (from the Swiss Government and other sources) will be especially valuable to this segment of the population.

IV. MEDICAL AID

36. The principal purpose of this paper is an analysis of food shortages. But it must be recorded that the impact of the famine on the physical condition of the population has been general and severe. Estimates of deaths number in the *tens of thousands*, and, in relief camps and shelters over 100,000 people are living in conditions inimical to the preservation of a reasonable standard of health. The health condition of persons without access to camps and health facilities can only be surmised. The availability of medical care within the camps is uneven; some camps have no qualified resident medical personnel, and where such personnel are available they are inadequate in number and inadequately supplied and equipped. Transportation facilities, for personnel and materials, are totally inadequate. Clean water is not uniformly available in relief camps or in all health stations. Some of the expatriate medical personnel supplied by external aid agencies, notably through the International Red Cross will be withdrawn in November, and it appears that they must be replaced. Furthermore, urgent consideration must be given to the augmented deployment of Ethiopian medical personnel to the drought-stricken areas. UNICEF has indicated a readiness to consider requests for medical supplies and equipment, assistance in the provision of water and transportation facilities, as well as travel allowances for Ethiopian medical personnel, if this should be necessary, and it is hoped that full advantage will be taken of this offer.

V. SUMMARY AND CONCLUSIONS

37. Food aid will be required through 1974 to meet the minimum requirements of the Provinces of Wollo and Tigre in excess of their anticipated production, in an amount of about 150,000 tons of grain. A table showing a rough breakdown of the total requirement by month is attached. A portion of this requirement can and must be met from the domestic production of other areas within Ethiopia. The balance will have to come from sources external to Ethiopia. Transportation facilities, especially lorries, will be required to facilitate distribution.

38. In the opinion of this office, this Assessment makes a clear and compelling case for the World Food Programme to provide the second 10,000 tons tranche of grain of the 20,000 tons requested from WFP by the IEG in May 1973, and demonstrates that the requirement is urgent.

39. Milk, CSM, faffa and other nutrient foods and diet supplements will also be required throughout the year. Faffa can be produced locally.

40. Medical supplies and personnel will be required from external sources throughout the year, and additional Ethiopian medical personnel will be required in the drought area.

41. Paragraphs 37–40 above deal with emergency requirements to save lives, but simultaneously studies of longer term measures need to be completed regarding resettlement (specially from Wollo), re-establishment of livestock herds and plow-oxen populations, establishment of water points and feeder-road infrastructure, and other matters.

42. Of specific and immediate importance is the estimation and procurement of adequate seed supplies of suitable varieties for the planting of a full area in 1974 without which shortages are likely to continue into 1975, even given favourable climatic conditions in 1974.

43. Estimates of food aid requirements may be refined as more information becomes available concerning the results of the imminent harvest, within the affected areas and elsewhere in Ethiopia.

1974 TIMING OF DISTRIBUTION (TONS)

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Tigre	4,000	6,000	7,000	10,000	10,000	7,000	4,000	8,000	8,000	4,000			68,000
Highland Wollo	5,000	6,000	6,000	6,000	4,000								27,000
Lowland Wollo	1,000	2,000	3,000	5,000	7,000	7,000	4,000	7,000	8,000	3,000			47,000
Nomadic areas	500	500	400	400	400	400	400	400	400	400	400	400	5,000
Total	10,500	14,500	16,400	21,400	21,400	14,400	8,400	15,400	16,400	7,400	400	400	147,000

Note: The above table indicates high deliveries in the first half of the year rising to a maximum in April and May. This does not mean that consumption requirements will be at a peak during this period. It reflects the need to get distribution to the remoter areas ahead of schedule before the heavy rains to be expected in July and August close many of the roads. Whatever the actual total of relief need finally decided upon, this fact will need to be taken into account.

TEXT OF LETTER TO SECRETARY OF STATE HENRY A. KISSINGER BY SENATOR EDWARD M. KENNEDY, CHAIRMAN OF THE JUDICIARY SUBCOMMITTEE ON REFUGEES

NOVEMBER 27, 1973.

Hon. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Recent reports indicate that increasingly severe drought conditions are producing widespread hunger and famine in many areas of Ethiopia displacing millions and threatening the lives of several hundred thousand people. As in my earlier inquiry on the food crisis in West Africa, I would appreciate learning the Department's assessment of the drought and famine conditions in Ethiopia, what has been, to date, our government's response in support of efforts to meet the growing food needs in this area, and what the anticipated needs will be over the coming year.

In particular, I would appreciate receiving the Department's evaluation of the enclosed report prepared by the Regional Representative of the United Nations Development Program in Addis Ababa on October 2nd, entitled "A Review of Implications of the Drought in the Stricken Areas of Tigre and Wollo Provinces in Ethiopia." This disturbing report has been corroborated by many other reports I have received from the field, and it indicates that the effects of Ethiopia's three-year drought have been "catastrophic" in many areas, and has produced conditions not unlike those in the Sahel region of West Africa.

However, in conversations which members of my staff have had with officials in the Department and within the Agency for International Development, a more optimistic assessment has been given which runs counter, in many respects, to the UNDP report. While these officials describe the situation in Ethiopia as "serious," the American Ambassador has apparently not declared an emergency nor cabled for urgent relief supplies or funds. Yet, if the UNDP report and others are correct in their assessment of the current situation, serious questions must be raised as to the adequacy of our government's response.

In addition to an evaluation of the UNDP report, I would also appreciate the Department's response to these specific questions pertaining to drought and famine conditions in Ethiopia:

(1) What studies have American officials in the field completed on the food situation in Ethiopia, what are their findings, and can copies of these reports be made available to the Subcommittee? What are the estimated food importation requirements for Ethiopia for the coming year?

(2) What has been, to date, the response of the United States Government in food and financial assistance to the drought relief effort in Ethiopia, and what amounts are anticipated over the coming year? What agencies of the United States Government are involved, directly, or indirectly, in food relief programs?

(3) What contribution in food or financial assistance have been made by other nations, and has the United States Government agreed to participate in multilateral relief efforts? What further contributions from the international community are anticipated over the coming year?

(4) What requests for financial or food assistance are currently under review by A.I.D., either by international relief organizations or by private voluntary agencies? Have any requests been made or denied, and, if denied, for what reasons?

As in our earlier inquiry into the humanitarian needs created by the Sahelian drought, the above information will be useful in the Subcommittee's assessment of humanitarian needs in Ethiopia. Many thanks for your consideration, and I look forward to hearing from you soon.

Sincerely,

EDWARD M. KENNEDY,
Chairman,
Subcommittee on Refugees.

UNFINISHED BUSINESS LAID ASIDE TEMPORARILY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business—S. 1868—be laid aside temporarily today and remain in a temporarily laid aside status until the disposition of the debt limit extension bill or the close of business today, whichever is the earlier.

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

ORDER FOR ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., tomorrow.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

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, in which it requested the concurrence of the Senate:

H.R. 6186. An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions;

H.R. 6758. An act to amend chapter 33 of title 28 of the District of Columbia Code, relating to usury, and for other purposes;

H.R. 7218. An act to improve the laws relating to regulation of insurance companies in the District of Columbia;

H.R. 10806. An act to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes; and

H.R. 11238. An act to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 6186. An act to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions;

H.R. 6758. An act to amend chapter 33 of title 28 of the District of Columbia Code, relating to usury, and for other purposes;

H.R. 7218. An act to improve the laws relating to regulation of insurance companies in the District of Columbia;

H.R. 10806. An act to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes; and

H.R. 11238. An act to amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to the consideration of H.R. 11104, which the clerk will state by title.

The assistant legislative clerk read as follows:

A 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 debt limit applies to June 30, 1974.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 2, after line 3, insert a new section, as follows:

SEC. 3. No debt owed to the United States Government under any program by any foreign government may be canceled, renegotiated, rescheduled, or settled in any manner (other than by timely payment in full) unless the Congress specifically authorizes by concurrent resolution the cancellation, renegotiation, rescheduling, or other settlement of the debt.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during consideration of this measure and during the votes thereon, Roy Greenaway and Jan Mueller may be permitted on the floor.

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

Mr. LONG. Mr. President, I ask unanimous consent that during Senate debate on H.R. 11104, the debt limit bill, the following staff members be permitted on the floor:

From the Finance Committee staff: Michael Stern, Bob Willan, Bill Morris, Bob Best.

From the staff of the Joint Committee on Internal Revenue Taxation: Larry Woodworth, Bob Shapiro, Al Buckberg, Mark McConaghy, Mike Bird.

I ask unanimous consent that they may be permitted on the floor during rollcalls as well.

I make the same request with respect to H.R. 3153, the social security bill, when it is called up. I ask unanimous consent that the following Finance Committee staff members be permitted on the floor at that time:

Michael Stern, Jay Constantine, Jim Mongan, Joe Humphreys, Bill Galvin, Bill Morris, Bob Willan; and from the Congressional Research Service, Fred Arner, Frank Crowley, Margaret Malone, Jennifer O'Sullivan.

Mr. KENNEDY. Mr. President, will the Senator be kind enough to include in the request that Carey Parker, during the consideration of the debt ceiling bill, may be permitted access to the floor?

Mr. LONG. I make the request.

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

Mr. LONG. Mr. President, the bill before the Senate, which contains the Finance Committee action on the public debt limit, H.R. 11104, provides for an increase in the present limit on outstanding Federal debt to $475.7 billion for the remainder of fiscal year 1974. The fiscal year, as you know, ends on June 30, 1974, and before that date, we will return to the Senate with another debt limit bill to meet the estimated requirements for fiscal year 1975 and to make any additional adjustments in the debt limit that may become necessary before the end of this fiscal year.

The $475.7 billion debt limit in this bill was approved by the House after a floor amendment reduced the ceiling from the $478 billion that had been approved by the Ways and Means Committee.

In the public hearings before the committee, the administration requested an increase in the combined permanent and temporary limitation on the public debt to $480 billion for all of fiscal year 1974. It had made the same request before the Ways and Means Committee last month.

Treasury projections of the outstanding debt levels during the month and at month's end for the remainder of this fiscal year show only 3 peaks, when the debt would exceed the $475.7 billion level. Two of the peaks would be at $478 billion—on April 10 and May 31—and the third would be at $480 billion on June 11. All the projections are based on the assumption that the Treasury will maintain a cash balance at a constant level of $9 billion, which includes a $3 billion margin for contingencies, and each of them appears to be manageable within the present outlooks for the economy and the money markets. Two of the peaks—April 10 and June 11—will occur just before major surges of corporate and individual income tax payments due on the 15th of each month. The April payments include individual final payments for 1973 and the first individual and corporate payments on estimated liabilities for calendar year 1974, and the June payments include the second individual and corporate payments on estimated liabilities for calendar year 1974 and final corporate payments on 1973 liabilities.

The administration's current estimates of the budget outlook which are the basis for peak debt projections indicate that we can look forward to a balance in the unified budget at $270 billion of receipts and outlays. Of course, there are uncertainties in this outlook, since congressional action has not yet been completed on all authorization and appropriations bills for this fiscal year, and the estimates of budget outlays may require revision after they have been enacted.

Estimates of receipts are dependent upon the levels of economic activity and income during 1973 and the first few months of 1974. The administration's economic estimates for 1973 are in general agreement with private economic forecasts, and the Treasury's receipts estimates are consistent with these economic forecasts.

The economic outlook for 1974 is uncertain at this time, although economists outside of the Federal Government generally are forecasting a slower rate of real economic growth than is the Treasury. But it is unlikely that even a some-

what slower rate of growth will have a serious impact upon receipts and the debt limit before the end of fiscal year 1974, ending on June 30, 1974. The same general perspective also applies to the budgetary implications of the Arab oil embargo—however severe it may turn out for this country in 1974, most of the factors that determine budget receipts in fiscal year 1974 have already taken place.

Under any circumstances, a new public debt limit bill must be passed by next June 30, and any unexpected decline in receipts, or increase in budget outlays, early in 1974 would at most require consideration of a debt limit bill 1 or 2 months sooner than would otherwise be the case.

The Finance Subcommittee on International Finance recently held public hearings on the subject of foreign government indebtedness to the United States. There now is outstanding about $55 to $60 billion in principal and interest owed to the United States on debts that go back to World War I, even though there have been many reductions from the original levels of obligations due to negotiated settlements, reschedulings and cancellations.

Debt reschedulings have occurred regularly in recent years as a result of executive negotiations, whose conduct has been supported by an opinion of the Attorney General issued on December 24, 1970. It was maintained in that opinion that the Executive has authority to renegotiate loan terms under the Economic Cooperation Act, to modify agreements made under the Surplus Property Act of 1944, and to reschedule debts incurred under the Agricultural Trade Development and Assistance Act of 1954, generally known as Public Law 480. While these debt modifications undoubtedly have provided assistance to debt burdened countries, they have resulted in understatements of the budgetary costs of the agencies that provide foreign aid because the changes in debt status were not included in proposals for new foreign assistance.

A congressional effort to restrict this practice in the form of the Dirksen amendment to the Foreign Assistance Act of 1961 was limited by the Attorney General's opinion that the amendment related only to loans made under the Foreign Assistance Act. As a result, it is held that the Executive can reschedule debt obligations made under provisions of other laws.

The Finance Committee recently took notice of the proposal to write off virtually the entire $3 billion debt owed by the Government of India to the United States. Excellent reasons may exist for this action with regard to India, but the committee believes that the Executive should not reschedule, renegotiate, or cancel debts of foreign governments without the approcal of Congress. As a result, it has amended the debt limit bill as passed by the House to provide that no debt owed to the U.S. Government under any program by any foreign government may be canceled, renegotiated, rescheduled, or settled in any manner—other than by timely payment in full—unless the Congress specifically authorizes such action by concurrent resolution.

The Secretary of the Treasury also requested the committee to give him statutory authority to raise the interest rate on savings bonds above the present 5½-percent ceiling. When Congress raised the interest rate to its present level, it also provided that the Secretary, with the approval of the President, may increase this interest by not more than one-half of 1 percent for any interest accrual period on or after June 1, 1970. The intent of this legislation was to permit the Secretary of the Treasury, with the approval of the President, to increase the savings bond interest rates by up to one-half of 1 percent above the 5½-percent limit where this was approved by the President without further congressional action.

Since the Secretary of the Treasury informed the committee that at the present time his desire was not to increase savings bond interest rates above a 6 percent level, the committee concluded that no further legislative action is needed in order to permit him to accomplish this result. The committee believes that the Secretary at the present time can provide for an interest rate of up to 6 percent because of the one-half of 1 percent leeway already in present law. Moreover, the committee did not want at this time, at least, to permit the interest rate to increase to more than 6 percent because of the effect it might have on other forms of savings.

When the committee held its public hearings with respect to the public debt limit on November 15, a group of Senators, representing the two major political parties, appeared to present the case for an amendment to this bill that would enlarge the scope of the provision in the Internal Revenue Code that deals with public financing of Presidential election campaigns. These Senators had taken their own separate amendments on this subject and combined them into one amendment which they requested the committee to add to this bill.

The broad scope of the amendment can be suggested by some of the proposals which would provide public financing for Presidential primaries and for general elections for the House and Senate, increase the checkoff on tax returns from $1 to $2 per return—$4 on the joint return—increase allowable tax credits for political contributions from $25 to $50—$100 on joint returns—increase the deduction for political contributions from $50 to $100—$200 on a joint return—and provide limits with respect to private financing to the extent still available under the proposal.

The members of the Finance Committee expressed a variety of viewpoints to this subject. After weighing these considerations, the committee decided not to act as a committee this session on public financing of political campaigns, but the committee hopes to hold hearings on this subject later this year or next year. In deciding not to act on this subject, the committee reserved the right of each Senator on the committee and, indeed each Senator on the floor, to follow his convictions with regard to campaign financing.

Mr. President, there are some tabulations in the committee report which I think help to illustrate some of the aspects of the problems involved in debt limit legislation. I will ask unanimous consent to have printed in the RECORD three tabulations which I have had prepared. They demonstrate that the disposable personal income in constant dollars of the American citizens has not declined, but has, in fact, increased year by year including the most recent years under the Nixon administration. There are further tabulations to demonstrate that disposable personal income in terms of constant dollars per total civilian employment has also increased.

Mr. President, in addition I have prepared a tabulation to demonstrate that the gross national product and the per capita gross national product in constant dollars have continued to increase. It seems to me that when people consider the problem of a debt-limit bill, especially when they find it necessary to increase the debt limit in terms of dollars, some of them tend to feel that the world is coming to an end. I really think that if one looks at these things in context and looks at the increasing earnings of the American people and the increasing gross national product—in effect, what we have with which to pay the debt we owe—one feels much more reassured about the problem.

Mr. President, I ask unanimous consent to have these tabulations printed at this point in the RECORD.

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

TABLE A.—GROSS NATIONAL PRODUCT AND PER CAPITA GNP IN CONSTANT DOLLARS, 1950–73

	GNP in constant 1958 dollars (billions)	Percent change from preceding period	Per capita GNP in constant 1958 dollars (dollars)
1950	355.3	9.6	2,342
1951	383.4	7.9	2,485
1952	395.1	3.0	2,517
1953	412.8	4.5	2,587
1954	407.0	−1.4	2,506
1955	438.0	7.6	2,650
1956	446.1	1.8	2,652
1957	452.5	1.5	2,642
1958	447.3	−1.1	2,569
1959	475.9	6.4	2,688
1960	487.7	2.5	2,699
1961	497.2	1.9	2,707
1962	529.8	6.6	2,840
1963	551.0	4.0	2,912
1964	581.1	5.4	3,028
1965	617.8	6.3	3,180
1966	658.1	6.5	3,348
1967	675.2	2.6	3,398
1968	706.6	4.7	3,521
1969	725.6	2.7	3,580
1970	722.5	−.4	3,526
1971	745.4	3.2	3,600
1972	790.7	6.1	3,787
Seasonally adjusted at annual rates, 1973:[1]			
1st quarter	829.3	8.4	3,953
2d quarter	834.3	2.4	3,970
3d quarter	841.6	3.5	3,997

[1] Preliminary.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, Nov. 21, 1973.

TABLE B.—TOTAL AND PER CAPITA DISPOSABLE PERSONAL INCOME IN CONSTANT DOLLARS 1950–73

Period	Disposable personal income: Total in 1958 dollars (billions)	Disposable personal income: Per capita in 1958 dollars (dollars)	Per capita DPI, change from preceding period (percent)
1950	249.6	1,646	6.4
1951	255.7	1,657	.7
1952	263.3	1,678	1.3
1953	275.4	1,726	2.9
1954	278.3	1,714	−.7
1955	296.7	1,795	4.7
1956	309.3	1,839	2.5
1957	315.8	1,844	.3
1958	318.8	1,831	−.7
1959	333.0	1,881	2.7
1960	340.2	1,883	.1
1961	350.7	1,909	1.9
1962	367.3	1,969	3.1
1963	381.3	2,015	2.3
1964	407.9	2,126	5.5
1965	435.0	2,239	5.3
1966	458.9	2,335	4.3
1967	477.5	2,403	2.9
1968	499.0	2,486	3.5
1969	513.6	2,534	1.9
1970	534.8	2,610	2.6
1971	554.9	2,680	2.7
1972	577.9	2,767	3.3
Seasonally adjusted at annual rates, 1973:			
1st quarter	603.9	2,878	5.2
2d quarter	604.8	2,877	−.1
3d quarter	609.8	2,895	2.5

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, Nov. 21, 1973.

TABLE C.—*Disposable personal income in constant dollars per total civilian employment—1950–73*

[DPI in 1958 dollars per civilian employment—dollars]

1950	4,236
1951	4,264
1952	4,370
1953	4,501
1954	4,630
1955	4,772
1956	4,848
1957	4,929
1958	5,057
1959	5,152
1960	5,172
1961	5,334
1962	5,507
1963	5,627
1964	5,886
1965	6,119
1966	6,295
1967	6,420
1968	6,573
1969	6,593
1970	6,802
1971	7,013
1972	7,073
Seasonally adjusted at annual rates, 1973:	
1st quarter	7,259
2d quarter	7,182
3d quarter	7,197

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, November 21, 1973.

Mr. LONG. Mr. President, in addition to that, there are a number of tabulations in the printed hearings, tables Nos. 1 through 10. These have come to be known as the "Long tabulations" or the "Long charts" for the debt limit bill since I have rather consistently requested that they be prepared by the Treasury and by the other responsible agencies of the Government.

I think these tables also help to acquaint a student of the debt limit with the relationship of the public debt to private debt, the relationship of the gross debt owed by the Government to the net amount of that debt, and the relationship of those factors to the gross national product. It also relates these factors to the changes in prices that have occurred for many years.

I ask unanimous consent that those charts be printed at this point in the RECORD.

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

TABLE 1.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[Dollar amounts in billions]

	December 1946		December 1960		December 1970		December 1972	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Federal debt:								
Public	$259	58	$290	29	$389	18	$449	18
Federal agency	1½	(1)	6½	1	12½	1	12	(1)
Total	260½	58	296½	30	401½	19	461	18
State and local debt	16	4	72	7	149	7	181	7
Corporate debt	109½	24	365	37	993	47	1,187	47
Individual debt	60	13	263	26	576	27	715	28
Total	446	100	996½	100	2,119½	100	2,544	100

[1] Less than ½ of 1 percent.

Note: Detail may not add to total due to rounding.

TABLE 2.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[Dollar amounts in billions]

December 31—	Private: Individual	Private: Corporate[1]	Private: Total	State and local	Federal: Public	Federal: Agency	Federal: Total	Total	Percent Federal of total
1929	$72.9	$107.0	$179.9	$17.8	$16.3	$1.2	$17.5	$215.2	8
1930	71.8	107.4	179.2	18.9	16.0	1.3	17.3	215.4	8
1931	64.9	100.3	165.2	19.5	17.8	1.3	19.1	203.8	9
1932	57.1	96.1	153.2	19.7	20.8	1.2	22.0	194.9	11
1933	51.0	92.4	143.4	19.5	23.8	1.5	25.3	188.2	13
1934	49.8	90.6	140.4	19.2	28.5	4.8	33.3	192.9	17
1935	49.7	89.8	139.5	19.6	30.6	5.6	36.2	195.3	19
1936	50.6	90.9	141.5	19.6	34.4	5.9	40.3	201.4	20
1937	51.1	90.2	141.3	19.6	37.3	5.8	43.1	204.0	21
1938	50.0	86.8	136.8	19.8	39.4	6.2	45.6	202.2	22
1939	50.8	86.8	137.6	20.1	41.9	6.9	48.8	206.5	24
1940	53.0	89.0	142.0	20.2	45.0	7.2	52.2	214.4	24
1941	55.6	97.5	153.1	20.0	57.9	7.7	65.6	238.7	27
1942	49.9	106.3	156.2	19.2	108.2	5.5	113.7	289.1	39
1943	48.8	110.3	159.1	18.1	165.9	5.1	171.0	348.2	49
1944	50.7	109.0	159.7	17.1	230.6	3.0	233.6	410.4	57
1945	54.7	99.5	154.2	16.0	278.1	1.5	279.6	449.8	62
1946	59.9	109.3	169.2	16.1	259.1	1.6	260.7	446.0	58
1947	69.4	128.9	198.3	17.5	256.9	.7	257.6	473.4	54
1948	80.6	139.4	220.0	19.6	252.8	1.0	253.8	493.4	51
1949	90.4	140.3	230.7	22.2	257.1	.8	257.9	510.8	50
1950	104.3	167.7	272.0	25.3	256.7	1.1	257.8	555.1	46
1951	114.3	191.9	306.2	28.0	259.4	.8	260.2	594.4	44
1952	129.4	202.9	332.3	31.0	267.4	.9	268.3	631.6	42
1953	143.2	212.9	356.1	35.0	275.2	.8	276.0	667.1	41
1954	157.2	217.6	374.8	40.2	278.8	.7	279.5	694.5	40
1955	180.1	253.9	434.9	46.3	280.8	1.4	282.2	763.4	37
1956	195.5	277.3	472.8	50.1	276.6	1.7	278.3	801.2	35
1957	207.6	295.8	503.4	54.7	274.9	3.2	278.1	836.2	33
1958	222.9	312.0	534.9	60.4	282.9	2.4	285.3	880.6	32
1959	245.0	341.4	586.4	66.6	290.8	5.7	296.5	949.5	31
1960	263.3	365.1	628.4	72.0	290.2	6.4	296.6	997.0	30
1961	284.8	391.5	676.3	77.6	296.2	6.8	303.0	1,056.9	29

December 31—	Private			State and local	Federal			Total	Percent Federal of total
	Individual	Corporate[1]	Total		Public	Agency	Total		
1962	$311.9	$421.5	$733.4	$83.4	$303.5	$7.8	$311.3	$1,128.1	28
1963	345.8	457.1	802.2	89.5	309.3	8.1	317.4	1,209.1	26
1964	380.1	497.3	877.4	95.5	317.9	9.1	327.0	1,299.9	25
1965	415.7	551.9	967.6	103.1	320.9	9.8	330.7	1,401.4	24
1966	444.2	617.4	1,061.6	109.4	329.3	14.0	343.3	1,514.3	23
1967	476.2	672.9	1,149.1	117.9	344.7	20.1	364.9	1,631.9	22
1968	513.9	779.0	1,292.9	128.4	358.0	15.1	373.1	1,794.4	21
1969	548.4	912.7	1,461.1	137.1	368.2	13.8	382.0	1,980.2	19
1970	575.9	992.9	1,568.8	149.2	389.2	12.5	401.6	2,119.6	19
1971	631.0	1,072.8	1,703.8	167.3	424.1	11.0	435.2	2,306.3	19
1972	714.7	1,187.0	1,901.7	180.7	449.3	11.8	461.1	2,543.5	18

[1] Includes debt of federally sponsored agencies excluded from the budget which amounted to $7,000,000,000 on Dec. 31, 1947; $30,600,000,000 on Dec. 31, 1969; $38,900,000,000 on Dec. 31, 1970; and $40,700,000,000 on Dec. 31, 1971; and $43,600,000,000 on Dec. 31, 1972.

Source: Commerce and Treasury Departments.

TABLE 3.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, 1929 TO PRESENT

End of calendar year	Government debt						Private debt				Total Government and private debt	
	Amounts outstanding (billions)			Per capita[2]			Amounts outstanding (billions)		Per capita[2]			
	Federal[1]	State and local	Total	Federal	State and local	Total	Corporate business[3]	Individual and noncorporate business	Corporate business	Individual and noncorporate business	Amount outstanding (billions)	Per capita
1929	$17.5	$17.8	$35.3	$143	$145	$288	$107.0	$72.9	$874	$595	$215.2	$1,757
1930	17.3	18.9	36.2	140	153	293	107.4	71.8	868	581	215.4	1,742
1931	19.1	19.5	38.6	153	157	310	100.3	64.9	805	521	203.8	1,636
1932	22.0	19.7	41.7	176	157	333	96.1	57.1	767	456	194.9	1,555
1933	25.3	19.5	44.8	201	155	355	92.4	51.0	733	404	188.2	1,493
1934	33.0	19.2	52.2	260	151	411	90.6	49.8	714	392	192.9	1,520
1935	36.2	19.6	55.8	283	153	437	89.8	49.7	703	389	195.3	1,529
1936	40.3	19.6	59.9	313	152	466	90.9	50.6	707	394	201.4	1,566
1937	43.1	19.6	62.7	333	151	484	90.2	51.1	697	395	204.0	1,576
1938	45.6	19.8	65.4	349	152	501	86.8	50.0	665	383	202.2	1,549
1939	48.8	20.1	68.9	371	153	524	86.8	50.8	660	386	206.5	1,569
1940	52.2	20.2	72.4	393	152	545	89.0	53.0	670	399	214.4	1,615
1941	65.6	20.0	85.6	489	149	638	97.5	55.6	727	414	238.7	1,779
1942	113.7	19.2	132.9	837	141	978	106.3	49.9	782	367	289.1	2,128
1943	171.0	18.1	189.1	1,242	131	1,374	110.3	48.8	801	355	348.2	2,529
1944	233.6	17.1	250.7	1,678	123	1,801	109.7	50.7	783	364	410.4	2,947
1945	279.6	16.0	295.6	1,987	114	2,101	99.5	54.7	707	389	449.8	3,197
1946	260.7	16.1	276.8	1,825	113	1,938	109.3	59.9	765	419	446.0	3,123
1947	257.6	17.5	275.1	1,771	120	1,891	128.9	69.4	886	477	473.4	3,254
1948	253.8	19.6	273.4	1,715	132	1,847	139.4	80.6	942	545	493.4	3,334
1949	257.9	22.2	280.1	1,713	147	1,860	140.3	90.4	932	600	510.8	3,393
1950	257.8	25.3	283.1	1,685	165	1,850	167.7	104.3	1,096	682	555.1	3,627
1951	260.2	28.0	288.2	1,671	180	1,851	191.9	114.3	1,232	734	594.4	3,817
1952	268.3	31.0	299.3	1,694	196	1,890	202.9	129.4	1,281	817	631.6	3,988
1953	276.0	35.0	311.0	1,714	217	1,931	212.9	143.2	1,322	889	667.1	4,142
1954	279.5	40.2	319.7	1,705	245	1,950	217.6	157.2	1,327	959	694.5	4,236
1955	282.2	46.3	328.5	1,691	275	1,961	253.9	180.1	1,522	1,079	762.5	4,552
1956	278.3	50.1	328.4	1,638	294	1,925	277.3	195.5	1,632	1,151	801.2	4,696
1957	278.1	54.7	332.8	1,609	315	1,918	295.8	207.6	1,712	1,201	836.2	4,820
1958	285.3	60.4	345.7	1,624	342	1,960	312.0	222.9	1,776	1,269	880.6	4,992
1959	296.5	66.6	363.1	1,653	371	2,024	341.4	245.0	1,903	1,366	949.5	5,293
1960	296.6	72.0	368.6	1,627	395	2,022	365.1	263.3	2,002	1,444	997.0	5,469
1961	303.0	77.6	380.6	1,635	419	2,054	391.5	284.8	2,112	1,537	1,056.9	5,704
1962	311.3	83.4	394.7	1,654	443	2,097	421.5	311.9	2,240	2,658	1,128.8	5,994
1963	317.4	89.5	406.9	1,663	469	2,131	457.1	345.8	2,395	1,812	1,209.8	6,337
1964	327.0	95.5	422.5	1,690	494	2,183	497.3	380.1	2,570	1,965	1,299.9	6,718
1965	330.7	103.1	433.8	1,688	526	2,214	551.9	415.7	2,818	2,124	1,401.8	7,156
1966	343.3	109.4	452.7	1,736	553	2,290	617.4	444.2	3,123	2,247	1,514.3	7,660
1967	364.9	117.9	482.8	1,827	590	2,417	672.9	476.2	3,370	2,385	1,631.9	8,172
1968	373.1	128.4	501.5	1,850	637	2,487	779.0	513.9	3,862	2,548	1,794.4	8,896
1969	382.0	137.1	519.1	1,875	673	2,547	912.7	548.4	4,478	2,691	1,980.2	9,716
1970	401.6	149.2	550.8	1,950	724	2,673	992.9	575.9	4,820	2,796	2,119.6	10,289
1971	435.2	167.3	602.5	2,091	804	2,895	1,072.8	631.0	5,155	3,032	2,306.3	11,083
1972	461.1	180.7	641.7	2,200	862	3,062	1,187.0	714.7	5,663	3,410	2,543.5	12,135

[1] Total Federal securities, including public debt and Budget Agency securities.
[2] Debt divided by the population of the conterminous United States and including Armed Forces overseas. Alaska is included beginning 1959 and Hawaii beginning in 1960.
[3] Includes debt of federally sponsored agencies excluded from the Budget.

Note: Details may not add to totals because of rounding.

Source: Federal debt, Treasury Department; Other data, Bureau of Economic Analysis, Commerce Department.

TABLE 4.—GROSS GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

End of calendar year	Gross national product (billions)[1]	Ratios of debt to gross national product (percent)					End of calendar year	Gross national product (billions)[1]	Ratios of debt to gross national product (percent)				
		Federal	State and local	Corporate	Individual and non-corporate	Total			Federal	State and local	Corporate	Individual and non-corporate	Total
1929	$96.7	18.1	18.4	110.7	75.4	222.5	1945	$196.0	142.6	8.2	50.8	27.9	229.5
1930	83.1	20.8	22.7	129.2	86.4	259.2	1946	221.4	117.8	7.3	49.4	27.1	201.4
1931	66.9	28.6	29.1	149.9	97.0	304.6	1947	245.0	105.1	7.1	52.6	28.3	193.2
1932	56.8	38.7	34.7	169.2	100.5	343.1	1948	261.2	97.2	7.5	53.4	30.9	188.9
1933	60.3	42.0	32.3	153.2	84.6	312.1	1949	260.5	9.0	8.5	53.9	34.7	196.1
1934	68.6	48.1	28.0	132.1	72.6	280.8	1950	311.2	82.8	8.1	53.9	33.5	178.9
1935	77.4	46.8	25.3	116.0	64.2	252.3	1951	338.2	76.9	8.3	56.7	33.8	175.8
1936	86.5	46.6	22.7	105.1	58.5	232.8	1952	361.0	74.3	8.6	56.2	35.8	175.0
1937	87.6	49.2	22.4	103.0	58.3	232.9	1953	360.8	76.5	9.7	59.0	39.7	184.9
1938	87.6	52.1	22.6	99.1	57.1	230.8	1954	379.8	73.6	10.6	57.3	41.4	182.9
1939	94.8	51.5	21.2	91.6	53.6	217.8	1955	409.7	68.9	11.3	62.0	44.0	185.9
1940	107.6	48.5	18.8	82.7	49.3	199.3	1956	433.2	64.2	11.6	64.0	45.1	184.9
1941	138.8	47.3	14.4	70.2	40.1	172.0	1957	438.1	63.5	12.5	67.5	47.4	190.8
1942	179.0	63.5	10.7	59.4	27.9	161.5	1958	469.2	60.8	12.9	66.5	47.5	187.6
1943	202.4	84.5	8.9	54.5	24.1	172.0	1959	496.8	59.7	13.4	68.7	49.3	190.8
1944	217.4	107.5	7.9	50.1	23.3	188.8	1960	503.4	58.9	14.3	72.5	52.3	197.7

TABLE 4.—GROSS GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT—Continued

End of calendar year	Gross national product (billions)[1]	Ratios of debt to gross national product (percent): Federal	State and local	Corporate	Individual and non-corporate	Total
1961	$542.8	55.8	14.3	72.1	52.5	194.7
1962	574.7	54.2	14.5	73.3	54.3	196.6
1963	611.8	51.9	14.6	74.7	56.5	197.9
1964	654.0	50.0	14.6	76.0	58.1	199.1
1965	719.2	46.0	14.3	76.7	57.8	194.9
1966	772.6	44.4	14.2	79.9	57.5	196.0
1967	$825.0	44.2	14.3	81.5	57.7	197.8
1968	898.6	41.5	14.3	86.7	57.2	199.7
1969	953.7	40.1	14.4	95.7	57.5	207.7
1970	1,009.5	39.9	14.8	98.6	57.2	210.6
1971	1,098.4	39.8	15.3	98.1	57.7	210.9
1972	1,220.8	37.8	14.8	97.2	58.6	208.4

[1] Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary, Office of Debt Analysis, Oct. 9, 1973.

TABLE 5.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT OUTSTANDING, BY MAJOR CATEGORIES

[Dollar amounts in billions]

	December 1946: Amount	Percent of total	December 1960: Amount	Percent of total	December 1970: Amount	Percent of total	December 1972: Amount	Percent of total
Federal debt	$229.5	57.9	$239.8	27.4	$301.1	16.2	$341.2	15.3
State and local debt	13.7	3.5	64.9	7.4	144.8	7.8	176.5	7.9
Corporate debt[1]	93.5	23.6	306.3	35.0	832.4	44.9	995.9	44.7
Individual and noncorporate debt	59.9	15.1	263.3	30.1	575.9	31.1	714.7	32.1
Total	396.6	100.0	874.1	100.0	1,854.2	100.0	2,228.3	100.0

[1] Includes debt of privately owned federally sponsored agencies.

Note: Detail may not add to total due to rounding.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, June 6, 1973.

TABLE 6.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[Dollar amounts in billions]

	Private: Individual	Corporate[1]	Total	State and local	Federal	Total	Percent Federal of total
Dec. 31—							
1916	$36.3	$40.2	$76.5	$4.5	$1.2	$82.2	1
1917	38.7	43.7	82.4	4.8	7.3	94.5	8
1918	44.5	47.0	91.5	5.1	20.9	117.5	18
1919	43.9	53.3	97.2	5.5	25.6	128.3	20
1920	48.1	57.7	105.8	6.2	23.7	135.7	17
1921	49.2	57.0	106.2	7.0	23.1	136.3	17
1922	50.9	58.6	109.5	7.9	22.8	140.2	16
1923	53.7	62.6	116.3	8.6	21.8	146.7	15
1924	55.8	67.2	123.0	9.4	21.0	153.4	14
1925	59.6	72.7	132.3	10.3	20.3	162.9	12
1926	62.7	76.2	138.9	11.1	19.2	169.2	11
1927	66.4	81.2	147.6	12.1	18.2	177.9	10
1928	70.0	86.1	156.1	12.7	17.5	186.3	9
1929	72.9	88.9	161.8	13.6	16.5	191.9	9
1930	71.8	89.3	161.1	14.7	16.5	192.3	9
1931	64.9	83.5	148.4	16.0	18.5	182.9	10
1932	57.1	80.0	137.1	16.6	21.3	175.0	12
1933	51.0	76.9	127.9	16.3	24.3	168.5	14
1934	49.8	75.5	125.3	15.9	30.4	171.6	18
1935	49.7	74.8	124.5	16.1	34.4	175.0	20
1936	50.6	76.1	126.7	16.2	37.7	180.6	21
1937	51.1	75.8	126.9	16.1	39.2	182.2	22
1938	50.0	73.3	123.3	16.1	40.5	179.9	23
1939	50.8	73.5	124.3	16.4	42.6	183.3	23
1940	53.0	75.6	128.6	16.4	44.8	189.8	24
1941	55.6	83.4	139.0	16.1	56.3	211.4	27
1942	49.9	91.6	141.5	15.4	101.7	258.6	39
1943	48.8	95.5	144.3	14.5	154.4	313.2	49
1944	50.7	94.1	144.8	13.9	211.9	370.6	57
1945	$54.7	$85.3	$140.0	$13.4	$252.5	$405.9	62
1946	59.9	93.5	153.4	13.7	229.5	396.6	58
1947	69.4	109.6	179.0	15.0	221.7	415.7	53
1948	80.6	118.4	199.0	17.0	215.3	431.3	50
1949	90.4	118.7	209.1	19.1	217.6	445.8	49
1950	104.3	142.8	247.1	21.7	217.4	486.2	45
1951	114.3	163.8	278.1	24.2	216.9	519.2	42
1952	129.4	172.3	301.7	27.0	221.5	550.2	40
1953	143.2	180.9	324.1	30.7	226.8	581.6	39
1954	157.2	184.1	341.3	35.5	229.1	605.9	38
1955	180.1	215.0	395.1	41.1	229.6	665.8	35
1956	195.5	234.1	429.6	44.5	224.3	698.4	32
1957	207.6	249.1	456.7	48.6	223.0	728.3	31
1958	222.9	262.0	484.9	53.7	231.0	769.6	30
1959	245.0	287.0	532.0	59.6	241.4	833.0	29
1960	263.3	306.3	569.6	64.9	239.8	874.2	27
1961	284.8	328.3	613.1	70.5	246.7	930.3	27
1962	311.9	353.5	665.4	77.0	253.6	996.0	25
1963	345.8	383.6	729.5	83.9	257.5	1,070.9	24
1964	380.1	417.1	797.2	90.4	264.0	1,151.6	23
1965	415.7	463.2	878.9	98.3	266.4	1,243.6	21
1966	444.2	517.8	962.0	104.8	271.8	1,338.6	20
1967	476.2	562.7	1,038.9	113.4	286.5	1,438.8	20
1968	513.9	652.9	1,166.8	123.9	291.9	1,582.6	18
1969	548.4	764.8	1,313.2	132.6	289.3	1,735.1	17
1970	575.9	832.4	1,408.3	144.8	301.1	1,854.2	16
1971	631.0	899.3	1,530.3	163.0	325.9	2,019.2	16
1972	714.7	995.9	1,710.6	176.5	341.2	2,228.3	15

[1] Includes debt of privately owned, federally sponsored agencies excluded from the budget which amounted to $700,000,000 on Dec. 31, 1947; $30,500,000,000 on Dec. 31, 1969; $38,900,000,000 on Dec. 31, 1970; $40,700,000,000 on Dec. 31, 1971; and $43,600,000,000 on Dec. 31, 1972.

Source: Commerce and Treasury Departments.

TABLE 7.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT 1916 TO PRESENT

End of calendar year	Government debt: Amounts outstanding (billions): Federal[1]	State and local	Total	Per capita[2]: Federal	State and local	Total	Private debt: Amounts outstanding (billions): Corporate business[3]	Individual and non-corporate business	Per capita[2]: Corporate business	Individual and non-corporate business	Total government and private debt (billions): Amount outstanding	Per capita
1916	$1.2	$4.5	$5.7	$12	$44	$56	$40.2	$36.3	$391	$353	$82.2	$800
1917	7.3	4.8	12.1	70	46	116	43.7	38.7	420	372	94.5	909
1918	20.9	5.1	26.0	199	49	248	47.0	44.5	448	425	117.5	1,121
1919	25.6	5.5	31.1	242	52	294	53.3	43.9	504	415	128.3	1,213
1920	23.7	6.2	29.9	220	58	278	57.7	48.1	537	447	135.7	1,262
1921	23.1	7.0	30.1	211	64	275	57.0	49.2	522	450	136.3	1,247

End of calendar year	Government debt: Amounts outstanding (billions): Federal[1]	State and local	Total	Per capita[2]: Federal	State and local	Total	Private debt: Amounts outstanding (billions): Corporate business[3]	Individual and non-corporate business	Per capita[2]: Corporate business	Individual and non-corporate business	Total government and private debt (billions): Amount outstanding	Per capita
1922	$22.8	$7.9	$30.7	$205	$71	$277	$58.6	$50.9	$528	$459	$140.2	$1,263
1923	21.8	8.6	30.4	193	76	269	62.6	53.7	554	475	146.7	1,298
1924	21.0	9.4	30.4	183	82	264	67.2	55.8	584	485	153.4	1,334
1925	20.3	10.3	30.6	174	88	262	72.7	59.6	623	511	162.9	1,397
1926	19.2	11.1	30.3	161	93	254	76.2	62.7	639	526	169.2	1,419
1927	18.2	12.1	30.2	152	101	253	81.2	66.4	678	554	177.9	1,485
1928	17.5	12.7	30.2	144	105	249	86.1	70.0	711	578	186.3	1,538
1929	16.5	13.6	30.1	135	111	246	88.9	72.9	726	595	191.9	1,567
1930	16.5	14.7	31.2	133	119	252	89.3	71.8	722	581	192.3	1,555
1931	18.5	16.0	34.5	149	128	277	83.5	64.9	670	521	182.9	1,468
1932	21.3	16.6	37.9	170	132	302	80.0	57.1	638	456	175.0	1,396
1933	24.3	16.3	40.6	193	129	322	76.9	51.0	610	404	168.5	1,336
1934	30.4	15.9	46.3	240	125	365	75.5	49.8	595	392	171.6	1,352
1935	34.4	16.1	50.5	269	126	395	74.8	49.7	585	389	175.0	1,370
1936	37.7	16.2	53.9	293	126	419	76.1	50.6	592	394	180.6	1,405
1937	39.2	16.1	55.3	303	124	427	75.8	51.1	585	395	182.2	1,407
1938	40.5	16.1	56.6	310	123	434	73.3	50.0	562	383	179.9	1,379
1939	42.6	16.4	59.0	324	125	448	73.5	50.8	559	386	183.3	1,393
1940	44.8	16.4	61.2	337	123	461	75.6	53.0	569	399	189.8	1,429
1941	56.3	16.1	72.4	420	120	540	83.4	55.6	622	414	211.4	1,576
1942	101.7	15.4	117.1	749	113	862	91.6	49.9	674	367	258.6	1,903
1943	154.4	14.5	168.9	1,122	105	1,227	95.5	48.8	694	355	313.2	2,275
1944	211.9	13.9	225.8	1,552	100	1,622	94.1	50.7	676	364	370.6	2,662
1945	252.5	13.4	265.9	1,795	95	1,890	85.3	54.7	606	389	405.9	2,885
1945	229.5	13.7	243.2	1,607	96	1,703	93.5	59.9	655	419	396.6	2,777
1947	221.7	15.0	236.7	1,524	103	1,627	109.6	69.4	753	477	415.7	2,853
1948	215.3	17.0	232.3	1,455	115	1,570	118.4	80.6	800	545	431.3	2,914
1949	217.6	19.1	236.7	1,445	127	1,572	118.7	90.4	788	600	445.8	2,961
1950	217.4	21.7	239.1	1,421	142	1,562	142.8	104.3	933	682	486.2	3,177
1951	216.9	24.2	241.1	1,393	155	1,548	163.8	114.3	1,052	734	519.2	3,334
1952	221.5	27.0	248.5	1,399	170	1,569	172.3	129.4	1,088	817	550.2	3,474
1953	226.8	30.7	257.5	1,408	191	1,599	180.9	143.2	1,123	889	581.6	3,611
1954	229.1	35.5	264.6	1,397	217	1,604	184.1	157.2	1,123	959	605.9	3,696
1955	229.6	41.1	270.7	1,376	245	1,616	215.0	180.1	1,289	1,069	665.8	2,975
1956	224.3	44.5	268.8	1,320	261	1,576	234.1	195.5	1,378	1,151	698.4	4,094
1957	223.0	48.6	271.6	1,290	280	1,565	249.1	207.6	1,441	1,201	728.3	4,198
1958	231.0	53.7	284.7	1,315	304	1,614	262.0	222.9	1,491	1,269	769.6	4,363
1959	241.4	59.6	301.0	1,346	332	1,678	287.0	245.0	1,600	1,366	833.0	4,643
1960	239.8	64.9	304.7	1,315	356	1,671	306.3	263.3	1,680	1,444	874.2	4,790
1961	246.7	70.5	317.2	1,331	380	1,712	328.3	284.8	1,771	1,537	930.3	5,021
1962	253.6	77.0	330.6	1,348	409	1,757	353.5	311.9	1,879	1,658	996.0	5,295
1963	257.5	83.9	341.4	1,349	439	1,788	383.6	345.8	2,010	1,812	1,070.9	5,611
1964	264.0	90.4	354.4	1,364	467	1,832	417.1	380.1	2,156	1,965	1,151.6	5,952
1965	266.4	98.3	364.7	1,360	502	1,862	463.2	415.7	2,365	2,123	1,243.6	6,350
1966	271.8	104.8	376.6	1,375	530	1,905	517.8	444.2	2,619	2,247	1,338.6	6,771
1967	286.5	113.4	399.9	1,435	568	2,002	562.7	476.2	2,818	2,385	1,438.8	7,205
1968	291.9	123.9	415.8	1,447	614	2,062	652.9	513.9	3,237	2,548	1,582.6	7,846
1969	289.3	132.6	421.9	1,420	651	2,070	764.8	548.4	3,753	2,691	1,735.1	8,514
1970	301.1	144.8	445.9	1,462	703	2,165	832.4	575.9	4,041	2,796	1,854.2	9,001
1971	325.9	163.0	488.9	1,566	783	2,349	899.3	631.0	4,321	3,032	2,019.2	9,703
1972	341.2	176.5	517.7	1,628	842	2,470	995.9	714.7	4,751	3,410	2,228.3	10,631

[1] Borrowing from the public.
[2] Debt divided by the population of the conterminous United States and including armed forces overseas. Alaska is included beginning 1959 and Hawaii beginning in 1960.
[3] Includes debt of federally sponsored agencies excluded from the budget.

Note: Detail may not add to totals because of rounding.

Source: Federal debt, Treasury Department; other data, Bureau of Economic Analysis, Commerce Department.

TABLE 8.—NET GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

End of calendar year	Gross national product (billions)[1]	Ratios of debt to gross national product (percent): Federal	State and local	Corporate	Individual and noncorporate	Total
1929	$96.7	17.1	14.1	91.9	75.4	198.4
1930	83.1	19.9	17.7	107.5	86.4	234.7
1931	66.9	27.7	23.9	124.8	97.0	273.4
1932	56.8	37.5	29.2	140.8	100.5	308.1
1933	60.3	40.3	27.0	127.5	84.6	279.4
1934	68.6	44.3	23.2	110.1	72.6	250.1
1935	77.4	44.4	20.8	96.6	64.2	226.1
1936	86.5	43.6	18.7	88.0	58.5	208.8
1937	87.6	44.7	18.4	86.5	58.3	208.0
1938	87.6	46.2	18.4	83.7	57.1	205.4
1939	94.8	44.9	17.3	77.5	53.6	193.4
1940	107.6	41.6	15.2	70.3	49.3	176.4
1941	138.8	40.6	11.6	60.1	40.1	152.3
1942	179.0	56.8	8.6	51.2	27.9	144.5
1943	202.4	76.3	7.2	47.2	24.1	154.7
1944	217.4	97.5	6.4	43.3	23.3	170.5
1945	196.0	128.8	6.8	43.5	27.9	207.1
1946	221.4	103.7	6.2	42.2	27.1	179.1
1947	245.0	90.5	6.1	44.7	28.3	169.7
1948	261.2	82.4	6.5	45.3	30.9	165.1
1949	260.5	83.5	7.3	45.6	34.7	171.1
1950	311.2	69.9	7.0	45.9	33.5	156.2
1951	$338.2	64.1	7.2	48.4	33.8	153.5
1952	361.0	61.4	7.5	47.7	35.8	152.4
1953	360.8	62.9	8.5	50.1	39.7	161.2
1954	379.8	60.3	9.3	48.5	41.4	159.5
1955	409.7	56.0	10.0	52.5	44.0	162.4
1956	433.2	51.8	10.3	54.0	45.1	161.1
1957	438.1	50.9	11.1	56.9	47.4	166.0
1958	469.2	49.2	11.4	55.8	47.5	163.8
1959	496.8	48.6	12.0	57.8	49.3	167.5
1960	503.4	47.6	12.9	60.8	52.3	173.6
1961	542.8	45.4	13.0	60.5	52.5	171.3
1962	574.7	44.1	13.4	61.5	54.3	173.3
1963	611.8	42.1	13.7	62.7	56.5	175.0
1964	654.0	40.4	13.8	63.8	58.1	176.1
1965	719.2	37.0	13.7	64.4	57.8	172.9
1966	772.6	35.2	13.6	67.0	57.5	173.3
1967	825.0	34.7	13.7	68.2	57.5	174.8
1968	898.6	32.5	13.8	72.7	57.2	176.1
1969	953.7	30.3	13.9	80.2	57.5	182.0
1970	1,009.5	29.9	14.4	82.7	57.2	184.2
1971	1,098.4	29.8	14.9	82.2	57.5	184.6
1972	1,220.8	28.0	14.5	81.6	58.5	182.5

[1] Implied level end of year, calculated, as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Note: Detail may not add to totals because of rounding.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, Oct. 9, 1973.

TABLE 9.—ESTIMATED FEDERAL DEBT RELATED TO POPULATION AND PRICES, 1900–72

	Federal debt (billions)			Per capita Federal debt [4]			Real per capita Federal debt [5]		
	Gross [1]	Net [2]	Privately held net [3]	Gross [1]	Net [2]	Privately held net [3]	Gross [1]	Net [2]	Privately held net [3]
June 30:									
1900	$1.3	$1.3	$1.3	$17	$17	$17	(6)	(6)	(6)
1901	1.2	1.2	1.2	16	16	16	(6)	(6)	(6)
1902	1.2	1.2	1.2	15	15	15	(6)	(6)	(6)
1903	1.2	1.2	1.2	14	14	14	(6)	(6)	(6)
1904	1.1	1.1	1.1	14	14	14	(6)	(6)	(6)
1905	1.1	1.1	1.1	14	14	14	(6)	(6)	(6)
1906	1.1	1.1	1.1	13	13	13	(6)	(6)	(6)
1907	1.1	1.1	1.1	13	13	13	(6)	(6)	(6)
1908	1.2	1.2	1.2	13	13	13	(6)	(6)	(6)
1909	1.1	1.1	1.1	13	13	13	(6)	(6)	(6)
1910	1.1	1.1	1.1	12	12	12	(6)	(6)	(6)
1911	1.2	1.2	1.2	12	12	12	(6)	(6)	(6)
1912	1.2	1.2	1.2	13	13	13	(6)	(6)	(6)
1913	1.2	1.2	1.2	12	12	12	$51	$51	$51
1914	1.2	1.2	1.2	12	12	12	50	50	50
1915	1.2	1.2	1.2	12	12	12	49	49	49
Dec. 31:									
1916	1.2	1.2	1.1	12	12	11	44	44	40
1917	7.3	7.3	7.2	70	70	69	217	217	214
1918	21.0	20.9	20.7	200	199	198	515	513	510
1919	25.8	25.6	25.3	244	242	239	548	544	537
1920	24.0	23.7	23.4	223	220	218	489	482	478
1921	23.5	23.1	22.9	215	211	210	528	518	516
1922	23.2	22.8	22.4	209	205	202	522	512	505
1923	22.2	21.8	21.7	196	193	192	482	474	472
1924	21.5	21.0	20.5	187	183	178	461	451	438
1925	20.8	20.3	19.9	178	174	171	422	412	405
1926	19.9	19.2	18.9	167	161	159	401	387	382
1927	18.6	18.2	17.6	155	152	147	381	373	361
1928	18.4	17.5	17.3	152	144	143	377	357	355
1929	17.	16.5	16.0	143	135	131	354	334	324
1930	17.3	16.5	15.8	140	133	128	369	351	338
1931	19.1	18.5	17.7	153	149	142	446	434	414
1932	22.0	21.3	19.4	176	170	155	571	552	503
1933	25.3	24.3	21.9	201	193	174	648	623	561
1934	33.3	30.4	28.0	260	240	221	823	759	699
1935	36.2	34.4	32.0	283	269	250	871	828	769
1936	$40.5	$37.7	$35.3	$313	$293	$275	$951	$891	$836
1937	43.1	39.2	36.6	333	303	283	982	89[illegible]	835
1938	45.6	40.5	37.9	349	310	290	1,058	939	879
1939	48.8	42.6	40.1	371	324	305	1,128	988	930
1940	52.2	44.8	42.6	393	337	321	1,184	1,015	967
1941	65.6	56.3	54.0	489	420	402	1,343	1,154	1,104
1942	113.7	101.7	95.5	837	729	703	2,108	1,887	1,771
1943	171.0	154.4	142.9	1,242	1,122	1,038	3,029	2,737	2,532
1944	233.6	211.9	193.1	1,678	1,522	1,387	4,005	3,632	3,310
1945	279.6	252.5	228.2	1,987	1,795	1,622	4,643	4,194	3,790
1946	260.7	229.5	206.1	1,825	1,607	1,433	2,607	3,176	2,832
1947	257.6	221.7	199.1	1,771	1,524	1,369	3,214	2,766	2,485
1948	253.8	215.3	192.0	1,715	1,455	1,297	3,030	2,571	2,292
1949	257.9	217.6	197.7	1,713	1,445	1,313	3,081	2,599	2,362
1950	257.8	217.4	196.6	1,685	1,421	1,285	2,866	2,417	2,185
1951	260.2	216.9	193.1	1,671	1,393	1,240	2,682	2,236	1,990
1952	268.3	221.5	196.8	1,694	1,399	1,243	2,697	2,227	1,979
1953	276.0	226.8	200.9	1,714	1,408	1,247	2,712	2,228	1,973
1954	279.5	229.1	204.2	1,705	1,397	1,246	2,711	2,221	1,981
1955	282.2	229.6	204.8	1,691	1,376	1,227	2,676	2,177	1,941
1956	278.3	224.3	199.4	1,638	1,320	1,174	2,520	2,031	1,806
1957	278.1	223.0	198.8	1,609	1,290	1,150	2,405	1,928	1,719
1958	285.3	231.0	204.7	1,624	1,315	1,165	2,385	1,931	1,711
1959	296.5	241.4	214.8	1,653	1,346	1,197	2,392	1,948	1,732
1960	296.6	239.8	212.4	1,627	1,315	1,165	2,321	1,876	1,662
1961	303.0	246.7	217.8	1,635	1,331	1,175	2,316	1,885	1,664
1962	311.3	253.6	222.8	1,654	1,348	1,184	2,313	1,885	1,656
1963	317.4	257.5	223.9	1,663	1,349	1,173	2,887	1,886	1,613
1964	327.0	264.0	227.0	1,690	1,364	1,173	2,299	1,856	1,596
1965	330.7	226.4	225.6	1,688	1,360	1,152	2,254	1,816	1,538
1966	343.3	271.8	227.5	1,736	1,375	1,151	2,240	1,774	1,485
1967	364.9	286.4	237.3	1,827	1,435	1,188	2,289	1,798	1,489
1968	373.1	291.9	238.9	1,850	1,447	1,182	2,213	1,731	1,414
1969	382.0	289.3	232.1	1,874	1,420	1,140	2,108	1,597	1,282
1970	401.6	301.1	239.0	1,950	1,462	1,160	2,083	1,562	1,239
1971	435.2	325.9	255.1	2,091	1,566	1,227	2,162	1,620	1,269
1972	461.1	341.2	269.9	2,200	1,628	1,288	2,200	1,628	1,288

[1] Total Federal securities outstanding, unified budget concept.
[2] Borrowing from the public, unified budget concept. Gross Federal debt less securities held by Government accounts.
[3] Borrowing from the public less Federal Reserve holdings.
[4] Debt divided by population of the coterminous United States, and including Armed Forces overseas.
[5] Per capita debt expressed in December 1972 prices (consumer price index for all items).
[6] Not available.

TABLE 10.—PRIVATELY HELD FEDERAL DEBT RELATED TO GNP

[Dollar amounts in billions]

	Gross national product [1]	Privately held debt [2]	Ratio of debt to GNP	Year-to-year price changes [3]
Dec. 31—Continued				
1929	$96.7	$16.0	16.5	0.2
1930	83.1	15.8	19.0	−6.0
1931	66.9	17.7	26.4	−9.5
1932	56.8	19.4	34.2	−10.3
1933	60.3	21.9	36.3	.5
1934	68.6	28.0	40.8	2.0
1935	77.4	32.0	41.3	3.0
1936	66.5	35.3	40.8	1.2
1937	87.6	36.6	41.8	3.1
1938	87.6	37.9	43.3	−6.8
1939	94.8	40.1	42.3	−.5
1940	107.6	42.6	39.6	1.0
1941	138.8	54.0	38.9	9.7
1942	179.0	95.5	53.4	9.3
1943	202.4	142.9	70.6	3.2
1944	217.4	193.1	88.8	2.1
1945	196.0	228.2	116.4	2.3
1946	221.4	206.1	93.1	18.2
1947	245.0	199.1	81.3	9.0
1948	261.2	192.0	73.5	2.7
1949	260.5	197.7	75.9	−1
1950	311.2	196.6	63.2	5.8
1951	$338.2	$193.1	57.1	5.9
1952	361.0	196.8	54.5	.9
1953	360.8	200.9	55.7	.6
1954	379.8	204.2	53.8	−.5
1955	409.7	204.8	50.0	.4
1956	433.2	199.4	46.0	2.9
1957	438.1	198.8	45.4	3.3
1958	469.2	204.7	43.6	1.8
1959	496.8	214.8	43.2	1.5
1960	503.4	212.4	42.2	1.5
1961	542.8	217.8	40.1	.7
1962	574.7	222.8	38.8	1.2
1963	611.8	223.9	36.6	1.6
1964	654.0	227.0	34.7	1.2
1965	719.2	225.6	31.4	1.9
1966	772.6	227.5	29.4	3.4
1967	825.0	237.3	28.8	3.0
1968	898.6	238.9	26.6	4.7
1969	953.7	232.1	24.3	6.1
1970	1,009.5	239.0	23.7	5.5
1971	1,098.4	255.1	23.2	3.4
1972	1,220.8	269.9	22.1	3.4

[1] Implied level of gross national product, Dec. 31.
[2] Borrowing from the public less Federal Reserve holdings, unified budget concept.
[3] Measured by the all item consumer price index, December to December basis.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, Oct. 9, 1973.

Mr. BENNETT. Mr. President, as the ranking minority member of the Finance Committee, I would like to follow the chairman with a statement of my own regarding the debt limit bill.

The debt limit bill that the Senate is focusing on now is the second act of the annual drama on the perils of debt management. We rarely miss the opportunity to enact this drama. In some years, it is brief and contains only one act. In recent years, we have enjoyed the production so much that we have built up the tension through three acts and have given each act an exciting, last-second curtain.

Fiscal year 1974 began auspiciously. Two conferences were required before a bill acceptable to both Houses could be agreed on, and the President did not sign it into law until the day after the current temporary debt limit expired. Fortunately, that day came on a Sunday, and by the time the bond markets were again open for business, the first act of the fiscal year 1974 debt limit drama had come to a happy end.

Act II is on the stage now. The Secretary of the Treasury has asked both the House and Senate to increase the limit on the public debt to $480 billion through June 30, 1974. This projection of the levels of outstanding debt through this fiscal year showed that the peak debt level would be $480 billion on June 11, 1973. This estimate was prepared with assumptions that a constant operating cash balance of $6 billion could be maintained, a standard $3 billion margin for contingencies, a balanced, unified budget with outlays and receipts at $270 billion, and underlying economic forecasts

through the relevant part of this fiscal year that are consistent with forecasts that had been made by private economists.

Those economic forecasts were made before the start of the present energy crisis and before any adjustments could be made. Even now it is difficult to project how the oil shortage will affect our industries, their employment, and their income and how that might be translated into lower budget receipts or higher outlays. In addition, the Senate should consider that the $6 billion operating cash balance amounts to 1 week's average outlays and receipts and that the normal range of fluctuations could easily use up the cash balance and the $3 billion margin for contingencies. Combining the consideration of a probable overestimate of our economic performance for the remainder of this fiscal year and the normal fluctuations in budget receipts and outlays leaves the distinct impression that the $480 billion debt limit request is the minimum satisfactory level for prudent debt management.

Such thoughtfulness was not to prevail, however, and the Ways and Means Committee reduced the debt limit to $478 billion in its version of the bill. The House of Representatives, in a reaction against present Federal spending levels, cut back the debt limit by another $2.3 billion to the $475.7 billion level in the bill before the Senate now. And this is the limit in the pending bill.

The Finance Committee did not necessarily agree with the debt limit approved by the House Members, but they decided to rush this bill to the floor so that it could reach the President before the current $465 billion limit expires. The committee believes that the debt limit in this bill should be satisfactory through early spring in 1974, and Congress will have plenty of time after the next session starts to return to this subject and pass a revised debt limit bill to cover the remainder of fiscal year 1974. So, we approach the end of act II and establish the plot for act III.

The bill which was passed by the House contained only the debt limit provision. The Finance Committee added a new section requiring that Congress pass a concurrent resolution which specifically carries its authorization for the U.S. Government to arrange with any foreign government to cancel, renegotiate, reschedule, or otherwise settle outstanding debt under any U.S. programs. The fundamental purpose of this amendment is to give Congress an opportunity to be made aware of the plans of the executive branch in this area and to consider whether the plans are consistent with both domestic and foreign policies in related areas.

The committee believes that it is entirely appropriate when the debts of foreign countries to this country are reduced or rescheduled that this should be a decision participated in by the Congress as well as the Executive.

The Treasury believes, however, that this amendment is undesirable and too restrictive for the following reasons:

First. It is not germane to the debt ceiling bill. The debt ceiling is a limitation on borrowing by the United States. A limitation on rescheduling of loans made under numerous statutes by various agencies has no relationship to the debt ceiling.

Second. It is unneeded because the significant statutes authorizing lending already have provisions limiting the scope of debt rescheduling authority. For example: First, the Dirksen amendment prohibits forgiveness of interest or principal on AID loans; second, Public Law 480 dollar loans can be rescheduled only in accordance with statutory limitations except where necessary to obtain some repayment in the exceptional circumstances of default or imminent default; third, Eximbank loans are rescheduled on banking terms to assure some repayment to the United States in situations of default or imminent default.

Third. Rescheduling is an essentially financial matter undertaken to put the debtor nation in a position in which it can avoid default and continue to make payments. Thus, the United States must have flexibility to reschedule in cases of default or imminent default in order to assure repayment to the United States. A congressional approval process in these situations could politicize an essentially financial matter, and could prevent U.S. cooperation with other countries in assuring fair sharing of rescheduled repayments.

Fourth. It is also too restrictive because it would:

First, prohibit agreements by foreign countries to prepay debts—prepayments since 1960 have totaled $2.4 billion, including a $175 million prepayment by Japan last April;

Second, prohibit settlement of disputed claims; and

Third, deny congressionally authorized flexibility to alter the terms of individual loans to accomplish program objectives.

Fifth. Delay in obtaining congressional approval of rescheduling agreements would mean a delay in the United States receiving payments under those agreements.

Sixth. Congress is kept informed of debt reschedulings. For example, in the Indonesian rescheduling, a special report was transmitted to the Congress by the NAC and Secretary Kennedy testified before the Foreign Relations Committee. Other hearings have been held in the Senate and semianually in the House. The AID bill now before Congress has a provision requiring Congress to be informed of all reschedulings.

Seventh. The Indian rupee debt settlement is a special matter involving local currencies and not dollar repayable loans. Moreover, as the committee noted, this proposal is based on statutory authority and it will be presented, in accordance with statute, to the Agriculture Committees of both Houses of Congress for their consideration prior to signature. It is not a precedent for other cases; statutory authority does not exist for forgiveness of dollar debt for the main debt categories—AID, Public Law 480, and Eximbank.

Two other subjects were considered by the committee. The first was the question whether the Secretary of the Treasury would need additional statutory authority to raise the current 5½ percent rate on interest that is paid on U.S. Government issued savings bonds. The committee agreed with the Ways and Means Committee that the existing statute gave the Secretary authority to raise the interest rate by one-half percentage point to 6 percent, with the approval of the President, and without further action by Congress. Since the Secretary does not plan to raise the interest rate above 6 percent at the present time, the committee did not want to take any further legislative action on this matter. Secretary Shultz stated to the Finance Committee that his present needs would be met by including in the committee report on this bill language that states the committee interprets the present statute in the same way as the Ways and Means Committee did in its report on H.R. 11104. That step has been taken.

The other matter brought before the Finance Committee was an omnibus amendment on the subject of public financing of elections. The amendment was proposed by a bipartisan group of Senators. It would extend the public financing mantle to cover presidential primaries and House and Senate elections. It would also raise the level of the check-off on income tax returns and the allowable deduction and tax credit for political campaign contributions. Many other extensive changes in present law also would be made by the amendment.

I have grave doubts about how far we ought to go in this area and about the pace at which we should extend public financing of elections beyond the Presidential election, if we want to go that far. While I understand the basis for anybody's desire to act now, I think caution and prudence must be exercised at least to the extent of observing the formalities of the legislative process. I am glad to state that my colleagues on the committee agreed with me, and next year, the committee will hold additional public hearings when alternative and opposing views may be heard. Then, the committee can take the time to deliberate over the testimony it has heard before it recommends changes in the present law about political campaigns and their financing by the public.

With that observation completed, I want to conclude with my recommendation that the Senate pass this bill in the form it was reported by the Finance Committee, except for section 3 relating to indebtedness of foreign governments to the United States. I may choose to offer an amendment to strike that section from the bill.

Mr. LONG. Mr. President, there is only one committee amendment to the bill, the one I have discussed in my statement, requiring that any cancellation or renegotiation of debts owed by foreign governments be authorized by Congress. I know of no objection to that amendment. I ask unanimous consent that the committee amendment be agreed to, and that the bill as thus amended be re-

garded as original text for the purpose of further amendment.

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

Mr. TAFT. Mr. President, I ask unanimous consent that Kenneth Davis of the staff of the Senator from Pennsylvania (Mr. HUGH SCOTT) be granted the privilege of the floor during the debate and vote on amendments to this bill relating to the subject of financing of elections, and I make the same request in behalf of Roger King of the committee minority staff.

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

AMENDMENT NO. 651

The PRESIDING OFFICER (Mr. HUDDLESTON). Under the previous order, the amendment No. 651 of the Senator from Massachusetts (Mr. KENNEDY) and other Senators will now become the pending question. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. Kennedy's amendment No. 651 is as follows:

PUBLIC FINANCING OF FEDERAL ELECTIONS

SEC. 2. (a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:

"Subtitle H—FINANCING OF FEDERAL ELECTION CAMPAIGNS

"CHAPTER 95. Federal Election Campaign Fund.
"CHAPTER 96. Federal Election Campaign Fund Advisory Board.
"CHAPTER 97. Presidential Primary Matching Payment Fund.

"CHAPTER 95—FEDERAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Conditions for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Contributions and expenditures by National and State committees of political parties.
"Sec. 9008. Examinations and audits; repayments.
"Sec. 9009. Information on proposed expenses.
"Sec. 9010. Reports to Congress; regulations.
"Sec. 9011. Participation by Comptroller General in judicial proceedings.
"Sec. 9012. Judicial review.
"Sec. 9013. Criminal penalties.

"SEC. 9001. SHORT TITLE.

"This chapter may be cited as the 'Federal Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"(2) The term 'Federal election' means a general or special election for Federal office.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'authorized committee' means, with respect to a candidate of a political party for Federal office, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(5) The term 'candidate' means, with respect to any Federal election, an individual who (A) has been nominated for election to Federal office by a major party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of this chapter, an independent candidate shall be considered a candidate of a political party. For purposes of paragraphs (8) and (9) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(7) The term 'fund' means the Federal Election Campaign Fund established by section 9006(a).

"(8) The term 'major party' means, with respect to any Federal election, (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or (B) if only one party qualifies as a major party on such basis, the party with the next highest percent of such votes in such election.

"(9) The term, 'minor party' means, with respect to any Federal election, a political party whose candidate for Federal office in the preceding election for such office received as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means, with respect to any Federal election, a political party which is neither a majority nor a minor party.

"(11) The term '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.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office.

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate of a political party for Federal office also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate for Federal office in such proportion as the Comptroller General prescribes by rules or regulations.

"(13) The term 'expenditure report period' with respect to any Federal election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party nominated its candidate for election to Federal office, and ending 30 days after the date of the election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the longest expenditure report period for such election under subparagraph (A).

"SEC. 9003. CONDITIONS FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, a candidate of a political party in a Federal election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may respect;

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, a candidate of a major party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which he will be entitled under section 9004; and

"(2) no contributions to defray qualified campaign expenses (other than those received under section 9007) have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12) have been or will be accepted by such candidate or any of his authorized committees.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, a candidate of a minor or new party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized

committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidate of a major party is entitled under section 9004; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committee certified to under paragraph (1) exceed the aggregate payments received by such candidate out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b)(2) and (c)(2) of this section and in section 9007 of this chapter, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative.

"(2)(A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as an eligible candidate entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or in subparagraph (A), as the case may be, by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or (2), as the case may be, on the basis of the numbers of votes cast in such election. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under this paragraph exceeds the amount of the entitlement under pragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the aggregate payments to which the eligible candidate of a major party is entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) COST OF LIVING ADJUSTMENT.—

"(1) For purposes of paragraph (2):

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

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as there become available necessary data 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 per centum 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)(1) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"SEC. 9005. CERTIFICATIONS BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9008, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9008 and judicial review under section 9012.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Federal Election Campaign Fund. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates under this chapter and chapter 97 of this subtitle.

"(b) TRANSFERS TO THE GENERAL FUND.—The Secretary is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are, or will be, entitled to receive.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidate out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) INSUFFICIENT AMOUNTS IN FUND.—If, at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"SEC. 9007. CONTRIBUTIONS AND EXPENDITURES BY NATIONAL AND STATE COMMITTEES OF POLITICAL PARTIES.

"(a) Notwithstanding any other provisions of this chapter, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such National or State committee under this section shall be subject to the limitations provided in section 9037 of chapter 97 of this subtitle and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each National or State committee a total of 2 cents multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971.

"SEC. 9008. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each Federal election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for Federal office.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to an eligible candidate of a political party under section 9006 was in excess of the aggregate payments to which the candidate was entitled under section 9004, he shall so notify such candidate, and such

candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which an eligible candidate of a major party was entitled under section 9004, he shall notify such candidate of the amount of such excess and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions under section 9007, or contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to an eligible candidate of a political party under section 6096 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

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

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

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 9006.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a Federal election more than 3 years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9009. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES.—A candidate of a political party for Federal office in a Federal election shall, from time to time, as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

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

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) PUBLICATION.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9010. REPORTS TO CONGRESS; REGULATIONS.

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

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

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

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9008 (a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC. 9011. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL.—The Comptroller General is authorized to appear in and defend against any action filed under section 9012, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9008.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9012. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER.—

"(1) The Comptroller General, 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 or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9013. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(B) CONTRIBUTIONS.—

"(1) It shall be unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses (other than those received under section 9007), except to the extent necessary to make up any deficiency in payments derived out of the funds on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined

not more than $5,000, or imprisoned not more than 1 year, or both.

"(C) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

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

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(e), which is exempt from tax under section 501(a) in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violations and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"CHAPTER 96—FEDERAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Federal Election Campaign Fund Act.

"(b) COMPOSITION OF BOARD.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex officio;

"(2) 2 members representing each political party which is a major party (as defined in section 9002(8)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) 3 members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the 60th day after the date of the first Presidential election following January 1, 1976, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the 61st day after the date of a Presidential election and expire on the 60th day following the date of the subsequent Presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including travel-time, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States.

"CHAPTER 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short title.
"Sec. 9032. Definitions.
"Sec. 9033. Creation of fund.
"Sec. 9034. Entitlements.
"Sec. 9035. Limitations.
"Sec. 9036. Examinations and audits; repayments.
"Sec. 9037. Limitations on contributions by individuals and on expenditures by certain other persons.
"Sec. 9038. Criminal penalties.

"SEC. 9031. SHORT TITLE.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"SEC. 9032. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'qualified campaign expense' means an expense—

"(A) incurred by a candidate for nomination for election to the office of President to further his nomination for such office, or by an authorized committee of such candidate to further his nomination to such office,

"(B) incurred within the matching payment period (as defined in paragraph (2)), or incurred before the beginning of such period to the extent such expense is for property services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or the State in which such exercise is incurred or paid. An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee.

"(2) The term 'matching payment period' means the period beginning 14 months prior to the date of the general election for President and ending on the date on which the national convention of the party for whose nomination the candidate is campaigning nominates its candidate for President.

"(3) The term 'authorized committee' means, with respect to a candidate for nomination for election to the office of President, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidate with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"SEC. 9033. CREATION OF FUND.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States, as part of the Federal Election Campaign Fund established by chapter 95 of this subtitle, a special account to be known as the Presidential Primary Matching Payment Fund (hereinafter referred to in this chapter as the 'fund'). The Secretary shall transfer to the fund such amounts in the Federal Election Campaign Fund as may be necessary to meet the entitlements of candidates under this chapter.

"(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall be the trustee of the fund and shall report to the Congress not later than March 1 of each year on the operation and status of the fund and of the Federal Election Campaign Fund during the preceding year.

"SEC. 9034. ENTITLEMENTS.

"(a) MATCHING PAYMENT FOR CONTRIBUTIONS OF $100 OR LESS.—Any candidate for nomination for President, or his authorized committee, is entitled, upon certification by the Comptroller General, to payments from the fund for qualified campaign expenses beginning 14 months prior to the date of the general election for President in an amount equal to the amount of each contribution received by such candidate or committee (disregarding any amount of contributions from any person to the extent that such amount exceeds $100).

"(b) VOUCHER.—To be eligible for the entitlement established by subsection (a), such candidate shall submit to the Comptroller General, at such times and in such form and manner as the Comptroller General may require, a matching payment entitlement voucher. Snch voucher shall include

the full name of any person making a contribution together with the date, the exact amount of the contribution, the complete address of the contributor and the occupation and principal place of business, if any, for contributors of more than $100.

"(c) DETERMINATION AND CERTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall—

"(1) make a determination, according to such procedures as he may establish, as to whether each contribution enumerated on such voucher is consistent with the provisions of section 9034(a) and 9035 of this chapter; and

"(2) certify for payment by the Secretary to such candidate an amount equal to the sum of the contributions enumerated on such voucher which meet the requirements of subsection (c)(1).

"(d) PAYMENT BY SECRETARY.—Promptly upon certification, the Secretary shall make a payment from the fund to such candidate in the amount certified by the Comptroller General.

"(e) AUTHORIZED COMMITTEE.—For the purposes of this section, the authorized committee of any candidate for nomination for President may submit an entitlement voucher pursuant to subsection (b) in behalf of such candidate, listing contributions received by such commitee eligible for payment under this chapter.

"SEC. 9035. LIMITATIONS.

"(a) CERTIFICATION BY THE COMPTROLLER GENERAL.—The Comptroller General shall not certify pursuant to section 9034(c)(2) any portion of any contribution made by any person to a candidate or committee entitled to payments under this chapter—

"(1) which, when added to other contributions made by such person to such candidate or committee in connection with the nomination of such candidate for President, exceeds $100; or

"(2) if payment from the fund of an amount equal to the amount of such contribution, or portion thereof, when added to any other payment from the fund to such candidate or committee during the matching payment period, is in excess of 5 cents multiplied by the voting age population of the United States (as certified to the Comptroller General by the Secertary of Commerce pursuant to section 104(a)(5) of the Federal Election Campaign Act of 1971).

"(b) PAYMENT BY THE SECRETARY.—The Secretary shall make no payment to a candidate or committee entitled to payments from the fund—

"(1) until the Comptroller General has certified contributions submitted by such candidate or committee, pursuant to section 9034(b), in an aggregate amount of $100,000; and

"(2) earlier than 14 months prior to the date of the general election for President.

"(3) QUALIFIED CAMPAIGN EXPENSES.—A candidate shall be eligible for payments from the fund only—

"(1) to defray qualified campaign expenses incurred by such candidate or his authorized committee, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or committee) used to defray such qualified campaign expenses.

"(d) RETURN OF UNUSED FUNDS.—Amounts received by a candidate from the fund may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred during the matching payment period for a period not exceeding 6 months after the end of the matching payment period; and all obligations having been liquidated, that potrion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the funds bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(e) RULES AND PROCEDURES.—The Comptroller General shall make such rules and establish such procedures as may be necessary to carry out the purposes of this chapter. All such rules and procedures shall be published in the Federal Register not less than 30 days prior to their effective date, and shall be available to the general public. The Comptroller General shall publish and make available forms for the making of such reports and statements as may be required, and a manual setting forth uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter.

"SEC. 9036. EXAMINATION AND AUDITS; REPAYMENTS.

"(a) EXAMINATION AND AUDITS.—After each matching payment period, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates receiving payments from the fund.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate payments to which such candidate was entitled under sections 9034 and 9035, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) DEPOSIT OF REPAYMENT.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9037. LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS AND ON EXPENDITURES BY CERTAIN OTHER PERSONS.

"(a) No individual shall make any contributions during any calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c)(1) No person (other than an individual) shall make any expenditure, during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal $3,000.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, to the State committee of a major political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a)(1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e)(1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section—

"(1) the term 'political party' means a political party which in the next preceding Presidential election, nominated candidates for elections to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 percent of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election; and

"(2) the definitions in section 591 of title 18 shall be applicable.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed years, or both.

"SEC. 9038. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for any candidate for nomination for election to the office of President or any of his authorized committees knowingly and willfully to incur any expenses in connection with such nomination in excess in the aggregate of $15,000,000.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) shall be increased by such percent difference. The

limit so increased shall be the amount in effect for such calendar year.

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

"(B) The term 'base period' means the calendar year 1973.

"(b) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment from the fund, or to whom any portion of any payment received from the fund is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

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

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate receiving payment from the fund or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback of illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.".

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1974.

SEC. 3. DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND

(a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"SEC. 6096. DESIGNATION BY INDIVIDUAL.

"(a) IN GENERAL.—For every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more, the amount of $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a), unless the individual designates that $2 shall not be paid over to the fund. In the case of a joint return of husband and wife having an income tax liability of $4 or more, the amount of $4 shall be paid to the fund, unless they designate that $4 shall not be paid over to the fund.

"(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code, as amended, be treated solely as a designation to the Federal Election Campaign Fund."

SEC. 4. INCREASE IN TAX CREDIT AND TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) Section 41(b)(1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under section 6013).". (b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013).".

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

The PRESIDING OFFICER. On this amendment, there will be a time limitation of 6 hours of debate, to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Louisiana (Mr. LONG).

Mr. KENNEDY. Mr. President, I yield to the Senator from California (Mr. CRANSTON) for a unanimous-consent request.

Mr. CRANSTON. Mr. President, I ask unanimous consent that James Verdier of the staff of the Senator from Minnesota (Mr. MONDALE) may have the privilege of the floor during the consideration of this entire measure.

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

Mr. KENNEDY. Mr. President, I yield myself such time as I may require to discuss amendment No. 651, which I am offering on behalf of myself and Senators CRANSTON, HART, MATHIAS, MONDALE, SCHWEIKER, HUGH SCOTT, STAFFORD, and STEVENSON.

In addition to these 9 sponsors, the amendment is also cosponsored by 27 other Members of the Senate: Senators ABOUREZK, BAYH, BIDEN, CASE, CHILES, CLARK, EAGLETON, FULBRIGHT, GRAVEL, HARTKE, HUGHES, HUMPHREY, INOUYE, JACKSON, JAVITS, MANSFIELD, MCGEE, MCINTYRE, MOSS, MUSKIE, NELSON, PERCY, RANDOLPH, RIBICOFF, TUNNEY, WILLIAMS, and YOUNG.

The amendment builds on the dollar check-off in existing law—the Presidential Election Campaign Fund Act passed by Congress and signed into law by President Nixon in 1971—in two principal ways: It provides full Federal financing for Senate and House general elections, and it provides partial Federal financing for Presidential primaries through matching grants for small private contributions, in accord with the following basic guidelines:

For Senate general elections, the provisions of the dollar check-off in existing law are carried over essentially intact: 15 cents per voter in Federal funds will be available for major party candidates, and proportional amounts will be available for minor party candidates, based on their showing in the preceding election or the current election.

For House general elections, the sum of $90,000 is provided for major party candidates. In the case of statewide congressional elections, the figure is $175,000. These amounts are the spending limits for House elections contained in S. 372, already passed by the Senate earlier this year.

In Presidential, Senate, and House general elections, a modest role is provided for major political parties by authorizing national and State committees to solicit private contributions and to spend up to 2 cents per voter each on elections in their jurisdictions. In other respects, private contributions are prohibited in general elections.

For Presidential primaries, matching grants of public funds will be available for each private contribution up to $100. A threshold of $100,000 in private contributions is required before matching payments begin, and the first $100,000 is matchable. There are ceilings of $7 million on matching payments and $15 million on overall spending in such primaries.

To insure that the election campaign dollar checkoff on the tax form is doubled to $2 for each taxpayer or $4 on a joint return, and the current "positive" checkoff is turned into a "negative" checkoff, by reqiuring taxpayers to indicate that they do not want $2 of their taxes to be paid into the public financing fund. Congress is authorized to appropriate additional sums to make up deficits in the checkoff.

As an incentive for small contributions, the existing tax credit for such contributions is doubled to one-half of contributions up to $25—$50 on a joint return—and the existing tax deduction is doubled to $100—$200 on a joint return. The estimated revenue loss from these two provisions is $18 million.

I am convinced that most, and probably all, of the very serious problems facing this country today have their roots in the way we finance political campaigns for high Federal office. We would have a different America today if the political power of campaign contributors were measured by their votes and voices instead of by their pocketbooks.

Beyond any doubt, the year-long revelations of Watergate demonstrate the insidious influence of private money in American politics. When some of the most distinguished corporations in the Nation—familiar names like American Airlines, Goodyear Tire, Gulf Oil, and Minnesota Mining and Manufacturing—confess to crimes involving blatant violations of the existing Federal election laws, we begin to understand the irresistible pressures that are corrupting our national life. If 1972 was unique at all in campaign financing, it was unique

only in the unscrupulous intensity and efficiency with which the contributions were so successfully solicited.

Today, we have the chance to change all that, to move campaign financing out of the shadows of the special interests and into the sunlight of real democracy. The only effective way to heal the system is to eliminate the corrosive power of private money in public life by establishing a comprehensive program of public financing for elections to Federal office.

In line with that goal, and as a result of many discussions over past weeks, nine Senators who have been principal sponsors of public financing legislation in this session of the Congress are proposing this joint bipartisan amendment to the Debt Ceiling Act. Our amendment draws heavily on the approach of each of the Senators, including the Mondale-Schweiker bill for Presidential primaries and general elections, the Hart bill for public financing of congressional elections and primaries; the Stevenson-Mathias bill for public financing of congressional elections, the Cranston bill for comprehensive public financing of primaries and general elections and the Kennedy-Scott bill for Senate and House general elections.

I urge the Senate to use this occasion of the Debt Ceiling Act to take this major and positive step toward restoring the integrity of our political system. The Debt Ceiling Act has frequently been a vehicle in the past for amendments of overriding public importance, and it is entirely appropriate that it should now become the vehicle for public financing of elections.

We are legislating today, not just for 1974 or 1976, but for the health of our democracy and the future of the country. The people are far ahead of the politicians on this issue. They are watching us on Watergate and we should not let this moment pass to put the Nation's house in order.

Finally, in offering the amendment, we pay tribute to Senator RUSSELL LONG. Theodore Roosevelt may be the grandfather of public financing in the American political system, but Senator LONG is the father, the guiding force. Without his continuing efforts over the past decade, especially the enactment of the dollar checkoff in 1966, public financing today would still be where Theodore Roosevelt left it in 1907, an idea ahead of its time, instead of an idea whose time has so clearly come that every person in public life ignores it at his peril.

Attached is a detailed summary of the amendment, together with a package of materials relating to the issue: A State-by-State table of spending levels for Senate races, some collected quotations, a detailed summary of the amendment, excerpts from the proposed IRS tax forms for 1973, some illustrative examples of the application of the amendment to Senate elections, a table of Senate election returns for 1968, 1970, and 1972, a recent Gallup poll, and an editorial from the Washington Star-News of November 24, 1973, urging support for the amendment.

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

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

PUBLIC FINANCING FOR SENATE GENERAL ELECTIONS
STATE-BY-STATE SPENDING

[15 cents per voter per $175,000 floor]

State	Voting age population (18 years and over)[1]	Amount of public funds
Alabama	2,294,000	$344,100
Alaska	194,000	175,000
Arizona	1,262,000	189,300
Arkansas	1,326,000	198,900
California	13,910,000	2,086,500
Colorado	1,560,000	234,000
Connecticut	2,083,000	312,450
Delaware	369,000	175,000
District of Columbia	527,000	175,000
Florida	5,087,000	763,050
Georgia	3,067,000	460,050
Hawaii	526,000	175,000
Idaho	487,000	175,000
Illinois	7,508,000	1,126,200
Indiana	3,477,000	521,550
Iowa	1,924,000	288,600
Kansas	1,538,000	230,700
Kentucky	2,191,000	328,650
Louisiana	2,348,000	352,200
Maine	683,000	175,000
Maryland	2,679,000	401,850
Massachusetts	3,937,000	590,550
Michigan	5,876,000	881,400
Minnesota	2,542,000	381,300
Mississippi	1,426,000	213,900
Missouri	3,223,000	483,450
Montana	468,000	175,000
Nebraska	1,021,000	153,150
Nevada	347,000	175,000
New Hampshire	513,000	175,000
New Jersey	4,986,000	747,900
New Mexico	657,000	175,000
New York	12,626,000	1,893,900
North Carolina	3,468,000	520,200
North Dakota	411,000	175,000
Ohio	7,130,000	1,069,500
Oklahoma	1,797,000	269,550
Oregon	1,487,000	223,050
Pennsylvania	8,174,000	1,226,100
Rhode Island	668,000	175,000
South Carolina	1,719,000	257,850
South Dakota	444,000	175,000
Tennessee	2,710,000	406,500
Texas	7,614,000	1,142,100
Utah	690,000	175,000
Vermont	304,000	175,000
Virginia	3,182,000	477,300
Wash ngton	2,310,000	346,500
West Virginia	1,209,000	181,350
Wisconsin	2,965,000	444,750
Wyoming	226,000	175,000
United States	139,172,000	20,875,800

[1] Department of Census estimate, voting age population, July 1, 1972, pursuant to the Federal Election Campaign Act of 1971, Public Law 92-225.

QUOTATIONS ON PUBLIC FINANCING

As a general rule, those who wish to win favor with a Prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station. Niccolo Machiavelli, The Prince, 1532.

Judges and Senates have been bought with gold. Alexander Pope, Essay on Man, 1733.

Corrupt influence is itself the principal spring of all prodigality and of all disorder; it loads us more than millions of debt; takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our Constitution. Edmund Burke, Speech on Economic Reform, 1780.

The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties. President Theodore Roosevelt, State of the Union Message to Congress, December 3, 1907.

I believe that our ultimate goal should be to finance the total expense for this vital function of our democracy with public funds, and to prohibit the use or acceptance of money from private sources. . . . We are ready to make a beginning. We should proceed with all prudent speed to enact those parts of such a program which appear to be feasible at this time. President Lyndon Johnson, Message to Congress on "Public Participation in the Processes of Government," May 25, 1967.

We have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet, the fact that we may be approaching that state of affairs is a sad reflection on our election system. President Dwight D. Eisenhower, 1968.

The talk of an "office market" and of putting high executive and diplomatic missions on the auction block—all this breeding of suspicion and cynicism—would disappear overnight if the primary cause of the evil were obliterated at its roots. If there are no bidders, there can be no auction. Henry Cabot Lodge, The Storm Has Many Eyes, 1973.

Under the existing laws, a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given. A fair and honest law is one that would remove the need of any candidate to exert such pressures, as well as the need for any businessman to respond. . . . I urge the business community to get behind campaign financing legislation that will really work, and that will put a stop to pressures to which officers of companies are subject when solicited for campaign contributions.—George Spater, Chairman of the Board, American Airlines, July 6, 1973.

The U.S. public for two decades has favored placing a top limit on campaign spending for presidential and congressional elections. Now, following disclosures from the Senate Watergate hearings, a substantial majority of the public is prepared to have the federal government provide a fixed amount of money for campaigns, prohibiting all contributions from private sources.

In fact, a growing number of American citizens would favor such a plan, with 65 percent in the latest nationwide survey expressing support, compared to 53 percent in a survey taken in early June shortly after the Watergate hearings got underway.

The big change since June has come about among Republicans, with 64 percent in the current survey favoring federal financing of campaigns compared to 44 percent in June, a change of 20 percentage points. Republicans now hold views closely comparable to those of Democrats. George Gallup, September 29, 1973.

The time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury. . . . I am afraid that nothing short of a significant degree of public financing will get at the root of the problem. Henry Ford, II, Chairman of the Board, Ford Motor Company, October 18, 1973.

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT

PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

Purpose

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

Existing law

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended

in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

General provisions on public financing

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a President election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

Presidential general elections

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates electing public financing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15¢ per voter, or approximately $21 million for each Presidential candidate of a major party.

Presidential primaries

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5¢ for each person over the age of 18 in the United States (approximately $7 million). The 5¢ figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

Senate and House general elections

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25% or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15¢ figure, which will be adjusted for future increases in the cost of living, coincides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

Other provisions

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2¢ per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates, and the state committees of such parties are entitled to spend a total of 2¢ per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their states.

32. As noted, the public financing provisions of the amendment prohibit direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

EXCERPTS FROM PROPOSED IRS TAX FORMS FOR 1973

Form 1040, U.S. Individual Income Tax Return, 1973.

Page 1, line 8: Presidential Election Campaign Fund.—Check ☐ if you wish to designate $1 of your taxes for this fund. If joint return, check ☐ if spouse wishes to designate $1. Note: *This will not increase your tax or reduce your refund.* See note below."

Page 1, bottom: "Note: 1972 Presidential Election Campaign Fund Designation.—Check ☐ if you did not designate $1 of your taxes on your 1972 return, but now wish to do so. If joint return, check ☐ if spouse did not designate on 1972 return but now wishes to do so."

A similar provision and rate are contained on the Short Form, 1040A.

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* See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973).

ILLUSTRATIVE EXAMPLES OF PUBLIC FINANCING FOR SENATE ELECTIONS UNDER THE PROPOSED AMENDMENT TO THE DEBT CEILING ACT

(NOTE.—Some of the following 14 examples are adapted from actual Senate elections in recent years. Most of the examples are designed to illustrate the application of the dollar check-off to Senate elections involving relatively unusual situations. The dollar check-off, already applicable to Presidential general elections under existing law, was enacted in 1971 with close attention to its impact on the potential third-party presidential candidacy of Governor George Wallace. As the examples demonstrate, the formula worked out for Presidential elections can be easily applied to Senate elections.)

Typically, however, minor party candidacies have not been a significant factor in the vast majority of recent Senate elections. The official results of Senate elections in 1968, 1970, and 1972 are tabulated at the end of the examples.

In the past three Congressional election years, there have been a total of 103 Senate elections. In 14 of the 34 races in 1972, in 12 of the 35 races in 1970, and in 16 of the 34 races in 1968, only two candidates were entered—Democratic and Republican. In the other 60 races, additional candidates representing some 30 other parties were also on the ballot in those years in various states. In those 60 races, there were only seven races in which the third candidate received more than 5% of the vote—Louisiana in 1972; Connecticut and New York in 1970; and Alabama, Alaska, Maryland and New York in 1968. In those seven races—seven out of 103 races in all—the third candidate would have qualified for partial public funding as a "minor" party candidate in the following election. In none of those seven races did the third party candidate receive more than 25% of the vote; therefore, no third candidate would have qualified as a "major" party candidate entitled to full public funding in the following election.

The 14 examples follow:

1. In the 1968 Senate election, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 50% to 48%, and Candidate C of Party X received 2% of the vote.

When the Senate seat is up again in 1974, the Democratic Party and the Republican Party are "major" parties. Their candidates are each entitled to public funds in the amount of 15¢ per vote, based on the voting age population of the State. Since Candidate C failed to reach the 5% cut-off in 1968, Party X does not qualify for public funds in 1974.

2. Same as example (1) for 1968. In the 1974 election, Candidate A of the Democratic Party defeats Candidate B of the Republican Party by 46% to 44%, and Candidate C of Party X receives 10% of the vote.

Candidate C qualifies as a "minor" party candidate on the basis of his showing in the current election (1974), since he received more than 5% of the vote. He is therefore entitled to public funds on a retroactive reimbursement basis, even though he did not qualify for public funds in advance of the election because of the low showing of Party X in 1968. Candidate C would be entitled to 10/45, or 22%, of the amount of public funds given to each major party candidate, A and B. The amount is based on Candidate C's proportional share of the average vote of the two major party candidates, and is calculated as follows: $10\% \div (46\% + 44\%)/2 = 10/45 = 22\%$. Candidate C may use these public funds to make a partial reimbursement to the private contributors to his campaign in 1974.

3. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 46% to 44%, and Candidate C of Party X won 10% of the vote.

In 1974, the candidates of the Democratic Party and the Republican Party are "major" party candidates and qualify for full public funds (15¢ per vote). The candidate of Party C is a "minor" party candidate and qualities for partial public funds in 1974, in the amount of 22% of the entitlement of each major party candidate.

4. Same as examples (1) and (2), but Party X did not run a candidate in 1968.

Candidate C of Party X qualifies retroactively for public funds in 1974 as a "new" party candidate, on the basis of his 1974 showing. He is entitled to receive 22% of the amount of public funds given to each major party candidate.

5. Same as examples (1) and (2), but Candidate C of Party X in 1968 runs as an Independent in 1974 and receives 10% of the vote.

Candidate C qualifies retroactively for public funds on the same basis as if he were the candidate of a party. He receives 22% of the amount of public funds given to each major party candidate.

6. In the 1962 election, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 53% to 37%. Independent C won 8% of the vote, and Independent Candidate D won 1% of the vote. In the 1968 election, Senator A ran as an Independent and won the election with 54% of the vote. The candidate of the Democratic Party won 31% of the vote and the candidate of the Republican Party won 15% of the vote. (Based on recent Virginia Senate elections).

If Senator A runs again as an Independent in 1974, he is entitled to full public funds (15¢ per vote), based on his 1968 showing as an Independent. The candidate of the Democratic Party in 1974 is also entitled to full public funds, because Party A qualifies as a "major" party on the basis of its 1968 showing. However, the candidate of the Republican Party in 1974 will qualify only for partial public funds, since it is a "minor" party based on its 1968 showing, even though it was a "major" party based on the 1962 election. In 1974, the Republican candidate is entitled to $15/(54+31)/2$, or 35% of the amount given to Senator A and to the Democratic candidate.

If the Republican candidate receives more than 25% of the vote in 1974, he qualifies retroactively as a "major' 'party candidate and is entitled to full public funds.

7. In 1968. Candidate A of the Republican Party defeated Independent Candidate B by 50.7% to 49.3%, and there was no candidate of the Democratic Party. (Adapted from the Virginia Governor's election in 1973.)

If Candidate B runs again as an Independent in 1974, he is entitled to full public funds. Senator A of the Republican Party will also be entitled to full public funds. If there is a candidate of the Democratic Party, he will not qualify for public funds unless he does so retroactively on the basis of his showing in the 1974 election. If Candidate B runs as the candidate of the Democratic Party in 1974, he qualifies for full public funds—not as a Democrat, but on the basis of his 1968 showing as an independent.

8. In 1968, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 78% to 22% (Based on a recent West Virginia Senate election).

In 1974, since the Democratic Party is the only "major" party on the basis of the 1968 results, the Republican Party will also qualify as a "major" party under a special provision of the amendment—it is the party with the next highest showing in the preceding election, even though its candidate in 1968 won less than 25% of the vote and would not ordinarily qualify as a "major" party.

9. In 1968, Candidate A defeated Candidate B by 60–40%. Candidate A received 45% of his vote as the candidate of the Democratic Party, and 15% of his vote as the candidate of the Liberal Party. Candidate B received 24% of his vote as the candidate of the Republican Party, and 16% of his vote as the candidate of the Conservative Party.

In 1974, the Democratic candidate qualifies as a "major" party candidate, and the Republican candidate also qualifies as a 'major" party candidate under the special provision noted in example (8). The candidates of the Liberal and Conservative Parties qualify as 'minor" party candidates. If B runs as the Conservative Party candidate, but not as the Republican Party candidate, he qualifies as a "major" party candidate, because he is entitled to accumulate his 1968 votes on an individual basis.

10. In 1968, Candidate A of the Democratic Party won the election with 55% of the vote. Candidate B of the Republican Party won 19% of the vote and Independent Candidate C won 23% of the vote. (Based on a recent Louisiana Senate election.)

In 1974, since the Democratic Party is the only "major" party on the basis of the 1968 results, the special provision of the amendment noted in example (8) allows the Republican party to qualify as a "major" party, even though it received less than 25% of the vote in 1968, and even though the Independent candidate made a better showing in 1968. If Candidate C runs again as an Independent in 1974, he qualifies for partial public funds as if he was a "minor" party candidate, the special provision does not benefit an Independent by allowing him to receive full public funding as if he were a "major" party candidate. On the other hand, as example (6) makes clear, if both an Independent candidate and the Democratic Party candidate qualify for full public funds on the basis of the preceding election, the special provision does not operate to allow the Republican candidate to qualify for full public funds. In other words, the special provision does not operate to create full public funding for a third candidate, where two candidates already qualify for full public funds on the basis of their showing in the preceding election.

11. In 1968, Candidate A of the Democratic Party run unopposed.

In 1974, Senator A qualifies for full public funds, and no other candidate qualifies for any public funds. The special provision does not operate to allow a Republican candidate to qualify for full public funds, since the Party did not run a candidate in the preceding election. Depending on his showing in 1974, however, the Republican candidate may qualify retroactively for public funds.

12. In 1962, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 54% to 43%. In 1968, the candidate of the Democratic Party received 37% of the vote; the candidate of the Republican Party received 24% of the vote; and Candidate C of the Conservative Party won the election with 39% of the vote. (Based on recent New York Senate elections.)

In 1974, the candidates of the Conservative Party and the Democratic Party each qualify for full public funding as "major" party candidates, but the candidate of the Republican Party qualifies only for partial public funding as a "minor" party candidate.

13. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 60% to 38% and the candidate of the Conservative Party received 2% of the vote. In 1970, in the election for the other Senate seat in the State, the candidate of the Conservative Party won the election with 39% of the vote.

In 1974, when the seat of Senator A is up again, the candidates of the Democratic Party and Republican Party qualify for full public funds as "major" party candidates. If the Conservative Party runs a candidate in 1974, he does not qualify for public funds. The Party failed to qualify as a "major" or

"minor" party in the preceding election for the seat in 1968, and its strong showing in the election for the State's other Senate seat in 1970 is irrelevant to the question of its entitlement to public funds in the election for the seat that is up in 1974.

14. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 42% to 34%, and Candidate C of the Conservative Party received 26% of the vote. (Adapted from the Connecticut Senate election in 1970).

In 1974, the Republican, Democratic and Conservative Parties are each "major" parties, and their candidates are entitled to full public funding (15¢ per vote).

RECENT SENATE ELECTIONS—OFFICIAL VOTE RETURNS AS COMPILED BY CONGRESSIONAL QUARTERLY

ABBREVIATIONS FOR PARTY DESIGNATIONS

A—American.
AI—American Independent.
B—Buffalo.
C—Conservative.
CP—Consumer.
COM—Communist.
CST—Constitutional.
CVV—Concerned Voters Voice.
D—Democratic.
DFL—Democratic-Farmer-Labor.
DI—Dodd Independent.
FP—Freedom and Peace.
HR—Human Rights.
IA—Independent American.
IAL—Independent Alliance.
IG—Industrial Government.
Ind.—Independent.
LRU—La Raza Unida.
LU—Liberty Union.
N—New.
NC—National Conservative.
ND—National Democratic.
NDPA—National Democratic Party of Alabama.
P—Prohibition.
PC—People's Constitutional.
PF—Peace and Freedom.
PP—People's.
R—Republican.
RL—Right to Life.
SL—Socialist Labor.
SW—Socialist Worker.
TRT—Taxpayers Ticket.

	Votes	Percent
34 SENATE ELECTIONS IN 1972		
Alabama:		
John Sparkman (D)	654,491	62.3
Winton M. Blount (R)	347,523	33.1
Herbert W. Stone (C)	6,838	.6
John L. LeFlore (ND)	31,421	3.0
Jerome B. Couch (P)	10,826	1.0
Alaska:		
Gene Guess (D)	21,791	22.7
Ted Stevens (R)	74,216	77.3
Arkansas:		
John L. McClellan (D)	306,398	60.9
Wayne H. Babbitt (R)	248,238	39.1
Colorado:		
Floyd K. Haskell (D)	457,545	49.4
Gordon Allott (R)	447,957	48.4
Henry John Olshaw (IA)	7,353	.8
Secundo (Sal) Salazar (LRU)	13,228	1.4
Delaware:		
Joseph R. Biden, Jr. (D)	116,006	50.5
J. Caleb Boggs (R)	112,844	49.1
Henry M. Majka (A)	803	.3
Herbert B. Wood (P)	175	.1
Georgia:		
Sam Nunn (D)	635,970	54.0
Fletcher Thompson (R)	542,331	46.0
Idaho:		
William E. (Bud) Davis (D)	140,913	45.5
James A. McClure (R)	161,804	52.3
Jean Stoddard (A)	6,885	2.2
Illinois:		
Roman C. Pucinski (D)	1,721,901	37.3
Charles H. Percy (R)	2,867,078	62.2
Edward C. Gross (SL)	13,384	.3
Arnold F. Becchetti (COM)	6,103	.2
Dakin Williams (write-in)	396	0
Iowa:		
Dick Clark (D)	662,637	55.1
Jack Miller (R)	530,525	44.1
William Rocap (AI)	8,954	.7
Fred Richard Benton (IAL)	1,203	.1
Kansas:		
Arch O. Tetzlaff (D)	200,764	23.0
James B. Pearson (R)	622,591	71.4
Gene F. Miller (C)	35,510	4.1
Howard Hadin (P)	12,857	1.5
Kentucky:		
Walter (Dee) Huddleston (D)	528,550	50.9
Louis B. Nunn (R)	494,337	47.6
Helen Breeden (A)	8,707	.9
William E. Bartley, Jr. (PP)	6,267	.6
Louisiana:		
J. Bennett Johnston, Jr. (D)	598,987	55.2
Ben C. Toledano (R)	206,846	19.1
John J. McKeithen (Ind.)	250,161	23.0
Hall M. Lyons (A)	28,910	2.7
Maine:		
William D. Hathaway (D)	224,270	53.2
Margaret Chase Smith (R)	197,040	46.8
Massachusetts:		
John J Droney (D)	823,278	34.7
Edward W. Brooke (R)	1,505,932	63.5
Donald Gurewitz (SW)	41,369	1.8
Michigan:		
Frank J. Kelley (D)	1,577,178	46.3
Robert P. Griffin (R)	1,781,065	52.3
Patrick V. Dillinger (AI)	23,121	.7
Thomas D. Dennis, Jr. (COM)	1,908	0
Barbara Halpert (HR)	19,118	.5
James Sim (SL)	2,127	.1
Linda Nordquist (SW)	2,389	.1
Minnesota:		
Walter F. Mondale (D)	981,310	56.7
Philip Hansen (R)	742,121	42.8
Karl H. Heck (IG)	8,192	.5
Mississippi:		
James O. Eastland (D)	375,102	58.1
Gil Carmichel (R)	249,799	38.7
Prentiss Walker (Ind.)	14,662	2.3
C. L. McKinley (Ind.)	6,203	.9
Montana:		
Lee Metcalf (D)	163,609	52.0
Henry S. Hibbard (R)	151,316	48.0
Nebraska:		
Terry M. Carpenter (D)	265,922	46.8
Carl T. Curtis (R)	301,841	53.2
New Hampshire:		
Thomas J McIntyre (D)	184,495	56.9
Wesley Powell (R)	139,852	43.1
New Jersey:		
Paul J. Krebs (D)	963,573	34.4
Clifford P. Case (R)	1,743,854	62.5
A. Howard Freund (A)	40,980	1.5
Julius Levin (SL)	10,058	.4
Charles W. Wiley (CVV)	33,442	1.2
New Mexico:		
Jack Daniels (D)	173,815	46.0
Pete V. Dominici (R)	204,353	54.0
North Carolina:		
Nick Galifianakis (D)	677,293	46.0
Jesse A. Helms (R)	795,248	54.0
Oklahoma:		
Ed Edmondson (D)	478,212	47.6
Dewey F. Bartlett (R)	516,934	51.4
William G. Roach (A)	5,769	.6
Joe C. Phillips (Ind.)	2,264	.2
Paul E. Trent (Ind.)	1,699	.2
Oregon:		
Wayne L. Morse (D)	425,036	46.2
Mark O. Hatfield (R)	494,671	53.7
Rhode Island:		
Claiborne Pell (D)	221,942	53.7
John H. Chafee (R)	188,990	45.7
Patrick M. DeTemple (SW)	458	.1
John Quattrocchi (Ind.)	2,041	.5
South Carolina:		
Eugene N. Zeigler (D)	241,056	36.7
Strom Thurmond (R)	415,806	63.3
South Dakota:		
James Abourezk (D)	174,773	57.0
Robert Hirsch (R)	131,613	43.0
Tennessee:		
Ray Blanton (D)	440,599	37.8
Howard H. Baker, Jr. (R)	716,539	61.5
Dan East (Ind.)	7,026	.6
Texas:		
Barefoot Sanders (D)	1,511,985	44.3
John G. Tower (R)	1,822,877	53.4
Flores Amaya (LRU)	63,543	1.9
Tom Leonard (SW)	14,464	.4
Vermont (special election, Jan. 7, 1972):		
Robert T. Stafford (R)	45,646	65.7
Randolph T. Major (D)	23,787	34.3
Virginia:		
William B. Spong, Jr. (D)	643,963	46.1
William Lloyd Scott (R)	718,337	51.1
Horace E. Henderson (Ind.)	33,912	2.4
West Virginia:		
Jennings Randolph (D)	486,310	66.5
Louise Leonard (R)	245,531	33.5
Wyoming:		
Mike M. Vinich (D)	40,753	28.7
Clifford P. Hansen (R)	101,314	71.3
35 SENATE ELECTIONS IN 1970		
Alaska:		
Stevens, Ted (R)	47,908	59.6
Kay, Wendell P. (D)	32,456	40.4
Arizona:		
Fannin, Paul (R)	228,284	56.0
Grossman, Sam (D)	179,512	44.0
California:		
Murphy, George (R)	2,877,617	44.3
Tunney, John VI (D)	3,496,558	53.9
Ripley, Charles C. (AI)	61,251	.9
Schrer, Robert (PF)	56,731	.9
Connecticut:		
Weicker, Lowell P. (R)	454,721	41.7
Duffey, Joseph D. (D)	368,111	33.8
Dodd, Thomas J. (DI)	266,497	24.5
Delaware:		
Roth, William V. (R)	94,979	58.8
Zimmerman, Jacob (D)	64,740	40.1
Gies, Donald (A)	1,720	1.1
Florida:		
Cramer, William C. (R)	772,817	46.1
Chiles, Lawton (D)	902,438	53.9
Hawaii:		
Fong, Hiram L. (R)	124,163	51.6
Heftel, Cecil (D)	116,597	48.4
Illinois (special election):		
Smith, Ralph T. (R)	1,519,718	42.2
Stevenson, Adlai E. III (D)	2,065,054	57.4
Henderson, Lynn (SW)	8,859	.2
Fisher, Louis (SL)	5,564	.2
Indiana:		
Roudebush, Richard L. (R)	866,707	49.9
Hartke, Vance (D)	870,990	50.1
Maine:		
Bishop, Neil S. (R)	123,906	38.3
Muskie, Edmund S. (D)	199,954	61.7
Maryland:		
Beall, J. Glenn, Jr. (R)	484,960	50.7
Tydings, Joseph D. (D)	460,422	48.1
Wilder, Harvey (AI)	10,988	1.1
Massachusetts:		
Spaulding, Josiah A. (R)	715,978	37.0
Kennedy, Edward M. (D)	1,202,857	62.2
Gilfedder, Lawrence (SL)	10,378	.5
Shaw, Mark R. (P)	5,944	.3
Michigan:		
Romney, Lenore (R)	858,438	32.9
Hart, Philip A. (D)	1,744,672	66.8
Lodico, Paul (SW)	3,861	.1
Sim, James (SL)	3,254	.1
Minnesota:		
MacGregor, Clark (R)	568,025	41.6
Humphrey, Hubert H. (DFL)	788,256	57.8
Strebe, Nancy (SW)	6,122	.4
Braatz, William (IG)	2,484	.2
Mississippi:		
Stennis, John C. (D)	286,622	88.4
Thompson, William R. (Ind)	37,593	11.6
Missouri:		
Danforth, John C. (R)	617,903	48.1
Symington, Stuart (D)	655,431	51.0
Chapman, Gene (A)	10,065	.8
DiGirolamo, E. J. (Ind)	513	
Montana:		
Wallace, Harold E. (R)	97,809	39.5
Mansfield, Mike (D)	150,060	60.5
Nebraska:		
Hruska, Roman L. (R)	240,894	52.5
Morrison, Frank B. (D)	217,681	47.5
Nevada:		
Raggio, William J. (R)	60,838	41.2
Cannon, Howard W. (D)	85,187	57.6
DeSellem, Harold G. (IA)	1,743	1.2
New Jersey:		
Gross, Nelson G. (R)	903,026	42.2
Williams, Harrison A. (D)	1,157,074	54.0
Job, Joseph F. (Ind)	58,992	2.8
O'Grady, William J. (NC)	12,938	.6
Mans, Joseph S. (Ind)	6,066	.3
Levin, Julius (SL)	4,009	.2
New Mexico:		
Carter, Anderson (R)	135,004	46.6
Montoya, Joseph M. (D)	151,486	52.3
Higgs, William L. (PC)	3,382	1.2
New York:		
Goodell, Charles (R-L)	1,434,472	24.3
Ottinger, Richard L. (D)	2,171,232	36.8
Buckley, James L. (C-IAL)	2,288,190	38.8
Johnson, Arnold (COM)	4,097	
Dawson, Kipp (SW)	3,549	
Emanuel, John (SL)	3,204	
North Dakota:		
Kleppe, Thomas S. (R)	82,996	37.8
Burdick, Quentin N. (D)	134,519	61.3
Kleppe, Russell (Ind)	2,045	.9
Ohio:		
Taft, Robert A., Jr. (R)	1,565,682	49.7
Metzenbaum, Howard M. (D)	1,495,262	47.4
Kay, Richard B. (AI)	61,261	1.9
O'Neill, John (SL)	29,069	.9
Pennsylvania:		
Scott, Hugh (R)	1,874,106	51.4
Sesler, William G. (D)	1,653,774	45.4
Gaydosh, Frank W. (CST)	85,813	2.4
MacFarland, W. Henry (AI)	18,275	.5
Johansen, Herman A. (SL)	4,375	.1
Maisel, Robin (SW)	3,970	.1
Mimms, William R. (CP)	3,932	.1
Rhode Island:		
McLaughlin, John J. (R)	107,351	31.5
Pastore, John O. (D)	230,469	67.5
Fenton, David N. (PF)	2,046	.7
Fein, Daniel B. (SW)	996	.3

	Votes	Percent
35 Senate Elections in 1970—Continued		
Tennessee:		
Brock, William E. (R)	562, 645	51. 3
Gore, Albert (D)	519, 858	47. 4
Pitard, Cecil R. (A)	8, 691	.8
East, Dan R. (Ind)	5, 845	.5
Texas:		
Bush, George (R)	1, 035, 794	46. 5
Bentsen, Lloyd (D)	1, 194, 069	53. 5
Utah:		
Burton, Lawrence J. (R)	159, 004	42. 5
Moss, Frank E. (D)	210, 207	56. 2
Freeman, Clyde B. (AI)	5, 092	1. 4
Vermont:		
Prouty, Winston L. (R)	91. 198	58. 9
Hoff, Philip H. (D)	62, 271	40. 2
Meyer, William H. (LU)	1, 416	.9
Virginia:		
Garland, Ray (R)	145, 031	15. 3
Rawlings, George C. (D)	295, 057	31. 2
Byrd, Harry F., Jr. (Ind)	506, 633	53. 5
Washington:		
Elicker, Charles W. (R)	170, 790	16. 0
Jackson, Henry M. (D)	879, 385	82. 4
Massey, William (SW)	9, 255	.9
Fisk, Edison S. (B)	7, 377	.7
West Virginia:		
Dodson, Elmer H. (R)	99, 658	22. 4
Byrd, Robert C. (D)	345, 965	77. 6
Wisconsin:		
Erickson, John E. (R)	381, 297	28. 5
Proxmire, William (D)	948, 445	70. 8
Hou-Seye, Edmond E. (A)	6, 137	.5
Boardman, Elizabeth (Ind)	2, 022	.2
Quinn, Martha (SW)	580	0
Wiggert, Adolf (SL)	428	0
Wyoming:		
Wold, John S. (R)	53, 279	44. 2
McGee Gale, W. (D)	67, 207	55. 8
34 SENATE ELECTIONS IN 1968		
Alabama:		
Hooper, Perry (R)	201, 227	22. 0
Allen, James B. (D)	628, 774	70. 0
Schwenn, Robert P. (NDPA)	72, 669	8. 0
Alaska:		
Rasmuson, Elmer (R)	30, 286	37. 4
Gravel, Mike (D)	36. 527	45. 1
Gruening, Ernest (write-in)	14, 118	17. 4
Arizona:		
Goldwater, Barry (R)	274, 607	57. 2
Elson, Roy (D)	205, 338	42. 8
Arkansas:		
Bernard, Charles T. (R)	241, 739	40. 9
Fulbright, J. W. (D)	349, 965	59. 1
California:		
Rafferty, Max (R)	3, 329, 148	46. 9
Cranston, Alan (D)	3, 680, 352	51. 8
Jacobs, Paul (PF)	92, 965	1. 3
Colorado:		
Dominick, Peter H. (R)	459, 952	58. 6
McNichols, Stephen L. R. (D)	325, 584	41. 4
Connecticut:		
May, Edwin H., Jr. (R)	551, 455	45. 7
Ribicoff, Abraham A. (D)	655, 043	54. 3
Florida:		
Gurney, Edward J. (R)	1, 131, 499	55. 9
Collins, LeRoy (D)	892, 637	44. 1
Georgia:		
Patton, E. Earl, Jr. (R)	256, 796	22. 5
Talmadge, Herman (D)	885, 093	77. 5
Hawaii:		
Thiessen, Wayne C. (R)	34, 008	15. 0
Inouye, Daniel K. (D)	189, 248	83. 4
Lee, Oliver M. (PF)	3, 671	1. 6
Idaho:		
Hansen, George V. (R)	114, 394	39. 7
Church, Frank (D)	173, 482	60. 3
Illinois:		
Dirksen, Everett McKinley (R)	2, 358, 947	53. 0
Clark, William G. (D)	2, 073, 242	46. 6
Fisher, Louis (SL)	17, 542	.4
Indiana:		
Ruckelshaus, William (R)	988, 571	48. 1
Bayh, Birch (D)	1, 060, 456	51. 7
Malcolm, L. Earl (P)	2, 844	.1
Levitt, Ralph (SW)	1, 247	.1
Iowa:		
Stanley, David M. (R)	568, 469	49. 7
Hughes, Harold E.. (D)	574, 884	50. 2
Higens, Verne M. (P)	727	.1
Kansas:		
Dole, Robert (R)	490, 911	60. 1
Robinson, William I. (D)	315, 911	38. 7
Hyskell, Joseph E. (P)	10, 262	1. 3
Kentucky:		
Cook, Marlow W. (R)	484, 260	51. 4
Peden, Katherine (D)	448, 960	47. 6
Olson, Duane F. (Ind.)	9, 645	1. 0
Louisiana: Long, Russell B. (D)	518, 586	(1)
Maryland:		
Mathias, Charles McC., Jr. (R)	541, 893	47. 8
Brewster, Daniel B. (D)	443, 367	39. 1
Mahoney, George P. (Ind.)	148, 467	13. 1
Missouri:		
Curtis, Thomas B. (R)	850, 544	48. 9
Eagleton, Thomas F. (D)	887, 414	51. 1
Nevada:		
Fike, Ed (R)	69, 068	45. 2
Bible, Alan (D)	83, 622	54. 8
New Hampshire:		
Cotton, Norris (R)	170, 163	59. 3
King, John W. (D)	116, 816	40. 7
New York:		
Javits, Jacob (R–L)	3, 269, 772	49. 7
O'Dwyer, Paul (D)	2, 150, 695	32. 7
Buckley, James L. (C)	1, 139, 402	17. 3
Ferguson, Homer (FP)	8, 775	.1
Emanuel, John (SL)	7, 964	.1
Garza, Hedda (SW)	4, 979	.1
North Carolina:		
Somers, Robert V. (R)	566, 934	39. 4
Ervin, Sam J., Jr. (D)	870, 406	60. 6
North Dakota:		
Young, Milton R. (R)	154, 968	64. 8
Lashkowitz, Hershcel (D)	80, 315	33. 8
Mutch, Duane (TRT)	3, 393	1. 4
Ohio:		
Saxbe, William B. (R)	1, 928, 964	51. 5
Gilligan, John J. (D)	1, 814, 152	48. 5
Oklahoma:		
Bellmon, Henry (R)	470, 120	51. 7
Monroney, A. S. Mike (D)	419, 658	46. 2
Washington, George (A)	19, 341	2. 1
Oregon:		
Packwood, Robert W. (R)	408, 646	50. 2
Morse, Wayne (D)	405, 353	49. 8
Pennsylvania:		
Schweiker, Richard S. (R)	2, 399, 762	51. 9
Clark, Joseph S. (D)	2, 117, 662	45. 8
Gaydash, Frank W. (CST)	96, 742	2. 1
Perry, Benson (SL)	7, 198	.2
Chertov, Pearl (SW)	2, 743	.1
South Carolina:		
Parker, Marshall (R)	248, 708	38. 1
Hollings, Ernest F. (D)	404, 060	61. 9
South Dakota:		
Gubbrud, Archie (R)	120, 951	43. 2
McGovern, George (D)	158, 961	56. 8
Utah:		
Bennett, Wallace F. (R)	225, 075	53. 7
Weilenmann, Milton L. (D)	192, 168	45. 8
Philips, Bruce D. (PF)	2, 019	.5
Vermont: Aiken, George D. (R–D)	157, 154	(1)
Washington:		
Metcalf, Jack (R)	435, 894	35. 3
Magnuson, Warren G. (D)	796, 183	64. 4
Hogenauer, Irwin R. (N)	2, 762	.2
Leonard, Debbie (SW)	1, 224	.1
Wisconsin:		
Leonard, Jerris (R)	633, 910	38. 3
Nelson, Gaylord (D)	1, 020, 931	61. 7

[1] Unopposed.

[From the New York Times, Sept. 30, 1973]

SIXTY-FIVE PERCENT IN POLL BACK U.S. CAMPAIGN AID

A substantial majority of the public favors a plan to prohibit all campaign contributions from private sources to Presidential candidates and the substitution of a system whereby the Federal Government provides a fixed sum of money for the campaigns, according to a Gallup poll.

The poll found that 65 per cent of the people think that the plan is a good idea, with a major increase in the support for Federal financing coming from Republicans.

Following disclosures at the senate Watergate committee hearings, a Gallup survey taken in June found 44 per cent of the Republicans advocating such a plan. Now 64 per cent of the Republicans think the idea is good.

AGNEW EPISODE LATER

The Gallup findings, released yesterday, were taken from a survey between Sept. 7, and 10, before the Justice Department decided, on Sept. 14, to present evidence of alleged political corruption involving Vice President Agnew to a Federal grand jury.

The poll also preceded disclosures this weekend that President Nixon's fund-raisers had collected a record $60.2-million for his re-election, $8-million more than previously acknowledged by the fund-raising committee.

A Senate Rules subcommittee concluded hearings last week on plans to finance elections from the Federal purse, which drew support from both Republicans and Democrats.

A bill to limit private contributions and spending for Federal election campaigns passed the Senate last July, but the Senate tabled a proposal calling for public financing of Presidential and congressional election campaigns.

Gallup interviewers asked 1,502 adults the following question: "It has been suggested the Federal Government provide a fixed amount of money for the election campaigns of candidates for the Presidency and for the Congress and that all private contributions from other sources should be prohibited. Do you think this is a good idea or a poor idea?"

The answers from the latest survey and those from a similar survey conducted in early June showed the following:

[In percent]

	Latest	June
Good idea	65	58
Poor idea	24	29
No opinion	11	13

[From the Washington Star-News, Nov. 24, 1973]

PUBLIC FINANCING RIDER

Ordinarily we are against attacking irrelevant riders to legislation moving through the Congress, but on the issue of public financing of political campaigns that may be the quickest, perhaps the only, way to get action.

Using reasoning that defies logic, common sense and the clear evidence of need as shown by Watergate, some House committee chairmen have stymied efforts to bring the matter to a vote in the House.

A bipartisan group of senators, including Maryland Republican Charles Mathias, Jr., has devised a strategy to get around the roadblock. They plan to try to tack public-financing legislation to a bill increasing the national debt ceiling. If approved by the Senate, the next step would take it to a House-Senate conference committee and, if approved there, to a vote on the conference report by both the House and Senate.

The rider would provide tax-paid matching funds for presidential primaries and total federal financing of presidential general elections. It also would provide tax money for House and Senate election campaigns.

The plan contained in the rider is not all that we would like it to be; we believe the best course is to provide full government financing of all campaigns for federal office and to outlaw private contributions entirely. But the proposal by Mathias and the others is a big first step in that direction. We hope that when it comes up in a few days, the Senate will vote favorably.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. 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. MONDALE. Mr. President, will the distinguished floor manager of the bill yield me 15 minutes?

Mr. LONG. Is the Senator speaking for the amendment?

Mr. MONDALE. That is correct.

Mr. KENNEDY. I yield 15 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 15 minutes.

Mr. MONDALE. I thank the Senator from Massachusetts.

Mr. President, I am very much pleased to join the Senator from Massachusetts in support of the Kennedy-Scott measure, which represents the product of several different proposals to deal with the profound crisis in the way in which we fund Presidential and congressional campaigns today.

This amendment is a culmination of the joint efforts of several Senators of many divergent views on public financing who have come together in support of this amendment. Many Senators have drawn up and introduced their own bills.

The system of public financing of Presidential primaries in the amendment, for example, is taken largely from the Mondale-Schweiker Presidential Campaign Financing Act (S. 2238).

While differences of emphasis and detail remain, we are closer to a full consensus on this issue than many thought possible only a short time ago.

We have come together to work out this compromise amendment because we are convinced that there is no more important business before Congress and the Nation than this.

What is at stake here goes to the very heart of our democracy. The terrible abuses Watergate has brought to light show what can happen when government is put up for sale to the highest bidder. It is no longer government of, for, and by the people; it is government of, for, and by those who are willing and able to pay the going rate. It is more than we care to admit, a "buy America" system that we have today.

If you pay your assessment, you may get an antitrust suit killed, an airline route awarded, a tax loophole continued, a minimum wage bill vetoed, or whatever else you might need. But the average person who works every day, pays his taxes, and maybe gives 10 bucks to a candidate, cannot find anyone in Government who cares about him or about his problems.

No wonder he feels cut off from Government. No wonder he does not trust politicians. No wonder he thinks we are all crooks.

A recent Gallup poll showed that only 26 percent of the people are satisfied with the way the Nation is being governed, a drop of 11 percentage points in just 2 years. Sixty-four percent of Americans say they would not want their son to go into politics—the highest percentage in 20 years.

We cannot permit this erosion of public trust and confidence in Government to continue. Our form of government depends on the consent of the governed, and we are in deep trouble if it is withdrawn. As Lincoln once said:

> With public sentiment, nothing can fail. Without it nothing can succeed.

A great many people have lost faith in their Government, and one reason is that they have begun to see clearly how political campaigns are financed. The stench is pretty bad, and once people get a whiff of it they just want to turn away.

All of us in public life have known for years what a demeaning, compromising, and sometimes corrupting thing our present system of financing campaigns has become. The system is not getting better; it is getting worse.

And now the secret is out. The influence of money in politics is not just bad; it is rotton. And everyone knows it.

Politicians have known it all along. The public now realizes it. And those who contribute large amounts to campaigns are beginning to see it, too.

The underworld shakedown tactics disclosed by Watergate have shown many businessmen what can happen when the present system is pushed to its limits. It becomes simple extortion, the collection of protection money. American Airlines Board Chairman George Spater described it exactly when he said:

> Under existing laws, a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given.

When businessmen feel compelled to give illegally from corporate funds, to use fake bonuses to hide contributions, and to launder their contributions in such places as Panama, Gabon, the Bahamas, Switzerland, and Mexico, it is clear that there is something terribly wrong with the existing system.

Businessmen and others who have made large contributions in the past are beginning to realize that the only solution lies in substantial public financing of political campaigns.

Henry Ford II, chairman of the board of the Ford Motor Co., said last month:

> The time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis . . . I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.

Board Chairman Orin E. Atkins of Ashland Oil told the Watergate Committee earlier this month that:

> The cost of these campaigns has become so exorbitant that they're going to have to be financed with public funds.

And George Spater of American Airlines earlier this year said:

> I urge the business community to get behind campaign financing legislation that will really work, and that will put a stop to pressures to which officers of companies are subject when solicited for campaign contributions.

The Labor movement in the United States is already strongly behind public financing of campaigns.

AFL–CIO Director of Legislation Andrew Biemiller said in Senate testimony earlier this year that:

> We want the Congress to put the AFL–CIO out of the business of making campaign contributions. We would be delighted if the AFL–CIO never had to raise another dime for a candidate. . . .
>
> The AFL–CIO wholeheartedly supports complete federal campaign financing for all offices and a complete bar on any private contributions to such candidates.

UAW President Leonard Woodcock has testified that:

> The alternative to sweeping, overall reform of federal elections, which must include adequate public financing, is simply to permit the rich, the super rich and the special interests to run the business of American politics. . . .
>
> The UAW International Executive Board has unanimously voted to support public financing of federal elections.

With the labor movement firmly and eloquently supporting public financing, and with the increasing disillusionment of businessmen with the present system, the time is ripe to move on this fundamental reform.

Conservative editorial writers, too, are coming to support public financing.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks an article written by Mr. James J. Kilpatrick. Mr. Kilpatrick states that he has come to the conclusion that Federal campaign financing is essential if we want to have a clean government.

The PRESIDING OFFICER. Without objection, the article will be printed at the conclusion of the Senator's remarks. (See exhibit 1.)

Mr. MONDALE. Mr. President, the amendment now before the Senate gives us the opportunity we need. With this amendment, candidates will no longer be tempted to put the arm on businessmen, or forced to compromise their principles, in order to be elected. Their duty and their responsibility will be solely—as it should be—to their conscience and to those who elect them.

The portions of the joint amendment dealing with congressional races will be dealt with by other Senators. The portion dealing with public financing of Presidential primaries is taken largely from the bill Senator SCHWEICKER and I introduced earlier this year (S. 2238). Let me describe it briefly.

Under the amendment, a Presidential candidate in the primary or prenomination period is entitled to a matching payment from the Treasury for the first $100 or less received from each individual contributor. If more than $100 is received from a contributor, only the first $100 is matched.

To make certain that matching payments do not go to frivolous candidates, a candidate must accumulate $100,000 in matchable contributions before the first Treasury matching payments are made. A candidate would therefore have to accumulate, for example, 1,000 contributions of $100 each, 2,000 contributions of $50 each, et cetera. Only the first $100 of each contribution counts toward meeting the $100,000 requirement.

Any contributions made "in connection with" a campaign—no matter in what year they are made—are attributed to that campaign. If, for example, someone gave $100 to a Presidential candidate in 1974 for the 1976 primaries, that contribution would be eligible for matching by the Treaury and could be counted toward meeting the $100,000 qualifying requirement. However, no additional contribution from that person for the 1976 primary period would be eligible for matching.

Matching payments could begin 14 months before the Presidential general election—in September of the preceding year—for those who had accumulated $100,000 in $100 or less contributions by then.

Raising $100,000 in small contributions

is no easy matter, but it is still not beyond the capacity of a serious candidate. Preliminary GAO figures indicate, for example, that Gov. George Wallace raised over $1 million from those contributing $100 or less, while Representative SHIRLEY CHISHOLM received right around $100,000 in amounts of $100 or less.

This matching plan for Presidential primaries would be of some help with start-up costs, which are a troublesome problem in any Presidential primary public financing plan. Under our amendment, if a candidate is able to accumulate $100,000 in $100 or less contributions by the early fall of the year before the election, he or she would automatically receive another $100,000 from the Treasury, giving the campaign a substantial financial boost at a critical time.

Our amendment limits the total amount of matching payments to 5 cents per person of voting age, which now works out to about $7 million.

Candidates are also limited to spending a total of $15 million in the primary or prenomination period. This should not impose an unreasonable burden. Senator MCGOVERN ran his campaign for the Democratic nomination last year for $7 million, and in 1968 Senator KENNEDY spent around $9 million, Senator McCarthy around $11 million, Governor Rockefeller around $8 million, and Richard Nixon around $11 million. The $15 million limit in our amendment would increase with cost-of-living increases, and could be divided among the States in any way the candidate thought best.

In addition to the provisions dealing with Presidential primaries, the joint amendment contains three other features which I have a special interest in.

First, there is a provision which permits a limited role for small private contributions in Presidential and congressional general elections, and at the same time permits parties to continue their traditional activities in these elections.

Under this provision, State parties are permitted to collect and spend 2 cents per eligible voter in private contributions in their States on behalf of candidates for President, House, and Senate. In addition, the major national political parties may also collect and spend 2 cents per eligible voter nationally for Presidential, House and Senate candidates. The two major national parties would therefore have a total of around $2.8 million each to spend nationwide, and the major State parties combined would have an equal amount to spend in their States.

The second feature which I believe is especially important is that incorporating the $3,000 limits on contributions adopted earlier this year by the Senate in S. 372. Under the system our amendment would set up, these limits would apply to primary elections, to private contributions to the parties in general elections, and to the contributions to minor and new parties in general elections that are permitted under the amendment. Since the primary purpose of any public financing plan is to limit the corrosive influence of large private contributions, I believe we must put a limit on these contributions in any public financing legislation we pass.

Third, the amendment adopts a provision from the earlier Mondale-Schweiker bill doubling the existing tax credit and deduction for political contributions. The tax credit would be increased to one-half of any contribution up to $50—$100 on a joint return—and the tax deduction would be increased to $100—$200 on a joint return. The Joint Committee on Internal Revenue Taxation estimates that the annual revenue loss from this provision—based on 1972 contributions—would be only $18 million. This would be in addition to the $100 million annual estimated revenue loss from the existing credit and deduction.

Mr. President, I urge the Senate to approve this amendment to the Debt Ceiling Act. It is vital that we act now, while the terrible abuses of Watergate are fresh in the minds of all of us. The opportunity for fundamental reform comes so rarely and fleetingly that we must seize it quickly before it slips through our hands.

Mr. President, in the Chamber at this moment is the distinguished manager of the bill, the Chairman of the Committee on Finance, on which committee I am privileged to serve. It was my privilege some years back to support him and to join with him the first time the Senate made a very serious effort to try to deal with the problems of private campaign funding and the inevitable compromise and occasional corruption that is involved. I cannot recall a more bitter fight than we had in some of those struggles. On one occasion we won by one vote, and lost part of the effort but kept the priciple in conference, thereby keeping a very fundamental principle alive and beginning a national debate which I hope will culminate in the adoption of a system of Federal campaign financing in this year.

I think the record is no longer arguable. It is not one that those of us in politics need to argue because we have known about it for a long time. I have never talked to one of our colleagues who did not hate the present system. It is demeaning, it takes up extraordinary amounts of time, it creates a public spectacle. In my opinion, public officials are a lot more honest than anyone has the right to expect. But the system develops an incentive that it is difficult to be under. In a democracy we should have a system that contributes to honesty or permits a person to be honest, if he wants to. It is that fundamental. We have seen it all; we have seen the compromises and corruption in essentially undenied stories where huge expenditures of money have been turned over and thereafter substantial public favors followed.

In a sense we have a system of public financing now. The American public pays and pays and pays millions and perhaps billions of dollars in extra taxes and indirect costs for a system which permits a few with enough money, and a few special interests that are so inclined, in effect to buy the government for their own purposes and at their own expense.

The record is so clear it is no longer debatable that that sort of corruption and compromise occurs in public life today as the costs of compaigns soar, and that is what costs have been doing and will continue to do.

The Presidential elections of 1972 cost nearly one-third more than 4 years before, an estimated $400 million, and, Mr. President, you do not raise $400 million by raiding children's Halloween boxes for the children's emergency fund. Too often you get it by going to people with a lot of big money and making your peace with them and getting the large money that follows; and that is usually at great expense to the American public. Now, as we have seen, as the American people look at what is happening to their democracy, it undermines respect for democracy itself.

EXHIBIT 1

[From the Washington Star-News, Aug. 3, 1973]

A WAY TO FUND CAMPAIGN

(By James J. Kilpatrick)

More than 65 years ago, President Theodore Roosevelt sent a message to the Congress. He was concerned about the high cost of the presidential campaign of 1904 and the bi-elections of 1906.

"The need for collecting large campaign funds would vanish," said the old Rough Rider, "if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties . . ."

Roosevelt's idea, in brief, was for the public financing of federal elections. It is an idea, I submit, whose time has just about come.

This represents a change of position on my part, and on the part of other conservatives who have objected to federal financing in the past. We have felt that any such program would be unwise in terms of fiscal policy, and we have argued that corollary regulations, limiting private contributions and otherwise regulating the conduct of political campaigns, would infringe upon First Amendment freedoms.

These are serious objections, and I reluctantly put them aside. What we are talking about is a complex system of appropriating public funds to be spent by private hands—by political parties and by individual candidates. Such a prospect requires, at a minimum, a network of tight controls, supervised by a massive bureaucracy. A workable plan would have to cover both primary and general elections; it would have to give account to third parties and to possibly frivolous candidates; and it might create new evils, by reviving bossism and entrenching office holders, as objectionable as the old evils it is intended to dispel.

Yet it seems to me, on balance that drastic measures are needed if we are to remove the curse of money that now corrupts our political process. If we do not learn at least this lesson from Watergate, we are doomed to repeat that wretched course of instrucion. By fixing tight limations on individual contributions, the Senate early this week moved in the right direction; yet a great deal remains to be done.

Political campaigns, of necessity, are expensive. They are especially costly, and especially difficult, for newcomers who challenge incumbents. Once we clip the wings of political angels, as the Senate proposes, some alternate plan of campaign financing will have to be provided. The present scheme of tax checkoffs and tax deductions is feeble and ineffective. Roosevelt's forthright proposal of 1907 could dispel the clouds that now

shadow public confidence in public institutions.

This is the important thing. The walloping contribution from the milk producers to the Nixon campaign may have been utterly untainted by any thought of a bribe; but under the circumstances, it smacked of corruption. The $100 bills that came from Robert Vesco may have been prompted by motives of snow-white purity; but the charge is widely believed that the case bought access to high places. George Spater, chairman of the board of American Airlines, has explained why a large part of the political money given by the business community is given: "It is given in fear of what could happen if it were not given."

This pattern has to be broken. Granted, the drafting of a workable law on public financing will not be easy. This whole business of election reform, as last week's debate in the Senate made clear, is in part a choice of lesser evils as better than greater evils. The suspicious thought will not go away that some members, in the pious name of election reform, are in fact taking a leaf from the famous textbook in political science by John Wesley Dean, "Maximizing Our Incumbency, or, How to Screw Our Opponents."

Acknowledging all this, it still seems to me that a Rooseveltian experiment is worth trying. It might cost the taxpayers $100 million a year, but if the approach served to break the curse of implicit bribery, the plan would be cheap at twice that price.

Mr. ALLEN. Mr. President, will the Senator yield for a few questions?

Mr. MONDALE. I am glad to yield.

Mr. ALLEN. Is this the same amendment which was defeated by the Senate when it was offered to S. 372?

Mr. MONDALE. It is substantially different although in principle it is the same. I might ask the Senator from Massachusetts to indicate the differences.

Mr. KENNEDY. Would the Senator repeat the question?

Mr. ALLEN. I asked if the amendment under consideration is the same amendment or substantially the same amendment that the Senate defeated when it was offered as an amendment to S. 372 that was approved by the Senate.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. KENNEDY. Mr. President I yield an additional 10 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. KENNEDY. I would respond that part of the amendment we are considering at the present time includes matters which were debated and discussed in the amendment which the distinguished minority leader, Mr. SCOTT, and I offered earlier this year, and which was tabled on the Senate floor.

Mr. ALLEN. Did that amendment have to do with subsidizing those who seek the Presidential nominations of the major parties? I refer to the amendment that was defeated. Or is that new to this amendment?

Mr. KENNEDY. No; this aspect is new to the present amendment. The previous amendment dealt only with public financing for Senate and House general elections.

Mr. ALLEN. The amendment still would permit private contributions in the case of candidates for nomination, would it?

Mr. MONDALE. That is correct.

Mr. KENNEDY. That is correct.

Mr. ALLEN. Would it still permit contributions in the general elections?

Mr. MONDALE. It would but they would have to be through one of the State or national parties.

Mr. ALLEN. What is the advantage of this in relation to what the Senate has already done in S. 372 in limiting the overall amount that can be spent in a campaign? It looks like a subsidy added to private contributions.

Mr. MONDALE. I strongly supported S. 372 because the theory of S. 372 was this. Can we take the present system of private campaign financing and clean it up so it is honest, but limit the amount anyone can give, provide for public disclosure, and require money over $100 or $50 be in the form of a check so we do not have this cash flying around and so on? So, S. 372 is our best effort, and it is a good one, because we need to clean up the present system. But we found that when the system is made clean, no one can get enough money to get elected.

It is impossible to have a clean system of private financing which makes it remotely possible for a man running for President to ever raise enough money to get elected.

So we not only have what I think is a fundamental theory supporting public financing—namely, to try to keep government so it is responsive only to the people—but we find it practically impossible to clean up the present system and make it possible for a man to run for office and have enough money to be listened to, based on the historic amounts of money that candidates have spent in the past.

Mr. ALLEN. Do we not still have the imponderable of private contributors? They are limited in the amendment of the Senator. They are limited in S. 372. Why would that be better experienced under the Senator's amendment than in S. 372 in the matter of private contributions? Why add a public subsidy to the private contributions? That is what disturbs the junior Senator from Alabama.

Mr. MONDALE. Well, for these reasons: First of all, the one I just cited—that it is impossible to have a clean system of private funding of campaigns which will produce enough money to permit a person to run and be elected, based on all the historic costs of campaigning that have arisen in the past. That creates the incentive by which a person, recognizing the reality of that system, decides either to obey the law, and lose the election, or start cheating by taking money under the table, setting up phony committees, and the whole sordid mess which has brought government and politicians into such disrespect already.

Consequently, we think it makes sense, a great deal of sense, to use public money to keep American politics clean, so that when a person is elected he will not have accepted money from any source or in any amount which in any way compromises either his conscience or his responsibility to his constituents.

This is an old idea, as the Senator knows; it is not new. Teddy Roosevelt called for public financing of campaigns 70 years ago.

This whole sordid mess has finally gotten so sour and rotten that now American business men, who used to sort of enjoy their special privilege in American politics, realize that they are now subject to being victims, are subject to shakedowns, are subject to threatened extortions, are forced to produce under the present system vast amounts of money, are subject to being called in the middle of the night and told to produce money, almost having to have money printed, so it can be produced on the demand of the incumbent government.

We do not want that. So the way out is a system which includes public financing.

Mr. ALLEN. In other words, the Senator is saying, let the candidate or party get all the money out of the private sector he or it can, and then the Federal Government, the taxpayer, is going to pay the difference. Is that correct?

Mr. MONDALE. I do not know why the Senator from Alabama would characterize it that way.

Mr. ALLEN. How would the Senator characterize it?

Mr. MONDALE. This is designed to achieve several objectives, but, above all, honesty, responsiveness. That is the issue, I want to tell the Senator from Alabama. These are not debating points. This is not an phemeral political science concern any more. We are talking about the survival of honest democracy—nothing less than that. If the Senator from Alabama can tell me that he has a system for cleansing our present structure with private financing that will make for honesty in American politics, I would like to hear it.

Mr. ALLEN. What does the Senator now offer different with respect to contributions from the private sector?

Mr. MONDALE. What does the Senator from Alabama offer to deal with this fundamental and profound crisis in ethics in politics?

Mr. ALLEN. I was satisfied with S. 372. I notice that the distinguished Senator from Minnesota voted for it also.

Mr. MONDALE. I did, but I said at the time that the passage of a clean system for private campaign financing added another unanswerable argument for public financing; namely, that when we try to clean up private financing we so restrict the amount of money a person can raise that, in light of the cost of campaigns, the only other way we can do it and keep it clean would be through a system of public financing.

This is one of the problems of many of the Corrupt Practices Acts. They impose restrictions on spending that are unrealistic, and because they are unrealistic, because politicians could not win by obeying the law, they have the incentive of cynically violating the law, setting up phony campaign committees to get money on their own behalf, because those laws created the incentives for deceit and dishonesty in American politics. We are trying to clean that up

and create a system where a person can remain honest.

Mr. ALLEN. Did I understand the Senator to say that under this measure the American taxpayer could be called on to pay up to $5 million to the various candidates who seek the nomination of the political parties for the presidency?

Mr. MONDALE. I would estimate that this bill will save the American taxpayer something like $5 billion, because he pays and pays now every time an antitrust lawsuit is fixed. That $400,000 from I.T. & T. may well have produced an antitrust suit that was fixed.

Mr. ALLEN. The Senator is not being responsive to my question.

Mr. MONDALE. Oh, yes, I am, because the present system is costing the American taxpayers billions of dollars—billions of dollars—every time the Government is compromised. For example, for years the Senator from Louisiana has fought for publication of generic drug costs, and the Senator from Louisiana can tell the Senator how cheaply one could buy drugs by the generic name if those drugs were produced in that way and sold in that way under medicare and medicaid. The reduction in the cost of drugs could save hundreds of millions of dollars and produce better care, but the drug companies do not want it, because they make hundreds of millions of dollars off that system, and the drug companies produce a lot of campaign money in order to encourage their point of view.

That is one example.

I think part of the oil crisis may be attributable to the tremendous generosity of the American oil industry.

There are many many other issues that affect our country and affect the American consumers and the taxpayers which are costing many billions of dollars.

This would be the best investment of American tax dollars ever made.

Mr. ALLEN. Would the Senator kindly answer the question which I propounded to him?

Mr. MONDALE. Yes, sir.

Mr. ALLEN. Did I understand the Senator correctly when he said that under this bill the American taxpayer could be called on to pay up to $5 million for the race of various candidates for, not the election of the President, but obtaining the nomination of the political parties for the Presidency? Is that correct?

Mr. MONDALE. What I am trying to get the Senator from Alabama to join with me in handling is this question: What are we going to do about corruption in American public life?

Mr. ALLEN. I see.

Mr. MONDALE. The Senator keeps asking me——

Mr. ALLEN. And the Senator keeps declining to answer the question. Why, I do not know. Perhaps the Senator is not proud of the provisions.

Mr. MONDALE. Perhaps the Senator can tell me why we have to keep spending $5 billion for drugs for which drug companies charge prices that are double and triple and ten times their cost? What public policy justifies that? And would it not be worth a lot of money to the drug companies to continue to have this cushy arrangement? Does not the Senator from Alabama think they contribute some money to achieve that objective?

Mr. ALLEN. I thank the Senator.

Mr. MONDALE. I thank the Senator. I yield the floor.

Mr. TAFT. Mr. President, I ask unanimous consent that James Medill, of the staff of the Elections Subcommittee of the Committee on Rules and Administration, may have the privileges of the floor during debate and votes on this measure.

The PRESIDING OFFICER. Without objection it is so ordered. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. LONG. On the time in opposition.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. 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. LONG. Mr. President, I ask unanimous consent that the time in opposition be assigned to the distinguished Senator from Utah (Mr. BENNETT).

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

Mr. BENNETT. Mr. President, does the distinguished Senator from Alabama want time yielded to him? I would be happy to yield him as much time as he desires.

Mr. ALLEN. Mr. President, I would like to have 15 minutes.

Mr. BENNETT. Mr. President, I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. ALLEN. Mr. President, I rise in opposition to the pending amendment which apparently would bring into the election process and the nomination for President process the matter of public financing.

I call attention to the fact, Mr. President, that on July 30 of this year, the Senate passed S. 372, the expenditures act, the Federal Election Campaign Act Amendments, by a vote of 82 yeas and 8 nays. One amendment that was offered during the deliberations of the Senate on that bill was an amendment that is substantially the same amendment as is now pending before the Senate, the so-called Kennedy-Scott-Mondale, and so forth amendment. That amendment was defeated by a large margin. The amendment is now being revived as an amendment to the debt limit bill.

Mr. President, at the proper time I plan to offer as a substitute for the pending amendment an amendment that is the identical provision that was passed by the Senate on July 30, 1973, to S. 372.

That bill, Mr. President, was hailed as an outstanding forward step in the matter of regulating campaigns, campaign receipts, and campaign expenditures. It provided for a full disclosure of campaign contributions and expenditures. It provided, I believe, for a maximum of $50 to be paid in cash. It limited to $3,000 the amount that any one person could expend.

So the Senate took that position in July of this year and sent that bill over to the House. It has not progressed very far over there.

Mr. President, if we change the course on which we have embarked—that is the reform of the election process—and greatly limit or reduce or restrict the amount of contributions and expenditures and go off after public financing and add to it private financing as well, certainly that will spell the death knell to S. 372 that is now pending in the House. The Members of the House will say, "Well, the Senate doesn't know what it wants. On July 30, it passed a bill providing for public financing. On another date in November"—if this amendment is agreed to—"the Senate went off after some hybrid plan of mixing private financing with public financing."

So, I would say that the House would not know what the Senate position is. I believe that if we stick by S. 372 and force action on those provisions, we will come up with a very fine piece of legislation.

Mr. President, I heard the distinguished senior Senator from Utah say that this amendment had about 30 minutes consideration in the Finance Committee. I do not know what committee has had hearings on it. I do not know to what extent members of the committee are familiar with its provisions.

I twice asked the distinguished Senator from Minnesota (Mr. MONDALE) if the bill did not contain provisions to the effect that there could be paid out by the American taxpayers up to approximately $5 million to other candidates for the Democratic nomination for the Presidency or for the Republican nomination for the Presidency.

It would subsidize not only general elections, but it would also subsidize many possibly here in the Senate who would receive a major subsidy under these provisions.

It would subsidize Governor Rockefeller to the extent of $5 million if he were to seek the Republican nomination. It would subsidize Governor Reagan to the same extent. It would subsidize Governor Connolly to that extent.

I do not believe the American taxpayers ought to be called on to subsidize these candidates. If I am incorrect in the conclusions I have drawn from questioning the distinguished Senator from Minnesota, I hope that I will be corrected. However, this would help to pay the campaign expenditures of the various candidates for the office of President.

That is a little bit further than I am willing to go, Mr. President. I believe

that is a little bit further than the American taxpayer is going to be willing to go. It would not only subsidize general elections, but would also subsidize everyone who got the notion that he wanted to run for the presidency and gets out and gets some contributions on his own. It matches those contributions, that is, to the extent of $100 contributions.

The distinguished Senator from Minnesota did make the statement, though he was very reluctant to admit it, that there could be paid out to every major, bona fide candidate for nomination for the presidency up to an estimated $5 million.

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

Mr. ALLEN. Yes; I am glad to yield to the distinguished Senator.

Mr. KENNEDY. I am sure that the Senator would want the record to be complete in terms of his explanation of the amendment itself.

Mr. ALLEN. Yes.

Mr. KENNEDY. Of course, the Senator from Alabama understands that before any potential nominee would receive any payment of public funds under these provisions in connection with a Presidential primary, he would have to receive a substantial amount of small contributions from private individuals themselves. A candidate would have to raise $100,000 in order to get any matching funds. And then he could potentially reach the $5 million mark in public funds, on a 50–50 matching basis. Governor Rockefeller would have to do that, Governor Reagan would have to do that, and George Wallace would have to do that. And there would be no matching of any contribution that was greater than $100. That is, only the first $100 of larger contributions would qualify for matching.

Mr. ALLEN. That is correct.

Mr. KENNEDY. Candidates would have to go out and knock on doors and get those $100 contributions—not the $2 million from Clement Stone, but the $100 from the garage mechanic, and fund their campaigns that way.

The Senator is quite correct in stating that they would be able to get matching funds, if they were able to collect equal amounts of money by knocking on doors and getting that broad degree of support across America. But the Senator is quite incorrect in stating that anyone would be able to go out and milk the Federal Treasury of up to $5 million.

Mr. ALLEN. I thank the Senator, but I insist that what I have said is not at variance with what the Senator from Massachusetts has said. Of course, it is matching funds for contributions of up to $100; I recognize that and I stated that. But, as the distinguished Senator from Minnesota stated, it would authorize paying up to approximately $5 million for each man who sought the Presidential nomination, if he could obtain that much public participation.

What I cannot understand is why, under S. 372, we seek to clean up the election process—and I might say it went a long way toward doing it. Whereas the existing law was a limitation on how much can be spent for media advertising of 15 cents per person of voting age in the political jurisdiction from which the candidates seeks election, S. 372 provides 10 cents per person of voting age for all campaign expenses, and 15 cents per person of voting age for all general election expenses. So it is a great forward step.

But if we mix it up with this hybrid bill or this hybrid amendment that is now the pending question, which mixes private financing with public financing and brings in all the various candidates for the Presidency—I noted in Sunday's newspaper the results of the last Gallup poll. There were some 11 people mentioned for the Democratic nomination for the Presidency. Several of those 11 were Senators. I can think of some four right offhand. If they can get out and get private contributions of up to $5 million, then the American taxpayer is going to add, under the provisions of the pending amendment, another $5 million to go with it.

This is something that never has been proposed before, as far as I recall. Talking about public financing of Presidential elections is one thing, but it ought to be a personal effort as the candidate seeks the nomination of his party.

Mr. President, not only should the American taxpayers not finance the Presidential nomination campaigns of the various Senators and other political officeholders who seek the Presidency, but he should not finance the Presidential elections either. One of the fallacies of this amendment, the Kennedy amendment, as I see it, is that it does not eliminate private contributions. If I am wrong on that, I want to be advised. If I am wrong, I assume I will be corrected, because I was corrected a moment ago when I was not even wrong. So if I am mistaken, I daresay I will be corrected.

So, instead of substituting public financing for private financing, those who sponsor this amendment would take the benefits of private financing and then add a great big Federal subsidy in addition to that. That is what we are being called on to vote on.

Mr. KENNEDY. Mr. President, will the Senator yield

Mr. ALLEN. Yes; I am delighted to yield to the Senator.

Mr. KENNEDY. There are a number of different provisions in this amendment as to which the Senator is incorrect. He is incorrect with respect to the provisions of the amendment that apply to congressional and senatorial spending.

Mr. ALLEN. I have not got to that yet.

Mr. KENNEDY. And I would not quite accept his interpretation of the other provisions that apply to the Presidential primaries. As the Senator understands, there is virtually a complete prohibition against private contributions and expenditures in the provisions of the amendment that deal with senatorial and congressional campaigns in general elections.

Mr. ALLEN. Yes; as far as senatorial campaigns are concerned, I have not got to that.

Mr. SCHWEIKER. Mr. President, will the distinguished Senator yield further on that matter?

Mr. ALLEN. Let me finish my remarks, and then the Senator can obtain the floor.

Mr. SCHWEIKER. All right.

Mr. ALLEN. So, Mr. President, as I have stated, the amendment under consideration serves to benefit—the Senator from Massachusetts says this does not apply to senatorial and congressional races, and I had not gotten to that, but it accepts the benefits of private financing, which is already purported to have been cleaned up under S. 372 now pending in the House of Representatives—it accepts private money, and adds to it a great big Federal subsidy. There can be an estimated $5 million—

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. ALLEN. On behalf of the Senator from Utah (Mr. BENNETT), I yield myself an additional 10 minutes.

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

Mr. ALLEN. Mr. President, the candidates for the Democratic and Republican nominations for the Presidency can go out and get all the private money that they can get under the provisions of the bill, and then turn to the American taxpayers and say, "Put up an equal amount to what I have received in contributions from the public."

I do not believe I am quite willing to go that far, Mr. President. I think if a man seeks the Presidential nomination, it is not up to the American taxpayer to pay his way.

Who would be a prospective beneficiary under this provision of $5 million in matching funds for those seeking the nomination? Well, I would say first there are Members of the Senate who would be beneficiaries.

Governor Connally of Texas would be a beneficiary—Governor Rockefeller of New York, and Ronald Reagan of California. I would hate to see any of my tax money—I might make a private contribution to some candidate—but I would not want my money, as an American taxpayer, to be paid out to these people who are seeking the nomination of their respective parties.

Now, the Senator from Massachusetts says, "Well, it does not apply to the Senate and House." I said that I was going to get to that. This provides a subsidy, as I understand it—and if I am wrong, I am sure that I will be corrected—for every Member of the Senate and House as he runs for reelection for office in House or Senate.

I am not willing to vote for that, Mr. President.

At the proper time, I plan to offer as a substitute for the pending amendment the provisions of S. 372, which the Senate has already passed by an 82 to 8 vote.

It may be said, why pass it if we have already passed one? Well, it goes over to the House and all we need then is a conference to get it up for consideration, whereas now it might lie over there and gather dust. But this is a way to invoke the will of the Senate by adding S. 372 in lieu of the pending matter.

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

Mr. SCHWEIKER. Mr. President, I yield myself 10 minutes on behalf of the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCHWEIKER. Mr. President, it is particularly important for us to reform our system by extending public financing of general elections to the primary system. If it is important to insulate general election candidates from the dangers of undue influences of large private contributions, it is even more important to provide this similar protection to the primary itself.

Particularly in the Presidential race, candidates seeking nomination that have to rely on private interests solely to win the nomination can never be completely insulated from undue private interest demands, whether they need private money in the general election or not.

That is why, the Mondale-Schweiker bill for the first time provided Federal matching money for Presidential primaries. For primary elections, there would be a $15 million spending limit, one-half of which would be financed from a new special Treasury fund to provide matching payments for individual contributions of $100 or less to each candidate. Increases would be allowed in the amount of tax credits and tax deductions for contributions of $100 or less to help encourage small contributions by more individuals. This would enable a candidate to easily raise the difference between the spending limitations and the Treasury funds. The important fact of this system is that a candidate could conduct a significant campaign without having to become dependent on large contributors, and without becoming indebted to large contributors who might seek special influence.

I support all the provisions of today's amendment to the debt ceiling bill, and have been privileged to work actively in drafting it. I urge the full Senate to endorse this amendment, so that we can quickly provide a meaningful system of public financing of elections that can let the American people know that we intend to reform our election system in a meaningful way.

Mr. President, in addition, I wrote President Nixon last week urging his support for this campaign reform proposal. During his meeting with various Senators, Representatives, and Governors, he expressed interest in the reform of our present governmental election process. I said in my letter that few steps could better signify to the public our determination to restore faith in our Government than to enact this comprehensive system of public financing of Federal elections.

Mr. President, I ask unanimous consent to have my letter to the President printed in the RECORD.

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

NOVEMBER 21, 1973.

DEAR MR. PRESIDENT: As you have indicated during the past few weeks, to the public and to members of Congress with whom you met, restoring public confidence in our electoral and governmental processes must be one of our major concerns. One of the great tragedies of the Watergate affair is the doubt about the very integrity of these processes themselevs that has arisen among the general public.

Next week, the Senate begins debate on a comprehensive amendment providing for public financing of federal election campaigns, that has been cosponsored by one-third of the Senate. Your support for this important campaign reform would be a positive step towards winning Congressional enactment, and I respectfully urge you to publicly endorse this amendment.

The amendment has been introduced to H.R. 11104, the Debt Ceiling. This, you will recall, was the means by which the existing one-dollar check-off system for Presidential General Elections was proposed by Senator Russell Long and signed into law.

The amendment, in brief, takes the following steps:

It doubles the amount of money available under the tax check-off system for Presidential general elections, and removes the option for private financing of these elections. Approximately $21 million would be available for each of the two major Presidential candidates.

It creates a new system of public financing of Presidential primary elections. Patterned after the Mondale-Schweiker bill, S. 2238, it provides for matching private contributions of $100 or less with federal money. A candidate must have received $100,000 of private contributions to be eligible for federal matching money. A spending limit of approximately $15 million for primary elections is imposed for each candidate.

It provides for public financing for Senate and House general elections, similar to the tax check-off system for Presidential races. This provision is similar to proposals for Congressional public financing offered by Senators Cranston, Hart, Kennedy, Mathias, Scott, and Stevenson.

It is clear that the campaign abuses of 1972 that have been the subject of the investigations of the Senate Watergate Committee, and the special prosecutor's office, and that have been of concern to the entire nation under the name of "Watergate" have one factor in common: excesses based on the existence of large private campaign contributions.

Therefore, there are few steps that can better signify to the public our collective determination to reform our electoral processes and to restore faith in government than to enact a comprehensive system of public financing of federal elections.

I submit this strong suggestion in response to your indication at our meeting last week that you sought ways to restore public confidence. I have enclosed a more detailed summary sheet of the Senate amendment, and hope that you will lend your voice to the growing Congressional support for its swift enactment.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

Mr. SCHWEIKER. Mr. President, today, the Senate begins debate on a comprehensive proposal for public financing of Federal elections.

I have been privileged to work with the coalition of Senators from both parties to enact this significant campaign reform.

Earlier this year, Senator MONDALE and I introduced the "Presidential Campaign Financing Act of 1973." The section of this public financing amendment today dealing with a new Federal matching payment system for Presidential primaries is taken from our bill. I am delighted that more than one-third of the Senate has endorsed this proposal.

The background for introducing a campaign reform amendment to the debt ceiling bill is clear: it is Watergate.

The scandals and allegations surrounding all of the various activities of the 1972 Presidential campaign that are under investigation have severely shaken this country. Public confidence in the integrity of our very governmental processes themselves is at an alltime low.

Two important points must remain clear to everyone:

First, it was Watergate that brought about this crisis of confidence.

Second, it was the existence of unlimited campaign money that brought about Watergate.

The seemingly endless unravelling of the Watergate affair has testified more eloquently than we ever could to the crying, overwhelming need for public financing of campaigns.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield.

Mr. MONDALE. Earlier in this debate, the distinguished Senator from Alabama (Mr. ALLEN) asked how much money from the treasury would go toward these candidates. Of course, some would. But I made the point, and I should like to know whether the Senator from Pennsylvania agrees with me, that today the American taxpayer, the American consumer, pays many times over that amount in the direct and indirect costs of the Government which, I believe, are traceable to the disproportionate influence of big money in American politics today.

We have seen some of the sordid corruption and compromise exposed in Watergate but there is an even more pervasive influence of big money which is not properly characterized by the word "corrupt." It is the influence, the advantage, the special access that big money affords those who have it in our system of American politics.

What explains, for example, the loopholes in the American tax laws? I understand that I.T. & T., the eighth largest corporation in the world, paid only one half of a percent of its income in taxes.

The lowest paid janitor at I.T. & T. pays three, four, or five times more than that as a percentage of his income.

The influence of the drug industries has resulted in profits for many drug companies that are absolutely fantastic.

This morning the distinguished Sena-

tor from Connecticut (Mr. RIBICOFF) pointed out that last year we gave something like $1.6 billion in tax advantages to American oil companies overseas to develop oil wells, the production of which cannot be brought back to the United States.

Running all through the American Government are examples of decisions made by governmental bodies which serve the interests of the special wealthy interests in this country, which I think are in part explainable by our present system by which persons of great wealth and interests of great wealth have this special advantage and it costs Americans billions of dollars, not a few million. Would the Senator from Pennsylvania agree with that?

Mr. SCHWEIKER. Yes, I certainly agree with the distinguished Senator from Minnesota, who is my cosponsor and a principal leader of our effort in our particular bill.

I should like to elaborate at this point, because I think it goes to the very heart of the question, when the Senator asks what this measure will cost and how much of a price it is to the taxpayers.

I think we might ask ourselves what Watergate has cost us already. In going back to my State of Pennsylvania, I have talked to the young people, and I have never before seen the cynicism, the doubt, the skepticism, the disbelief that Watergate has created. At the moment, we have lost a generation of Americans who do not believe in their Government. Hopefully, it is not going to be lost forever. But we certainly have come very close to destroying the heart and the soul and the spirit of this country's political system. There is no doubt in my mind that Watergate has brought us to that point. I think that those of us in positions of responsibility have an obligation to try to restore it. I can think of no measure, no one bill, no one approach, that could so move the restoration of that confidence and renew the spirit of this country than to show that we mean business about cleaning up our political corruption.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHWEIKER. I yield myself 10 additional minutes.

Unless the present system of financing campaigns with large, special-interest, private contributions is ended, it could ruin our democracy. That is how serious I think Watergate is, and that is how serious I think our adopting an amendment of this kind is to the future of this country.

So when we talk about costs in terms of what the spirit of this country is worth, what the beliefs of the young people in our political system are worth, and what our belief is as credible Senators and Representatives in a political system that is wracked with corruption, what is that price? How can we put a dollar figure to it? I think that is really the issue here; it is that serious.

Therefore, there are few steps that can better signify to the public our collective determination to reform our electoral processes and to restore faith in government than to enact a comprehensive system of public financing of Federal elections.

It is obvious by the nature of this coalition that we have many different ideas about how to proceed. Senator MONDALE and I have a bill; Senator KENNEDY and Senator HUGH SCOTT have a bill; Senator CRANSTON, Senator MATHIAS, Senator STEVENSON, and many others have bills. We all have different ideas. That, in my opinion, is not of great import. The distinguished Senator from Alabama said that one of the reasons he was thinking of being opposed to the bill was that he never heard of this idea before, that it was never proposed before, and rightfully so. We never had a Watergate like this before, either. We never had the soul of this country challenged before. Rightfully so. Yes, it is a new idea to meet a new challenge, a new situation. He could not be more right in going to the heart of the matter. But that is not a reason to be against it; that is a reason to be for it. The whole point of this coalition is to blend together very different proposals on what to do about it, but to say in essence that we do have a common purpose, a common goal.

The Senator from California has been very helpful in getting together a signed statement of more than 50 Senators to show that while we may disagree with details, we have tried to adopt a principle and a standard of conduct that we see as essentially important to this country if the credibility of our political system is to survive. That is the issue of this amendment. That is the issue; that is the question.

It is obvious to those of us who saw what happened to the other bill that the Senator from Alabama refers to and is apparently offering as some kind of substitute that it takes some extraordinary special measures if we are going to get something like this through our legislative body.

That is why we decided to attach it to the debt ceiling bill; because we believe this is the best way to bring the issue to a head. What more important issue is there right now than the issue of whether we are going to regain the heart and soul of this political system and are going to restore faith and credibility in it? I know of no more important issue. That is why it is significant that we decided to attach it to the debt ceiling bill, because I believe it focuses the issue where it should be—at the very heart of our system.

Yes, it is a new proposal. Yes, it is unorthodox. Yes, it is what is needed in order to meet the crisis of confidence and credibility that this Government and our whole political system and those of us in it face today from our constituents, who are rightfully indignant, who are rightfully concerned, and who are rightfully questioning everyone, even those who had no part in it, who do not believe in it, and who do not approve of the kind of morality, or lack of morality, that signifies Watergate.

The only way to proceed is to show this country that we are going to strike a new standard, a new posture, a new position, a new approach, a new way of doing business; that those of us in political life can hold our heads up; that we can look other people in the eye and say that we believe in a system that is going to work, that is going to have integrity, that is going to have character, and that is going to represent what the people of this country want it to represent—a system that is going to speak as America wants it to speak today, and that is not being spoken and that is not being acted upon.

So we adopted an extraordinary procedure to meet an extraordinary situation, and I think that is our duty and obligation today as Senators and Representatives. If we miss that obligation, if we miss the principle involved, then indeed we have missed the lesson of Watergate.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time to be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. 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. CRANSTON. Mr. President, I should like to ask a question of the distinguished Senator from Pennsylvania with regard to his comments.

I noted that the Senator wrote to the President of the United States, asking him if, in the light of prevailing circumstances, he would offer his support to the amendment that the Senator has joined me and many other Senators in offering. I should like to ask the Senator whether he has had a response.

Mr. SCHWEIKER. No, I have not yet heard from the President. The letter was sent last Wednesday. I have received no reply as yet.

The important item to me is going to be the nature of the reply, because I think this is a wonderful opportunity for the President to begin to restore credibility. As I mentioned a moment ago, in the meetings some of us had with the President about Watergate, this was one of the key issues. It was one of the questions I asked the President, as to just what steps were going to be taken to restore the confidence of this country in its Government and its ability to govern, and what manner of full disclosure was going to be used to do that.

Out of this discussion came a sense of urgency to do this. I can say that there is no better way, in my judgment, to demonstrate that urgency and that meaning and that import than to sup-

port an amendment such as this. Obviously, it does not have to be, as my letter suggests, this particular amendment. We all have different ideas. But I believe that an affirmative response to my letter would mean a great deal to this country at this time. So far, I have heard nothing.

Mr. CRANSTON. I agree that it would mean a great deal, and I congratulate the Senator from Pennsylvania for his initiative in asking the President for his support. I join in the wish that the President will recognize how significant his support for this measure could be and that he will give that support.

The adoption of this amendment would go a long way toward reforming the misuse of money in political campaigning in the United States. Such reform is essential in the light of all the revelations of what occurred, not only in the Presidential campaign of 1972 but also because of many other abuses of campaign financing.

Also I would like to say in the presence of the Senator from Alabama that he has noted that a similar amendment to this one was offered in July when we considered a campaign reform bill, and it was rejected. I wish to point out that I voted against that amendment, feeling that we should first seek to reform present methods of private campaign financing before seeking to achieve public campaign financing reform. I felt it important to have hearings before proceeding with public financing. I not only voted against the measure but also worked against that amendment.

I now support the amendment before the Senate, as did many others in July, because since July we have had no action other than hearings in the Senate.

The time is now to see if we can enact public financing reform.

To cover one other point, the Senator from Alabama asked why there is a mixture of public and private financing in the amendment before us. The basic reason is in part due to the Constitution. There is a feeling a prohibition would infringe on the first amendments rights of citizens to support their choices by financial contributions. If true there is a constitutional question. Therefore, we allow for private financing but we provide public financing which we hope will eliminate dependency on private financing. Once we have shown this plan will work, we can move to still lower ceilings on the amount any individual can give to a candidate. The present limit is $3,000, under the bill passed by the Senate.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. KENNEDY. I yield whatever time the Senator from Pennsylvania desires.

Mr. SCHWEIKER. Mr. President, first I ask unanimous consent that my assistant, David Fiske, may have the privilege of the floor during the debate and vote and votes on the pending bill.

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

Mr. SCHWEIKER. Mr. President, I wish to take a few minutes to respond to the questioning of the Senator from Alabama about private financial contributions under our coalition amendment. I would like to amplify what the Senator from California said.

It is true there is some private financing still envisaged in our proposal, but it relates to the primary elections only. We have taken several significant steps in our amendment. First, we have eliminated it in the coalition amendment in terms of the general election, the Presidential campaign, and the candidate. We also have eliminated it in terms of the general election of Senators and Representatives. So we have taken a giant step; in fact, we have taken two giant steps in terms of private contributions.

In the Presidential race, we have a combined system in the primaries of private and public money. The important thing is that we do decrease the emphasis on private contributions by combining public and private money in primaries. There is also added a $3,000 ceiling that is in the other bill the Senate approved, which is awaiting action in the House. We bring private and public money together for the Presidential primaries. The overall limit is fixed at $3,000. There would be no more $100,000 contributions in black bags or contributions of $50,000.

In House and Senate campaigns we do not have private financial contributions in general elections, and we placed a $3,000 limitation in the bill. So we have limited the contributions to $3,000.

So we have accomplished three purposes by our amendment. We have eliminated all private financing in the general elections—for Senators, Representatives, and the President. We have eliminated it to some extent in the Presidential primaries by having a combination of private and public financing. And then we have set an overall $3,000 limit that any individual can give to a candidate for a primary campaign. So I think we have it in quite proper perspective.

We have a blending of the best proposals put forth, and I think a very practical basis on which to proceed, once we have got away from the kind of campaign fund-raising basis we have just gone through.

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

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

Mr. SCHWEIKER. I yield.

Mr. ALLEN. Mr. President, I should like to find out, in view of section 9 of the amendment, which gives a candidate for office in a Federal election a subsidy of 15 cents multiplied by the voting age population for the geographical area in which he is running, whether this is just a subsidy in the amount under S. 372, which is all a candidate is allowed to spend in a Federal election for all purposes.

It would seem to me that instead of being a reform measure, the present amendment that the Senator is supporting, and of which he is a cosponsor, would permit greater expenditures which he can get out of the public till, out of the pockets of the taxpayers. He gets the full amount that a candidate is able to spend under S. 372, and it does not take into account anything he would get under the private sector.

How would the Senator explain that as a reform measure?

Mr. SCHWEIKER. I think the way to explain it is that we are going into total public financing for a general election campaign.

When we eliminate the private interest financing, the amount per se is not nearly so critical as it is in the private case, because we have eliminated the private support of a candidate. The ceiling aspect becomes somewhat secondarily important because we do not have the private interest at stake.

Mr. ALLEN. In other words, the Senator is saying that the liability or the failure to transfer it over from the private individual will go over to the taxpayer, is that correct?

Mr. SCHWEIKER. That is the whole concept of public financing, so that is correct.

Mr. ALLEN. At the time of a general election, though, private contributions are to be withdrawn in Senate and House races; is that correct?

Mr. SCHWEIKER. For the general election, yes.

Mr. ALLEN. What about the Presidential election?

Mr. SCHWEIKER. And for the Presidential election.

Mr. ALLEN. There is no private contribution for the Presidential election?

Mr. SCHWEIKER. That is correct; except what the national committees are entitled to distribute on a modest basis.

Mr. ALLEN. That comes from the taxpayers, does it not?

Mr. SCHWEIKER. No; it is private. They are allowed up to $2.8 million for contributions.

Mr. ALLEN. That is private; so there would be a mix of private and public contributions?

Mr. SCHWEIKER. That is correct.

Mr. ALLEN. So under this provision, every Senator who was up for election next year would have his campaign financed by the taxpayers; is that correct? I am talking about his campaign in a general election.

Mr. SCHWEIKER. That is correct.

Mr. ALLEN. Does the Senator think that is in the interest of good government?

Mr. SCHWEIKER. I think we just witnessed how to do it wrong the other way. If we had had an amendment like this operative during the 1972 election, we would not be seeing the horrendous torture that the Republic is going through now. I do not have any cure-all, but I do not think it would happen, and I think that is worth quite a bit of money.

Mr. ALLEN. Is the Senator speaking about senatorial elections?

Mr. SCHWEIKER. I think that is the answer.

Mr. ALLEN. What great scandals have developed in senatorial elections?

Mr. SCHWEIKER. We have had scandals develop in the past. They do not receive the prominence because they do not involve such a large total amount of money. But the principle is the same, and the question of integrity is the same.

So just because it happens on a smaller scale does not mean it is less important. There are 100 votes in this body, and if they have been brought here by special interests or if they have not been brought here by special interests is a very important part of this problem, and it is a very important principle.

Mr. ALLEN. So the Senator thinks that by moving it from private contributors over to the American taxpayers would be in the interest of good government?

Mr. SCHWEIKER. I think it would. I think the Senator will find, after Watergate, that the rank and file of this country support a significant change in the system and a better way of doing it than the way we have conjured up heretofore.

Mr. ALLEN. I notice a little interesting provision in the fact sheet put out by the sponsors of the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BENNETT. Mr. President, I shall be glad to yield to the Senator such time as he may need.

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

I ask the distinguished Senator from Pennsylvania one more question. I notice in the fact sheet put out by Senators who sponsor the amendment that they talk about a subsidy to be given to the candidates for the nomination for the Presidency. They are able to get matching money up to 5 cents per person of voting age throughout the country. That is the limit. It could run up to about $7 million, the fact sheet says. I notice that the little subsidy is being increased from time to time on a sort of cost-of-living basis.

Is that the theory of that? As the price of the cost of living goes up and the cost of politicking goes up, the candidate's subsidy automatically increases? Is that right?

Mr. SCHWEIKER. Let me say I think the Senator certainly makes a very good point, but let me also point out that a cost-of-living escalator is also in the amendment the Senator proposed. It is in S. 372, which the Senator supported. So it has the same principle in the bill the Senator is supporting.

Mr. ALLEN. I am just asking the Senator if this provides a little cost-of-living increase for the poor, neglected, taxpayer-supported candidate. Does it?

Mr. SCHWEIKER. It does, just as it does in the Senator's own amendment that he is offering.

Mr. ALLEN. I thank the Senator for his explanation.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield myself such time as I may require in opposition to the measure. In the last little while we have heard a great emotional appeal to completely destroy the present political system because there has been some apparent abuse, which has not finally been established by the courts, and to replace it with a new untried, system whose sponsors cannot agree among themselves what the system should be.

They have made some kind of uneasy alliance in order to get this bill through under these circumstances, but it is clear that each of them has had a different idea as to how the problem can be solved. And again, as in July, we are asked to write this bill, completely changing our political system, on the floor of the Senate, without an opportunity to study its consequences.

When a similar proposal was offered on another bill in July, the chairman of the Committee on Rules and Administration (Mr. CANNON) agreed to hold hearings on the proposal. Hearings have been held—I understand 4 or 5 days. They have turned out a completely different bill, but we are not going to get a chance to consider the bill the hearings turned out. We are offered this combination, this agreement of convenience, and are asked to take it under circumstances which demonstrate that its sponsors have no faith in its ability to stand the scrutiny of the normal legislative process. They are trying to attach it, at the last minute, to a bill the President must sign before midnight of November 30. Otherwise, none of us will be paid, and the Federal Government will not be in a position to pay any of its bills.

This is legislation by blackmail. This is legislation with a gun at our head. If they had more faith in their proposal, they would not propose it to us under these circumstances.

Mr. President, I am not going to discuss the details of the measure; rather, I am going to discuss the philosophy behind, it, the problems that are going to be created if we move from private to public financing. I am in a very fortunate position because, since I have announced I am going to retire at the end of this term, I will not be involved again personally in the question of financing campaigns. I hope that gives me some credibility as a more or less objective observer.

I am perfectly willing to agree that there is a need for a comprehensive review and perhaps overhaul of our election campaign systems. They last too long. They are too wearing on the candidates. And they are too expensive. But, the question of how the money is going to be raised is only a small part of the problem. I think that if we chase this rabbit down the detour, we may not only postpone consideration of equally important problems, but we will create new problems which will make it more difficult to face the overall situation.

I think financing is only a small part of the problem. Let me suggest some others that ought to be looked at:

The power and effect of the media. When I ran the first time in 1950, the cost of my campaign was just one-sixth of what it cost to run the last time, in 1968, and the difference is the media.

Two, the power and effect of quasi-political movements that stand on the side of the campaign and spend money, presumably on principles and on issues, but actually and effectively on candidates. Labor unions are the oldest of these organizations. The newest is probably Common Cause, which comes to us with a great feeling of self-righteousness, but, if one follows the arguments and the advertisements and the money they spend, it is not hard to tell on which side of the political fence they come down. Nothing in this legislation will put any limit on those organizations.

Three, the problem of the function of our two-party system, our State and national parties. Nobody knows quite what would happen to the two political parties if the Federal Government were to finance the candidates. They could thumb their noses at their parties if they had enough personal charisma.

And, four, where will the individual voter fit into such a system? He is to be deprived of his freedom to support his own candidate with his money. What is he going to do? Turn off completely and assume that this is now a dueling contest between two individuals who do not care anything for him because their money is coming out of the Treasury? Or is he going to try to find some other way to use his political freedom of action?

The Senator from Pennsylvania indicated—admitted—that there are some constitutional problems in this situation. Can we deny an American citizen the right to spend his money to express his own preference for a candidate, for a party, for a bond issue, or for any kind of a political proposal from the bottom to the top.

Then, there is still another problem. If we have Federal political campaign financing, what happens to the balance between the incumbent and the challenger. I have run as a challenger. I have run as an incumbent. An incumbent has tremendous advantages that cannot really be offset if the challenger is only going to get exactly the same amount of money. One obvious advantage is the use of the frank which makes it possible for an incumbent to blanket his district with very thinly disguised political arguments. His challenging opponent has got to find the money if he is going to match this kind of advantage.

The incumbent has many other advantages. Obviously money will always be necessary in campaigns, and in the eyes of some, its substantial abuse greatly overweighs its necessary value. However, none of these effects can be neutralized simply by passing the individual's money through the tax collector's funnel and handing it out afterwards.

If it were possible to shut off all private funds and make every candidate de-

pend solely on money coming to him from the Government, one could not under any circumstances make the effect of that money equal among the various candidates. And it is easy to sit down and list the number of factors and forces that would create the inequality.

Some campaigns are better planned than others. One may spend less money to get more effect in some campaigns. Some campaigns are better managed.

I have seen candidates with plenty of money defeated because of the comparative stupidity of the management or planning of the campaign. I have seen the effects of the absolute equality of money. The emphasis then shifts over to the nonmonetary factors. Maybe these are the ones that should become important—the moral character, the intelligence, the personality, and the physical appearance of the candidate, particularly in this day of television, the physical appearance. A good candidate with a twisted countenance or a squinted eye or something of the kind has a pretty tough time in these days of television.

I have already mentioned the candidate's position as an incumbent or challenger. The candidate, if he is an incumbent, needs to make many personal appearances.

The first time I ran for the Senate, I won because I had 9 months as a noncandidate to travel up and down my State, three times into every town.

My opponent was tied down here on the floor of the Senate. The challengers who have attempted to unseat me have had the same opportunity. However, equality in money will not balance this out.

Then, there is the candidate's relationship to special interest groups, particularly labor unions. I can speak of this with some feeling because I have been their political target from the beginning. I know something about the power of organized labor groups to benefit those candidates whom they support and to try to damage those candidates whom they oppose. To start with, they have a captive audience of something like 16 or 17 million Americans.

The candidate's standing with the media is important, too. There are many parts of this country in which the newspapers particularly, and to some extent the television stations, have different stands politically. Some candidates can only get mentioned in a derogatory fashion, while their opponents make the front pages all during the campaign.

The candidate's recognition factor and how well he is known is important. The "events and activities" are other matters beyond the candidate's control.

All of these things affect elections, and a system to balance the money in campaign funds will not wipe these things out.

I also think it is impossible to deny an individual the right to use his own money or its value equivalent in a political campaign.

Every volunteer who goes out to work for a candidate spends some of his own money. Maybe it is carfare. Maybe it is meals. Maybe it is something else. However, money is going to be spent at that level. I know and can again speak from personal experience. Organized groups such as labor unions can have their own members go out and do "volunteer work." Those activities never show up in any candidate's campaign record.

However, it is money spent by a private source for a political cause. This tactic has been used against me, although fortunately not with complete effectiveness. However, there is not any question in my mind that this can be done, because I have seen it done.

We would deny the nonunion labor candidate the right of matching that kind of support with his own money.

There are many of these groups. There is Common Cause. There is the League of Women Voters. Presumably it is a committee for education. However, practically, as I said earlier, it becomes a part of the political campaign for those candidates whom these groups support.

I cannot see that there is any essential philosophical difference between the right of a group such as that to spend its money for a candidate or the right of a corporation executive. However, we would say that he may not spend his money, that it is illegal.

The solicitation of contributions and private funds should continue as a private right. If passed through the tax funnel and then distributed by a formula, a substantial part of the funds necessarily will be used to support candidates whom some of the taxpayers personally oppose.

It is inevitable that it should be so. Let us take an example. Suppose that in a given election the Democrats have two-thirds of the votes and the Republicans have one-third. However, all of the taxpayers in that particular State are taxed equally. The money they put in is divided equally among the candidates. Then the Democrats are taxed to support the Republicans because there are more votes for the Democrats than there are for the Republicans. So, whenever we put public money into a campaign, some taxpayer is either over represented or under represented.

That is particularly true with respect to the pending bill because this bill has a gimmick in it that disturbs me very much. It says that if one does not earmark his tax return to say that he does not want to give money to the candidates, it will automatically be taken and used for these purposes. So, the unwary persons are caught, and the man who deliberately decides that he wants his money to be spent in a certain manner and does check off his tax return does not know to whom the money goes.

Of course, in a sense, this is a queer proposal, because under the bill, after they have taken all the money that is represented by marks on the tax returns, they make the difference up out of the General Treasury. So whether you mark your tax return or not, it does not matter in the end. It is just a gimmick to make you feel that maybe you have made a contribution, but if you mark it, then you do not know to whom the contributions will come.

As to all of these arguments about how campaign money buys candidates, it has been my observation as a candidate that the people who supported me with money supported me more for what I had done than for what they expected me to do, particularly after the first campaign. I made myself a record. The people who liked my record provided me with money; the people who did not like my record did not. Nobody came forward and said, "I do not like your record up to date, but if you will change it I will give you $100." That sort of thing just is not done.

Political contributions as a right are often expressions of an intensity of feeling. People get worked up, and they want to express their support or their opposition to something—usually their support.

The best example of that we can have at this point in time is the number of Americans who have bought Israeli bonds. Senators may say there is no connection between campaign financing contributions and Israeli bonds, but the spirit is the same. They feel intensely and earnestly about something; they want to express their feelings, and they are willing to express them with their money. Under this bill, there is no way to express them except to mark up the $2.

The need to get private support has a very practical value. It weeds out the candidates early who have no public support, because the ability to get support from the public as private contributions is in part a measure of a man's ability to survive the process.

But by letting the candidate know that just by filing, he becomes eligible to receive a certain amount of money, we are going to have a lot of interesting things happen. We are going to have a lot of people taking ego trips. They like to see their names in the paper, and it is not going to cost them anything. The taxpayer is going to pay for it.

This shows up in political campaigning a little bit as it is, but we will see more of it. We will see people file for political office to get their names in the paper, to get the attention that the candidate receives, when they have no intention of running for the office, but need the publicity for another purpose. If the Federal Government is going to put up the money, it is an easy way to solve that problem.

Finally, what do we do about the personal funds of the candidate? Are we going to say the candidate cannot spend any of his own money? How are we going to prevent it?

Actually, money has never been the decisive factor in Presidential elections. Between 1932 and 1952, when the Democrats controlled the White House and Congress, they spent less than the Republicans. With Roosevelt in the White House for most of that time, we Republicans, no matter how much money we spent, just could not break through.

In 1960, the money balance was as close as the election. In 1964, Goldwater outspent Johnson but could not win. In 1968, the Democrats spent more in the primaries and the Republicans spent more in the general election. The reason for that was that the Democrats spent so much in the primaries they did not have any left for the general election.

I would like to read now, as I go on through, some comments from a study prepared for the Watergate Committee. This is a committee print of November 1973:

For all the heat generated by allegations about private campaign money, there is no body of settled scholarship to support them. No one denies that contributions sometimes play an undesirable or even corrupting role. But no system is without friction and, where the system involves money, whether it be taxation, welfare or campaign contributions, there will be abuses. Contrary to the allegations so widely heard, however, serious scholars are generally in agreement that money is only one factor influencing elections and that its impact is not, on balance, either decisive or harmful.

In response to the rhetorical question, "Does money win?" Dr. Herbert E. Alexander of the Citizens' Research Foundation, for example, answered that "little is known of the marginal increment per dollar or of the differential effectiveness of the various campaign techniques." Among other possibly determining factors, Alexander listed the predisposition of voters, the issues, group support, incumbency, chances for electoral victory, sympathy on the part of the mass media, and a collection of other factors (religion, divorce, and color).

David Adamany, who wrote a paper in 1969 entitled "Financing Politics: Recent Wisconsin Elections", reached essentially the same conclusions when argued that ". . . Even the scholarly work on campaign finance tends to concentrate on the amounts spent, the sources from which the money is raised, and the uses to which the money is put. These data are all helpful, but they do not show the relationship of campaign finance to the political environment—to the kinds of party systems, the available channels of communication, and other political and social phenomena. Not is money ordinarily viewed as a form of functional representation by groups in the community and as just one of the several ways in which groups may seek their policy objectives through the allocation of resources to the political process. . . . Yet much less attention is given to money as a form of functional representation than to the very infrequent instances in which campaign gifts are made for the purpose of procuring actions by public officials which would not have been forthcoming in the absence of contributions."

Alexander Heard, in his classic on campaign finance, "The Costs of Democracy," has concluded:

"Contrary to frequent assertions, American campaign monies are not supplied solely by a small handful of fat cats. Many millions of people now give to politics. Even those who give several hundred dollars each number in the tens of thousands.

And the traditional fat cats are not all of one species, allied against common adversaries. Big givers show up importantly in both parties and on behalf of many opposing candidates."

Limiting or forbidding private campaign funding will not eliminate the power of the wealthy. In the first place, they provide basic support for the quasi-political corporations like Common Cause, which use their money to influence the campaigns indirectly. Some of them are political activists, with all the time in the world, and most importantly, they control the media.

To me, this drive for Federal control indicates a lack of faith in the ordinary citizen. If campaign financing really distorts legislative or executive behavior, candidates can raise its effect as an issue, and the voters will respond at election time.

The call for legislation thus seems based on the belief that the voters cannot be relied on to pursue their own best interests. Moreover, if one really believes the people are easily fooled, and so in need of protection, there is no end to the campaign tactics eligible for regulation, and no end to the need to increase the power of those not fooling the public.

Indeed, the most disquieting aspect of the drive to regulate campaign money is that so many of its adherents view themselves as possessing a monopoly of political truth. Thus, many of the allegations about the influence of money are based on nothing more than the fact that some pet program has not yet been approved by Congress, a fact which the supporters of those programs can explain only by corruption.

Since they alone act in the "public interest," moreover, they all too often see little need for permitting their opponents, who always pursue selfish interests, to further their vision of the truth. Consider the remarks of a representative of the National Committee for an Effective Congress—which is one of these obviously political collateral organizations, and I know that because it has opposed me ever since I ran for office—when confronted with the argument that its spending, as well as that of other groups, might be subject to legislative control. "I'm for putting us [NCEC] out of business," she said, "I think it's the only answer. The public interest groups know they can never match the amount vested interests can give. Why preserve the right to give when you know you will be at a disadvantage?"

For that matter, why preserve the right to speak when you know you will not persuade?

Mr. President, when we get to that point, we are really a long way from understanding our system.

Turning back to the report, to list some of the weaknesses of this idea of Federal financing, one allegation about providing financial subsidies to political candidates is that the temptation to engage in illegal activities would diminish. It is very interesting that in Puerto Rico they have had some experience with a program of providing government subsidies to candidates. They found there that the candidates used up the government money first and then had to go out and solicit money from private sources to carry on. In fact, activities such as the Watergate break-in are more likely to occur in campaigns where the level of normal propaganda is low than in campaigns where extensive activities of the ordinary kind take place. The argument that we can reduce the number of break-ins by limiting the amount of advertising on television and by financing campaigns with public money seems a dramatic non sequitur.

A second allegation made on behalf of subsidies is that they would increase "the opportunities for meaningful participation in * * * electoral contests without regard to the financial resources available to individual candidates." But how many would become candidates if we subsidized campaigns? Unrestricted access to such subsidies would be an incentive to everyone with a yen for publicity to become a candidate; elections would thus become an anarchic jungle with policy issues wholly obscured.

The Hart bill would provide that if a candidate got less than 10 percent of the total vote, the deposit he put up in advance would be forfeited. If he got less than 5 percent, he would have to repay whatever subsidy he had received.

If such a provision had been in effect in the last election, our former colleague from Oklahoma, Fred Harris, would have been in very serious trouble.

Third, subsidies, it is said, will "prevent the relatively few individuals who have access to a great wealth from having an excessive influence upon the presentation of competing viewpoints—and from preempting the channels of mass communication as candidates or as contributors. . . ." To be sure, subsidies combined with limits on contributions might exclude some people who are presently influential. But it does not follow that the number with effective influence would be increased. Those affluent people using free time in politics would become more powerful, as would those controlling the media. It is simply illogical to believe that taking power from one group will increase the power of those who presently lack it. Quite the contrary, power might well be concentrated in a smaller and more narrow group.

Fourth, it is alleged that public financing will help determine "the extent to which expenditure levels may be substantially higher than necessary for the conduct of a competitive, informative, and effective campaign. . . ." This statement, too, seems a non sequitur, since a subsidy tells us nothing about whether present nonsubsidized expenditures will increase or not. If we depend on the Puerto Rico experience, we can be sure that they will increase because they will add to whatever they can get from private sources through the subsidized source.

Finally, we are told that subsidies will "reduce the pressure on congressional candidates for dependence on large campaign contributions from private sources." If, however, one reduces the pressure on candidates to look to the views of contributors, to whom will the candidates look instead? They might

well, in receiving campaign money from the Government, soften their views so that they do not want to get anyone excited or upset. Eliminate the need for money and we eliminate much of the motive to face up to the issues on either side. Candidates might then look more to attention-getting gimmicks than to attention-getting policy statements. A subsidy combined with spending limits might insulate incumbents both from challengers and the strongly held desires of constituents.

As I have pointed out, the use of private money is said to have weakened public confidence in the democratic process. We ought to ask, however, whether confidence is likely to be restored when taxpayers pay for campaigns they regard as frivolous, wasteful, and, in some cases, abhorrent. Would the taxpayer viewing television spots have more confidence because part of the tab came out of his paycheck? Would the voter have more confidence because he had to help pay for activities with which he disagreed? As a matter of fact, the existence of subsidies required might well decrease citizen participation and the morale of those now active in politics. That was a result in Puerto Rico where party morale declined and voter interest in party activities was reduced and the distinction between the candidate and the voter was greatly increased because the candidate had no obligation to the voter.

Public financing would also endanger the delicate balance of our party system. If the subsidy were to go largely to party organizations, they would be immensely stronger than they are now. On the other hand, if it were to go directly to candidates, party organizations would be more or less useless.

Similarly, direct subsidization of campaigns must have an enormous but uncertain impact on third parties. If a formula like that contained in the Hart bill is employed, third parties would usually have to gamble whether to take the subsidy. The "seriousness" of a party would have little to do with its decisions since early showings in the polls might look good—but all third parties always suffer later on in the campaign. They might be in a position where they would have to give the subsidies back.

Would it not still raise the serious problem as to freedom of expression?

They would be a form of compulsory political activity which limited the freedom of those who would refrain as well as of those who chose to participate. When an individual is forced, in effect, to make a contribution to a political movement to which he is indifferent or which he finds distasteful, it may fairly be said that a basic freedom is being infringed. When this forced payment is combined with limits on contributions to favored candidates, political freedom is drastically limited. Many who today propose subsidies to political parties or candidates condemn subsidies where religious organizations are concerned.

I wonder whether there is a very important constitutional difference between these two and what would happen if, in the United States, as is frequently done in Europe, we had an organization of a religious-political party. Would the Federal Government then be able to subsidize that party in spite of its religious affiliation?

Public financing of campaigns might run afoul of the Constitution in other ways. Whatever the size of the subsidy, and particularly when combined with a limit on expenditures, the precise amount would be subject to constitutional challenge on the grounds that it discriminated in one fashion or another. The charge would not be less forceful for the fact that it would be entirely up to those in power to say how large the subsidy would be.

Any formula for determining who gets what subsidy is open to constitutional challenge, for subsidies are inherently inconsistent with a "free trade in ideas."

Now I should like to summarize this particular article.

First. Private campaign money performs both desirable and undesirable functions. No one denies that some campaign contributions are made in the hope of personal gain from the exercise of executive discretion and, as such, are an objectionable, if not illegal, practice. Donors, however, also act from motives which enable contributions to perform functions indispensable to a free and stable political process. The right to give or not to give to a candidate is an aspect of political freedom. Campaign money also acts as an agent of change, permits citizens with little free time to participate in politics, is a vehicle of expression by which individuals seek to persuade others, serves as a barometer of intensity of feeling over potent political issues, and weeds out candidates with little public support. On balance, the undesirable functions of campaign money either call for narrow remedies or are outweighed by the desirable. Contrary to the conventional wisdom, the weight of disinterested scholarship strongly supports this conclusion.

Second. Regulation of the use of campaign money is an undertaking with grave implications for our political freedom. The necessary legislation would have to be passed by those in power and would by its very nature regulate political speech.

Third. Limitations on campaign spending and on individual contributions set a maximum on the political expression in which American citizens can engage and are thus unconstitutional.

Fourth. The present law requiring disclosure of campaign contributions may chill political activity by requiring that it be registered with the Government. By requiring small contributions to be reported, the law seems far broader than is justified by its ostensible purpose and is subject to constitutional challenge.

Fifth. The arguments made on behalf of public financing of campaigns seem largely unfounded. Public financing might be dangerous, in addition, because no fair formula has been devised for allocating the money and because a subsidy might encourage officials to avoid taking stands on controversial issues. Finally, it would compel taxpayers to engage in political activity against their wishes.

Sixth. If the question of how campaigns are financed is important, candidates should raise it as an issue, and the people should be allowed to show their opinions by the votes they cast in elections.

But over and above the very dangerous provisions of this amendment itself is the dangerous attempt to bypass and shortcut the legislative process. What we are facing is one step in the radical restructuring of all our traditional process for choosing our leaders in the Federal Government, the President and Congress.

As I indicated at the beginning, many other factors affect our system as much as or more than our method of financing, and I should like to run through them again quickly:

The power and effect of the media.

The power and effect of quasi-political movements—labor unions; public opinion molders, such as Common Cause, and the Committee for an Effective Congress.

The function of the two-party system and State and national parties under it.

The individual voter's place in the system, and our concern to protect his constitutional freedom of action as a voter.

The rights of the candidate, which are different for the incumbent and his challenger.

If we truly believe that the system is breaking down and needs restructuring, we should study the whole problem and be able to relate all these factors to each other. I admit that this is a monumental task. Several committees of Congress should be involved in it, or perhaps a blue-ribbon commission. But as of now, on this particular bill, the Committee on Finance has had 30 minutes of hearings, at which no one was present to represent the opposition to the program, except for the two or three members of the committee present to ask questions of the proponents. The Rules Committee has been holding hearings, but it has not yet decided to report its proposal.

I should like to read at this point a comment from the Republican Policy Committee's record vote analysis of the vote that was cast on July 26, when a similar proposal was tabled, on the motion of Senator CANNON, chairman of the Rules Committee:

> The question of public financing of congressional campaigns was too complex for legislation to be written on the Senate floor. For instance, the practicality of the administration of such a program had not been studied sufficiently to define it clearly. There should be hearings on and consideration of this principle by appropriate committees.

Finally, even if hearings had been held, this is the wrong bill. To attempt to attach it to this bill, as I said at the beginning, is an admission by its sponsors that the bill cannot stand on its own feet and face the study and checking of the normal legislative process.

We faced a similar situation on July 26, when there was an attempt to attach a similar bill to the Campaign Act of 1973, which was a more appropriate vehicle, but it was tabled by a vote of 53 to 38, on the motion of Senator CANNON, chairman of the Rules Committee.

Senator CANNON has held hearings, but my colleagues are too impatient. They will not wait to give the Senate the advantage of even that meager information.

When he introduced the bill on the floor, Senator LONG, chairman of the Committee on Finance, said that he believes this matter is worthy of further hearings and that the committee, to the extent that it had jurisdiction, would plan to hold hearings next year. I hope that this year and on this bill the Senate will act as it did in July and again reject this proposal for restructuring our election process to base it on taxpayers' funds distributed by a formula which nobody has had a chance to study or test.

Mr. President, I realize that we are under a limitation of time; and when all time has been yielded back, I intend to offer a motion to table the amendment.

Mr. CURTIS. Mr. President, I yield the distinguished Senator from New York such time as he may require.

Mr. BUCKLEY. I thank the Senator from Nebraska.

Mr. President, it is not my purpose to talk on the merits of the amendment now before us, but rather on whether or not it is appropriate——

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

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

Mr. BUCKLEY. I rise, Mr. President, to question whether or not a matter totally unrelated to the question of raising the debt ceiling is appropriate to be added to legislation which, in the nature of things, must be adopted because the soundness of our fiscal structure and the credit of the United States, is at stake. I question whether legislation of this far-reaching importance—I speak now of the proposal for campaign spending reform—ought to be spliced together on the Senate floor, with insufficient hearings, insufficient consideration, and insufficient debate. I question, in short, whether or not it is proper or responsible for the Senate to act on the amendment.

We are in the closing weeks of the current session. Each of us has heavy committee responsibilities in completing legislation that must be enacted before the year is out. We have, at great expense and great national anguish, created a special select committee to investigate campaign practices, the Watergate Committee. We have yet to hear the recommendations of that committee. It seems to me that action on far-reaching campaign reform is premature.

But to return to my initial point: Whatever the merits of the current proposal, it ought not to be tacked on to legislation extending the debt limit. I therefore urge my colleagues to vote against the Kennedy amendment or any like amendment, irrespective of their understanding of the merits, so that we may send to the President a clean bill, focused on our critical financial necessities.

The disclosures of the last few months have convinced many Americans that we should move as quickly as possible to reform our electoral processes in a way that will restore public faith in the integrity of governmental institutions and those of us they elect to represent them here in Washington.

I am personally convinced that we should look critically at the ways we select and finance the campaigns of those running for Federal office, but I do not believe that we can afford to rush into the business of "campaign reform" and "public financing" without weighing the consequences of the various alternatives open to us.

Thus, while I appreciate the motives of those Senators who are asking us to adopt far-reaching reform without debate or examination, I cannot in good conscience treat these proposals so lightly.

Let us not forget for a moment that the various amendments being offered to the bill before us would significantly alter the way we select our leaders and representatives, upset existing political and institutional relationships, and cost the American taxpayer millions of dollars.

These proposals are important. Some of them may be worthy of our support. But we should refuse to be stampeded into supporting them before we have had an opportunity to examine them.

Therefore, on this basis alone, I must urge that we reject them as they are presented to us today and wait until the Finance Committee can schedule the hearings on these measures proposed for next year.

I would also hope that if we do create a Christmas tree out of this bill, the President will veto it and let Congress scramble to pick up the pieces.

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

The PRESIDING OFFICER. On whose time?

Mr. LONG. Mr. President, will the Senator withhold that?

Mr. BUCKLEY. Yes.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. On whose time does the Senator speak?

Mr. BENNETT. Mr. President, I yield the Senator such time as he may require.

Mr. LONG. At such time as this amendment comes to a vote, I am going to insist on a division, because the amendment involves several rather significant legislative proposals, and in my judgment they should be considered separately.

I shall ask for a division, first, to include the language up to page 31, the end of line 15. That will include all the language of the amendment up to the title "Chapter 97—Presidential Primary Matching Payment Fund."

I ask that the amendment be so divided. I believe I have a right to ask for a division.

The PRESIDING OFFICER. The Senator has the right, and the amendment will be so divided.

Mr. LONG. Then, Mr. President, I ask that the amendment be further divided to include the language starting at page 31, line 16, through page 46, line 2.

The PRESIDING OFFICER. The amendment will be so divided.

Mr. LONG. Then I ask that the amendment be further divided at page 47, line 4, so that the last vote would occur on that portion which is entitled "Section 4, Increase in Tax Credit and Tax Deduction for Political Contributions."

The PRESIDING OFFICER. The amendment will be so divided.

It is the Chair's understanding that there will then be four votes in lieu of the one vote.

Mr. LONG. That is right.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. LONG. I yield to the Senator from Massachusetts.

Mr. KENNEDY. As I understand it, the Senator from Louisiana intends to ask for a division of this amendment along the lines he has just outlined; is that not correct?

Mr. LONG. I have asked for it. Any Senator has the right to ask for it, as the Senator knows.

Mr. KENNEDY. The point I should like to ask is that in the development of this division, have we made a decision from a parliamentary standpoint that such a division is appropriate, given the relationships of the different provisions to each other? I should like to have a ruling from the Chair on that.

The PRESIDING OFFICER (Mr. HASKELL). The Chair would read from rule XVIII which states:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, . . .

It would appear that this rule would pertain to the divisions requested by the Senator from Louisiana.

Mr. KENNEDY. The Senator was kind enough to indicate yesterday he thought, at an appropriate time, he would ask for these divisions and then, in a brief conversation, he had explained the areas of the divisions. I understand the right of any Senator to request such divisions. I would like to ask that at an appropriate time prior to the votes, there be a brief quorum call to review with the Senator from Louisiana the particular divisions, to make sure they conform to what he said he wants, and which I would hope would be a fair representation of the particular issues of the amendment.

I have had an opportunity to review briefly and follow the page numbers and the line numbers. There may be some areas which raise questions which I would hope we could work out along the

lines of achieving what the Senator from Louisiana wants to achieve, and that is to present separate votes on the significant items in the amendment.

The PRESIDING OFFICER. The Chair would state to the Senator from Massachusetts that the parliamentary situation is that the Senator from Louisiana has requested the divisions and the Chair has ruled that the divisions will be made. So, if further modifications should take place, there would have to be some formal action.

Mr. KENNEDY. Could I ask the Chair to restate for the Senate what changes have been requested?

Mr. LONG. Mr. President, I would be glad to restate for the Senator what the division is.

We would vote, first, on that language which appears on the first 31 pages of the amendment, ending on page 31, at the end of line 15, which is the logical breaking point. That would take care of the proposal to finance all the congressional elections; and we would vote that either up or down.

Then, having taken a position on that issue, the Senate would then be expected to vote on what it wants to do, in its judgment, with regard to the presidential primary matching payment fund and the provisions relating to that, which would take us through page 46, line 2.

At that point, we come to line 3, section 3, on page 46, "Designation of Income Tax Payments to Federal Election Campaign Fund." The decision on the first section would probably indicate the outcome of the vote on the third section. They could have been voted on together, except that they do not appear contiguously in the bill.

Having voted on that, we would move to the next legislative proposal, beginning on page 47, line 4; in other words, the "Increase in Tax Credit and Tax Deductions for Political Contributions."

That would appear to me to be the logical way to divide these legislative proposals. One is the public financing proposal for congressional campaigns; another is the public financing matching proposal for presidential primaries; another is the proposal to increase and change somewhat the way funds go into the Federal election campaign fund, and the last is to increase the tax credit and the tax deduction for campaign contributions.

That is the logical way to divide this amendment, so that those who find more appeal in some portions of it than in others can so express themselves.

Mr. KENNEDY. As the Senator will understand, subsection 2(a), Public Financing, carries over to page 46 where subsection (b) starts. Then come sections three and four of the amendment. The parliamentary question is, given the fact that subsection 2(a) has many parts interrelated to each other, we can have a division under the parliamentary rules?

I understand completely and am in sympathy with what the Senator from Louisiana is attempting to do, to permit individual votes on individual concepts which have been included in the amendment. It is a question, given the interrelationships of subsection 2(a) all the way up to the top of page 46, whether this can be done.

Mr. LONG. I should like to point out to the Senator that if any part of this amendment prevails—and I suspect that it will—the bill will still remain subject to amendment, so that if the Senate should agree with certain portions of this amendment but not with other portions of the amendment, the bill will still be subject to amendment. If there is anything omitted that should be added back, the Senator from Massachusetts can correct what oversight the Senate might have made at that point by offering further amendments.

Mr. TAFT. Mr. President, will the Senator from Utah yield me 5 minutes?

Mr. BENNETT. I yield as much time as the Senator may need.

Mr. TAFT. Mr. President, I share the recently expressed opinions of the junior Senator from New York (Mr. BUCKLEY) with regard to the unwisdom of making the debt limit bill a Christmas tree by adding any provisions.

I suppose I know as well as anyone here in the Senate the problems of campaign financing, and I share, I think, in the general feeling that some major corrections of the whole problem of campaign financing should be undertaken by the Senate, and also by the House.

I thought we had done that in the Senate by passing S. 372 after prolonged debate. I am distressed that I see it received on the other side of the Capitol without very much attention being paid to it and very little prospect of early or favorable action. I thought it a reasonable limitation of expenditures on campaigns and that it was a major step forward. That is not to say that we should not go on and continue with the problem of public financing, but the bill we have before us has some very serious problems in it.

I should like to call at least one of these problems to the attention of the Senate. One of the principal problems with regard to the entire Watergate situation and the fund-raising situation with regard to the 1972 Presidential campaign, in the minds of many of us, relates to the fact that the entire direction and management of the campaign was not done through the National Republican Committee at all but, rather, through a completely separate and independent committee for which funds were raised separately and to which very large amounts of money went and which then determined the entire course of the campaign.

I point out that in its present form, the amendment being offered by the distinguished Senator from Massachusetts mandates the subsidy, that this be the situation because, indeed, the 15 cents per voter that will come to the candidate for his expenditure and use is then sent to a designated committee designated by him—an authorized committee—or expended by him on campaign expenditures.

On the other hand, there is a specific provision in section 9007 which says that no more than 2 cents shall be contributed or used by the national committee or by the State committees involved. This seems to me to be a fatal defect, from several points of view. It almost mandates a double campaign, to begin with, because you cannot put the two committees together, and I see no authorization for making the national or the State committee an authorized committee. This would change procedures in many States where the State committee, after the primary election, takes over and runs and manages the campaign and takes over the funds through a State finance committee, to finance these campaigns, and then makes payments on behalf of the particular candidate.

We would be reversing all this, and I think we would be dealing a more severe blow than it received in the 1972 campaign to the two-party system, and indeed the political party system, if we were to adopt a measure of this kind.

These deficiencies point out why we should take it easy here and go ahead with further study of the entire matter of public campaign financing, but certainly we should not do it in the offhand, haphazard way which seems to me to be before us today in the attempt to put this amendment on this bill.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Utah, I yield myself 5 minutes.

I wish to be associated with the remarks of the distinguished Senator from Ohio (Mr. TAFT). I share his concern about some of the provisions of the bill, and I am particularly concerned about the way this important subject is being dealt with—as a rider to the debt-ceiling bill—offered on very short notice. This amendment would make basic, fundamental changes of a very sweeping nature, with very little opportunity for the Members of this body to know what is actually involved.

As the Senator from Rhode Island (Mr. PELL) indicated yesterday, there is a subcommittee of the Committee on Rules and Administration, which he chairs, that is actively and presently considering the subject of public financing of campaigns. Under the leadership of the distinguished Senator from Rhode Island (Mr. PELL), that subcommittee has held hearings on the subject, and the subcommittee very recently has reported a bill to the full committee. As yet, the full Committee on Rules and Administration has not had an opportunity to take up the bill because, as everyone knows, that committee has been rather busy lately considering the nomination of Representative GERALD FORD to be Vice President. However, once the vote on the Ford

nomination occurs at 4:30 p.m. today, the Rules Committee will be in a position to turn its attention to the subject of public financing.

Later, when the opportunity comes, I will join those who vote to table this amendment, not because I necessarily oppose any and all steps in the direction of public financing of campaigns, because I do believe there are appropriate steps that could be taken.

I shall go further and say I think that the logical first step—one which I believe the public could support—would be to provide, in general elections—at least for the President and perhaps for Congress—for public financing of a limited amount of television time for competing candidates. This is a step which would follow a practice in effect, as I understand it, in Great Britain. It would be a radical step in terms of our present system—but I believe it would be a logical first step to take in the direction of public financing of campaigns.

It is generally recognized that the greatest part of the cost of modern campaigns is for television time. It seems to me that a limited measure, which addressed itself to that particular problem, would be welcomed by the taxpayers; and it could afford an opportunity to test the concept of public financing of campaigns. Thereafter, if that proved satisfactory, the public and the Congress might be prepared to take further steps.

When the opportunity comes, I hope the Senate will have the courage—and I know it will take some courage under present circumstances—to vote for the motion to table. This amendment, presented under these circumstances, should be tabled.

Mr. HUGH SCOTT. Mr. President, as the Senate is now considering my amendment relating to the public financing of elections, I think we would all benefit by reading an editorial in today's Philadelphia Inquirer titled the "Corrosive Power of Money." I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

CORROSIVE POWER OF MONEY

We keep learning more about how, in this free society of ours, the re-election of the President in 1972 was financed, and it is not a pretty story.

We learn, by way of Inquirer investigative reporters Greg Walter and Kent Pollock, that on April 6, just a few hours before a new law requiring reporting of campaign contributions went into effect last year, the President of one of the South's largest textile corporations personally delivered more than $363,000 in secret contributions to Maurice Stans, President Nixon's finance chairman. These were in behalf of a textile industry which has cause to be grateful for favors past and hopeful of favors future.

We learn, by way of the Senate Watergate Committee, of how several of the leading U.S. oil, airline and rubber corporations "washed" contributions through Swiss banks and foreign agents in order to make illegal contributions they have admitted.

So the details pile up, but the question is whether President Nixon and powerful forces in Congress, especially the House, share the view—in Sen. Hugh Scott's words—that "this nation is now painfully aware of the corrosive power of money in politics" and are prepared to act accordingly.

The Pennsylvania Republican has joined Massachusetts Democratic Sen. Edward Kennedy in sponsoring legislation to provide Federal financing of general elections and partial funding of primaries. The measure would limit the amounts that could be spent—$7 million by a Presidential candidate in the primaries, $15 million in the general election—and put a $3,000 ceiling on the amount that any individual could give any candidate.

The sponsors plan to attach the measure to the presumably veto-proof debt ceiling bill. Administration sources threaten that President Nixon will veto the bill anyway, but the administration is obviously counting on the House to reject the public-financing plan.

We urge the Senate to approve the plan and the House to do likewise. The outlook for free elections will not be bright if, after all this "wallowing in Watergate," neither Mr. Nixon nor Congress will move to get out of the dismal swamp of money-drenched politics.

Mr. MUSKIE. Mr. President, I am pleased to join as a cosponsor of the proposal to provide public financing of Federal election campaigns, which we are now considering as an amendment to the debt ceiling extension bill. The influence of money in politics poses the greatest of dangers to our political system. The evidence and allegations about abuses in the last Presidential campaign have exposed to the Nation the gravity of those dangers. And the proposal before us, a workable system of public financing for Presidential general elections and primaries, and congressional general elections, would help guard against those dangers by removing from much of our political process the pernicious influence of money.

Money in politics undermines our system in many ways: in the appearance of corruptibility, eroding the faith of our citizens in the integrity of the electoral process; in the disproportionate representation of the wealthy and special interests, who by their contributions increase the ability of candidates they support to mount effective campaigns; and in the unfair access of contributors to government officials and candidates. Only through a system of public financing can these abuses be curbed, and the influence of private money in politics be neutralized.

The public financing system we consider today would expand existing law to achieve this end. It establishes a Federal election campaign fund, based on the existing check-off system, to be financed by allocations of $2 from the taxes of each individual—and $4 from joint tax returns—with each taxpayer retaining the option to deny this allocation. The fund could be supplemented by appropriations if taxpayer allocations proved insufficient. The fund and the system of public financing would be administered by the Comptroller General, who would certify candidates and payments, and make audits and reports. Stiff criminal penalties would be provided for violations of the funding, spending, and reporting requirements.

Payments from the Federal election campaign fund would finance the total cost of campaigns of major party candidates in general elections for the Presidency, Senate, or the House of Representatives. These candidates would be prohibited from accepting private funds. Major party Presidential candidates would receive payments of 15 cents times the number of voting age population; this currently amounts to about $21 million. Congressional candidates would also receive 15 cents times the voting age population in their constituency, with a minimum payment of $175,000 in a Senatorial race and $90,000 in a congressional race. Public financing payments would be adjusted by cost of living increases. Candidates of minor parties, or new parties, would receive a Federal payment amounting to a proportion of the major party candidate allotment, based on the percentage of their party's vote in the preceding or current election compared to the average vote for major party candidates. Minor party and new party candidates would be able to supplement this amount with private fundraising up to the total spending limit allowed to major party candidates.

For Presidential primary campaigns, the proposal would establish a mixed system of public and private financing. The Federal election campaign fund would match the first $100 donated by each private contributor, beginning with a minimum amount of $100,000 in small $100-or-less contributions. An overall limit of $15 million on Presidential primary spending would be imposed, to be increased according to cost-of-living changes.

The cost of this system of public financing would be minimal compared to the reform it would provide. Federal campaign payments would amount to $200 million in Presidential years, and $100 million in the years when only congressional elections are held, for a total 4-year cost of about $300 million and an average yearly cost of $75 million. At less than one-third of 1 percent of our Federal budget, the cost of public funding is small if it will safeguard integrity and confidence in our democratic system.

Mr. President, this system of public financing represents a balance—a workable balance between the need to limit total campaign spending, provide sufficient funds to allow incumbents and challengers alike to present their case to the electorate, and the need to neutralize the influence of money in politics.

I commend the efforts of my distinguished colleagues who have worked together to bring this proposal before the Senate, especially its authors, Senators KENNEDY, CRANSTON, HART, MATHIAS, MONDALE, SCHWEIKER, HUGH SCOTT, STAFFORD, STEVENSON, and the chairman of the Subcommittee on Elections of the Rules Committee, Senator PELL, who has conducted worthwhile hearings on public financing. I join them in urging the Senate to adopt the pending public financing proposal.

Mr. CHILES. Mr. President, I am pleased to support the public financing amendment to extend the public debt limit, H.R. 11104.

I believe the conviction has in recent days grown stronger in the United States that something has gone wrong in our political process—that wealth has excessive influence on our election results and that election campaigns are too costly. We recognize that elections are the key device in democratic government for the regulation of official decisionmaking; and that when working the way they ought to, they help to assure that public officeholders remain responsive to the greatest possible number of electors. And money does undeniably play a major role in winning many elections. It does not necessarily guarantee victory, but it can and often does make a difference.

In a democracy the voters choose their major policy officials in free and relatively frequent elections. The crucial factor determining whether or not we consider a government democratic is not how much power the public officials have, but rather how public officials secure and retain their offices.

In a government whose level of citizen trust is at an alltime low, there is an obvious need to reestablish governmental accountability to the people. Poll after poll discloses that a large percentage of the American public is convinced that corruption in Washington is "serious" and the number with high respect for the Federal Government becomes smaller and smaller.

The amendment before the Senate today represents, I believe, a significant breakthrough in campaign financing. Though support for the principle of public financing of campaigns has grown more and more widespread in the light of recent events, there have been divergent views on how the goal ought to be accomplished. This amendment combines five major bills introduced earlier this year and represents a consensus on the major elements of public financing. The proposal builds on the dollar checkoff system for Presidential general elections already in force and would expand this system to include Presidential primaries and Senate and House general elections.

Today, we have the best political system that special interest money can buy. That situation must change. And if this amendment is enacted into law that situation, I believe, would change for the better. Private money has in some instances degraded professional politics. A change to public financing of elections would be, in my view, a firm step in the direction of regaining the people's confidence in the integrity of their governmental system, of establishing a base from which to rebuild the shattered trust of the people in their elected officials. It is our best insurance that future Federal elections will be free of the too-often corrupting power of private money.

There are those Americans who view public policymaking as a sordid process where the wealthy control elected officials. But while there is some corruption, I still believe money's reputation for moving the wheels of government is far greater than its performance. The fact remains however that money can twist policy in subtle ways—and any effort we can make to erect a barrier between the direct translation of money into policy decisions must be made. I believe this amendment is such an effort. I am a cosponsor and vote in support of it today.

Mr. MOSS. Mr. President, I strongly support amendment No. 651 to the Debt Ceiling Act, H.R. 11104. Public financing of Presidential and congressional general elections and Presidential primaries is necessary if confidence in the integrity of the American system of government is to be restored.

This amendment is a combination of the best features of various bills on public financing of campaigns that have been introduced by certain of my distinguished colleagues. I am happy to be a cosponsor of this amendment. Acceptance of it will indicate that Congress wants to provide assurances to the American people that the corruptions of recent political campaigns must stop. This amendment is a realistic approach toward eliminating the abuse of private money in public life.

Mr. President, public financing of campaigns has interested me for some time. On July 30, when the Federal Election Campaign Act of 1973 was before the Senate, I stated my strong support for some form of public financing of campaigns. On September 19 when hearings were held by the Senate Subcommittee on Privileges and Elections, I testified in support of public financing.

Widespread interest regarding public financing of Federal campaigns is evident. Although much of this interest is due to corruption in the last general election, the issue is not new. In 1907 President Theodore Roosevelt proposed Government subsidies for political campaigns. A Senate committee investigating campaign expenditures in the 1936 election recommended total public funding of campaigns. No less a practical politician than President Truman supported the notion of public financing. A form of public financing was enacted in 1971 with the "tax checkoff." In June of this year, the Democratic Members of the Senate unanimously accepted a resolution calling for public financing of elections. Republicans who have endorsed, in various forms, the principle of public financing are Senators HUGH SCOTT, BAKER, SCHWEIKER, MATHIAS, and STAFFORD. More than 100 Members of Congress have introduced or cosponsored legislation to provide some form of public financing of campaigns.

Public financing is not supported by a minority of the American public. A Gallup poll earlier this year indicated that "a clear majority of the American people favor the use of Federal funds to pay election campaign costs of candidates for the Presidency and Congress. At the same time, the public favors prohibiting contributions from private sources."

Public financing is desirable for several reasons. Congressional campaign fundraising methods, and the demands placed by the contributor upon the recipient, leave much to be desired. The traditional practice of revenue raising is susceptible to much abuse. Political campaign costs require a candidate to raise hundreds of thousands, and sometimes millions of dollars. Since most candidates do not possess such extensive means, they solicit money from private sources—primarily wealthy individuals.

Unfortunately, the present system too frequently has allowed special favors for the wealthy. Money has been used to purchase favors. It is time a campaign system is devised that will not succumb to the pull of money. Political candidates must be independent from large money interests. Where candidates for public office do not have to depend on private monetary contributions, there is less potential for corruption in politics or for an improper use of a Government office in behalf of a large contributor. This amendment will permit serious political candidates to avoid reliance on any large private contributions. It will rule out undue sway by special interests by virtue of the controls inherent in the disbursement of the Federal subsidy.

This amendment is in the interest of fair representation of all citizens. It will enable the fullest political participation by all American citizens. We pride ourselves in our constitutionally guaranteed freedom of political activity. However, with campaign costs shooting ever higher, most Americans cannot realistically consider running for an elective office. Many idealistic, hard-working, and capable people are turned away from elective public office simply by the knowledge that solicitation of funds is required.

The public will not be ill served to have some of its tax money reserved for the assistance of political candidates to run for public office. Such action would improve the representative process by enlarging its scope, and invigorating the workings of democracy.

This amendment includes a method to provide revenue for public financing of campaigns. In my September 19 testimony, I indicated that Congress must not neglect its responsibility of appropriating adequate funding for public financing. This amendment will double the "tax checkoff" to $2 for each taxpayer or $4 on a joint tax return. Philip M. Stern, president of the Center for Public Financing of Elections, estimates that the maximum cost of public financing of Federal elections would be $1.88 for each of the 140 million Americans of voting age. Thus, if all taxpayers participated in the "tax checkoff," adequate financing would be provided. But if sufficient revenue is not provided by the "tax checkoff," this amendment provides that "such additional sums as Congress may appropriate to insure that moneys in the funds will be adequate to meet the entitlements of eligible candidates" can be appropriated. Congress thus can bear its constitutional responsibility.

Under the current campaign financing system American citizens are footing the bill for millions of dollars in hidden campaign costs. This is evidenced in such things as higher milk prices and higher oil prices that have been passed on to the American consumer as a result of large political contributions of representatives from dairy and oil groups. This must end.

This amendment provides a means to end such purchasing of favors.

I ask my distinguished colleagues to support this amendment as a means to prevent "buying" of political office and favors. Emphasis in politics should be on people, not on money. We must insure that no contributor will essentially "own" a candidate for public office. And, whether we want to admit it or not, some contributors have at least felt they "owned" us on certain occasions. This has a demeaning effect on the image of representative government in the eyes of the American people.

Mr. President, I strongly go on record in support of this amendment. It embodies basic principles on public financing of campaigns endorsed on a nonpartisan basis by several Senators. I urge that my colleagues in the Senate support this important amendment.

Mr. CLARK. Mr. President, it is with some reluctance that I support this amendment to institute public financing of Federal election campaigns. My reluctance does not grow out of any doubts about the necessity for public financing. I am firmly convinced that public financing is the single most effective cure for our crippled political process. It is an indispensable part of any effort to repair the damage of the last 18 months.

Nor does my hesitation stem from any misconception about the mood of the American public. It does not require great insight to realize that the predominance of special interests in the political system has seriously damaged the people's confidence in their government.

According to the national opinion polls, public support for public finance has grown steadily to its current high level of 65 percent. Yet, despite all of this, my support of this amendment is less than enthusiastic.

Why? Simply stated, it is not enough—not now, not this year, not with all that has happened. Public financing must be as strong, as unequivocal, and as comprehensive as possible. We should have learned by now that every piece of campaign reform legislation brings new loopholes. We should have learned by now that private money and good government are mutually exclusive.

The amendment before us is important and worthwhile, but it is not an adequate response to the demands now being placed on our political system.

By not providing public funding for congressional primaries, we are inviting the special interests into the political process. With this "loophole," private money may be used even more effectively than before to influence the outcome of selected races of particular importance. By giving any role at all to private money, we are leaving open great possibilities for abuse and misuse in fund raising activities and campaign spending.

I know that several of my colleagues are going to vote against this amendment for many of the same reasons I have outlined. Like me, they think the measure is too weak. But I cannot join them in opposing the amendment. No matter how weak the response, something must be done by the Congress to demonstrate our concern and our ability to act decisively—to prevent the American electoral process from being once again auctioned off to the highest bidders.

For that reason, and that reason alone, this amendment must pass. Regardless of the outcome of today's vote, I will be introducing, in the near future, a bill to provide for total public financing of all Federal election campaigns. But if we cannot give an indication today, right now, that the Congress can provide the leadership which the Executive has abdicated, then neither my proposal nor any other more comprehensive plan will have any chance for success. I shall vote for the amendment, and against any attempts to dilute it.

The PRESIDING OFFICER. Who yields time?

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

Mr. BENNETT. I yield as much time as the Senator may require.

Mr. CURTIS. I thank the Senator.

Mr. President, I think it is important that the Senate give greater adherence to our committee system. I realize that when a measure is pending that must be signed into law there is a great urge on the part of all of us to attach an amendment, so that the amendment, if adopted, will have a free ride and assured approval, even though unwillingly, by the Executive. That is not the best way to legislate.

Most of these matters are quite complex. They are involved in many details. It is my opinion that the appropriate committees having jurisdiction of Federal elections should sponsor whatever election reform legislation is undertaken on this floor. In that way, we will have the benefit of hearings that are published, and we will have the benefit of a committee report which must comply wtih certain rules.

It is not the best course for the Senate to follow to legislate by floor amendment in the manner we are asked to do today. The bill before the Senate is referred to as the Debt Ceiling bill. That may be somewhat of a misnomer. It does not really put a ceiling on our debts. Our debts are created when we spend money and authorize the spending of money. If the various agencies of Government go on and make commitments, the bills have to be paid. If Congress votes for various programs and directs that they be put into motion, the bills have to be paid.

If the sum total of those bills to be paid exceeds the revenue coming in we add to the debt. We cannot pass a simple law and say, "This holds down the amount of the Federal debt." What this bill does is to grant authority to the Secretary of the Treasury to borrow sufficient money to pay the bills that Congress and the Executive have created. If the bill dealing with the debt limitation does not pass, it does not reduce any debts. If a contractor, or a veteran, or a government employee, or someone entitled to a tax refund has a claim against the U.S. Government, that is a debt of the Government. All that this legislation does is to authorize the Secretary of the Treasury to go out and borrow enough money to pay those bills if there is not enough tax revenue.

It is the type bill, however, that has urgency to it. The authority under the existing law expires in just a few days. If we do not enact this legislation we could be faced with a rather chaotic situation. The authority to issue and sell Government bonds would end. This would affect payroll deductions and other systematic schemes or plans for the sale and purchase of Government bonds.

The failure to pass this bill could jeopardize the workings of our Government. It could create serious financial problems. In the jittery world in which we live we would do our country no good by creating a period of days or weeks whereby Uncle Sam could not pay his bills. This would be an action of irresponsibility.

Because of the very urgency of this legislation, there is a temptation for us to support amendments because the legislation has to go through and it must be signed by the President. I submit that is not the best way to legislate. I also submit that if our legislative proposals have merit, sufficient merit to command a majority vote and to meet a public need, I believe that the method of going through the committees and having the legislation referred to the Senate as a whole, with the necessary hearings and reports, is necessary and if it is done, needed legislation can and will be passed.

It is not my purpose to go into depth as to the merits of the pending amendment. I do feel there are many problems that would still be unsolved if we go to the public financing of Federal elections. It will not be a cure-all of the problems that beset us. In and of itself it will not be an inducement to prevent unlawful, secret, and under-the-table transactions intended to influence elections.

Also I think there is a very serious constitutional problem involved. Certainly, a citizen has a right to speak out in reference to an election. If he feels very strongly about the election of a Congressman, Senator, or President, does not that citizen have a right to go up and down the street and call on his neighbors and give his reasons for voting and to urge them to follow a certain course? If one man has a right to do that, does not another man have a right to write letters and give his reasons for the position he takes and to urge other voters to follow? If we are to preserve the right of an individual to try to influence the course of good government as he sees it by calling on his neighbors, of going to the expense of writing letters, how are we going to deny the citizen the right to march into a newspaper office and say, "I want to buy some space and tell the voters why I believe a certain course of action is in the interest of good government," and urge them to vote for or against a certain candidate.

How can we prohibit a citizen from going into a broadcasting station and saying, "I feel strongly that a certain candidate for President is good for our country, and I want to express myself. I want to give my reasons. I want to urge my fellow man to vote for him."

Under our system of free speech how can we deny that right to a citizen? Furthermore, do we want to deny that right?

Is not political participation a good thing? Is it not desirable to have people interested? Is it not good to have issues discussed? Is it not good for someone who has studied the candidates and the issues to give the benefit of his thinking to his neighbors, whether he goes up and down the street calling on them, writes letters, buys an ad, or buys some time on a broadcast station?

We should not do anything that would curtail or discourage individuals from taking part in political activities. It may be we can have public financing of campaigns and still preserve these things. I do not know. I merely state that we should not think that public financing of campaigns is a cure-all for all evils. It could well result in a sizable expense on the taxpayers and at the same time every known evil that one could enumerate under our present system still would flourish under the new system.

Mr. President, I realize many other Senators may feel very strongly in favor of public financing of campaigns. We might be able to present a convincing argument that would convince all of us. I do contend that this is not the place for such action. The current proposal goes to the very heart of the financial stability of our country, the credit of the United States, its reputation not only at home but abroad, and it should not be cluttered up with nongermane amendments.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator is recognized.

Mr. KENNEDY. Mr. President, hopefully we will have an opportunity in the next few minutes for the Senate to go on record on this particular issue. There are several comments I would like to make in response to some of the statements that have been made.

Mr. President, the Senate has shown in the past year that it is prepared to add on to the debt ceiling act measures which were of particular consequence and importance. We did so in expanding social security benefits a little over a year ago, as an amendment to a debt ceiling proposal. This was endorsed by an overwhelming majority of Senators, I dare say even by those who have questioned the particular parliamentary procedure which those of us who support this amendment have undertaken this afternoon.

This past June, on the important issue of the bombing of Cambodia, there was an amendment offered to the debt ceiling act in order to stop the bombing and the war in Southeast Asia. Again that was endorsed by a substantial majority of the Members of this body.

So this has been a parliamentary technique which has been followed on major issues in the recent past.

Let me say that, in terms of the importance of the issues which are before us in this session of Congress, I can think of none which is of greater importance to the American people than the issue that we are about to vote on this afternoon.

We have heard a great deal, during the course of this debate, about how we are proposing to use millions of dollars of taxpayers' funds in the political process. We are asked if this really makes sense as far as the public interest is concerned. Yet, Congress spends about $26.8 billion a year in public funds as part of the Federal budget. What we are talking about here, Mr. President, is approximately $75 million a year over the 4-year election cycle. If all the provisions of this amendment are actually enacted, we are talking about $75 million a year, compared to the $268 billion that are appropriated by the Congress or expended through the trust funds, and here we are talking about $75 million a year to preserve the integrity of the political process. Those who are actually going to be voting billions of dollars of taxpayers' funds must be free to do so, conditioned only upon their best judgment and their best knowledge of what is really in the public interest and in the public concern, not upon the private interest of those who have made large private contributions to their campaigns.

I think all of us in this body have been asked about the lessons of this year and of "Watergate." Now, today, the Members of the Senate of the United States, and hopefully the House of Representatives, can act in an extremely constructive and positive way, to do something about the real problems of Watergate.

We will hear many speeches and statements made by Members abhorring the condition in which the body politic finds itself at the conclusion of this year. As we move into the congressional election of 1974, and on into the future, there is an opportunity now to really do something about the whole Watergate syndrome. We can shut off the extraordinary flow of private cash and contributions that have marred the recent national political scene.

So I am hopeful that, when the time comes, the Senate will vote for these measures. This is not a new idea. This is not a new concept, as I have mentioned before.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 2 more minutes.

The Senate has debated this issue. The Senate raised the issue in 1966 and the dollar checkoff was enacted into law. There was extensive debate here in 1967. In 1971, the present version of the dollar checkoff was enacted into law. A very important part of the pending amendment was debated here earlier, in July of this year. Major hearings have been held by the Committee on Rules and Administration. Extensive hearings have been held over the years by the Committee on Finance. This is an extremely important issue, but it is also a basic question about a basic matter which may be the most important single issue facing this country today—more important than energy or any other issue, because it will determine how we handle all those other issues, whether we in Congress shall be truly responsive to all the people.

So I would remind my colleagues that this matter has been debated and it has been discussed and there have been extensive hearings dealing with it. There is an opportunity now for the Senate of the United States to really act to do something of importance and consequence on the question of restoring basic trust and confidence in the political process, and I am hopeful the Senate will do so in voting in support of this amendment.

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

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. KENNEDY. Five minutes.

Mr. MONDALE. The Senator from Massachusetts well describes the progress of public awareness with respect to this issue of the need for public financing. It seems to me it has really come to a head with the disclosures in Watergate, and now a new element has been added, namely, the growing belief in the business community that they, too, are now being victimized by a system of private financing that has now led to something that is little short of extortion, if it is not extortion itself.

We have had the spectacle of several top corporate leaders testifying before the Watergate committee about how persons holding great power in the American Government, or those speaking for those who hold that power, came to them and literally ordered them to make massive contributions, often describing that it must be in cash, and specifying how much it should be, $100,000 or $150,000.

A typical example was testified to by Mr. Spater, chairman of the board of American Airlines, who, according to his testimony, was approached by Mr. Kalmbach, whom he knew as a close personal friend of the President and whom he knew to be one of the personal lawyers of the President, and who was at that time also serving, I believe, as counsel for a competing airline, who came to him at a time when there was a very serious issue at stake of fundamental importance to American Airlines, and said, "I would like $100,000. I want $100,000 right now."

That was one example. Of course, they produced it, some of which was illegal corporate money.

Following that revelation, several corporate leaders testified to essentially the same approach.

There was once a time when I suppose the issue was whether we wanted wealthy corporate interests to buy America. I suppose it is still a part of the issue, but today it is also a question of whether we want our corporate entities to be abused in this way by extortion and shakedowns and bribery and the rest of it. This has caused Mr. Ford, Mr. Spater, assorted columnists, such as Mr. Kilpatrick, and others to say they have changed their minds; they want their companies to be protected against this disgraceful system.

If I heard the Vice President of the United States clearly in his farewell address, he said we must have public financing. I think the chairman of the Finance Committee reread the speech. Mr. Agnew said we needed public financing. I think if there ever was a case made beyond dispute, it was made at that time, and now is the time to act and adopt the broad coalition bill of which the distinguished Senator from Massachusetts

serves as the chief author. I am very hopeful it will be agreed to and that it will go to the President.

I noted the other night that the President stated he wanted to spend a good deal of the remainder of his career cleaning up American politics. I do not think there is anything that he could do that would help more to serve that purpose than signing the pending bill which will pass the Senate today.

Mr. KENNEDY. Mr. President, I thank the Senator from Minnesota who has made such a valuable contribution to this legislation.

In response to the Senator, I would state briefly that it has been said about our political system that we have the best system that money can buy. That is a tragic indictment. However, it is far too often true.

With regard to the money that would be expended under this legislation, I doubt if any money could be better spent in the national interest than the money that would be spent for public financing.

Let me say also, Mr. President, that this amendment represents a strong bipartisan effort on the part of those who are sponsors and those who have indicated a willingness to be cosponsors of this legislation.

There was a very substantial input from members on both sides of the aisle. It is our belief that this is not an issue that is limited to any individual party. It is one for which we have the support of members of both political parties.

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

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BENNETT. Mr. President, I had announced earlier, before the amendment was subdivided into four separate amendments, that it was my intention to move to table the amendment.

Is it necessary for me to give notice as soon as the time has been yielded back of my intention to table all four parts separately?

The PRESIDING OFFICER. No. Notice is not required. It would take four separate motions.

Mr. BENNETT. Then we will take up each one in its order in the bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. Mr. President, on that basis I am prepared to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, if it is the desire of the distinguished Senator from Utah to ask unanimous consent to table the whole measure as a way of confronting the issue, I would certainly not object. I understood that to be his desire.

Mr. BENNETT. Mr. President, I wonder what the wishes of the Senator from Louisiana are because he is the one who supported the amendment.

Mr. LONG. Mr. President, as far as I am concerned, if the Senators want to vote on it, they can. If the amendment is not tabled, I am going to vote for some parts and against some parts. If the Senator wants to, he can move to table the entire amendment as far as I am concerned.

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Massachusetts will yield back his time.

The PRESIDING OFFICER. Is all time yielded back?

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

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

Mr. President, I move that the entire amendment be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah. The Senator has asked for the yeas and nays on his motion. Is there a sufficient second? (Putting the question.)

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kennedy amendment. 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 South Dakota (Mr. McGOVERN) is absent on official business.

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

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Idaho (Mr. McCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "yea."

The result was announced—yeas 36, nays 59, as follows:

[No. 513 Leg.]

YEAS—36

Aiken	Dominick	Pearson
Allen	Eastland	Roth
Baker	Ervin	Saxbe
Bartlett	Fong	Scott, William L.
Bellmon	Goldwater	Stennis
Bennett	Griffin	Stevens
Brock	Hansen	Taft
Buckley	Helms	Talmadge
Byrd, Harry F., Jr.	Hruska	Thurmond
Cotton	Johnston	Tower
Curtis	McClellan	Weicker
Dole	Nunn	
	Packwood	

NAYS—59

Abourezk	Hart	Mondale
Bayh	Hartke	Montoya
Beall	Haskell	Moss
Bentsen	Hatfield	Muskie
Bible	Hathaway	Nelson
Biden	Hollings	Pastore
Brooke	Huddleston	Pell
Burdick	Hughes	Percy
Byrd, Robert C.	Humphrey	Proxmire
Cannon	Inouye	Randolph
Case	Jackson	Ribicoff
Chiles	Javits	Schweiker
Church	Kennedy	Scott, Hugh
Clark	Long	Sparkman
Cook	Magnuson	Stafford
Cranston	Mansfield	Stevenson
Domenici	Mathias	Tunney
Eagleton	McGee	Williams
Fulbright	McIntyre	Young
Gravel	Metcalf	

NOT VOTING—5

Fannin	McClure	Symington
Gurney	McGovern	

So Mr. BENNETT's motion to lay amendment No. 651 on the table was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to part 1 of the amendment.

The Senator from Alabama.

Mr. ALLEN. Mr. President, I have a substitute at the desk and ask that the clerk please state it. It is a substitute for part 1 of the amendment.

The PRESIDING OFFICER. The substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

The amendment reads as follows:

In lieu of the language proposed to be inserted by part one of amendment No. 651, insert in lieu thereof the following:

That this title may be cited as the "Federal Election Campaign Act Amendments of 1973".

SEC. 2. (a) (1) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof the following: ", other than Federal elective office (including the office of Vice President)"

(2) Section 315(a) of such Act (47 U.S.C. 315(a)) is further amended by—

(A) inserting "(1)" immediately after "(a)"; and

(B) adding at the end thereof the following new paragraphs:

"(2) The obligation imposed by the first sentence of paragraph (1) upon a licensee with respect to legally qualified candidates for Federal elective office (other than the offices of President and Vice President) shall have been met by such licensee with respect to such candidates if—

"(A) the licensee makes available to such candidates not less than fifteen minutes of broadcast time without charge during the period beginning ten days after the last date, under applicable State law, on which such candidates may file with the appropriate State officer as candidates, and ending on the day before the date of the election,

"(B) the licensee notifies such candidates during the period beginning on the day after the filing date and ending ten days thereafter, and

"(C) such broadcast will cover, in whole or in part, the geographical area in which such election is held.

"(3) No candidate shall be entitled to the use of broadcast facilities pursuant to an offer made by a licensee under paragraph (2) unless such candidate notifies the licensee in writing of his acceptance of the offer within ten days after receipt of the offer.".

(b) Section 315(b) of such Act (47 U.S.C. 315(b)) is amended by striking out "by any person" and inserting "by or on behalf of any person".

(c)(1) Section 315(c) of such Act (47 U.S.C. 315(c)) is amended to read as follows:

"(c) No station licensee may make any charge for the use of any such station by or on behalf of any legally qualified candidate for nomination for election, or for election, to Federal elective office unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not exceed the limit on expenditures applicable to that candidate under section 614 of title 18, United States Code.".

(2) Section 315(d) of such Act (47 U.S.C. 315(d)) is amended to read as follows:

"(d) If a State by law imposes a limitation upon the amount which a legally qualified candidate for nomination for election, or for election, to public office (other than Federal

elective office) within that State may spend in connection with his campaign for such nomination or his campaign for election, then no station licensee may make any charge for the use of such station by or on behalf of such candidate unless such candidate (or a person specifically authorized in writing by him to do so) certifies to such licensee in writing that the payment of such charge will not violate that limitation.".

(d) Section 317 of such Act (47 U.S.C. 317), is amended by—

(1) striking out in paragraph (1) of subsection (a) "person: *Provided*, That" and inserting in lieu thereof the following: "person. If such matter is a political advertisement soliciting funds for a candidate or a political committee, there shall be announced at the time of such broadcast a statement that a copy of reports filed by that person with the Federal Election Commission is available from the Federal Election Commission, Washington, D.C., and the license shall not make any charge for any part of the costs of making the announcement. The term"; and

(2) by redesignating subsection (e) as (f), and by inserting after subsection (d) the following new subsection:

"(e) Each station licensee shall maintain a record of any political advertisement broadcast, together with the identification of the person who caused it to be broadcast, for a period of two years. The record shall be available for public inspection at reasonable hours.".

SEC. 3. The Campaign Communications Reform Act is repealed.

SEC. 4. (a) Section 301 of the Federal Election Campaign Act of 1971 (relating to definitions) is amended by—

(1) striking out ", and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" in paragraph (a), and by inserting "and" before "(4)" in such paragraph;

(2) striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State central committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610 of title 18, United States Code;";

(3) inserting in paragraph (e)(1) after "subscription" the following: "(including any assessment, fee, or membership dues)";

(4) striking out in paragraph (e)(1) "or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee, or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office";

(5) striking out subparagraphs (2) and (3) of paragraph (e), and redesignating subparagraphs (4) and (5) as (2) and (3), respectively;

(6) striking out paragraph (f) and inserting in lieu thereof the following:

"(f) 'expenditure' means—

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

"(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of presidential and vice-presidential elector;

"(B) influencing the result of a primary election 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;

"(C) financing any operations of a political committee; or

"(D) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office; but

"(2) shall not mean or include those who volunteer to work without compensation on behalf of a candidate;";

(7) striking "and" at the end of paragraph (h);

(8) striking the period at the end of paragraph (i) and inserting in lieu thereof a semicolon; and

(9) adding at the end thereof the following new paragraphs:

"(j) 'identification' means—

"(1) in the case of an individual, his full name and the full address of his principal place of residence; and

"(2) in the case of any other person, the full name and address of that person;

"(k) 'national committee' means the duly constituted organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of that political party at the national level, as determined by the Commission; and

"(l) 'political party' means a political party which, in the next preceding presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election.".

(b)(1) Section 302(b) of such Act (relating to reports of contributions in excess of $10) is amended by striking ", the name and address (occupation and principal place of business, if any)" and inserting "of the contribution and the identification".

(2) Section 302(c) of such Act (relating to detailed accounts) is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (2) and (4) and inserting in each such paragraph "identification".

(3) Section 302(c) of such Act is further amended by striking the semicolon at the end of paragraph (2) and inserting "and, if a person's contributions aggregate more than $100, the account shall include occupation, and the principal place of business (if any);".

SEC. 5. (a) Section 303 of the Federal Election Campaign Act of 1971 (relating to registration of political committees; statements) is amended by redesignating subsections (a) through (d) as (b) through (e), respectively, and by inserting after "SEC. 303." the following new subsection (a):

"(a) Each candidate shall, within ten days after the date on which he has qualified under State law as a candidate, or on which he, or any person authorized by him to do so, has received a contribution or made an expenditure in connection with his campaign or for the purpose of preparing to undertake his campaign, file with the Commission a registration statement in such form as the Commission may prescribe. The statement shall include—

"(1) the identification of the candidate, and any individual, political committee, or other person he has authorized to receive contributions or make expenditures on his behalf in connection with his campaign;

"(2) the identification of his campaign depositories, together with the title and number of each account at each such depository which is to be used in connection with his campaign, any safety deposit box to be used in connection therewith, and the identification of each individual authorized by him to make any expenditure or withdrawal from such account or box; and

"(3) such additional relevant information as the Commission may require.".

(b) The first sentence of subsection (b) of such section (as redesignated by subsection (a) of this section) is amended to read as follows: "The treasurer of each political committee shall file with the Commission a statement of organization within ten days after the date on which the committee is organized.".

(c) The second sentence of such subsection (b) is amended by striking out "this Act" and inserting in lieu thereof the following: "the Federal Election Campaign Act Amendments of 1973".

(d) Subsection (c) of such section (as redesignated by subsection (a) of this section) is amended by—

(1) inserting "be in such form as the Commission shall prescribe, and shall" after "The statement of organization shall";

(2) striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the geographic area or political jurisdiction within which the committee will operate, and a general description of the committee's authority and activities;"; and

(3) striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the name and address of the campaign depositories used by that committee, together with the title and number of each account and safety deposit box used by that committee at each depository, and the identification of each individual authorized to make withdrawals or payments out of such account or box;".

(e) The caption of such section 303 is amended by inserting "CANDIDATES AND" after "REGISTRATION OF".

SEC. 6. (a) Section 304 of the Federal Election Campaign Act of 1971 (relating to reports by political committees and candidates) is amended by—

(1) inserting "(1)" and "(a)" in subsection (a);

(2) striking out "for election" each place it appears in the first sentence of subsection (a) and inserting in lieu thereof in each such place "for nomination for election, or for election,";

(3) striking out the second sentence of subsection (a) and inserting in lieu thereof the following: "Such reports shall be filed on the tenth day of April, July, and October of each year, on the tenth day preceding an election, and on the last day of January following an election. Notwithstanding the preceding sentence, the reports required by that sentence to be filed during April, July, and October by or relating to a candidate during a year in which no Federal election is held in which he is a candidate, may be filed on the twentieth day of each month.";

(4) striking out everything after "filing" in the third sentence of subsection (a) and inserting in lieu thereof a period and the following: "Any contribution of $3,000 or more which is received after the closing date of the last report required to be filed prior to any election shall be reported within twenty-four hours after its receipt. If the person making any anonymous contribution is subsequently identified, the identification of the contributor shall be reported to the Commission within the reporting period within which it is identified."; and

(5) adding at the end of subsection (a) the following new paragraph:

"(2) Upon a request made by a Presidential candidate or a political committee which operates in more than one State, or upon its own motion, the Commission may waive the reporting dates (other than January 31) set forth in paragraph (1) and require instead that such candidates or political committees file reports not less frequently than monthly. The Commission may not require a Presidential candidate or a political committee operating in more than one State to file more than eleven reports (not counting any report to be filed on January 31 and special reports of contributions of $3,000 or more as required in paragraph (1) above) during any calendar year. If the Commission acts on its own motion under this paragraph with respect to a candidate or a political committee, that candidate or committee may obtain judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.".

(b)(1) Section 304(b) of such Act (relating to reports by political committees and candidates) is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (9) and (10) and inserting in lieu thereof in each such paragraph: "identification".

(2) Subsection (b)(5) of such section 304 is amended by striking out "lender and endorsers" and inserting in lieu thereof "lender" endorsers, and guarantors".

(c) Subsection (b)(12) of such section is amended by inserting before the semicolon the following: ", together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration therefor".

(d) Subsection (b) of such section is amended by—

(1) striking the "and" at the end of paragraph (12); and

(2) redesignating paragraph (13) as (14), and by inserting after paragraph (12) the following new paragraph:

"(13) such information as the Commission may require for the disclosure of the nature, amount, source, and designated recipient of any earmarked, encumbered, or restricted contribution or other special fund: and".

(e) The first sentence of subsection (c) of such section is amended to read as follows: "The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, and during such additional periods of time as the Commission may require.".

(f)(1) Such section 304 is amended by adding at the end thereof the following new subsections:

"(d) This section does not require a Member of Congress to report, as contributions received or as expenditures made, the value of photographic, matting, or recording services furnished to him before the first day of January of the year preceding the year in which his term of office expires if those services were furnished to him by the Senate Recording Studio, the House Recording Studio, or by any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who furnishes such services as his primary duty as an employee of the Senate or House of Representatives, or if such services were paid for by the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(e) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by this section. Statements required by this subsection shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

"(f)(1) For purposes of this subsection—

"(A) 'Member of Congress' means Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

"(B) 'income' means gross income as defined in section 61 of the Internal Revenue Code of 1954;

"(C) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(D) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(E) 'dealings in securities or commodities' means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity; and

"(F) '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 subsection, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

"(2) Each candidate for election to Congress (other than a candidate who is a Member of Congress) shall file with the Commission a financial disclosure report for the calendar year immediately preceding the year in which he is a candidate. Such report shall be filed not later than thirty days after the individual becomes such a candidate.

"(3) Each individual who has served at any time during any calendar year as a Member of Congress shall file with the Commission a financial disclosure report for that year. Such report shall be filed not later than May 1 of the year immediately following such calendar year.

"(4) Each financial disclosure report to be filed under this subsection shall be made upon a form which shall be prepared by the Commission and furnished by it upon request. Each such report shall contain a full and complete statement of—

"(A) the amount and source of each item of income, other than reimbursements for expenditures actually incurred, and each gift or aggregate of gifts from one source of a value of more than $100 (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication;

"(B) each asset held by him, or by him and his spouse jointly, and the amount of each liability owned by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

"(C) all dealings in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

"(D) all purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

"(5) The Commission may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(6) All reports filed under this subsection shall be maintained by the Commission as public records. Such reports shall be available, under such regulations as the Commission may prescribe, for inspection by the public.".

(2) Subsection (f) of such section 304, as added by paragraph (1) of this subsection, shall apply with respect to calendar years commencing on or after January 1, 1974.

(g) The caption of such section 304 is amended to read as follows:

"REPORTS"

SEC. 7. Section 305 of the Federal Election Campaign Act of 1971 (relating to reports by others than political committees) is amended to read as follows:

"REQUIREMENTS RELATING TO CAMPAIGN ADVERTISING

"SEC. 305. (a) No person shall cause any political advertisement to be published unless he furnishes to the publisher of the advertisement his identification in writing, together with the identification of any person authorizing him to cause such publication.

"(b) Any published political advertisement shall contain a statement, in such form as the Commission may prescribe, of the identification of the person authorizing the publication of that advertisement.

"(c) Any publisher who publishes any political advertisement shall maintain such records as the Commission may prescribe for a period of two years after the date of publication setting forth such advertisement and any material relating to identification furnished to him in connection therewith, and shall permit the public to inspect and copy those records at reasonable hours.

"(d) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

"(e) Any political committee shall include on the face or front page of all literature and advertisement soliciting contributions the following notice:

"'A copy of our report filed with the Federal Election Commission is available for purchase from the Federal Election Commission, Washington, D.C.'

"(f) As used in this section, the term—

"(1) 'political advertisement' means any matter advocating the election or defeat of any candidate or otherwise seeking to influence the outcome of any election, but does not inculde any bona fide newsstory (including interviews, commentaries, or other works prepared for and published by any newspaper, magazine, or other periodical publication the publication of which work is not paid for by any candidate, political committee, or agent thereof or by any other person); and

"(2) 'published' means a publication in a newspaper, magazine, or other periodical publication, distribution of printed leaflets, pamphlets, or other documents, or display through the use of any outdoor advertising facility, and such other use of printed media as the Commission shall prescribe.".

SEC. 8. Section 306(c) of the Federal Election Campaign Act of 1971 (relating to formal requirements respecting reports and statements) is amended to read as follows:

"(c) The Commission may, by published regulation of general applicability, relieve—

"(1) any category of candidates of the obligation to comply personally with the requirements of section 304(a)-(e), if it determines that such action will not have any adverse effect on the purposes of this title, and

"(2) any category of political committees of the obligation to comply with such section if such committees—

"(A) primarily support persons seeking State or local office, and

"(B) do not operate in more than one State or do not operate on a statewide basis.".

SEC. 9. (a) Title III of the Federal Election Campaign Act of 1971 (relating to disclosure of Federal campaign funds) is amended by redesignating section 308 as section 312, and by inserting after section 307 the following new sections:

"FEDERAL ELECTION COMMISSION

"SEC. 308. (a)(1) There is hereby 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 the Comptroller General, ex officio, with the right to vote, and six other members who shall be appointed by the President by and with the advice and consent of the Senate. Of the six other 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). The two members not appointed under such subparagraphs shall not be affiliated with the same political party.

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

"(A) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending on the April thirtieth first occurring more than six months after the date on which he is 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;

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

"(G) the Comptroller General shall serve during his term of office as Comptroller General.

"(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. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(g) The Chairman of the Commission shall appoint and fix the compensation of such personnel as may be necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

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

"(i) 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.

"(j) 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.

"(k)(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 office 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. 309. (a) The Commission shall have the power—

"(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made 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 who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

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

"(6) to initiate (through civil proceedings for injunctive relief and through presentations to Federal grand juries), prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the provisions of this title and of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, and 617 of title 18, United States Code, 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) Notwithstanding any other provision of law, the Commission shall be the primary civil and criminal enforcement agency for violations of the provisions of this title, and of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, and 617 of title 18, United States Code. Any violation of any such provision shall be prosecuted by the Attorney General or Department of Justice personnel only after consultation with, and with the consent of, the Commission.

"(e)(1) Any person who violates any provision of this title or of section 602, 608, 610, 611, 612, 613, 614, 615, 616, or 617 of title 18, United States Code, may be assessed a civil penalty by the Commission under paragraph (2) of this subsection of not more than $10,000 for each such violation. Each occurrence of a violation of this title and each day of noncompliance with a disclosure requirement of this title or an order of the Commission issued under this section shall constitute a separate offense. In determining the amount of the penalty the Commission shall consider the person's history of previous violations, the appropriateness of such penalty to the financial resources of the person charged, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation.

"(2) A civil penalty shall be assessed by the Commission by order only after the person charged with a violation has been given an opportunity for a hearing and the Commission has determined, by decision in-

corporating its findings of fact therein, that a violation did occur, and the amount of the penalty. Any hearing under this section shall be of record and shall be held in accordance with section 554 of title 5, United States Code.

"(3) If the person against whom a civil penalty is assessed fails to pay the penalty, the Commission shall file a petition for enforcement of its order assessing the penalty in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and his attorney of record, and thereupon the Commission shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of the Commission or it may remand the proceedings to the Commission for such further action as it may direct. The court may consider and determine de novo all relevant issues of law but the Commission's findings of fact shall become final thirty days after issuance of its decision order incorporating such findings of fact and shall not thereafter be subject to judicial review.

"(f) Upon application made by an 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 or of any provision of title 18, United States Code, over which the Commission has primary jurisdiction under subsection (d). Notwithstanding any other provision of law, no candidate or political committee shall be held or considered to have violated any such provision by the commission or omission of any act with respect to which an advisory opinion has been issued to that candidate or political committee under this subsection.

"CENTRAL CAMPAIGN COMMITTEES

"SEC. 310. (a) Each candidate shall designate one political committee as his central campaign committee. A candidate for nomination for election, or for election, to 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 such information as the Commission may require, shall be furnished to 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) Any political committee authorized by a candidate to accept contributions or make expenditures in connection with his campaign for nomination 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 311(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 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.

"(2) 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.

"(3) 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 this title and regulations prescribed by the Commission.

"CAMPAIGN DEPOSITORIES

"SEC. 311. (a)(1) Each candidate shall designate one or more National or State banks as his campaign depositories. The central campaign committee of that candidate, and any other political committee authorized by him to receive contributions or to make expenditures on his behalf, shall maintain a checking account at a depository so designated by the candidate and shall deposit any contributions received by that committee into that account. No expenditure may be made by any such committee on behalf of a candidate or to influence his election except by check drawn on that account, 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 or more National or State banks as campaign depositories of that committee, and shall maintain a checking account for the committee at each such depository. All contributions received by that committee shall be deposited in such an 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, and such statements and reports thereof shall be furnished to the Commission as it may require.

"(c) A candidate for nomination for election, or for election, to the office of President may establish one such 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.".

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

"(60) Members (other than the Comptroller General), Federal Election Commission (6)."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraphs:

"(98) General Counsel, Federal Election Commission.

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

(c) Until the appointment and qualification of all 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 such 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 and the General Counsel 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.

(d) Title III of the Federal Election Campaign Act of 1971 is amended by—

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

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

(2) striking out "supervisory officer" in section 302(d) and inserting "Commission";

(3) striking out section 302(f) (relating to organization of political committees);

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

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

(B) striking out "he" in the second sentence of subsection (b) of such section (as redesignated by section 5(a) of this Act) and inserting "it";

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

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

(B) striking out "supervisory officer" where it appears in the third sentence of subsection (a) and in paragraphs (12) and (14) (as redesignated by section 6(d)(2) of this Act) of subsection (b), and inserting "Commission";

(6) striking out "supervisory officer" each place it appears in section 306 (relating to formal requirements respecting reports and statements) and inserting "Commission";

(7) 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;

(8) striking out "SUPERVISORY OFFICER" in the caption of section 312 (as redesignated by subsection (a) of this section) (relating to duties of the supervisory officer) and inserting "COMMISSION";

(9) striking out "supervisory officer" in section 312(a) (as redesignated by subsection (a) of this section) the first time it appears and inserting "Commission";

(10) amending section 312(a) (as redesignated by subsection (a) of this section) by—

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

(B) striking out "him" in paragraph (4) and inserting "it"; and

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

(11) striking out "supervisory officer" in

section 312(b) (as redesignated by subsection (a) of this subsection) and inserting "Commission";

(12) amending subsection (c) of section 312 (as redesignated by subsection (a) of this section) by—

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

(B) striking out the last sentence thereof; and

(13) amending subsection (d)(1) of section 312 (as redesignated by subsection (a) of this section) 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 of such section and inserting "it"; and

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

SEC. 10. Section 312(a)(6) (as redesignated by this Act) of the Federal Election Campaign Act of 1971 (relating to duties of the supervisory officer) is amended to read as follows:

"(6) to compile and maintain a cumulative index listing all statements and reports filed with the Commission during each calendar year by political committees and candidates, which the Commission shall cause to be published in the Federal Register no less frequently than monthly during even-numbered years and quarterly in odd-numbered years and which shall be in such form and shall include such information as may be prescribed by the Commission to permit easy identification of each statement, report, candidate, and committee listed, at least as to their names, the dates of the statements and reports, and the number of pages in each, and the Commission shall make copies of statements and reports listed in the index available for sale, direct or by mail, at a price determined by the Commission to be reasonable to the purchaser;".

SEC. 11. Title III of the Federal Election Campaign Act of 1971 is amended by inserting after section 312 (as redesignated by this Act) the following new section:

"SUSPENSION OF FRANK FOR MASS MAILINGS IMMEDIATELY BEFORE ELECTIONS

"SEC. 313. No Senator, Representative, Resident Commissioner, or Delegate shall make any mass mailing of a newsletter or mailing with a simplified form of address under the frank under chapter 32 of title 39, United States Code, during the sixty days immediately preceding the date on which any election is held in which he is a candidate."

SEC. 12. Section 309 of the Federal Election Campaign Act of 1971 (relating to statements filed with State officers) is redesignated as section 314 of such Act and amended by—

(1) striking out "a supervisory officer" in subsection (a) and inserting in lieu thereof "the Commission";

(2) striking out "in which an expenditure is made by him or on his behalf" in subsection (a)(1) and inserting in lieu thereof the following: "in which he is a candidate or in which substantial expenditures are made by him or on his behalf"; and

(3) adding the following new subsection:

"(c) There is hereby authorized to be appropriated to the Commission in each fiscal year the sum of $500,000, to be made available in such amounts as the Commission deems appropriate to the States for the purpose of assisting them in complying with their duties as set forth in this section.".

SEC. 13. Section 310 of the Federal Election Campaign Act of 1971 (relating to prohibition of contributions in name of another) is redesignated as section 315 of such Act and amended by inserting after "another person", the first time it appears, the following: "or knowingly permit his name to be used to effect such a contribution".

SEC. 14. Section 311 of the Federal Election Campaign Act of 1971 (relating to penalty for violations) is amended to read as follows:

"PENALTY FOR VIOLATIONS

"SEC. 316. (a) Violation of the provisions of this title (other than section 304(f)) is a misdemeanor punishable by a fine of not more than $10,000, imprisonment for not more than one year, or both.

"(b) Violation of the provisions of this title (other than section 304(f)) with knowledge or reason to know that the action committed or omitted is a violation of this Act is punishable by a fine of not more than $100,000, imprisonment for not more than five years, or both.

"(c) Any person who willfully fails to file a report required by section 304(f) of this Act, or who knowingly and willfully files a false report under such section, shall be fined $2,000 or imprisoned for not more than one year, or both.".

SEC. 15. Title III of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new sections:

"APPROVAL OF PRESIDENTIAL CAMPAIGN EXPENDITURES BY NATIONAL COMMITTEE

"SEC. 317. (a) No expenditure in excess of $1,000 shall be made by or on behalf of any candidate who has received the nomination of his political party for President or Vice President unless such expenditure has been specifically approved by the chairman or treasurer of that political party's national committee or the designated representative of that national committee in the State where the funds are to be expended.

"(b) Each national committee approving expenditures under subsection (a) shall register under section 303 as a political committee and report each expenditure it approves as if it had made that expenditure, together with the name and address of the person seeking approval and making the expenditure.

"(c) No political party shall have more than one national committee.

"USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

"SEC. 318. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his campaign expenses, and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office, may be used by that candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, or may be contributed by him to any organization described in section 170 (c) of the Internal Revenue Code of 1954. To the extent any such contribution, amount contributed, or expenditure thereof is not otherwise required to be disclosed under the provisions of this title, such contribution, amount contributed, or expenditure shall be fully disclosed in accordance with regulations promulgated by the Commission. The Commission is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 319. There are authorized to be appropriated to the Commission, for the purpose of carrying out its functions under this title, and under chapter 29 of title 18, United States Code, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for each fiscal year thereafter.".

SEC. 16. Section 403 of the Federal Election Campaign Act of 1971 is amended to read as follows:

"EFFECT ON STATE LAW

"SEC. 403. The provisions of this Act, and of regulations promulgated under this Act, supersede and preempt any provision of State law with respect to campaigns for nomination for election, or for election, to Federal office (as such term is defined in section 301(c)).".

SEC. 17. (a) Paragraph (a) of section 591 of title 18, United States Code, is amended by—

(1) inserting "or" before "(4)"; and

(2) striking out "and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States".

(b) Such section 591 is amended by striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State central committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610;".

(c) Such section 591 is amended by—

(1) inserting in paragraph (e)(1) after "subscription" the following: "(including any assessment, fee, or membership dues)";

(2) striking out in such paragraph "or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee, or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office"; and

(3) striking out subparagraphs (2) and (3) of paragraph (e) and redesignating subparagraphs (4) (5) as (2) and (3), respectively.

(d) Such section 591 is amended by striking out paragraph (f) and inserting in lieu thereof the following:

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations, and in the ordinary course of business), advance, deposit, or gift of money or anything of value, made for the purpose of—

"(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of presidential and vice presidential elector:

"(B) influencing the result of a primary election 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;

"(C) financing any operations of a political committee; or

"(D) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection wtih any campaign for nomination for election, or for election, to Federal office; but

"(2) shall not mean or include those who volunteer to work without compensation on behalf of a candidate;".

SEC. 18. (a)(1) Subsection (a)(1) of section 608 of title 18, United States Code, is amended to read as follows:

"(a)(1) No candidate may make expenditures from his personal funds, or the per-

sonal funds of his immediate family, in connection with his campaign for nomination for election, and for election, to, Federal office in excess, in the aggregate during any calendar year, of—

"(A) $100,000, in the case of a candidate for the office of President or Vice President;

"(B) $70,000, in the case of a candidate for the office of Senator; or

"(C) $50,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress."

(2) Subsection (a) of such section is amended by adding at the end thereof the following new paragraphs:

"(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

"(4) For purposes of this subsection, any such loan or advance shall be included in computing the total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid."

(b) Subsection (c) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$25,000", and by striking out "one year" and inserting in lieu thereof "five years".

(c)(1) The caption of such section 608 is amended by adding at the end thereof the following: "out of candidates' personal and family funds".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures out of candidates' personal and family funds.".

(d) Notwithstanding the provisions of section 608 of title 18, United States Code, it shall not be unlawful for any individual who, as of the date of enactment of this Act, has outstanding any debt or obligation incurred on his behalf by any political committee in connection with his campaigns prior to January 1, 1973, for nomination for election, and for election, to Federal office, to satisfy or discharge any such debt or obligation out of his own personal funds or the personal funds of his immediate family (as such term is defined in such section 608).

SEC. 19. Section 611 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"It shall not constitute a violation of the provisions of this section for a corporation or a labor organization to establish, administer, or solicit contributions to a separate segregated fund to be utilized for political purposes by that corporation or labor organization if the establishment and administration of, and solicitation of contributions to, such fund do not constitute a violation of section 610."

SEC. 20. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 614. Limitation on expenditures generally

"(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 or primary runoff campaign for nomination for election to Federal office 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, Delegate, Resident Commissioner, 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.

"(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 or special election campaign for election to Federal office 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, Delegate, Resident Commissioner, 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) might expend 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) might expend within the State in connection with his campaign for election to the office of Senator (or Delegate).

"(c)(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.

"(d)(1) For purposes of paragraph (2):

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

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

"(2) At the beginning of each calendar year (commencing in 1974), as there become available necessary data 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 per centum 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 per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"(e) 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.

"(f)(1) No person shall render or make any charge for services or products knowingly furnished to, or for the benefit of, any candidate in connection with his campaign for nomination for election, or election, in an amount in excess of $100 unless the candidate (or a person specifically authorized by the candidate in writing to do so) certifies in writing to the person making the charge that the payment of that charge will not exceed the expenditure limitations set forth in this section.

"(2) Any person making an aggregate expenditure in excess of $1,000 to purchase services or products shall, for purposes of this subsection, be held and considered to be making such expenditure on behalf of any candidate the election of whom would be influenced favorably by the use of such products or services. No person shall render or make any charge for services or products furnished to a person described in the preceding sentence unless that candidate (or a person specifically authorized by that candidate in writing to do so) certifies in writing to the person making the charge that the payment of that charge will not exceed the expenditure limitation applicable to that candidate under this section.

"(g) The Federal Election Commission shall prescribe regulations under which any expenditure by a candidate for Presidential nomination of 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.

"(h) Any person who knowingly or willfully violates the provisions of this section, other than subsection (c), (d), and (e), shall be punishable by a fine of $25,000, imprisonment for a period of not more than five years, or both. If any candidate is convicted of violating the provisions of this section because of any expenditure made on his behalf (as determined under subsection (c)(3)) by a political committee, the treasurer of that committee, or any other person authorizing such expenditure, shall be punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both, if such person knew, or had reason to know, that such expenditure was in excess of the limitation applicable to such candidate under this section.

"§ 615. Limitations on contributions by individuals and on expenditures by certain other persons

"(a) No individual shall make any contribution during any calendar year to or for the benefit of any candidate which is in excess of—

"(1) in the case of contributions to or for the benefit of a candidate other than a candidate for nomination for election, or for election, to the office of President, the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000; or

"(2) in the case of contributions to or for the benefit of a candidate for nomination for election, or for election, to the office of President, the amount which, when added

to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of that candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c)(1) No person (other than an individual) shall make any expenditure during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal—

"(A) $3,000, in the case of a candidate other than a candidate for nomination for election, or for election, to the office of President; or

"(B) $3,000, in the case of a candidate for nomination for election, or for election, to the office of President.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a)(1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e)(1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section, the term—

"(1) 'family' means an individual and his spouse and any of his children who have not attained the age of eighteen years; and

"(2) 'political party' means a political party which in the next preceding presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

§ 616. Form of contributions

"It shall be unlawful for any person to make a contribution to or for the benefit of any candidate or political committee in excess, in the aggregate during any calendar year, of $50 unless such contribution is made by a written instrument identifying the person making the contribution. Violation of the provisions of this section is punishable by a fine of not to exceed $1,000, imprisonment for not to exceed one year, or both.

"§ 617. Embezzlement or conversion of political contributions

"Whoever, being a candidate, or an officer, employee, or agent of a political candidate, or a person acting on behalf of any candidate or political committee, embezzles, knowingly converts to his own use or the use of another, or deposits in any place or in any manner except as authorized by law, any contributions or campaign funds entrusted to him or under his possession, custody, or control, or uses any campaign funds to pay or defray the costs of attorney fees for the defense of any person or persons charged with the commission of a crime; or

"Whoever receives, conceals, or retains the same with intent to convert it to his personal use or gain, knowing it to have been embezzled or converted—

"Shall be fined not more than $25,000 or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both. Notwithstanding the provisions of this section, any surplus or unexpended campaign funds may be contributed to a national or State political party for political purposes, or to educational or charitable organizations, or may be preserved for use in future campaigns for elective office, or for any other lawful purpose.".

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611, 614, 615, 616, and 617".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"614. Limitation on expenditures generally.
"615. Limitation on contributions by individuals and on expenditures by certain other persons.
"616. Form of contributions.
"617. Embezzlement or conversion of political contributions.".

SEC. 21. The Federal Election Campaign Act of 1971 is amended by redesignating title IV as title V, redesignating sections 401 through 406, and all cross references thereto, as sections 501 through 506, respectively, and by inserting after title III of such Act the following new title:

"TITLE IV—ASSISTANCE FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION

"SEC. 401. This title may be cited as the 'Voter Registration and Election Administration Assistance Act'.

"DEFINITIONS

"SEC. 402. As used in this title—

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

"(2) '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;

"(3) 'political subdivision' means any city, county, township, town, borough, parish, village, or other general purpose unit of local government of a State, or an Indian tribe which performs voter registration or election administration functions, as determined by the Secretary of the Interior; and

"(4) 'grant' means grant, loan, contract, or other appropriate financial arrangement.

"FUNCTIONS OF THE COMMISSION

"SEC. 403. (a) The Commission shall—

"(1) make grants, in accord with the provisions of this title, upon the request of State and local officials, to States and political subdivisions thereof to carry out programs of voter registration and election administration;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning voter registration and elections in the United States;

"(3) prepare and submit to the President and the Congress on March 31 each year a report on the activities of the Commission under this title and on voter registration and election administration in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate; and

"(4) take such other actions as it deems necessary and proper to carry out its functions under this title.

"(b) The Commission shall not publish or disclose any information which permits the identification of individual voters.

"ADVISORY COUNCIL ON VOTER REGISTRATION AND ELECTION ADMINISTRATION

"SEC. 404. (a) There is hereby established an Advisory Council on Voter Registration and Election Administration, consisting of the Chairman of the Commission, who shall be Chairman of the Council, and sixteen members appointed by the Chairman of the Commission without regard to the civil service laws. Four of the appointed members shall be selected from the general public, and four each shall be selected from the chief election officers of State, county, and municipal governments, respectively. No more than two of the appointed members in each category shall be members of the same political party.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Chairman of the Commission at the time of appointment, four at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) The Council shall advise and assist the Commission in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title, including matters arising with respect to the review of applications for grants under this title.

"GRANTS TO DEFRAY COSTS OF EXISTING VOTER REGISTRATION AND ELECTION ACTIVITIES

"SEC. 405. The Commission is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out voter registration and election administration activities. A grant made under this section in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State or political subdivision receiving the grant, and the total amount of grants to any State and the political subdivisions thereof in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State.

"GRANTS TO IMPROVE VOTER REGISTRATION AND ELECTION ADMINISTRATION PROCEDURES

"SEC. 406. (a) The Commission is authorized to make grants to any State or political subdivision thereof to establish and carry out programs to improve voter registration and election administration. Such programs may include, but shall not be limited to:

"(1) programs to increase the number of registered voters or to improve voter regis-

tration, such as expanded registration hours and locations, employment of deputy registrars, mobile registration facilities, employment of deputy registrars, door-to-door canvass procedures, election day registration, reregistration programs, and programs to coordinate registration with other jurisdictions;

"(2) programs to improve election and election day activities, such as organization, planning, and evaluation of election and election day activities and responsibilities; improvements in ballot preparation, in use of absentee ballot procedures, and in voter identification, voting and vote-counting on election day; coordination of State and local election activities; and establishment of administrative and judicial mechanisms to deal promptly with election and election day difficulties;

"(3) education and training programs for State and local election officials;

"(4) programs for the prevention and control of fraud; and

"(5) other programs designed to improve voter registration and election administration and approved by the Commission.

"(b) A grant made under this section may be up to 50 per centum of the fair and reasonable cost, as determined by the Commission, of establishing and carrying out such a program. A grant made under this section in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State or political subdivision receiving the grant, and the total amount of grants to any State and the political subdivisions thereof in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State.

"GRANTS TO MODERNIZE VOTER REGISTRATION AND ELECTION ADMINISTRATION

"SEC. 407. (a) The Commission is authorized to make grants to any State for planning and evaluating the use of electronic data processing or other appropriate procedures to modernize voter registration or election administration on a centralized statewide basis. A grant made under this section shall not be in excess of one-half cent multiplied by the voting age population of the State receiving the grant, or $25,000, whichever is greater.

"(b) The Commission is authorized to make grants to any State for designing, programing, and implementing a centralized statewide voter registration or election administration system as described in subsection (a) of this section. A grant under this subsection shall not be in excess of 10 cents multiplied by the voting age population of the State receiving the grant.

"GRANTS FOR VOTER EDUCATION

"SEC. 408. The Commission is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out nonpartisan citizen education programs in voting and voter registration. A grant made under this section in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State or political subdivision receiving the grant, and the total amount of grants to any State and the political subdivisions thereof in any fiscal year shall not be in excess of 10 cents multiplied by the voting age population of the State.

"TECHNICAL ASSISTANCE AND FRAUD PREVENTION

"SEC. 409. The Commission is authorized to make available technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration, election administration and voter participation. Such assistance shall be made available at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this title.

"APPLICATIONS FOR GRANTS

"SEC. 410. Except as otherwise specifically provided, grants authorized by section 405, 406, 407, or 408 of this title may be made to States, political subdivisions, or combinations thereof. Such grants may be made only upon application to the Commission at such time or times and containing such information as the Commission may prescribe. The Commission shall provide an explanation of the grant programs authorized by this title to State or local election officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Commission, that the applicant has a substantial responsibility for voter registration or election administration within its jurisdiction, and that the grant will not involve duplication of effort within the jurisdiction receiving the grant or the development of incompatible voter registration or election administration systems within a Stae;

"(b) sets forth the authority for the grant under this title;

"(c) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title, and provides for making available to the Commission, books, documents, papers, and records related to any funds received under this title; and

"(d) provides for making such reports, in such form and containing such information, as the Commission may reasonably require to carry out its functions under this title, for keeping such records, and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such reports.

"REGULATIONS

"SEC. 411. The Commission is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 412. For the purpose of carrying out the provisions of this title, there is authorized to be appropriated, for the fiscal year ending June 30, 1974, and for the two succeeding fiscal years, the sum of $15,000,000 each year for sections 405, 406, 407, and 408.".

SEC. 22. (a) Any candidate of a political party in a general election for the office of a Member of Congress who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, and each Member of Congress, each officer and employee of the United States (including any member of a uniformed service) who is compensated at a rate in excess of $25,000 per annum, any individual occupying the position of an officer or employee of the United States who performs duties of the type generally performed by an individual occupying grade GS-16 of the General Schedule or any higher grade or position (as determined by the Federal Election Commission regardless of the rate of compensation of such individual), the President, and the Vice President shall file annually, with the Commission a report containing a full and complete statement of—

(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) the identity of each asset held by him, or by him and his spouse jointly which has a value in excess of $1,000, and the amount of each liability owed by him or by him and his spouse jointly, which is in excess of $1,000 as of the close of the preceding calendar year;

(3) any transactions in securities of any business entity by him or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in transactions in the securities of such business entity exceeds $1,000 during such year;

(4) all transactions in commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $1,000; and

(5) any purchase or sale, other than the purchase or sale of his personal residence, of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the value of property involved in such purchase or sale exceeds $1,000.

(b) Reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than May 15 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Commission may prescribe.

(c) Reports required by this section shall be in such form and detail as the Commission may prescribe. The Commission may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Any person who willfully fails to file a report required by this section or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Commission as public records which, under such reasonable regulations as it shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual shall be considered to have been President, Vice President, a Member of Congress, an officer or employee of the United States, or a member of a uniformed service, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Com-

modity Exchange Act, as amended (7 U.S.C. 2).

(4) The term "transactions in securities or commodities" means any acquisition, holding, withholding, use, transfer, or other disposition involving any security or commodity.

(5) The term "Member of Congress" means a Senator, a Representative, a Resident Commissioner, or a Delegate.

(6) The term "officer" has the same meaning as in section 2104 of title 5, United States Code.

(7) The term "employee" has the same meaning as in section 2105 of such title.

(8) The term "uniformed service" means any of the Armed Forces, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration.

(9) The term "immediate family" means the child, parent, grandparent, brother, or sister of an individual, and the spouses of such persons.

(h) Section 554 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) All written communications and memorandums stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to any case which is subject to the provisions of this section by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

(i) The first report required under this section shall be due on the fifteenth day of May occurring at least thirty days after the date of enactment.

(j) Effective on the day after the date of enactment of this Act—

(1) section 304(f) of the Federal Election Campaign Act of 1971 is repealed;

(2) section 6(f) of this Act is amended—

(A) by striking out the paragraph designation "(1)", and

(B) by striking out paragraph (2) of such section;

(3) section 306(c)(1) of the Federal Election Campaign Act of 1971 is amended by striking out "(a)-(e)"; and

(4) section 316 of the Federal Election Campaign Act of 1971 is amended—

(A) by striking out of subsections (a) and (b) the phrase "(other than section 304(f))" wherever it appears; and

(B) by striking out subsection (c).

Any action taken under any provision of law repealed or struck out by this subsection shall have no force or effect on or after such day.

SEC. 23. It is the sense of the Congress that the salaries of Members of Congress, members of the President's cabinet, and members of the Federal judiciary shall not be increased in excess of the annual wage guidelines so long as wage and price controls continue.

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

The amendment offered by the distinguished Senator from Massachusetts (Mr. KENNEDY) is in four parts. The first part that we have before us at this time would provide for a subsidy to any candidate for Federal office, including, of course, Members of the Senate and Members of the House. Of course, it might well be dubbed "The Federal Officeholders' Subsidy Act," because that is what it is.

It would subsidize Members of the Senate and House of Representatives in their election campaign by paying, I believe, to each candidate, 15 cents for each person of voting age in the political subdivision from which he was a candidate. It also, of course, applies to Presidential elections.

The second provision of the amendment—we will get to that in time—is of course the monstrosity of all monstrosities, because it would subsidize the various candidates not for election as President but for the party nomination whether it be Democrat or Republican. It would provide for matching contributions—up to $100 contributions—up to the total of 5 cents for each person of voting age throughout the country. That would provide some $7 million for each bona fide candidate for the Democratic nomination or the Republican nomination.

Now, if we let section 1 get by, we will have section 2 to contend with. The more steam gathered on section 1, that momentum will carry on to section 2 and we will have a monstrosity there that would provide for subsidizing Governor Rockefeller's campaign for the Republican Presidential nomination up to the tune of $7 million from the American taxpayers. Governor Connally the same way, and any of the various Members of the Senate who are running for President. They would get this same contribution up to $7 million.

I do not believe that the American taxpayer knows what is contained in this bill. As a matter of fact, I doubt that many Senators have bothered to check it to see. But if we subsidize our own campaigns—and that is what this provision before us now would do, it would subsidize a Senator's campaign and Members of the House of Representatives—I do not believe that is quite what the American taxpayer wants his representatives in the Senate and House to do. I do not believe the American taxpayers feel that is in the public interest.

While these provisions provide for Federal subsidies, they do not choke off private contributions. So they get the private contributions and after they exhaust that, then they add the Federal subsidy.

I do not feel that Members of the Senate want to provide for a tremendous subsidy, in some cases possibly millions of dollars, as it provides a minimum of $175,000; but the 15 cents per person of voting age, in some of the big States, would probably be up to $1 million, $2 million, or $3 million to be provided by the taxpayers to Senators, so that they will get the subsidy for their senatorial campaigns.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Is there any limit on the number of persons who can run for the nomination for President?

Mr. ALLEN. No, sir.

Mr. ERVIN. Would anyone be eligible for President who is 35 years of age, an American citizen, and possessing the other qualifications for that office?

Mr. ALLEN. Yes sir, but to come under the provisions of this subsidy, they would have to get out and get $100 or $50 contributions and build up a fund of $100,000 before they could qualify for the subsidy.

Mr. ERVIN. Is there any other limitation?

Mr. ALLEN. That is the only one I know of.

So, Mr. President, as to section 2, I do not know that I shall be able to speak on that later, but I will speak on it at this time if I can.

Section 1 would subsidize Senate campaigns. All right. Section 2 provides for subsidizing Presidential nomination campaigns no matter for what political party. It would subsidize both, whether running for the Senate or running for President. That is what this bill calls for.

I do not believe that the shibboleth of "Let us have public financing" is enough to cover the evils in this amendment, and there are four parts to it.

Section 3 provides, I believe, for doubling the Long checkoff dollar, to make that $2 that could be checked off. It does not make any difference whether it is $2 or $10, because whatever it fails to provide, the American taxpayer will have to pay it, anyhow, because they supplement whatever comes in on that checkoff to pay off this tremendous subsidy.

Section 4 would double the amount that a taxpayer can claim as a political contribution.

So, all in all, the whole thing is a monstrosity.

I might say to the Senate, it judged that when it voted down this same amendment, in substance, when we were acting on S. 372, which passed the Senate on July 30, 1973.

Mr. AIKEN. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. AIKEN. Could the Senator tell us whether any other countries pay the campaign expenses of candidates for their legislative bodies, or for high office, and if so, whether those expenses are paid from public funds and by what means?

Mr. ALLEN. I am not advised of any, although it is possible that some nations might have that system.

Mr. AIKEN. It would be very interesting to look that up. I have a feeling that certain other countries have tried this with disastrous effects.

Mr. ALLEN. I have not seen that.

Mr. AIKEN. I am wondering whether we would be establishing a precedent among the larger nations if we paid the campaign expenses of our candidates out of public funds.

Mr. ALLEN. I am not advised of any such system, but it would establish a dangerous precedent in my judgment.

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

Mr. ALLEN. I yield.

Mr. PASTORE. In the bill that we recently passed, the Campaign Expenditures Act of 1971, we limited what each candidate for the Senate could spend to 10 cents per voter.

Mr. ALLEN. In the primary. Fifteen cents in the general election.

Mr. PASTORE. Fifteen cents in the

general election. I understood the Senator to say that that would be the amount of the subsidy. Is there any ceiling on what a candidate can spend, or is it wide open?

Mr. ALLEN. The subsidy is limited. In the primary, the candidate can get private subscriptions. In the general election, private subscription can be made to the State committees and they would finance it.

Mr. PASTORE. I understand that the Kennedy amendment does limit the amount that any candidate can spend. It is 10 cents for the primary and 15 cents for the general. Is that not so?

Mr. KENNEDY. The provision applies only to the general election, a 15-cent limitation. That aspect is patterned on S. 372.

Mr. PASTORE. What is the story as to the primary?

Mr. KENNEDY. There is no provision for congressional primaries. A wide variety of suggestions have been made with regard to such primaries. There has been a general disagreement on the best way to approach public funding for congressional primaries, but it was felt that at least we could take a major step in other areas. I would expect that, at some time in the future, steps would be taken to cover primaries. But we have not addressed ourselves to that particular problem in this amendment.

Mr. PASTORE. The reason why I ask the question is that under existing law, which is the Campaign Expenditures Act of 1971, a person is limited only with reference to radio and television, billboards, and newspaper advertising. The rest of it is wide open. As a result, we notice that in the last election more money was spent by candidates than ever before in the history of this Republic. And that was with a limitation.

In the case of a primary, the way it is left wide open, I am wondering whether one could spend any amount of money in order to win a nomination, and whether or not we would be defeating the very purpose we are trying to accomplish. If we are going to have a limitation, we ought to have a limitation for the primary as well as for the general.

Mr. KENNEDY. I would agree with the Senator, from a personal point of view. The one point that the sponsors of this amendment could agree to was the limitation with regard to the general election; and then, hopefully, at another time, in another Congress, we could get the limitation with regard to the primary. Of course, once S. 372 is enacted into law, there will in all likelihood be strict limits on spending in primaries.

Mr. ALLEN. Mr. President, I ask unanimous consent that this colloquy not come out of my time.

Mr. KENNEDY. I will finish this thought on my own time.

The Senator from Alabama indicated earlier in the day the possibility of offering the previously passed legislation, S. 372 as a substitute for this amendment. Although I would certainly oppose that, I supported the previous legislation, and I would not be opposed to accepting it as an addition to our amendment, not as a substitute. That would meet the objections of the Senator from Rhode Island.

So if we are able to make progress on this amendment, and if the Senator from Alabama or any other Member were to propose to add S. 372, which passed overwhelmingly, I would certainly urge the Senate to accept it. But this particular amendment does not deal with that problem.

Mr. PASTORE. I hope the Senator will see fit to modify his amendment in that respect, because I think the likelihood of its adoption would be enhanced.

Mr. ALLEN. Mr. President, there is no limitation in the primary. The Senator will find on page 10 of the amendment that the subsidy is 15 cents. That comes out of the pocket of the American taxpayer, out of his hide.

Mr. President, the amendment I have offered, the substitute, is S. 372, which was passed in the Senate on July 30 by a vote of 82 to 8. That bill was heralded as a great step in the right direction with respect to campaign expenditure reform. In truth, it was, because it limited contributions to $3,000, cash contributions to $50. It cut almost in half the overall amount that could be spent by a candidate, and it provided for full disclosure of all contributions and all expenses.

Mr. President, the reason why it would be good to add this amendment to the bill is that S. 372 languishes over in the House; and if we could add S. 372 to the debt limit bill, we would have something on which to go to conference with the House and might accomplish the well nigh impossible feat of getting some campaign reform legislation in the next few days. So it would have great possibilities, if we were to adopt this substitute. It had general support throughout the Senate.

If we provide in S. 372 for a limitation on contributions and expenditures but remaining in the private sector and the bill is over in the House, and they do not seem to want to get it out of committee, certainly it would stay in committee if the Senate reverses course completely and goes off after a public financing rabbit, starting with subsidies for our own campaigns. I do not believe Senators want to vote to subsidize their own campaigns. I certainly hope they do not.

I read from the remarks of the distinguished Senator from Minnesota (Mr. HUMPHREY) immediately before S. 372 was passed:

> Today, the Senate has taken an important step toward limiting the influence of big money in politics. The Federal Elections Campaign Act, as reported from the Committee on Commerce and the Committee on Rules and as amended on the floor effectively restructures campaign financing and the use of big money in politics.
>
> One of the foremost reforms to come out of this bill is the creation of a Federal Elections Commission. This Commission will be the central repository of campaign contribution and expenditure disclosures. It will have subpena power and primary jurisdiction to bring civil and criminal actions in court to enforce campaign spending laws. The Commission will be composed of seven members, distributed among the two major political parties, with the Comptroller General being the seventh member.
>
> The legislation also provides that each candidate will designate one central campaign committee. This committee will receive and post all reports and statements of expenditures and contributions filed or received on behalf of a candidate. It will provide a one-stop check on spending for a candidate and end the hiding of campaign contributions.
>
> The legislation also limits campaign contributions to $3,000 per individual to a candidate, places a $25,000 ceiling on the amount of money that one person can give to a variety of candidates in a single year, and limits spending for campaigns to 10 cents per eligible voter in any primary election and 15 cents per eligible voter in the general election.

Mr. President, I hope this substitute will be adopted for part 1, and that when it is adopted for part 1, we can move to table the other parts of the amendment, or accept what we want. This, that is S. 372, at least, will be before Congress.

I reserve the remainder of my time.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I should like to ask the Senator from Alabama whether, rather than offering it as a substitute, he would be prepared to offer it as an addition. I would join him as a cosponsor, and I think many other Senators would. Let us make S. 3772 an amendment to the debt ceiling bill. What we would then have would be the many significant election reform provisions of S. 372 which had strong bipartisan support when it passed the Senate last July. In this way we will be providing a more comprehensive approach to the problem of campaign financing. I would certainly join the Senator from Alabama in proposing such an amendment.

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

Mr. ALLEN. I yield.

Mr. PASTORE. If the Senator from Alabama insists on putting it in as a substitute, I shall put it in as an amendment once that substitute is defeated.

Mr. ALLEN. Will the Senator from Massachusetts ask unanimous consent that he might modify his amendment to include the provisions of S. 372?

Mr. KENNEDY. I would indicate to my good friend my support. We are all interested in this matter.

Mr. ALLEN. May I ask unanimous consent that the substitute I have at the desk——

Mr. KENNEDY. Could I ask if the Senator is prepared to support the amendment as modified?

Mr. ALLEN. No, I do not support it. The Senator did not ask that. He asked if I would be willing to add it as an amendment.

Mr. KENNEDY. Very well. Go ahead.

Mr. ALLEN. Mr. President, I ask unanimous consent that the substitute which is at the table embodying the provisions of S. 372, which passed the Senate by a vote of 82 to 2 on July 30 of this year be added as an amendment to part 1 of the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, do I understand

the Senator withdraws S. 372 as a substitute for section 1?

Mr. PASTORE. That is right.

Mr. KENNEDY. And then adds it to section 1 of the amendment?

Mr. ALLEN. That is right.

Mr. KENNEDY. That was introduced this morning. Is that right?

Mr. ALLEN. If that is added, I will withdraw it.

Mr. KENNEDY. Is that the understanding of the Parliamentarian? That is the request?

The PRESIDING OFFICER. That is the request. Is there objection? Without objection, it is so ordered, and the Senator from Alabama withdraws his amendment as a substitute.

Mr. PASTORE. Yeas and nays.

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

Mr. ALLEN. I yield.

Mr. PERCY. The Senator from Illinois would like to commend the Senator from Alabama. I am required to vote against the amendment because I am a sponsor of the pending amendment, but this arrangement would reaffirm what the Senate already has done and assure much more expeditious handling of the matter to see if we can get it acted on this year rather than next year. I again commend the Senator from Alabama for his initiative in this regard.

Mr. ALLEN. I thank the Senator. I state to him that one reason the Senator from Alabama is willing to make that agreement is the fact that he understood the point might be raised that the substitute which the Senator from Alabama offered was not germane.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, part 1.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. All time has expired. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, now I move to table the amendment as modified. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JAVITS. Mr. President, what is meant by: I move to table the amendment as filed?

Mr. ALLEN. As modified.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Is this a motion to table part 1 as modified?

The PRESIDING OFFICER (Mr. SAXBE). The motion is to table part 1, as modified.

Mr. ROBERT C. BYRD. Mr. President, I would like to ascertain whether it is the intention of the Senate to proceed with these votes prior to the hour of 3:30, at which time under the order previously entered the Senate is supposed to resume consideration of the Ford nomination.

The PRESIDING OFFICER. There is no time.

Mr. ROBERT C. BYRD. At 3:30 p.m. the Senate resumes consideration of the Ford nomination. Is it the desire of the Senate to have these votes back to back?

Mr. KENNEDY. I hope we can vote on this part now and handle future votes as they come up.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 10-minute limitation on this rollcall vote and that the Senate resume consideration of the Ford nomination in executive session immediately upon disposition of this vote.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Would the Senator clarify the request. The vote on the Ford nomination would still occur at 4:30 p.m.?

Mr. ROBERT C. BYRD. Yes, because only 5 minutes would have been taken out of the hour.

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

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 South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

If present and voting the Senator from Arizona (Mr. FANNIN) would vote "yea."

The result was announced—yeas 40, nays 55, as follows:

[No. 514 Leg.]

YEAS—40

Allen	Domenici	McClellan
Baker	Dominick	Nunn
Bartlett	Eastland	Pearson
Bellmon	Ervin	Roth
Bennett	Fong	Scott, William L.
Bentsen	Goldwater	Sparkman
Bible	Griffin	Stennis
Brock	Hansen	Stevens
Buckley	Hatfield	Taft
Byrd, Harry F., Jr.	Helms	Talmadge
Cotton	Hollings	Thurmond
Curtis	Hruska	Tower
Dole	Johnston	Weicker
	Long	

NAYS—55

Abourezk	Hartke	Muskie
Aiken	Haskell	Nelson
Bayh	Hathaway	Packwood
Beall	Huddleston	Pastore
Biden	Hughes	Pell
Brooke	Humphrey	Percy
Burdick	Inouye	Proxmire
Byrd, Robert C.	Jackson	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Saxbe
Chiles	Magnuson	Schweiker
Church	Mansfield	Scott, Hugh
Clark	Mathias	Stafford
Cook	McGee	Stevenson
Cranston	McIntyre	Tunney
Eagleton	Metcalf	Williams
Fulbright	Mondale	Young
Gravel	Montoya	
Hart	Moss	

NOT VOTING—5

Fannin	McClure	Symington
Gurney	McGovern	

So the motion to lay on the table part 1 of amendment No. 651, as modified, was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate numbered 1 through 7 to the bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; and that the House agreed to the amendment of the Senate numbered 8 to the bill, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to 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; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. WALDIE, Mr. GROSS, and Mr. HOGAN were appointed managers on the part of the House at the conference.

EXECUTIVE SESSION—NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume the consideration of the nomination of Mr. GERALD R. FORD to be Vice President of the United States, with the vote thereon to occur at 4:30 p.m., the time to be equally divided between the Senator from Kentucky and the Senator from Nevada.

Who yields time?

Mr. CANNON. Mr. President, I yield 2 minutes to my distinguished colleague from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, I am casting my vote against confirmation of Mr. FORD because my philosophical differences with him are too fundamental to compromise, and because I do not believe he can provide the kind of inspirational leadership this Nation will need should he succeed to the Presidency. We are, after all, selecting a potential President. That is what the Vice Presidency is all about.

On the most important issues of the past decade, including human and civil rights and the war in Vietnam, our respective positions have been fundamentally and irreconcilably at odds. Our differences are of such significance that I cannot support his nomination just as in other circumstances he would not be able to support mine.

This is not an ordinary appointment. It requires confirmation by both Houses of Congress. We are not acting on a cabinet appointment which is a peculiarly

personal appointment by the President of a personal adviser and consultant who serves at the pleasure of the President. On this appointment we are acting in a unique capacity as electors in behalf of 200 million American people. I regret that I cannot cast an affirmative vote. I do not believe this appointment measures up to the critical demands of the current circumstances faced by the Nation.

I intend nothing I have said to be interpreted as a reflection upon Mr. FORD's character or his leadership qualifications within the congressional environment. He is properly respected as an honest and honorable Member of Congress.

Mr. CANNON. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 4 minutes.

Mr. HART. Mr. President, I shall vote to approve the nomination of Congressman GERALD R. FORD to be Vice President of the United States.

In reaching that decision, I am fully aware that Congressman FORD could become President of the United States and that the Members of Congress are taking the place of the millions of voters who could have been expected to participate in a Presidential election just as the able Senator from Wisconsin has reminded us.

Further, I am aware that there is little agreement between his and my voting records, and that at least some persons and organizations with whom I often agree argue that the nominee should be rejected because of his voting record.

And, finally, I understand that some persons find it objectionable that a President under threat of possible impeachment be permitted to nominate his potential successor.

Because Mr. FORD may become the President, because my vote in effect replaces those of millions of citizens, and because of the objections raised to the nomination, I should explain the basis for my decision.

There is general agreement that the spirit of the 25th amendment intends that any person becoming Vice President under its provisions be of the same party as the President.

Beyond that, the task of developing criteria against which to measure a nominee becomes more difficult.

In his testimony at a Senate Rules Committee hearing on the nomination, Senator BAYH, who led the way in writing and in securing passage of the 25th amendment, suggested these criteria:

> Honesty, integrity, no skeletons in the closet that (would) exacerbate the confidence problem as we have it right now, and an appropriate respect for and dedication to reasonable interpretation of the Constitution.

Congressman FORD, in my view, meets those qualifications. As I said at the opening of the confirmation hearings, I have never had any reason to doubt JERRY FORD's integrity and sincerity during the almost 20 years I have known him. Nothing in the hearings on his nomination has suggested that my statement was incorrect.

While few persons would argue against the criteria suggested by Senator BAYH, some contend that they do not go far enough. They ask that Congress go further by developing tests, including his voting record, and criteria, including his actions as minority leader of the House, to judge his ability to be President.

I wish I knew how to do that with some degree of certainty, now and when considering candidates under the normal nominating process. Unhappily, the truth is that no one knows how anyone would function as a President.

This Nation has had Presidents who came to office highly qualified and turned out to be disappointing Chief Executives, and we have had Chief Executives who came to office with apparently little to recommend them, who became strong and effective Presidents.

And, too, we have had Presidents who have grown quickly and positively once in office. We need look no further back in history than to Lyndon B. Johnson, who came to the Senate from a southern State, but as a national leader told the Congress, "We shall overcome."

So, in reaching my decision, I am looking at JERRY FORD's voting record, but also at the vote of confidence given him by the people of his district and at history.

I am measuring him against my views of what actions a President should take, but also against what any President will be able to do during the next 3 years because of damage done to public confidence in our political process.

I am considering the complaint that a man should be judged by the person who nominated him, but I also remember that one goal in the long struggle for equality in this Nation is to have each person judged as an individual.

So I conclude, based on personal knowledge of JERRY FORD, that should he be called to the Presidency, he would be a steady, decent, and believable Chief Executive.

And those attributes, I believe, are what this Nation needs most at this particular moment in history.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 4 minutes.

Mr. CANNON. Mr. President, may I say that my distinguished colleagues, both the Senator from Wisconsin and the Senator from Michigan, have touched on some of the problems which concerned us in considering this nomination.

I, myself, differ materially from Mr. FORD on many philosophical issues. Our voting records have been quite divergent in the time we have been Members of the Congress.

However, as chairman of the committee, I looked upon this as being our responsibility to consider the qualifications of the person who was selected by the President.

Mr. COTTON. Mr. President, would the Senator from Nevada use his microphone? I cannot hear what he is saying.

Mr. CANNON. Mr. President, the committee worked on the assumption that the President is entitled to have someone of his own political philosophy in that position, someone who would carry out the mandates of the people who elected the President to that office, and someone whose views were close to those of the President.

It was on that assumption that we conducted our investigation. It was not on the question of whether we agreed or disagreed philosophically with Mr. FORD. Had that been the case, I think it would have been up to the committee to make its own selection rather than act on the selection made and sent to us by the President of the United States.

I simply say to my colleagues that it was one of the matters we considered very thoroughly and very seriously. We conducted a very thorough investigation of Mr. FORD. It was a more thorough investigation than has ever been conducted of any candidate for political office during the course of a campaign. The President is subject to review by the press and by the general public in his travels around the country. However, the Vice President has never been subjected to that sort of scrutiny.

In this instance we not only tried to represent the positions of the people and the voters of this country in making our investigation, but we even went further and went into the matter of whether he would make a fit President.

It was after that type of a most thorough and searching investigation that we did make our recommendations and approved Mr. FORD unanimously.

Mr. President, I may say that some of us on the committee were obviously not enthusiastic about this matter because of the obvious philosophical differences we have. However, we have at least gone into his background thoroughly. We have had interviews with people who have known him for many years. We have gone into his history, have gone into his professional life and into his life in Congress.

We addressed our inquiry to matters that bear on his moral fitness and character. And after that type of searching review, the committee voted unanimously that the nominee be confirmed.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I ask unanimous consent that the vote on the confirmation of Mr. FORD occur not later than 4:30 this afternoon.

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

Mr. COOK. Mr. President, I yield 5 minutes to the Senator from Virginia.

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

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding this time to me.

I would like to add my voice in support of a former colleague in the House of Representatives, GERALD R. FORD.

Like many Members of the Senate, I have also had the opportunity to observe and to work with JERRY FORD for a number of years in the House. And as the distinguished chairman of the Committee on Rules and Administration has just

said, the committee unanimously supported the nomination of Mr. FORD by the President. The committee recommended to the full Senate that it confirm the nomination.

This committee recommendation came only after an exhaustive investigation into Congressman FORD's financial, personal and professional background. Hundreds of pages of investigative material were provided the committee by the FBI. In the end, however, the report concluded that JERRY FORD was honest and clean and possessed the integrity that this Nation needs for the holder of its second highest office.

I commend the distinguished chairman and members of the Rules Committee for their promptness in reporting the nomination and for their diligent effort to assure this body and the Nation that the hearings and investigation of the nominee were both complete and honest.

The committee's conclusions surprised few if any Members of the Senate. Regardless of political philosophy, we who know JERRY FORD are convinced he is an honorable and honest person.

There is no question in my mind that he is among the best prepared and qualified individuals ever to be called to serve as Vice President.

A graduate of Michigan, Yale Law School, a veteran of World War II, it is not surprising that 3 years after his discharge from the Navy the people of Michigan's Fifth Congressional District elected him to serve in the House of Representatives, or that they reelected him 13 times. His Republican colleagues have had him serve as their leader in the House for the past 9 years.

As a leader in the other body, he has served under both a Democratic and a Republican President. He has been an ardent supporter of a strong defense posture while pursuing peace throughout the world. And many of President Nixon's foreign policy directives have been bolstered by JERRY FORD's leadership in the House as he worked to assure passage of those measures needing the consent of Congress.

I am glad we are acting promptly, and undoubtedly it will be favorable upon this nomination. Certainly I hope our colleagues in the other body will act with like dispatch.

In my opinion, JERRY FORD will be an excellent Vice President, a healer of wounds, and a man of wisdom, fairness, and trust.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, on behalf of the chairman of the committee, I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, together with the other members of the Rules Committee, I have conducted a searching inquiry into Representative FORD's public and private record. I and the other members of the committee were satisfied that he is a man of integrity, character, and probity, and one who will not abuse the powers and prerogatives of his public office.

I would add that integrity—basic honesty—is a quality in very high demand in the highest reaches of our Government these days. This is particularly so when we realize the record of the man whom Representative FORD will replace.

I have some very basic philosophical differences with Representative FORD on Government policies. But I also believe that the President of the United States, elected by the majority of the people, has a right under the 25th amendment to the Constitution, to nominate a Vice President who is in agreement with him on basic policies.

In recommending the approval of the nomination, therefore, I am supporting the nomination of a man of integrity and am respecting the wishes of the people as expressed in the 1972 national election, but in no way am I endorsing his political views.

Mr. COOK. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. BROOKE. I thank the Senator from Kentucky.

Mr. President, shortly the Senate will vote on the nomination of Representative GERALD R. FORD to be Vice President of the United States.

This is an historic occasion. For the first time a vote will be taken pursuant to the 25th amendment to the Constitution.

The purpose of the 25th amendment is to insure that our Nation would never again be without a Vice President for any substantial length of time. The drafters of the amendment envisioned the prompt nomination and consideration of a Vice-Presidential nominee.

I am proud that the Senate is performing valiantly its constitutional responsibility under the 25th amendment. The Senate Rules Committee, which just completed an exhaustive 38-day inquiry into the Vice-Presidential nominee's background, deserves considerable praise. I would particularly like to commend the splendid leadership of Senators CANNON and COOK in conducting this most thorough and expeditious investigation.

I am also pleased with the conclusion the Senate Rules Committee reached. By a unanimous vote, the committee recommended the confirmation of the nomination of GERALD R. FORD as Vice President.

I endorse that conclusion. I believe that GERALD FORD is eminently qualified to assume the responsibilities and duties of the Vice-Presidency.

A candidate for the Nation's second highest office must possess many outstanding qualifications for the job. But, most important, he must be qualified to assume the Nation's highest office at any moment. The essential measures of an individual for either post are competence and integrity.

In his legislative career, GERALD FORD has earned a reputation for competence. He has served with distinction in the House of Representatives for 25 years. In 1965, as a measure of the respect GERALD FORD had achieved, his Republican colleagues elected him House minority leader.

As minority leader, GERALD FORD has demonstrated a remarkable capacity for leadership. His knowledge of the legislative process is unsurpassed. GERALD FORD can accomplish so much because he possesses that invaluable leadership trait of being able to work with people. He has that ability to draw people together without rancor despite their differing views. Such an asset will serve our Nation well.

Before his nomination hearings, GERALD FORD was known as a man of unassailable integrity. The Senate Rules Committee inquiry has reinforced this assessment.

GERALD FORD is perhaps the most scrutinized candidate in history. The Senate Rules Committee, in close cooperation with the FBI, the General Accounting Office, the Library of Congress, and numerous other public and private organizations, conducted the most thorough investigation possible. The result of this inquiry was the committee's unanimous conclusion that the nomination of GERALD FORD to be Vice President should be confirmed.

In addition to being the initial precedent for the implementation of the 25th amendment, I hope the Ford nomination hearings will also serve as a precedent for the future selection and consideration of all Vice Presidential nominees. In recent times we have witnessed the tragic aftermath of choosing Vice-Presidential nominees without conducting a careful search into their backgrounds. Perhaps this inquiry will serve as a catalyst to badly needed reform in this important area of our election process.

Another consideration weighing heavily in favor of confirming Mr. FORD's nomination is the tremendous rapport he has with fellow Members of Congress. Both Republicans and Democrats respect JERRY FORD. And he respects them.

His style of leadership in the House of Representatives has been genuinely open and consultive. He has testified that as Vice President or President he would continue to make himself accessible to Members of Congress and the press.

Congress and the Nation would certainly welcome such an attitude. At a time when a continuous state of confrontation between the executive and legislative branches overwhelms the country, JERRY FORD will be of invaluable assistance in restoring a spirit of conciliation and cooperation.

GERALD FORD will bring to the office of Vice President not only a conciliatory attitude and a cooperative spirit, but candor and an open mind.

As Members of Congress already know, GERALD FORD is a man of independent judgment. During the Senate hearings on his nomination, he said he would have made the Watergate tapes available to the Special Prosecutor Archibald Cox and spared the Nation the agony of the resignation of Attorney General Elliot Richardson and the firings of Archibald Cox and Deputy Attorney General William Ruckelshaus. In response to a question, the Vice-President-designate said he did not believe that executive privilege should be applied in investigations of criminal acts.

I have personally known JERRY FORD for many years. I respect him for his

professional competence and for his integrity. I believe that he is well qualified for the Vice Presidency and, if necessary, the Presidency.

This is not to say that I can readily accept many of his positions past and present. I have reviewed his civil rights record and find it lacking in too many instances. Yet from my personal knowledge of JERRY FORD as well as the official record, I find that his attitude stems from his conservative constituency and philosophy. I find no malice in his votes or pronouncements. But shortly I shall be voting to elevate JERRY FORD to a position wherein he will represent all the people, black and white, rich and poor, young and old. We are today voting on behalf of all these Americans.

In voting to confirm the nomination of GERALD R. FORD to be Vice President of the United States, I express not my approval of all his past actions but my faith in him and in his future conduct. I believe JERRY FORD will fully understand the breadth of his constituency and the hopes of millions of Americans that remain deferred. I am confident that the immense burdens of the office will bring out even more of the essential goodness of the man.

This is a time to look forward, not backward. Our times of anguish require men of courage and conviction. Our people seek a sign of hope and a word of encouragement.

JERRY FORD, the man, gives me hope. I am encouraged today by the prospect of prompt confirmation of his nomination. I shall vote to confirm the nomination. I am confident he will uphold my trust, our trust, and above all the Nation's trust.

Mr. COOK. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, it would be a grave mistake for the Nation to feel that the Senate takes lightly the responsibility for advising and consenting to the nomination of GERALD FORD to be Vice President of the United States or that we consider it to be such a minor matter that we allocate less than 1 hour of debate to the issue. The Nation should not overlook the fact that exhaustive hearings have been held, by the Committee on Rules and Administration in which the Senate has great confidence. In addition, the Members of the Senate are drawing on the experience and knowledge that many of them have had personally in knowing the nominee over a period of many years and on thorough FBI reports.

I am certain also that the leadership—the managers of the present confirmation proceedings—would have provided any amount of time the Senate desired for debate on this particular issue. The very fact that those who have said they intend to vote against the nomination have given their statements in a relatively few minutes, indicates that even they, in their opposition, are doing so from the standpoint of principle rather than out of any questions concerning the nominee's integrity or character or demonstrative ability as a valued leader of Congress.

Mr. President, let me simply state that many of us are under no illusion that we are advising and consenting to someone of the stature of a Founding Father. Indeed, there are few to be found in the country today. We do not think it is a name that will likely go down in the annals of history, like such great former Vice Presidents as John Adams, Thomas Jefferson, John C. Calhoun, and Theodore Roosevelt. But, I think that if we consider, for example, Harry Truman, few in the Senate at the moment their colleague, Harry Truman, was nominated to be Vice President or assumed the office, would have recognized or realized that Harry Truman was capable of the greatness that he achieved as President. I believe that JERRY FORD would be the first to say that though he probably would not yet be classified as one of the potential "great" Vice Presidents, he nonetheless will strive to achieve this stature.

Mr. President, we are substituting our combined judgment, as 535 Members of Congress, for months of campaigning, the convention process, and the votes of 70 million people.

It is an awesome responsibility that we assume. We will be casting our votes today, realizing the insight in the words of the first Vice President of the United States, John Adams, who philosophized about his job, saying:

> In this job, I am nothing, but I may become everything.

Mr. President, there is probably not a single Member of this body who will not have in his mind at the moment he casts his vote today the fact that there is a distinct possibility JERRY FORD could become, through a series of circumstances, "everything" so far as the Government of the United States of America is concerned—at least, in the executive branch of the Government. It is an awesome responsibility we have, to weigh and to search our consciences for the best judgment we can bring forth.

We are aware, also, that the Vice President is more than the oft-quoted "one heart-beat away" from the highest office in the land. We have come to see the Vice President as a molder of public opinion, an effective spokesman for our Nation around the world and certainly, a proponent of domestic policies which will be extremely important.

It is with these criteria that we evaluate JERRY FORD, his capabilities and his competence.

I feel that he will admirably fulfill these functions. Everything I have seen to date indicates it. Certainly he can be the eyes and ears of the President as he serves in the second highest office in the land. But, we all know that he can do a far better job of being the eyes and ears, the sense and the antennae, of Congress as a whole, and have a profound impact on its input into the Presidency.

The President wisely selected JERRY FORD with the thought in mind that JERRY FORD would not be silent concerning his strongly felt convictions about what is right for our country and what is the right course of action for the executive branch to follow.

Mr. President, we are living in unprecedented times. For the first time in our Nation's history, we will utilize the 25th amendment to the Constitution which calls upon the President to nominate a new Vice President in case of a vacancy in the office. For the first time in our history a Vice President was forced to resign from office. It was a confidence-shattering experience for the American people.

For these reasons, Mr. President, I want to commend President Nixon on his selection of GERALD FORD as the Vice Presidential nominee. He will be responsive to the American people's feelings and needs. He will restore integrity and confidence to the second highest office in the land.

Mr. President, when I first met JERRY FORD a quarter of a century ago, he had already been elected to Congress for his first term, and I was in my first year as president of Bell & Howell. We were gathered in Peoria, Ill., where he was to receive the junior chamber of commerce's award as "One of the 10 Outstanding Young Men in the Nation." I was impressed with JERRY FORD's gracious open manner and his straightforwardness. I have continued to be even more impressed over the years as I have seen him work.

Even as he has risen through the ranks in the House of Representatives and his scope of interest has naturally broadened, JERRY FORD has not lost sight of his first obligation—representing the people of the Fifth Congressional District of Michigan. Even as he became a national leader of the Republican Party, he never failed to put the views of his constituents before any other consideration.

JERRY FORD is a man of character and integrity. I am confident that he will take to heart the views of all Americans as easily and sincerely as he has the views of the people he represents in Michigan. I believe he will be as responsive to all Americans as he has been to the people of Michigan.

It was imperative that the Senate Rules Committee investigate Representative FORD's background closely. The American people deserved that and JERRY FORD deserved a thorough investigation so that any questions of misconduct might be dispelled before he assumed high office.

I was impressed with his performance before the committee. His candor and sincerity during the questioning only furthered my notion of what a good Vice President he will be. I believe that all Americans were reassured when, asked to define his concept of the Presidency, Congressman FORD replied:

> I think the President has to be a person of great truth, and the American people have to believe that he is truthful. I think that the President has to lead by example, displaying the standards, morally, ethically and otherwise, by which most Americans live their lives.

I expect that JERRY FORD, in his capacity as Vice President, will live up to the high standards he sets for the Presidency. He will, I expect, be all that the American people would hope their Vice President would be.

Mr. President, in summary, let me say that from the standpoint of morality, ethics, and the fine characteristics we personally know JERRY FORD possesses, we have no hesitancy whatsoever in saying that he will restore to the Office of the Vice President the integrity which recent events have severely damaged, and which I trust will be fully restored by this confirmation process.

Mr. COOK. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, this is an historic day in the U.S. Senate and for all Americans. It is the first time we have voted for a Vice-Presidential candidate appointed by the President under the new 25th amendment to the Constitution. There is a certain exhilaration attached to casting a vote in faith of a man and in faith of a system that continues to endure regardless of stress.

With the exhilaration goes an incredible responsibility to the voters who will soon have a Vice President they did not cast ballots for, to the President who deserves a Vice President loyal to his own political philosophy, and to ourselves, who will make a decision we all must live with.

I am proud to be in the Senate at this time, to cast this historic vote for GERALD R. FORD, a vote it will be easy to live with. In this time of political crisis of confidence in this country, we need a leader who does not threaten confidence and who signifies honesty, integrity, and total competence.

I agree with the Senate Rules Committee that we have found such a candidate in GERALD FORD. Mr. FORD has indeed survived a trial by fire. The FBI has completed the largest single investigation ever conducted on a candidate for public office, engaging the services of 33 field offices and over 350 special agents, who interviewed more than a thousand persons in many areas of the country. The Rules Committee reviewed the 1700-page FBI report and considered Mr. FORD's total record and found no bar or impediment which would disqualify him for the office of Vice President.

Again, I believe this is a decision we can easily live with.

The overriding question that we must answer is, of course, is Congressman GERALD FORD presidential calibre? Having known him for a quarter of a century, I can answer with unequivocal and positive enthusiasm, yes. Mr. FORD is a man of depth, experience, leadership, faith, and integrity. He can, and will, rise to whatever duty the course of events might place on his shoulders.

I am proud to support the nomination of a native son, Omaha, Nebraska, having been the birthplace of Mr. FORD. Though he is rightly claimed by the State of Michigan, the State he has represented in Congress for 25 years, today we will cast a vote that makes him belong to the whole country.

In his own testimony before the Rules Committee, Mr. FORD said he is willing to become a "ready conciliator and calm communicator between the White House and Capitol Hill."

The entire country is in need of a ready conciliator and calm communicator these days. Let's bestow the role willingly upon GERALD FORD. We are not only approving a Vice-Presidential candidate. We are establishing a solid constitutional precedent to see us through the crises that are inevitable in a world where fallible men must rule.

Mr. President, I urge the unanimous approval by the Senate of the nomination of Mr. GERALD FORD to be Vice President of the United States.

I yield back the remainder of my time.

Mr. COOK. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, having known Representative FORD for 25 years, having gone out to Grand Rapids, Mich., to campaign for him, it would be quite inappropriate for me to sit silent when I intend to vote for making him Vice President of the United States. I adopt as my reason the general statement by the committee, which I think is admirable, at page 97 of its report.

I take this time to make one very important point. We are not living in a vacuum. We have just had the terrible tragedy of the resignation of Vice President Agnew whom GERALD FORD is succeeding. We have the additional deep trauma in the country of the Watergate events, which involve the President of the United States, himself.

I think it should be inspiring to every young American that, after the most thorough scrutiny, we were able to confirm the nomination—and I think nearly unanimously—of an open-faced, honorable, and devoted American, worthy of being Vice President of the United States, who describes himself, quite accurately, as a moderate on domestic affairs, conservative on fiscal affairs, but a very dyed-in-the-wool internationalist in foreign policy—pretty much what the American people elected in 1972.

Mr. President, there are good men in this country. Not every public official is corrupt; not every public official is lacking in moral probity. The young people of our country can take heart from the fact that it is possible to find within the choice of the President and by agreement of Congress a decent, honorable, forthright American, clean as a hound's tooth, who deserves to be President of the United States, if providence so wishes.

The PRESIDING OFFICER (Mr. CURTIS). The time of the Senator has expired.

Mr. COOK. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, the nomination of GERALD R. FORD to be Vice President of the United States is a matter of vital importance to the Nation. It is so on its own merits, and should be considered on its own, without reference to any controversies now surrounding the Presidency.

There is a vacancy in the Nation's second highest office, and the Constitution charges Congress with responsibility in filling the vacancy. Following the procedure established by the 25th amendment, the President has submitted his nomination, and the Congress must now determine whether it shall be confirmed.

This is the first time the machinery of the 25th amendment has been put into operation since it was ratified in 1967. It was formulated in recognition of the fact that the stability and continuity of our governmental system require that the Vice Presidency not go unfilled for any extended length of time. In this fast-paced age, the death or incapacity of a President might require someone to step in at a moment's notice and lead the Nation, but reason and our political tradition demand that there be the utmost assurance that an administration's goals, philosophy, and programs will be continued with as little interruption or likelihood of reversal as possible.

When the amendment was debated and ratified, this question of continuity was largely theoretical. President Johnson and Vice President HUMPHREY, both Democrats, were followed in the line of succession by another Democrat, Speaker of the House John McCormack. In the year following President Kennedy's assassination, before the Vice Presidency was filled by the election of 1964, Speaker McCormack, as well as President pro tempore of the Senate Carl Hayden, a Democrat from Arizona, were also in line to succeed President Johnson. So there was no real question that a Democrat would have become President back then.

But much to the credit of the Democratic, as well as Republican, leadership of Congress, it was recognized that such a situation might not always exist, and some institutional safeguards should be provided to give the greatest practical assurance that only the people's vote could change the fundamental political identity of an administration. Most of those in Congress—Democrats and Republicans alike—recognized this requirement. As a Member of the House of Representatives at the time, I supported and voted for the amendment.

Its passage was an outstanding example of Democrats and Republicans working together to deal with a very fundamental issue—in the national interest. At the time none of us knew how soon—if ever—this provision of the amendment would be put into operation or under what circumstances it would have to work. But I believe, today, the American people can look at the smooth, orderly, and effective operation of this new constitutional provision with a certain amount of pride in the American political system. For it was this political system which recognized that a theoretical problem did exist in this area and took action to avoid it before it had a chance to become a real and very critical problem.

Turing to the question now before us, I must say that GERALD FORD is an outstanding choice to be Vice President.

He is a man whose honesty, integrity, and personal strength of character have never been found wanting in a quarter century of service in Congress. He is a leader. He is a man of great warmth and wisdom. And he possesses a unique understanding of human nature grown out of a basic knowledge and appreciation of the other fellow's point of view. Whether dealing with his colleagues of both parties in the Congress, his constituents in Michigan's Fifth District, or

anyone else, he has always demonstrated a remarkable capacity to work with—not against—others, even when there were differences or divergent points of view.

I know JERRY FORD personally. I have known him since 1961, when I first came to Congress. He had been here for six terms then, and he was always one to whom anyone, no matter how junior or how senior in service, could and did turn for advice, leadership, and counsel. I recall being one of those who supported him in 1965 in his candidacy for the position of House Republican leader. He was, of course, elected to that post and has served with great effectiveness in the position for nearly 9 years. And as Republican leader he has given the same high quality of leadership in the House—on behalf of the Republicans and on behalf of the Nation—both under President Johnson and President Nixon.

It is with the utmost confidence and enthusiasm that I support JERRY FORD's nomination. He is a man I know. I have worked with him—as a Congressman, as a Senator and as a Republican—for almost 14 years. He is respected and trusted. His word is his bond. He is deeply committed to the principles of individual dignity, free enterprise and international leadership which America must maintain as the world grows more complex and its challenges more severe.

JERRY FORD will make an excellent Vice President who can provide the administration with a much-needed voice for compromise, conciliation and cooperation with Congress and the American people.

But, more important, JERRY FORD is fully qualified to assume the Presidency and provide the leadership and direction which America requires of that high office.

Mr. President, as one who served with JERRY FORD in the House for 8 years, I can say that nearly everything that has been said about him is certainly true. JERRY FORD is a man of great honesty and integrity. I doubt that anyone in public office could undergo the scrutiny that JERRY FORD has, including those in this Chamber, which indicates, as the Senator from New York has just said, that there are still good men and good women in public office.

I can say, as a Republican and a potential candidate in 1974, that it is certainly an encouraging sign to see the process work, to see the system work. It will be a great help to Republicans to have a Vice President of the caliber of JERRY FORD.

For all the reasons stated, plus my personal relationship with and knowledge of JERRY FORD, I share the views and join those who hope that the confirmation of the nomination will be unanimous, or nearly so.

Mr. COOK. Mr. President, I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr President, I rise not only to express support for the nomination of Representative GERALD R. FORD of Michigan to be Vice President but also to commend and congratulate the committee for the hearings, for the record compiled, and for the report submitted. It has been thorough, comprehensive, and exhaustive.

I recall that when the Members of this body discussed the procedures that should be used in this important task, some of us entertained misgivings as to whether this nomination should be referred to the Committee on Rules and Administration. The record will show very clearly that this Senator, in expressing misgivings of that kind, based them upon the size of the committee, not on its quality and its capabilities. It is one of the smaller committees in the Senate and has less than one-fourth the members of the House Judiciary Committee to which jurisdiction was granted for comparable hearings.

I am very pleased to report that all my earlier misgivings have been dispelled. The process followed and organized by the committee, particularly due to the leadership of the chairman and the ranking member, have been exemplary. The matter has been expedited, and it has been highlighted by conduct and by decorum which is very becoming to a committee of this body. An excellent precedent has been established for the resolution of other matters of this type in the future.

Mr. President, on November 20, the Committee on Rules and Administration ended the inquiry it had earlier begun on the qualifications of GERALD FORD and unanimously voted to recommend to the Senate that his nomination be confirmed. This decision came after long hours of study and discussion following a most thorough and comprehensive investigation of the nominee and his background.

Upon announcing Mr. FORD's nomination, President Nixon pointed to three basic criteria for this important assignment. First, the nominee must be qualified to be President. Second, he must share the views of the President on critical questions of foreign policy and national defense. Finally, he must be able to work with Congress on programs affecting the national interest. JERRY FORD clearly possesses all of these qualifications.

I have known JERRY FORD for over 20 years. Our association began while I served in the House of Representatives, and at that early date, I took note of his abilities and insight with respect to both public policy and the political process. As a fellow member of the House Appropriations Committee, I had the opportunity to view him in action at close range. This served to confirm my earlier impressions.

As minority leader in the House, I believe JERRY FORD has proven his capacity for hard work and displayed a unique ability to make quick and accurate decisions under pressure.

JERRY FORD has been elected and reelected 13 times by the people of the Fifth District in Michigan. He has served 24 years in the House of Representatives, 9 years as the minority leader. During this time, we have seen him develop as an effective legislator who takes pride in the important work which the Congress undertakes. As Vice President, I am confident that he will maintain his close ties with the Congress and work to improve the relationship which exists between this and the executive branch of our Government.

One personal note: I am pleased to make known the fact that JERRY FORD was born in Nebraska. I say this not to reveal any personal bias but to point out that he thus got a good start to the development of his many fine attributes, character, and principles learned as a young person growing up in the Midwest, even though he removed at a very tender age from his native State to Michigan.

At this time in our history, I believe we are particularly fortunate to have someone with JERRY FORD's qualifications to fill the vacancy in the Office of the Vice-Presidency.

I believe JERRY FORD is superbly equipped to handle the duties of the high office for which he has been nominated, not only because of his brilliant record as a public servant, but also because of his high moral character, innate abilities, faith, integrity, and inherent decency.

Therefore, I point out that it is highly in order to approve the nomination to this high office.

Mr. COOK. Mr. President, I yield 1 minute to the Senator from Idaho.

Mr. CHURCH. Mr. President, some have argued that GERALD FORD is not the man of their choice for Vice President. Neither is he mine. But the Constitution leaves it with the President—not with Congress—to do the choosing. Our duty is either to ratify or reject the President's choice. If the hearings had revealed any basis on which to conclude that Mr. FORD were ineligible to serve as Vice President, I would, without hesitation, vote against him. The record, however, reveals nothing in Mr. FORD's background that would disqualify him from holding this office.

Furthermore, if the Senate were to reject Mr. FORD in the quest for a better man, there is no assurance that the President would send up a preferable nominee.

Meanwhile, the office of the Vice Presidency would remain vacant, at a time when the gathering cloud over the Presidency itself makes it urgent to settle promptly as possible the matter of succession, should the need arise.

For these reasons, endeavoring to place the interests of the country above any partisan consideration, I shall vote to confirm GERALD FORD as Vice President of the United States.

Mr. COOK. I yield myself 5 minutes.

Mr. President, on November 1, 1973, as the Committee on Rules and Administration began its hearings on the nomination of GERALD R. FORD to be Vice President of the United States, I called attention to the 1,700-page report filed by the Federal Bureau of Investigation and stated my conviction that the investigation was the most thorough ever undertaken of any nominee for public office. Now that these hearings have been completed I am more than ever convinced that my conviction was well founded.

During the hearings Mr. FORD impressed the committee with his candor and his willingness, and in fact, his desire to cooperate to the fullest measure to

supply any additional information the committee required. He was most anxious to see that the data was made available as rapidly as possible and was determined that the committee and the public should know anything it desired about his political and private life.

The committee looked very carefully into his income tax returns, his sources of income and his net worth. It checked his campaign financing procedures and delved deeply into any financial contribution which in any way indicated that there might be some impropriety. It listened attentively to all witnesses who presented testimony in favor of or against Mr. FORD and then proceeded to check out each allegation regardless of its seeming triviality. After this thorough sifting of the facts the committee is unanimous in its support for his nomination.

The committee was not satisfied with this careful study of factual material. It also considered Mr. FORD's political philosophy, his view of the relationship which should exist between the executive office and the Congress, as well as his opinion of how the job of being Vice President should be carried out; again it is convinced that Mr. FORD is the man for the job.

In his testimony Mr. FORD stated that he was "no angel," and the committee also found this to be true. However, as one Senator, I am convinced that he is a politician who adds dignity to the very name "politician" itself. In these times all of us who are so identified take heart in the much needed honor and credit he brings to the much maligned term of "politician."

Mr. President, when this nomination was sent to the Senate by the Chief Executive, there were those among us who would have created a select committee and hired special investigators and counsels to deal with this matter and thereby again indicate to the American public that the Senate could not perform its normal function in a normal manner. Fortunately this was not done and the Senate conducted its business without any reorganization or the employment of additional personnel. It was my hope when we began our hearings that they would be conducted with thoroughness, efficiency, honesty, and with the dignity that is befitting the Congress. This was accomplished to the benefit of the public's opinion of the legislature as well as that of Mr. FORD himself. However, these fortunate circumstances would never have occurred had it not been for the fairness, thoroughness, and leadership demonstrated by our chairman, Senator CANNON. I know that he has added to the respect he already enjoys among his colleagues and I am proud to serve as the ranking minority member of the committee he chairs.

Mr. President, JERRY FORD will make an excellent Vice President and is a man whom I shall be most pleased to see preside here in the chambers of the U.S. Senate. I urge that his nomination be approved today.

Mr. CANNON. Mr. President, I yield 2 minutes to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I would like to address several questions to the chairman of the Committee on Rules and Administration, the distinguished Senator from Nevada.

Article I, section 6 of the Constitution provides:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

First, did the committee check to see if the emoluments for the office of Vice President were or were not increased during Mr. FORD's current term of office?

Mr. CANNON. I would say to my colleague that the committee did check and the emoluments for the office of Vice President have not been increased during this current term of office which Mr. FORD now holds.

Mr. HATHAWAY. Before continuing, I should state that this matter has just come to my attention and this is the reason for my questions at this late hour. I call the chairman's attention to Public Law 93–136 passed by Congress on October 24 of this year which increases the annuities of certain Federal employees.

My question is whether the Vice President is included in those employees who will have their annuity increased, assuming that this would be an emolument covered in article I, section 6, of the Constitution. Did the committee have an opportunity to determine if Public Law 93–136 applies to the Vice President?

Mr. CANNON. There are two answers that relate to the question. One is the question of whether or not the Vice President is a civil officer under the definition of the Constitution. We are advised by legislative counsel that the Vice President is not a civil officer within the meaning of the Constitution. Second, it appears in title V with respect to annuities, as to persons who benefit from the annuity provision, that that relates to Civil Service employees and/or Members of Congress. So it appears it would not include the Vice President in any of that, even if he were determined to be a civil officer under the definition of the Constitution.

Mr. HATHAWAY. I thank the Senator for his answer and am glad to know that the committee did examine this matter.

I trust there are no other authorizations or appropriations by this Congress which would have increased the pay or emoluments of the Vice President.

Mr. President, I ask unanimous consent to have printed in the RECORD Public Law 93–136.

There being no objection, the material was ordered to be printed in the RECORD.

PUBLIC LAW 93–136

(93d Cong., H.R. 3799, Oct. 24, 1973)

An Act to liberalize eligibility for cost-of-living increases in civil service retirement annuities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8340(c) of title 5, United States Code, is amended—

(1) by renumbering paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively; and

(2) by inserting immediately above paragraph (2) (renumbered as such as paragraph (1) of this section), the following new paragraph:

"(1) An annuity (except a deferred annuity under section 8338 of this title or any other provision of law) which—

"(A) is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member; and

"(B) has a commencing date after the effective date of the then last preceding annuity increase under subsection (b) of this section;

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 subsection (b) of this section. In the administration of this paragraph, an employee or a deceased employee shall be deemed, for the purposes of section 8339(n) of this title, to have to his credit, on the effective date of the then last preceding annuity increase under subsection (b) of this section, 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 service.".

SEC. 2. The amendments made by this Act shall apply only with respect to annuities which commence on or after July 2, 1973.

Approved October 24, 1973.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CANNON. I wish to thank my distinguished colleague for his very kind remarks on behalf of myself as chairman of the committee. I have had the full cooperation of every member of the committee, including the distinguished ranking minority Member. Without the cooperation we had on the committee, we could not have completed this work in the time we had.

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

Mr. CANNON. I yield 2 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding. I shall be very brief.

Mr. President, I do not wish to let this opportunity pass without highly commending what I think is an outstanding job that has been done by the Senate Committee on Rules and Administration. The committee has reflected credit on the Senate for its thoroughness, and for the solemnity and seriousness with which it has undertaken this highly constitutional duty.

I felt as if the full duty was on the Congress under the express terms of the Constitution, to do a full and an exhaustive investigation as to Mr. FORD and his qualifications.

Our committee, led by the fine Senator from Nevada (Mr. CANNON) and the ranking minority Member from Kentucky (Mr. COOK) has done an outstanding job. Credit also goes to each and every member of this very fine committee. Chairman CANNON always does a hard job exceedingly well and that is what he has done in this case. The committee may be small in number, but it

is large in size and it is large in the fine job that it has done. Also, I think they have set a splendid precedent in this field, one that will serve our country well.

Congressman FORD is an excellent choice for this position. He has the integrity, the capability and the experience in government that make a person qualified for such grave responsibilities as being Vice President or President of the United States.

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

Mr. CANNON. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator.

I wish to join the Senator from Mississippi in commending the Committee on Rules and Administration. I think it is well known, at least among Senators on this side that I have been for what we call a special committee, but I believe the Committee on Rules and Administration has demonstrated the basic soundness of our institutional structure here.

I wish to commend the chairman and every Member. Never has a candidate for Vice President been so thoroughly investigated, even under Lyndon Johnson not so thoroughly investigated.

I commend the committee for its report. It is my intention to vote for the nominee.

Mr. CANNON. I thank my distinguished colleague and also my dear friend from Mississippi for their overly generous remarks, not only for myself but also on behalf of the committee.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. HUGH SCOTT. Mr. President, it is my very great privilege to join in this increasing tribute to the merits, qualifications, and general fitness of Mr. FORD to be Vice President. I am delighted he has been so nominated. I am pleased at what I anticipate will happen here and in the other body. I join in high praise for the nominee who will lend distinction and honor to this high Office.

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

Mr. CANNON. I yield.

Mr. MANSFIELD. Mr. President, I wish to aline myself with the remarks made by the distinguished Republican leader and to express the hope that very soon the agony and the ecstasy will be over.

Mr. ROBERT C. BYRD. Mr. President, the vote we will take in the Senate on this nomination will be a landmark vote. It will be the first time that either House of the Congress will consider and vote on the qualifications of a nominee to be Vice President of the United States under the 25th amendment to the Constitution.

The precedent that has been set in the case of the nomination of the minority leader of the House of Representatives, GERALD R. FORD, has been one in which the 93d Congress and the country can be proud. The nomination received thorough, careful, but prompt bipartisan study by the Senate Rules Committee before, during, and following the public hearings held by the committee. The able chairman of the Rules Committee, Senator HOWARD CANNON, deserves much of the credit for inspiring in his committee colleagues the motivation that the committee would move forward as promptly as would be dictated by a complete and searching investigation of the nominee.

The same can be said with respect to the ranking minority member of the committee, Senator MARLOW COOK, of Kentucky.

All members of the committee followed this example in a bipartisan study that makes me proud to have been a part of it as a member of that committee.

Mr. FORD is to be commended for his willingness to make available of his own volition to the committee, all material, whether public or private, that was felt by the committee to be pertinent to his qualifications to be Vice President.

Mr. FORD was open and forthright with the committee during the many hours of questioning that he underwent under the scrutiny of the nine members of the committee and the American people via live television coverage.

Having made the motion in committee to report the nomination with the recommendation that it be confirmed, I am prepared to vote for Mr. FORD to be Vice President of the United States. I think his record in the Congress has been impressive. He has successfully undergone a far-reaching FBI field investigation and Internal Revenue Service tax audit. He successfully met charges made against him by a detractor, which perhaps received more attention than they should have—but, under the circumstances of our time in history, I think it was prudent that those charges were aired as fully and openly as they were.

I, as one Senator, may personally disagree with some of the political philosophy of Mr. FORD. That is to be expected. He is the House minority leader, and I am the Senate majority whip. But our duty here today does not go to voting our political philosophies, but, rather, to whether Mr. FORD has the qualifications necessary to be Vice President. He has a long and distinguished record of public service in the Congress. He has the necessary constitutional qualifications. He has candor and integrity. For these reasons I will vote for Mr. FORD.

I am sure that future Congresses and future historians will look back to this day in the annals of history. I doubt if one could imagine a much more critical time as it relates to the efficacy and credibility of our national leaders. Despite, at times, terrible tensions that have arisen between the executive branch controlled by one party, and the legislative branch, controlled by the other party, through this time of infamy that will be known as the Watergate crisis, the system of law still functioned properly in the nomination of a Vice President. Historians will note that following the tragic events which caused the resignation of a Vice President of the United States, leaving a member of the opposition party as next in line to the Presidency, the Congress did not act partisanly, but rather responded in a manner best suited to serve the National interest. If there are few good moments in these crisis-ridden times, this is one of them. The system has worked well in a time of intense confrontation, and this will not escape those who may look back on us at some time in the distant future when another crisis may threaten to divide and rend this Nation apart.

Mr. TAFT. Mr. President, I have listened with interest and approval to the remarks of the distinguished majority whip with regard to the action taken relating to the nomination of the Honorable GERALD FORD to be Vice President. I commend the distinguished Senator from West Virginia for his remarks, and I subscribe to the views he has expressed.

It has been my pleasure to know and work with Mr. FORD over quite a number of years in the House of Representatives. I know him as a personal friend and as a football coach many years ago, and I have treasured the personal association with him over the years. I served with him for 6 years in the House of Representatives and under his leadership of the minority, and I feel that he is indeed magnificently qualified to take on the responsibilities of the Vice Presidency and, if the occasion should arise, even of the Presidency. He has a balance and ability and depth of character that I think will stand him in good stead in this respect.

I particularly want to make mention today of the lead editorial in the New York Times yesterday, which criticized Mr. FORD personally and as to his abilities and background in a way that I thought was extremely unfair. As the distinguished majority whip has said, we may agree or disagree on particular positions that some of us take on issues that arise in Congress; but I do not think the characterization that was attempted to be given by the editorial is in any way fair as to the abilities, background, or experience of Mr. FORD.

For example, let me just cite one area in which some criticism has been leveled—the area of civil rights. It happened that as a Member of the House in 1964, when the basic civil rights legislation was passed, I worked closely with the Republican leadership in arriving at a compromise on the civil rights legislation that enabled us to pass the first civil rights bill in many years that had a meaningful impact.

Specifically, I can recall a number of meetings at which a compromise, a workable compromise, a fair compromise, resulted in the passage of the 1964 Civil Rights Act. It was worked out with Mr. FORD, in Mr. FORD's office, the principal participants being the honorable William McCulloch, then the ranking minority member of the Judiciary Committee; then Representative, now mayor of New York, John Lindsay; myself, and a number of others.

In bringing about a resolution of the difficulties relating to that particular piece of legislation, I believe Mr. FORD performed an outstanding duty at that time with respect to promoting the cause of civil rights for all citizens in this country. I do not think that should be allowed to go unnoticed.

It is perhaps typical of Mr. FORD that

he did not take any great kudos or bows or credit for that accomplishment. He is a modest man and is quite willing to have others take the limelight on many pieces of legislation in which he has participated, and participated very ably, over the years.

Perhaps he has been slow to reply in kind to the type of attack that has been made upon him, of which the editorial I mentioned is merely one example. I think someone should speak out to say that his record is a most commendable one in the field of civil rights and on many other pieces of legislation.

In the hearings which have been held, both in the House and in the Senate he has demonstrated amply his broad experience and his dedication to this Nation which should enable him to serve well when his nomination is confirmed, and I expect to support him fully on the floor of the Senate.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Ohio (Mr. TAFT) for his comments with reference to my statement.

Mr. WILLIAMS. Mr. President, it is the duty of the Senate, today, to determine whether or not to approve the nomination of GERALD FORD to be the next Vice President of the United States.

In the 38 days between the time this nomination was submitted to the Congress and the day that the Committee on Rules recommended approval of the nominee, Mr. FORD has been the subject of what is probably the most thorough and intensive investigation of any candidate for public office in our Nation's history.

This is the first proceeding of its kind under the terms of the 25th amendment to the Constitution. In 1964, when the Congress began its consideration of what procedure to use in filling a Vice-Presidential vacancy, there was a substantial and divergent body of opinion heard prior to the time that this method was finally adopted. At that time, Richard Nixon—then a private citizen and former Vice President—testified before the Senate Subcommittee on Constitutional Amendments. In his testimony he cited an article which he wrote for a national magazine in which he listed the criteria he would apply in filling a vacancy. One of those criteria was:

> He should be personally acceptable to the President, but since he may potentially hold the highest office in the land, his selection should reflect the elective rather than the appointive process.

Mr. Nixon went on to say in his testimony:

> I do not mean . . . that I would oppose or that this committee should oppose a proposal whereby the President of the United States recommends to either the Electoral College or the Congress a name for approval as Vice President, but in the final analysis whoever is to hold Executive power in this nation should be one who represents and has come from and has been approved by the electoral process rather than the appointive process.

In my view, the thrust of those Nixon statements, together with the whole of the legislative history of the 25th amendment, is very important in terms of the role that was performed by the Rules Committee and the role which will be fulfilled by the full Congress. I see this legislative history vesting two critical responsibilities in the Congress.

First, we must assure that Mr. FORD's personal and public affairs are and have been in order.

To meet this requirement, the Committee on Rules ordered a full FBI field investigation of the nominee and, in addition, utilized the services of the Internal Revenue Service, the General Accounting Office, investigators borrowed from the Senate Permanent Investigations Subcommittee, the Rules Committee staff, and a staff representative designated personally by each committee member. Every pertinent facet of this aspect of Mr. FORD's life was thoroughly examined.

His income taxes between 1965 and 1972 were carefully audited. His complete personal finances were reviewed. His campaign finances were studied and restudied. And every allegation made against Mr. FORD—ranging from the charges made by Mr. Robert Winter-Berger to stories carried in the news media to anonymous phone "tips"—was exhaustively investigated.

In summary, all sources of such information were fully explored and I have no reason to question Mr. FORD's qualifications in these respects.

The second, and perhaps more difficult, congressional responsibility under the 25th amendment is to provide ourselves and the American people a clear idea of the nominee's philosophy of American Government, how he would function should he become President, and his views on some of the very basic issues facing the Nation.

As we all know, during a general election campaign the views of the respective candidates for President and Vice President are the subject of intense scrutiny over a long period of time. However, when a Vice Presidential vacancy occurs, the time period for such scrutiny must—under the terms of the 25th amendment—be necessarily compressed. Mr. FORD has been a Member of the House from the Fifth District of Michigan for 25 years and has, as such, represented the views and interests of that district. Since 1965, he has been the minority leader in the House and, therefore, has fulfilled the responsibility of supporting the views and positions of his party and his party's President. He has filled these important positions admirably—even though he has disagreed with a majority of the Congress on many specific issues.

But now he is being called upon to serve as Vice President of the United States and would be in a position where someday he might be the President of this Nation. Thus, particularly in light of President Nixon's earlier expressed view that this vacancy should take on the character of the elective process, I felt that the Rules Committee, as representatives of the full Senate, must explore basic views of the nominee, especially since these matters would pertain to how Mr. FORD would conduct himself should he succeed to the Presidency.

Mr. President, any political figure has his share of critics and GERALD FORD is no exception. Within hours of his nomination stories appeared in the media which revived some of the critical commentary which has been made regarding Mr. FORD over his 25-year career. I, too, have disagreed with many of the positions advanced by Mr. FORD and our voting records have been diametrically opposed on a large number of national issues.

For these reasons I set out, as a member of the Rules Committee, to question the nominee on many of these important matters. And I did so precisely because I thought it necessary to assure myself on behalf of the American people that Mr. FORD holds views which are within the parameters of the most basic tenets of the Constitution and of our society generally.

When questioned about matters such as executive privilege, separation of powers, Presidential immunity, the special prosecutor, and the missing tapes, Mr. FORD demonstrated a respect for not only the letter of the law but the spirit of the law. He said, for example, that:

> I would hope that my good judgment would indicate to me that I ought to carry out the law as it was enacted. . . . I think the President ought to carry out the law. I think he has to get an administrator who will at least carry out the intent of the legislation.

And he made clear that:

> . . . in my opinion, there were serious legal and constitutional questions involved [in turning over the Watergate tapes], but if I had to weigh those two, the political public impact on the one hand, and the legal and constitutional issues on the other, I think my judgment would be to make them available . . .

As to the critical matter of cooperation between the executive and legislative branches, Mr. FORD expressed some similarly hopeful and reasoned views. He left no doubt as to his feeling that there must be an ongoing working relationship between the President and the Congress to "meld and merge" differing approaches to various important domestic problems such as education, manpower training, and vocational rehabilitation. His response to a question by one committee member underscores his apparent depth of feeling on this issue:

> Well my role . . . would be aimed at trying to work with the Members of the Congress on both sides of the Capitol and both sides of the aisle. That is a pretty major responsibility, and I am sure you know, Senator. And if I can do something constructive there that would be helpful in perhaps clearing the air to some extent, naturally.

And the same respectful and reasoned approaches were advocated by the nominee in regard to dealing with the news media, the role of the FBI, and the role of the Vice President in the formulation of administration policy.

Mr. President, I do not mean to suggest that I wholeheartedly endorse Mr. FORD's positions on all of the issues facing our Nation. I was disturbed by his view that impoundment of funds can be justified to make major changes in programs considered objectionable by the President. I strongly disagree with many of his votes in the area of civil rights. And I was profoundly concerned when

he took to the floor of the House to advocate the impeachment of Supreme Court Justice William O. Douglas.

In addition, our voting records will show that Mr. FORD and I have been in disagreement on approaches to developing such programs as food stamps, legal services, child care, minimum wages, and public housing.

All of these matters are important. In no way do I wish to minimize them. Frankly, I wish Mr. FORD viewed many of these items differently than he does.

Now, some have said that Mr. FORD should be rejected because of his views regarding civil rights and programs for the disadvantaged. Those individuals have suggested that in these respects he is really no different than Judge Haynsworth or Judge Carswell or even Justice Rehnquist.

I must respectfully disagree with these critics. Their comments caused me to do both a thorough soul searching as well as a careful researching of my grounds for opposing those three Supreme Court nominees and I have concluded that their character and records of performance were substantially different from that of Mr. FORD. Judge Haynsworth was rejected on the grounds of his wholly insensitive anti-civil rights attitudes and because of his clearly improper actions which entwined his personal financial affairs with certain appellate cases in which he participated. In the case of Judge Carswell, we rejected him not only because of his total disregard for constitutional principles in the area of civil rights but, additionally, because of his mediocre and undistinguished record which disqualified him for membership on the Supreme Court. And, although he was confirmed by the Senate, I voted against Justice Rehnquist because of his record of callous indifference toward fundamental civil liberties and his refusal to admit that the Constitution required different conclusions.

Having listened carefully to all of Mr. FORD's testimony before the Rules Committee, I must conclude that there can be no comparison between him and those three Supreme Court nominees. There is no reason to conclude that GERALD FORD has conducted his personal or public affairs with impropriety. He is not a mediocre or incompetent man. Nor are his views on any issue racist, reactionary, or inflexible. Indeed, one of the most telling comments he made before the committee was:

> As I looked back over my own record, there are many things I should have done differently, or not done at all, or done to a greater degree. Yes, we have all made mistakes, and I am the first to admit them.

Mr. President, as was noted on several occasions during the hearings, there are many of us who find hope that when GERALD FORD is confirmed as the next Vice President he will be in a fresh position to grow and change or modify some of the views he has advocated in the past. And the record on Mr. FORD has demonstrated to me that there is a real basis for this to be more than a mere hope.

I was truly impressed by the testimony presented to the committee by some of his colleagues. Several of these men and women—notably Representatives BOLLING, GRIFFITHS, MCCLOSKEY, and RIEGLE—have had some deep disagreements with GERALD FORD during service together in the House. There were no political incentives for them to appear on his behalf. Yet, they came before us and had some compelling points to make in regard to his temperament and character. The words they used to describe GERALD FORD reinforce some of my own impressions of this man. He was described as "reasonable," "straightforward," "honest," "absolutely fair," a man of "calm judgment" and "humility." Mr. FORD was further characterized as possessing "integrity," "an ability to draw people together," inspiring "mutual respect and good will," and the ability to "rise above partisanship" to fulfill his view of the Presidency as a public trust.

Mr. President, there is little more that I can add to what these men and women have said about GERALD FORD. Representative GRIFFITHS said to the committee:

> Some people appear to believe that the Congress should not confirm as a Vice President a person who is not committed to the philosophy of the person writing or speaking. In my judgment, Congress cannot take such an attitude. We are not here to say that unless the choice of the President agrees with us on ecology or defense or some other popular issue, that Congress should not vote to confirm him. This is not the purpose of the 25th Amendment, and it is not within the province of this body to say, because we do not agree with him on the issues, we will not support him. We are here to check Jerry Ford's integrity, his ability, his leadership ability, and with any confirmation, to give the stamp of approval upon those items.

GERALD FORD has reasonably met those tests. And—in one overriding respect—he has gone beyond those essentials. We are today faced with an impasse in the governance of this Nation. The President and his administration have lost the confidence and trust of the American people. We are on the brink of disaster in many of the crucial problems facing us. In my view, GERALD FORD has demonstrated an independent ability to see the need for change and to respond to that need.

I believe GERALD FORD when he says he will be a "ready conciliator and calm communicator." I believe him because he has shown an appreciation for the necessity to bring divergent views together to try to develop a sound and workable concensus. And I think that he has a full understanding of how important it is to bring the Congress into that vital process.

If Mr. FORD lives up to these expectations I think we will be in a position finally to be able to cast aside a government of impasse and revitalize the concept of a government responsive to all the people of this Nation.

Mr. CLARK. Mr. President, my decision to vote in favor of the FORD nomination was one of the most difficult I have had to make in the Senate.

The Senate's investigation into his background and record was painstaking and thorough, and it left no doubt about Congressman FORD's basic integrity or character. We do have rather fundamental differences in political philosophy—on civil rights and liberties, on health care, excessive military spending, on a whole host of legislative issues. And I seriously question his decision to try to impeach Supreme Court Justice William Douglas.

Despite these differences, I reluctantly decided to vote for his confirmation. If Congress rejected Mr. FORD, there would be only more turmoil, more uncertainty, more instability, and more months without a direct successor for the Presidency. It is vital that we have a Vice President now, and given the results of the last election, it should be a member of the President's party.

I do hope that in the months ahead we can modify the provisions of the 25th amendment. When it was drafted, no one even dreamed that a President—faced with impeachment for the first time in 100 years—would be in the position of appointing a Vice President. The best alternative would be a special election—by the people, expressing their own will—but since that alternative is not now available, Mr. FORD's confirmation is in the best interests of the country.

Mr. MUSKIE. Mr. President, I will vote for the confirmation of Congressman FORD to be Vice President of the United States. It is clear that he and I would not agree philosophically. I disagree with many key positions he has taken over the years. But I have respected Mr. FORD's reputation for integrity and character, and the exhaustive investigation of his past which has taken place during the last several weeks appears to have supported this reputation. These qualities of integrity and character are sorely needed at the highest levels of our governing institutions today.

At the same time, Mr. President, I would like to commend my colleague from Maine, Senator HATHAWAY, for his proposal to provide for a special election in the event of simultaneous vacancies in the offices of President and Vice President. I understand his reasons for wanting to delay Mr. FORD's confirmation until the question of the President's own future in office is settled. In the extraordinary circumstances in which we find ourselves, Senator HATHAWAY's formula for Presidential and Vice-Presidential succession could ultimately better serve the country's interests. Its fundamental merit is that it would give the people a chance to respond to these unprecedented events and to give greater legitimacy to a possible Presidential successor. I can well understand the concerns of many people who have written to me about the propriety of a President, who is himself under serious challenge, providing for his own possible succession.

As a practical political matter, however, I do not believe that Senator HATHAWAY's formula will become an available option. Moreover, I believe there are countervailing reasons for filling the Vice-Presidential vacancy as soon as possible—at a time when our institutions are under pressure and discredited in the eyes of many people. It is true that the 25th amendment did not anticipate the extraordinary circumstances we find

ourselves in today. But it does provide a constitutional means for Vice-Presidential succession. At the very time when our governing institutions are so discredited, I believe it is important to reaffirm our faith in the Constitution and to demonstrate that our institutions can work. For these reasons—in addition to his qualities of integrity and character—I will vote for Mr. FORD.

Mr. HOLLINGS. Mr. President, I deem it an honor to speak in behalf of the confirmation of Congressman GERALD FORD as Vice President of the United States.

To go directly to the point, I believe that GERALD FORD possesses all the attributes to be a successful and distinguished Vice President. He is a dedicated citizen who can be counted on to stand up for America. He has earned the support and confidence of his constituents in Michigan who have sent him to the House in elections spanning a quarter of a century. And he has the respect of his colleagues here in the Congress.

The Senate Committee on Rules and Administration has conducted a thorough and impartial hearing on this nomination. In lengthy hearings, it left no stone unturned, no question unasked. The Federal Bureau of Investigation has gone to great lengths in investigating the background of the nominee in perhaps the most thorough such inquiry ever made. And JERRY FORD himself has volunteered every piece of information requested by members of the committee. As a result, the committee has voted unanimously in favor of the nomination.

I have had the pleasure of working with GERALD FORD on many occasions. I have seen firsthand the qualities that made him a leader in Congress and which make him an outstanding choice for the Vice-Presidency. He is a man of his word, and when he makes a commitment, he means to keep it. He is his own man—a loyal Republican, of course, but dedicated first and foremost to his own convictions and to the good of the people of his country. He is a man who has the ability to listen and to learn, and he listens to all sides before he makes a decision. Republicans and Democrats, conservatives and liberals, all know JERRY FORD as a man of fairness and integrity.

In the midst of our current problems, nothing is more vital than to have men of unquestioned integrity in positions of leadership. JERRY FORD is such a man. He has learned through years of political service that cooperation and not confrontation is the way to get America moving. He knows that the best politics is no politics. And he knows that we must all work together—the people, their representatives in Congress, and the President—if we are to solve the many problems which confront us. As Vice President, GERALD FORD has much to contribute to the betterment of government and the betterment of America. Now it is up to us to give him the chance. Let us do so without delay.

Mr. BENNETT. Mr. President, together with most of my Senate colleagues, I am delighted to welcome GERALD FORD to this side of the Capitol as or new Vice President and our presiding officer. Having had the privilege of following his distinguished career on the House side for many years, I have come to have both great respect and full confidence in his character and ability. I know that through the closer association his new position will bring to all of us in the Senate, even those who today may have some reservations about his nomination will come to appreciate him and his capacity for leadership. I personally look forward to such a closer association with pleasant anticipation.

I am moved to vote for his confirmation.

Mr. HARTKE. Mr. President, today the U.S. Senate shall consider the nomination of GERALD R. FORD to be the first Vice President under the 25th amendment to the Constitution. In fact, only a limited section of the 25th amendment shall have been tested in the case before us. However, I believe that it is necessary to review the proceedings of the Senate as applied to the confirmation of the Vice President under section 2 of the 25th amendment. I note here the paucity of mail received regarding Mr. FORD's nomination as an indication there is little sentiment throughout the country regarding Mr. FORD. The country may silently view the Office of the Vice President with irrelevancy and fail to note section 1 of the 25th amendment which provides for the immediate succession of the Vice President to the Presidency.

Mr. President, I have discussed the nomination of Mr. FORD with business, labor, civic, Democratic, Republican, and Independent leaders. Though, in most cases, political opinions were held, often I heard the expression, "What has the investigation by the Congress and the Federal Bureau of Investigation revealed?" In the long history of this country there has never been such an interest in whether or not an individual's background is faultless. I believe the course of events of the hour left no alternative but a thorough investigation.

The distinguished chairman of the Committee on Rules and Administration, Mr. CANNON, accepted the responsibility of reviewing the qualifications of the nominee under rule XXV of the Standing Rules of the Senate with calm and courage. I commend him and the other members of the committee for their exacting investigation into Mr. FORD's background, leaving to the broad spectrum of constitutent-representative dialogue the political philosophy of the nominee.

When, in 1967, the 25th amendment was ratified by the 38th State, Nevada, the home of the distinguished chairman, no one envisioned its application under conditions of today's magnitude. Whether or not section 2 of the 25th amendment shall be applied again during the 20th century shall be answered by the historians of the 21st century. But while our Bicentennial is being planned, our Nation's physical energies are growing scarce, world order is being questioned, and new and innovative budgetary procedures are being examined, the Congress, with the calm and courage it was designed to maintain, thoroughly examined a man under a new procedure who potentially could assume the Highest Office of the land. That, my colleagues, citizens, critics and friends is what the fabric and system of America is about. Let no friend or foe doubt the solidarity of America as a Nation, capable, in the pass or on the plain, of marching to the call of the heartbeat of humanity.

Our Constitution is viable, our system is operative, and our traditions and heritage are secure, yet flexible enough to beckon the yearning heart and receive the longing soul seeking his liberty. Liberty and freedom in America are not dead, but very much alive. The Congress in its calm and courageous Chambers is the guardian of the freedoms of our people and the peoples of the world that seek the way of liberty.

Mr. McINTYRE. Mr. President, I will vote to confirm Congressman GERALD FORD of Michigan as Vice President of the United States.

He would not have been my choice, but the choice was not mine to make. Mr. FORD is the President's nominee, a prerogative he has exercised under the law.

That said, Mr. President, may I add that my reservations over this nomination are not sufficient to justify a vote against confirmation.

Having studied the record of the hearings on Mr. FORD's nomination, I am satisfied that the intensive investigation into his background and character leaves little room to doubt his honesty, integrity, and patriotism.

I realize that the talent and ability, sensitivity and insight qualifications for the designated office—and, more importantly, for what could turn out to be the highest office in the land—remain to be proved, but I am impressed, Mr. President with at least two credentials Mr. FORD would bring to either office.

He has demonstrated a winning awareness of his own limitations, a humility that stands in refreshing contrast to the arrogant abuse of power that led us to the brink of constitutional crisis. I am reasonably assured that Mr. FORD will listen, will counsel, will seek information and advice instead of practicing arbitrary, capricious, and solitary leadership.

And, in his many years of congressional leadership, Mr. FORD has demonstrated, too, a conciliatory attitude, a willingness to work with those of different views, that should stand us in good stead after these many months of acrimony, divisiveness, and bitter partisanship.

Beyond the first priority of restoring trust in the political process, the second great need is to restore to that process some measure of truce and harmony.

I believe Mr. FORD can make a positive contribution to those ends, so I will vote for his confirmation.

Mr. BAKER. Mr. President, I wish to commend the Committee on Rules and Administration for its timely and favorable report on the nomination of GERALD FORD to be Vice President of the United States, and to join with the committee's recommendation to the Senate that JERRY FORD's nomination be confirmed.

Although the circumstances giving rise to the current vacancy in the Office of Vice President are tragic, I think it fortunate that Congress and the States possessed the foresight to create a constitutional vehicle for selection of a new Vice President in the event of such a vacancy. Moreover, I am pleased that, in exercising the powers conferred upon him by the 25th amendment, the President chose to nominate an individual of the stature and demonstrable integrity of GERALD FORD.

Like many of my colleagues, my support for Senate confirmation of GERALD FORD to be Vice President is based on the experience of many years of private association, in addition to the record which JERRY FORD has established during 25 years of service in the House of Representatives. Thus, I was not surprised that the Rules Committee, after closely scrutinizing his public and private life, unanimously recommended confirmation of GERALD FORD to be Vice President. Furthermore, while his proven ability and demonstrable integrity, without more, qualify him to serve as Vice President, I anticipate that cooperation between Congress and the executive branch will be enhanced immensely as a direct consequence of JERRY FORD'S years of service as minority leader of the House of Representatives. As illustrated by recent events, the White House often is not fully aware of congressional concerns and considerations; and, perhaps as a result of this lack of awareness, errors in political judgment have been made. As Vice President GERALD R. FORD could play a significant role in restoring communication and cooperation between Congress and the White House and thereby insure maximum governmental preparedness for dealing with the serious energy and economic problems now confronting our Nation.

Finally, Mr. President, permit me to express the hope that the House will act as expeditiously as has the Senate with respect to the Ford confirmation. GERALD FORD is an able and honorable public servant whose qualities are admirably suited for the Vice Presidency. Moreover, his long record of service in the House and his close proximity to the thoughts of the public necessitated by such service will enable JERRY FORD to significantly contribute toward restoring the confidence of the American people in the ability and willingness of the Federal Government to effectively deal with the pressing issues of the day. It is for these reasons that I support GERALD FORD'S confirmation; and I respectfully urge my colleagues to do likewise.

Mr. HUDDLESTON. Mr. President, I will vote to confirm GERALD R. FORD as the 40th Vice President of the United States.

A number of factors argue for the nominee's confirmation. First, the United States should have a Vice President. The need for orderly succession in a nuclear and rapidly changing world is obvious. We cannot always foresee what the future holds, but we should be assured, to the extent possible, of continuity in the executive branch, in the event the unexpected happens, either as a result of foreign or domestic occurrences. This need was accurately recognized by the authors and supporters of the 25th amendment, who made provision for filling vacancies in the Office of Vice President.

Second, the legislative history of the 25th amendment indicates that in selecting a nominee for the office, the President is expected to choose someone whose philosophical and political views are similar to his. As the Senate Judiciary Committee report on the amendment noted:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. The importance of this compatibility is recognized in the modern practice of both major political parties in according the presidential candidate a voice in choosing his running mate subject to convention approval. This proposal would permit the President to choose his Vice President subject to Congressional approval. In this way the country would be assured of a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

As we know, Congressman FORD's positions pretty well parallel those of the President.

Third, as the Senate Judiciary Committee report also suggested, the country should have a successor to the President from the same political party as the President. Only a year ago, the current President was reelected with 60.8 percent of the popular vote and 521 electoral votes. In this landslide victory, he carried 49 of the 50 States. Yet, under the current situation, should the President become disabled or unable to carry out his duties, the Presidency would fall to a member of the other major political party. Confirmation of Congressman FORD, who was reportedly the overwhelming choice of his Republican colleagues in Congress, would remove this possibility.

Fourth, and perhaps most important in light of the existing situation, the Senate Committee on Rules and Administration, after conducting what is considered an intensive investigation, recommended unanimously that Congressman FORD be confirmed. With the very grave questions which have been raised over honesty, integrity, and fairness in our Government, and with the serious concerns over our Government's capacity to function effectively and meet the demands which are being placed upon it daily both at home and abroad, the committee had a special responsibility to examine in detail the nominee's past activities. That the entire committee was satisfied with the results of their investigation speaks favorably for the nominee.

In voting today to fill the Office of Vice President, however, I want to make it clear that my vote neither represents agreement with the views of the nominee nor full-fledged support of the procedures being followed.

My votes in the Senate have differed significantly from those of Congressman FORD on both foreign and domestic policies. His stand on the very important issues of Southeast Asia and war powers was not the same as mine. His position on a variety of education, health, and antipoverty votes demonstrate, I believe, an insensitivity to the needs of many of our people, particularly those in urban areas.

It has, however, often been said that men grow in office and in meeting new responsibilties. The examples of Harry Truman and Lyndon Johnson are usually given. We must hope that Congressman FORD will fit into that mold and that he will become responsive to the new and broader constituency he will have as Vice President.

Furthermore, my vote today does not represent any sanctioning or decreased concern over the campaign abuses of 1972. The proceedings before Judge Sirica and the Select Committee on Presidential Campaign Activities have revealed efforts to disrupt the most basic aspects of our governmental system—the electoral process—and an unconcerned lawlessness among high officials of Government. There must be no cessation of efforts to bring those guilty of breaking the law to justice or of attempts to reform the system in order to preclude similar travesties in the future.

And, finally, my vote reflects no particular satisfaction with the selection process for Vice Presidents, either at the convention level or in the event of a vacancy. Three of the last five Presidents served as Vice President prior to being President and a fourth sought the second office as a step in his quest for the highest elective post in this land. The office is much too important to be treated in the haphazard manner in which it has. New attention must be given to the selection process and to insuring that those nominated for that office are fully qualified and above reproach.

Mr. YOUNG. Mr. President, this is a memorable day for the Senate of the United States. Today we vote on the confirmation of Congressman GERALD FORD to become Vice President of the United States.

JERRY FORD is one of the most qualified men that President Nixon could possibly have nominated to become Vice President of the United States. He has a long and illustrious career as a scholar, as a serviceman, a fine athlete, and a most commendable record as a Congressman representing the great State of Michigan for approximately a quarter of a century. Few if any Members of Congress are more highly respected than JERRY FORD. Because of the vast respect they have for him and the fair and honorable way in which he has always conducted himself, he has been an exceptionally effective legislator.

When President Nixon announced the nomination of GERALD FORD to become the next Vice President, I said that he was "clean as a hound's tooth." With all the charges leveled against almost every public servant, I would say that this went quite a ways. Many charges—some very vicious—have been leveled against JERRY FORD since he received the nomination for Vice President. Every single one of these charges has been proven false. This and his illustrious record undoubtedly are the major reasons why the Senate Committee on Rules and Ad-

ministration voted unanimously to approve his confirmation as Vice President of the United States.

The tremendous vote he will receive today speaks more eloquently than any words of the esteem in which GERALD FORD is held by the Senate of the United States.

Mr. DOMINICK. Mr. President, during the weeks since President Nixon announced this nomination of GERALD R. FORD as Vice President, much has been written and spoken concerning the attributes of this outstanding Member of Congress. I will not review his biography or discuss in great detail his record of accomplishments in a quarter of a century in the House of Representatives. All of that has been thoroughly covered in hearings, both here and in the other body.

I would like to say that GERALD R. FORD was my choice for the Vice-Presidency as he was the choice of so many other Members of Congress and people throughout the country. I am delighted that he was so nominated, because I believe that he will bring to the office of the Vice President a depth of experience in Federal Government, a record of loyalty and service to this Nation which will serve as a model to all who aspire to public office, and a balanced temperament which will help give stability and confidence in these troubled times.

I congratulate him on his candor and complete cooperation during the hearings and his commitment to making the fullest possible disclosure of all aspects of his life in order to afford the American people the opportunity to know fully the man who will occupy the second highest office in the land. The members of the Committee on Rules and Administration are also to be complimented for their work in conducting thorough but expeditious hearings on this nomination.

On this historic occasion in which we have our first opportunity to follow the procedures established under the 25th amendment to the Constitution, it is with a great deal of pride and personal pleasure that I announce my complete support for Congressman GERALD R. FORD to be Vice President of the United States.

Mr. KENNEDY. Mr. President, today, we are in the midst of a historical debate unique in the political tradition of our Nation where the Senate of the United States is required to advise and consent on a nomination for the Vice President of the United States.

The obligation placed upon this institution by the 25th amendment to the Constitution has been fulfilled ably by the Senate Rules Committee which combined the requirements for prompt action with the requirements of thorough investigation.

On November 2, I urged prompt and vigorous action on this nomination, believing that to be the mandate of the 25th amendment. To have delayed and obstructed the nomination would have been to fly in the face of the very purpose of the 25th amendment which was to assure the Nation continuity in executive leadership.

The unfortunate events that have led to the present situation were not contemplated by the framers of the 25th amendment, and it would serve no good purpose to detail them anew. However, the underlying rationale that produced the 25th amendment remains as compelling in the current situation as it would in the case of the death of a Vice President.

On a wide range of crucial issues of national importance, on civil rights, on housing, on social concerns, and on civil liberties, I have consistently supported positions that the nominee has opposed. However, the nature of the 25th amendment is such that it intends not for the Senate to choose on its own a candidate for the Vice-Presidency who reflects the political beliefs of each Senator or of the body as a whole, but to "advise and consent" to the nomination of an individual.

Therefore, the key questions before this Senator relate not to his political ideology, but to other issues. First, does the nominee accept the basic constitutional precepts which have been threatened by recent events. Second, does the nominee have a demonstrated understanding of the processes of democratic government. Third, does the nominee have a record free of political corruption.

The record of the hearings before the Senate Rules Committee and thus far before the House Judiciary Committee shows Mr. FORD as an honest man, a man of integrity, a man who accepts the limitations on the power of the Executive written into the Constitution nearly 200 years ago. The testimony of those who have worked beside him for the past quarter century in the House of Representatives indicates that he has justified by his knowledge and competence in the legislative and electoral arenas a full understanding of the political processes of this land. Finally, what stands out from his responses to questions and from the testimony of his colleagues is a record free of the political corruption that has stained too much of our political institutions.

In this regard, I believe it is appropriate to take note of the testimony of Mr. FORD during his nomination hearings.

With regard to whether executive privilege ever could properly be employed to deny documents which may bear on the commission of crimes, Mr. FORD stated:

> Where you have allegations, serious allegations, where those documents have material impact on the guilt or innocence of an individual, it seems to me that the judgment, bearing in mind the best interests of the country, would be that they should be made available.

With regard to whether the concealment of such information would constitute an obstruction of justice, Mr. FORD replied:

> As I understand the question you have to make an honest determination as to what is actually obstructing justice. And that is not always a clearcut question or set of facts. But, in the normal context, I would say yes.

Finally, he was asked: "Can you conceive of any justification, Mr. FORD, for anyone, including the President of the United States, to disobey a court order?"

His reply is a vital assurance that Mr. FORD recognizes the limitation on Presidential power and recognizes the supremacy of the rule of law, assurances that I believe were crucial to his acceptability.

He said:

> I do not think any person in this country is above the law.

Mr. FORD was asked this same question again, and he replied:

> I would strongly say that any person, including the President, where a determination has been made by the highest court of the land, ought to obey the court order.

For those who have witnessed a disturbing tendency to see Executive privilege used to cover up political corruption and for those who have heard the President threaten to disobey court orders, these clear and forthright statements are refreshing and welcome.

At a time of national inquietude, I believe that the best interests of the Nation will be served by strict adherence to the provisions of the Constitution. Those provisions call upon this body to advise and consent to the President's nominee for the Vice-Presidency. I find that the Senate Rules Committee after thorough consideration unanimously voted to report favorably and recommend that the nomination of GERALD R. FORD of Michigan to be Vice President of the United States be confirmed. For the reasons I have stated, I shall vote in favor of that confirmation.

Mr. CANNON. Mr. President, apparently no other Senator wishes to speak on this matter The yeas and nays have not been ordered.

I request the yeas and nays.

The yeas and nays were ordered.

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

Mr. CANNON. I yield back the remainder of my time

The PRESIDING OFFICER. All time has been yielded back. The question is Will the Senate advise and consent to the nomination of GERALD R. FORD, of Michigan, to be Vice President of the United States? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. MCGOVERN) is absent or official business.

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

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

If present and voting the Senator from Arizona (Mr. FANNIN) and the Senator from Florida (Mr. GURNEY) would each vote "yea."

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Chamber and in the galleries?

The PRESIDING OFFICER (Mr. CURTIS). Will Senators cooperate by taking their seats?

The Chair wishes to state to the people in the galleries that there are to be no demonstrations or evidence of approval or disapproval as the vote is announced.

The result was announced—yeas 92, nays 3, as follows:

[No. 515 Ex.]

YEAS—92

Abourezk	Ervin	Moss
Aiken	Fong	Muskie
Allen	Fulbright	Nunn
Baker	Goldwater	Packwood
Bartlett	Gravel	Pastore
Bayh	Griffin	Pearson
Beall	Hansen	Pell
Bellmon	Hart	Percy
Bennett	Hartke	Proxmire
Bentsen	Haskell	Randolph
Bible	Hatfield	Ribicoff
Biden	Helms	Roth
Brock	Hollings	Saxbe
Brooke	Hruska	Schweiker
Buckley	Huddleston	Scott, Hugh
Burdick	Hughes	Scott, William L.
Byrd, Harry F., Jr.	Humphrey	Sparkman
Byrd, Robert C.	Inouye	Stafford
Cannon	Jackson	Stennis
Case	Javits	Stevens
Chiles	Johnston	Stevenson
Church	Kennedy	Taft
Clark	Long	Talmadge
Cook	Magnuson	Thurmond
Cotton	Mansfield	Tower
Cranston	Mathias	Tunney
Curtis	McClellan	Weicker
Dole	McGee	Williams
Domenici	McIntyre	Young
Dominick	Metcalf	
Eastland	Mondale	
	Montoya	

NAYS—3

Eagleton	Hathaway	Nelson

NOT VOTING—5

Fannin	McClure	Symington
Gurney	McGovern	

So the nomination of GERALD R. FORD to be Vice President of the United States was confirmed by the Senate.

Mr. CANNON. Mr. President, I ask unanimous consent that the President be notified of the Senate's confirmation of the nomination of Mr. GERALD R. FORD to be Vice President of the United States.

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

Mr. TUNNEY. Mr. President, today's Senate confirmation of the nomination of GERALD R. FORD to be Vice President is historic, for it marks the first time that the Senate has acted on such a momentous nomination. It also is timely, for it comes at a crucial period when a President may have to forfeit the White House.

Mr. FORD, within the next year, may, indeed, be President. So today's action not only initiates the 25th amendment of our Constitution, but may, in fact, ordain the 38th President of our Nation.

Mr. FORD has undergone a scrupulous inquiry, and it would appear that he is honest and candid, qualities the American people earnestly want refurbished for the Presidency. I do not always share his political views, but I believe that while Congress may impeach a President, it should not repeal the platform that elected him.

Hopefully, Mr. FORD as President, would restore that comity on which our democracy depends. He would, as President, I believe, break the secretive layers of isolation that enwrap the current President.

President Nixon insists that he would not step down, maintaining he no longer gets seasick when the going gets rough. Well, the Nation does when public confidence and credibility in the President are erased as cleanly as any of his White House tapes.

I am more convinced than ever that the President, for the good of our Nation, should resign when Mr. FORD is confirmed by both the Senate and the House. And I still believe he may if the House swiftly pursues its investigation toward possible impeachment.

The President protests he is no crook, and a lot of evidence must be sifted before any judgment can be made. Nonetheless, it is quite clear that the President has forsaken the trust and confidence of the American people.

Few Americans can accept the swift succession of alibis about tapes that the White House says never were and portions of one that definitely were but are no longer.

Now as a nation, we are confronted with the dark prospect of a drastic fuel shortage that could plunge this Nation back into the dismal 1930's of depression. Bold leadership can assure equitable distribution of supplies to keep our homes warm and our factories running, and it can expedite development of solar and other new sources of energy. But such leadership relies on a strong partnership between the administration, to whom great powers have been accorded in this crisis, and the Congress, which must stand vigil against any abuse of those powers.

So far, the President has failed to dispel the clouds of doubt swirling around his stewardship of the affairs of state. He has failed to foster a working alliance with Congress based upon mutual trust and respect.

His resignation would spare the Nation the months of anguish of impeachment. Additionally, it would bring into the White House a person at home working with Congress and whose word can be accepted at face value.

In voting for Mr. FORD, I am fully aware that I am possibly voting for a new President for the next uncertain 3 years.

I have confidence in Mr. FORD. I believe he is cognizant of the great duties placed on him by our Constitution, and will do his utmost to fulfill the letter as well as the spirit of that energizing document of our democracy.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of H.R. 11104 which the clerk will report.

The second assistant legislative clerk read as follows:

A 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 debt limit applies to June 30, 1974.

PROGRAM FOR TONIGHT

Mr. GRIFFIN. Mr. President, for the benefit of those Senators who are on the floor, I would like to address an inquiry of the distinguished majority leader as to what we might expect to be the program for the rest of today and tonight.

The PRESIDING OFFICER. May we have order on the floor and in the galleries?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting Republican leader, the Senate has returned to the pending business which was under discussion prior to the debate and vote on the nomination of the Vice-President-designate.

It is our hope that we may be able to finish the debt ceiling bill tonight.

I would urge all Senators to stay pretty close to the floor.

Mr. GRIFFIN. I thank the distinguished majority leader. I thought that all Senators ought to be on notice that that is the intention of the leadership.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The Senate continued with the consideration of 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 debt limit applies to June 30, 1974.

The PRESIDING OFFICER. The question is on agreeing to the first part of the Kennedy amendment No. 651 as amended.

The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, in order to expedite——

The PRESIDING OFFICER. Will the Senator suspend? Will the Senate please be in order? Those Senators wishing to converse will please retire from the Chamber. Will Senators please take their seats? The Senator from Louisiana is entitled to be heard.

Mr. LONG. Mr. President, in order to expedite action on the bill, I ask unanimous consent that my request for the division of this amendment be vitiated and that the Senate simply vote on the amendment as it was before the division.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. ALLEN. Mr. President, reserving the right to object, I believe that the Senator from Louisiana requested a division. And we do have a provision, section 2, that I do not believe the Senate is going to agree to. That concerns the presidential nomination campaign subsidy section which would give up to $7 million for each man who wants to run for the presidential nomination.

The PRESIDING OFFICER. The Chair will state that debate is not in order.

Is there objection to the request of the Senator from Louisiana?

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I have an amendment to the Kennedy amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk proceeded to state 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 the amendment will be printed in the RECORD.

The amendment is as follows:

On page 8, line 5, strike everything following "9007" through line 7 and insert in lieu thereof the following:

"plus the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative."

On page 8, line 12, strike everything following "any" through the end of line 18 and insert the following in lieu thereof:

"difference between the payments received out of the fund and the expenditure ceiling imposed by this subsection, and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12) have been or will be accepted by such candidate or any of his authorized committees; and

"(3) no contribution from any person has been or will be accepted by such candidate nor any of his authorized committees if such contribution, when added to all other contributions made by that person to the candidate or any of his authorized committees, equals an amount in excess of $1,000."

On page 9, line 5, strike everything following "of" through the end of line 7 and insert the following in lieu thereof:

"the expenditure ceiling imposed by subsection (b) of this section;".

On page 9, strike everything on line 15 and insert the following in lieu thereof:

"9006; and

"(3) no contribution from any person has been or will be accepted by such candidate nor any of his authorized committees if such contribution, when added to all other contributions made by that person to the candidate or any of his authorized committees, equals an amount in excess of $1,000."

On page 9, line 19, strike "(2)".

On page 9, line 20, strike "(2)".

On page 10, line 8, strike the numeral and insert the following in lieu thereof: "7½".

On page 10, line 13, strike the numeral and insert the following in lieu thereof: "$87,500".

On page 10, line 15, strike the numeral and insert the following in lieu thereof: "$45,000".

On page 12, line 20, strike everything following "amount" through the end of line 21 and insert the following in lieu thereof:

"by which contributions described in paragraph (1) of this subsection exceed 7½ cents multiplied by the voting age population of the geographical area in which the election is held."

On page 24, line 21, strike everything following "under" through the end of line 24 and insert the following in lieu thereof:

"sections 9003 and 9007.".

On page 25, line 13, strike everything following "any" through the end of line 17 and insert the following in lieu thereof:

"difference between payments received out of the fund and the expenditure ceiling imposed by section 9003.".

On page 39, following line 25, insert the following:

"for nomination for the office of President or Vice President".

On page 40, line 3, following "candidate", insert the following:

"for nomination for the office of President or Vice President".

Mr. STEVENSON. Mr. President, there is, I believe, a conflict between the provisions of the amendment as originally offered by the Senator from Massachusetts and the modification offered by the Senator from Alabama which was accepted by the Senate.

The Allen modification appears to permit individual contributions to congressional and Presidential general election campaigns of up to $3,000.

The Kennedy amendment, except under very limited circumstances, permits no private contributions to such campaigns. It does permit private contributions to candidates to be channeled through national and State party organizations and in certain other cases. Basically, however, it is a pure public financing proposal.

My amendment provides for partial public financing in general election campaigns for the Congress and for the Presidency.

Instead of providing for 100 percent public financing, it provides for 50 percent public financing, with the balance of the financing for those campaigns to come from private sources; and it provides that private contributions would be limited to $1,000 per donor. Such contributions could provide funds up to 50 percent of the expenditure limit in campaigns for the Senate, the House of Representatives, and the Presidency, and the other 50 percent would come from the Federal Government.

Mr. President, I see nothing wrong with $5 contributions to a political campaign, or with $10, $15, $25, or $50 contributions. Such small contributions are not only innocent, they offer individual citizens a significant means of participation in the political process.

The Kennedy amendment bans nearly all such contributions and all such participation by individuals in political campaigns.

We ought, it seems to me, to be cutting the people in, not cutting them out. We ought to be sanitizing, but not sterilizing, our political process. A ban on small contributions is unreasonable. It may consequently be unconstitutional.

What we ought to ban is the big, potentially corrupting campaign contribution. That is what my amendment does. It prohibits all individual contributions in excess of $1,000, permitting the smaller, innocent contributions with no potential for corruption. It would assure, I believe, the constitutionality of the legislation, and it would also decrease its cost by one-half. If we can do the job by spending less, we ought to do so. I urge its adoption.

Several Senators addressed the Chair.

Mr. STEVENSON. I yield to the Senator from Rhode Island for a question.

Mr. PASTORE. Mr. President, I quite agree with everything the Senator has said. However, there seems to be an inconsistency between his statement and the work sheet passed around to Members of the Senate.

As I understand, the Senator's limitation is on contributions beyond $1,000. If we are looking for $5 and $10 contributions, why do we not lower that figure to $100? Then it would be in conformity with allowing the little man to be a partner in a campaign.

A thousand dollars is still a lot of money, and anyone who contributes a thousand dollars to a campaign, in my humble opinion, has an angle.

Mr. STEVENSON. Of course, Mr. President, any figure is going to be arbitrary, whether it is $100, $500, or $1,000. The reason why I settled on $1,000 is twofold: First, the Senate has already approved a $3,000 limitation. $1,000 is going a long way further. A contribution may be made with an angle, but not many candidates for Congress or the presidency will be corrupted by $1,000 contributions.

The other part of the reason is simply to reduce the cost to the public. This amendment provides for 50 percent private financing. If we bring the private financing down to include only contributions of $100 or less, we might have to offset that by increasing the proportion from the Treasury. I am trying to keep that down.

I think this amendment strikes a reasonable balance. It permits a $1,000 contribution, which is not a corrupting contribution, at the same time that it permits a reduction of approximately 50 percent in the cost of the pure public financing amendment as originally offered by the Senator from Massachusetts (Mr. KENNEDY). That would cut the cost down by about $75 million for a full cycle of congressional and Presidential elections.

Mr. PASTORE. The thing that disturbs me is this: Either we are going to have or not going to have public financing. I realize that a $5 or $10 contribution does not vitiate the objective of public financing.

When the Senator talks about $1,000 contributions, I am sure he means well. He means nothing except permitting the making of a $1,000 contribution. But here we are again with the $1,000 dinners. I think the $1,000 dinners are scandalous. President Johnson had them, President Nixon has had them, and if we go on with the $1,000 dinners, I am afraid we are corrupting the process we are trying to correct.

If we are going to have public financing, let us have public financing. I can see $5 contributions or $10 contributions not disturbing that at all, or perhaps any contribution up to $50 or $100. But when we talk about $1,000, that is quite a substantial contribution. We had better not hold our hand out to collect all the money we can, and at the same time put the same hand in the till of the U.S. Treasury. If we are going for public

financing, let us go for public financing. If we are not going to have it, let us not have it. What we have here is a hermaphrodite.

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

Mr. STEVENSON. I yield.

Mr. GOLDWATER. Does this amendment or any amendment the Senator is aware of preclude a citizen from going into, say, a radio station, a television station, or a newspaper, and buying time or space in excess of $1,000 to express his own personal opinion of the candidate, either for or against him?

Mr. STEVENSON. As I understand the Kennedy amendment, it permits the individual acting independently of a candidate to spend up to $1,000 for radio or television advertising. My amendment would not affect that opportunity, that right of the individual.

Mr. GOLDWATER. The reason I ask is because I think we are getting close to a constitutional question. I remember once many years ago when I served on a select committee on this question, and I put that hypothetical question to Mr. Walter Reuther. He reminded me that it was his right as a citizen—of course, the limit then was $5,000—to spend $5,000 to buy time or space to oppose me. Of course, he would never have supported me.

I believe he was right. If we make the maximum $1,000, does that preclude an individual from giving to more than one committee? Could a citizen give to a committee of XYZ, and then a committee of ABC, giving $1,000 to each committee?

Mr. STEVENSON. As I understand the Kennedy amendment, it would eliminate all committees. It would prevent an individual from making contributions to a series of paper or real committees, with one exception, and I think that exception deserves some serious consideration by the Senate. It does permit individuals to make contributions to national and State party organizations, which then can aggregate the contributions and turn around and make contributions to the individual candidates.

The Kennedy amendment permits that kind of individual campaign contribution, and otherwise, with some minor exceptions, eliminates all contributions by individuals. That raises a constitutional question, also.

The Senator from Arizona mentioned the individual's constitutional right to express his independent views one way or another, for or against a candidate. By the same token, he has the right to make a contribution directly to the candidate. At some point, it would be constitutional to restrict that right on the theory that at that point it threatens the integrity of the political system. At some point, it becomes as constitutional to outlaw the campaign contribution, as it does to outlaw the bribe.

Mr. GOLDWATER. One more question and I will be satisfied. Does the Senator from Illinois feel that the Congress could constitutionally prohibit any contribution by an individual to a candidate, or contribute to his cause, or in opposition to a candidate in opposition to his cause?

Mr. STEVENSON. It would not be constitutional to say to every individual in this country, "You cannot contribute one cent or $1, or $5." At some point it becomes constitutional. That is the cause of my quarrel with the amendment introduced by Senator KENNEDY, which prohibits all individual contributions except under limited circumstances. That is unconstitutional. It is also unreasonable because it excludes the small contributor, whom we should be trying to bring in. I, instead, take the figure of $1,000 as the cutoff.

Mr. GOLDWATER. I thank the Senator from Illinois very much.

Mr. BENNETT. Mr. President, will the Senator from Illinois yield for a question?

Mr. STEVENSON. I yield.

Mr. BENNETT. Is there anything in the Kennedy amendment, or your proposal, which prevents a man from spending his own money to an unlimited degree?

Mr. STEVENSON. On page 28——

Mr. KENNEDY. If the Senator from Illinois will allow me to interject there, I think the Senator from Utah understands there is such a limitation. It is provided for in the amendment. We have debated the particular outlines of the provisions here this afternoon. As it specifically applies to senatorial campaigns, it provides for the dollar checkoff. As was made clear by the dialog between the Senator from Arizona and the Senator from Illinois a few moments ago, it permits an individual to spend $1,000 of his own. There are first amendment issues to the power of Congress in this area, but I think that a long line of Supreme Court decisions provide a solid basis for action by Congress establishing $1,000 as an appropriate limitation.

Mr. BENNETT. That is a contribution as an individual, but is it constitutional or would it forbid me from spending my own money for my own purposes without contributing to anyone else's campaign organization?

Mr. PASTORE. If the Senator from Illinois will allow me to interject there, in the campaign expenditures bill of 1971 we did precisely that. We made a limitation. That is the existing law today. If we do not touch it in this bill, it is still the law.

Mr. CANNON. Mr. President——

Mr. LONG. Mr. President, will the Senator from Massachusetts yield me 2 minutes?

Mr. KENNEDY. I yield.

Mr. LONG. Mr. President, I regret that this amendment has been offered, because it would affect existing law and could be a backward step. We have previously voted on it, and have put it on the statute books. The law now provides that the checkoff is to be on the tax return so that the public may make the checkoff for this year and also for last year if they did not make the checkoff last year and decide to make the election this year for the prior year. Having made considerable headway toward public financing of Presidential campaigns, it would be a great disappointment to me to see this become one-half publicly and one-half privately financed, after the Senate by a 2-to-1 margin recorded itself in favor of publicly financed Presidential campaigns. In my judgment, that would be a disappointing backward step for those who believe in the principle of public financing, particularly with regard to Presidential elections where large amounts of money must be raised. Just because campaign contributions come out in $100 units does not mean they cannot be an industry drive. They can organize 40,000 people, if they want to, and say, "Send me $100." That would bring in $4 million. So if we really believe in the idea of eliminating the power of money to make the decisions in Government, it would seem to me that the Senator from Illinois' amendment is definitely a backward step.

I would hope that we would not take that step; and I believe that the Senator from Massachusetts (Mr. KENNEDY) also agrees.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield?

Mr. STEVENSON. I yield.

Mr. PASTORE. As a matter of fact, in the checkoff legislation, we specifically provided that if a candidate takes advantage of public money, he cannot take private money. We said that specifically.

Mr. LONG. The whole idea of providing public financing for an election is to allow people to make their decision on the candidate of their choice on the issues and not be forced to base their decision on the candidate who was able to raise the most money. This amendment would definitely turn back the clock against a trend toward which we have been moving for the last 6 years.

Mr. KENNEDY. Mr. President, first of all, I wish to commend the Senator from Illinois for the very constructive, positive contribution he has made toward the development of public financing legislation and in the reform of financing political campaigns. He has been one of the real leaders in this body. He has spent a great deal of time and effort. He has made a valuable contribution to the amendment which he has submitted and supported, and which we are currently debating.

The question is, What is the appropriate route to encourage people to take part in the political process and also to maintain the integrity of the process?

We have seen in the proposal before us a number of different approaches to this question. We have the concept of the $100 matching grant for presidential primaries, the Mondale-Schweiker proposal. We have also included a provision enabling an individual to make contributions up to $3,000 to State and national committees, which can spend two cents per voter for general elections. In this way, individuals will be able to participate in financing the election process. They are certainly not shut out entirely. They can make contributions up to $3,000 directly to candidates in primaries.

In addition, individuals may spend up to $1,000, acting on their own, in support of candidates in general elections.

This has been the subject of extensive debate. Perhaps not all of us agree with the figures in the amendment. But they were established after extensive and exhaustive debate, including the debate on S. 372.

As the Senator from Louisiana has pointed out, what we would be doing, if the amendment were accepted, would be to change in a most dramatic way the funding in presidential elections, which is already part of existing law, and which our amendment extends to Senate and House elections. There would be a dramatic alteration in the thrust of this whole concept of public financing, and we should not accept the amendment.

Therefore, it is with regret that I shall oppose this amendment. I do want to point out that all of us working in this field know of the very substantial contribution and emphasis that the Senator from Illinois has made in trying to insure a role for the small, individual contributor in the political process.

I shall, at the appropriate time, join the Senator from Louisiana and the Senator from Pennsylvania (Mr. HUGH SCOTT) in moving to table the amendment.

Mr. BENNETT. Mr. President, will the Senator yield me 2 minutes?

Mr. KENNEDY. I yield.

Mr. BENNETT. I should like to call the attention of the Senator from Illinois to the fact that the language on page 3 of his amendment relates to part 2, not to part 1. I wonder if it is not going to be necessary to take that language out.

Mr. STEVENSON. Yes. If the Senator will yield, I modify my amendment to delete all the lines of the amendment on page 3.

The PRESIDING OFFICER. Is the Senator proposing to delete all of that page?

Mr. STEVENSON. Yes.

The PRESIDING OFFICER. The Senator has the right to so modify his amendment, and it is so modified.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, it is with regret that I move to table the amendment of the Senator from Illinois, on behalf of myself, the Senator from Pennsylvania, and the Senator from Louisiana.

The PRESIDING OFFICER. The motion is not in order until all the time has been used or the time has been yielded back.

Mr. STEVENSON. Mr. President, I will take about 1 minute, and then I will be glad to yield back the remainder of my time.

First, I want to commend the Senator from Massachusetts. No one has fought harder to bring this issue to the Senate, to purge our politics of large and corrupting campaign contributions. He has done an extremely able job in reconciling the differences between those of us who share his concern about money in our politics.

In response to the point he made—and it was made by the Senator from Louisiana as well—I would say that the checkoff system, as modified by the Senator from Massachusetts, is very likely unconstitutional, because it prohibits individual contributions. There is no longer a real choice open to the candidate. He would have to take 100-percent public financing, through the campaign checkoff. All contributions from individuals, however small, however innocent, right down to one nickel, would be prohibited, unless they were channeled through State and national party organizations. An exception is carved out for those political organizations. That being the case, it is very likely unconstitutional.

It is also most unreasonable and unfair to candidates who depend, as Senator MCGOVERN, Governor Wallace, and others have depended in the past, on individuals who want to participate—and have the right, I believe, to participate—by making small contributions.

Mr. ALLEN. Mr. President, will the Senator yield me 2 or 3 minutes?

Mr. STEVENSON. I yield.

Mr. ALLEN. Mr. President, I support the amendment offered by the distinguished Senator from Illinois, because I believe that it does prompt public participation at the individual level and not through his pocket as a taxpayer. It allows him to contribute his funds individually, and I think that is part of what is lacking in politics today—the lack of public interest and public participation.

The amendment of the distinguished Senator from Illinois does permit private participation up to 50 percent, and then it gives a Federal subsidy of 7.5 cents per person of voting age in the political subdivision in which the candidate is running.

I particularly invite attention to the KENNEDY amendment from the standpoint of the subsidy to Senators and Members of the House. In my State of Alabama, the amount of public funds that would be paid to the various candidates, as shown by the sheet prepared by the distinguished Senator from Massachusetts (Mr. KENNEDY), would be $344,000, to each candidate of each party. That is about 10 times what probably will be spent in Alabama by each candidate for the Senate.

To force $344,000 on the various candidates for office, I think, is not in the public interest. At least, the amendment of the Senator from Illinois would cut that in half and would then permit a candidate to solicit private contributions.

I believe that I am going to be against the Kennedy amendment even if this amendment is adopted. If this amendment is adopted, the Kennedy amendment will be just half as bad as it now is. It would still be bad to vote for it.

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

Mr. ALLEN. I yield.

Mr. KENNEDY. If I am incorrect in this, I should like to be corrected. It is my understanding that the amount involved in the last Senate race in Alabama was a good deal more than the figures the Senator from Alabama has outlined here.

Mr. ALLEN. I referred to the next race.

Mr. KENNEDY. Is the Senator familiar with the figures spent by our dear colleague and distinguished friend from Alabama, Senator SPARKMAN?

Mr. ALLEN. No, I am not familiar with that.

Mr. KENNEDY. It is my understanding that it was somewhere between $700,000 and $800,000 by each of the two major candidates.

Mr. ALLEN. It is a great deal more than will be spent next time, I assure the distinguished Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD the table showing public financing for Senate general elections.

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

PUBLIC FINANCING FOR SENATE GENERAL ELECTIONS—STATE-BY-STATE SPENDING

[15 cents per voter per $175,000 floor]

State	Voting age population (18 years and over)[1]	Amount of public funds
Alabama	2,294,000	$344,100
Alaska	194,000	175,000
Arizona	1,262,000	189,300
Arkansas	1,326,000	198,900
California	13,910,000	2,086,500
Colorado	1,560,000	234,000
Connecticut	2,083,000	312,450
Delaware	369,000	175,000
District of Columbia	527,000	175,000
Florida	5,087,000	763,050
Georgia	3,067,000	460,050
Hawaii	526,000	175,000
Idaho	487,000	175,000
Illinois	7,508,000	1,126,200
Indiana	3,477,000	521,550
Iowa	1,924,000	288,600
Kansas	1,538,000	230,700
Kentucky	2,191,000	328,650
Louisiana	2,348,000	352,200
Maine	683,000	175,000
Maryland	2,679,000	401,850
Massachusetts	3,937,000	590,550
Michigan	5,876,000	881,400
Minnesota	2,542,000	381,300
Mississippi	1,426,000	213,900
Missouri	3,223,000	483,450
Montana	468,000	175,000
Nebraska	1,021,000	153,150
Nevada	347,000	175,000
New Hampshire	513,000	175,000
New Jersey	4,986,000	747,900
New Mexico	657,000	175,000
New York	12,626,000	1,893,900
North Carolina	3,468,000	520,200
North Dakota	411,000	175,000
Ohio	7,130,000	1,069,500
Oklahoma	1,797,000	269,550
Oregon	1,487,000	223,050
Pennsylvania	8,174,000	1,226,100
Rhode Island	668,000	175,000
South Carolina	1,719,000	257,850
South Dakota	444,000	175,000
Tennessee	2,710,000	406,500
Texas	7,614,000	1,142,100
Utah	690,000	175,000
Vermont	304,000	175,000
Virginia	3,182,000	477,300
Washington	2,310,000	346,500
West Virginia	1,209,000	181,350
Wisconsin	2,965,000	444,750
Wyoming	226,000	175,000
United States	139,172,000	20,875,800

[1] Department of Census estimate, voting age population, July 1, 1972, pursuant to the Federal Election Campaign Act of 1971, Public Law 92-225.

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

Mr. STEVENSON. I yield.

Mr. DOLE. Mr. President, I somewhat share the view expressed by the Senator from Alabama. As a candidate next year, I am wondering, do we put off the effective date of this amendment until after the next election?

Mr. STEVENSON. I think that question ought to be taken up separately. The amendment I have offered would apply partial public financing to the 1974 election.

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

Mr. DOLE. I yield.

Mr. KENNEDY. I think there has been a rather clear expression by the Members of the Senate in the past vote on the question of the public financing of Congressional and Senatorial elections. A number of Members who have supported that proposal during the course of the debate and who have spoken to the sponsors of the amendment have pointed out the difficult position in which this amendment places them. In voting for funds for 1974 congressional elections when they themselves are candidates, they will have difficulty in presenting their position and having it understood in their constituencies.

At an appropriate time, when we have the opportunity to consider part II, I hope to offer an amendment which will defer the effective date from 1974 to the 1976 elections. I will do that with a great deal of reluctance, because I think the time to move ahead is now. I know that this has placed many colleagues in an extremely difficult position, but I want to give those assurances to the Senator.

Mr. STEVENSON. I might add that it would be out of order for me at this point to offer such an amendment as part of the amendment I have offered.

Mr. DOLE. I think that many of us who will be running next year have already made some effort so far as private funding is concerned. While I think the people in Kansas are ready for the general concept of public financing, I do not think they are ready to accept giving me $230,000—or, for that matter, anyone else.

I think you can sell the general concept; but when you get down to specifics, do you think XYZ, or his opponent, who is running for reelection, should be allocated so many Federal dollars, you will find a little different attitude on the part of people not only in Kansas but in any other State as well.

Being a Republican, it is possible that I may have a few other problems next year. I would not want to add a light burden what could be a heavier burden in 1974.

So I am pleased with the comment of the Senator from Massachusetts. I think that would make the bill even more acceptable, if we could delay it to 1976, and those who are running in 1976, could delay it to 1978, and those who are running in 1978, could delay it to 1980.

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

Mr. STEVENSON. I yield.

Mr. HANSEN. Mr. President, I would like to see if I interpret the letter by the Senator from Illinois to mean that it is his conviction that limiting contributions to $1,000 by individuals and committees would not raise a constitutional issue that otherwise would exist.

Mr. STEVENSON. Any figure is arbitrary. I think we could probably settle on a lower figure without creating a constitutional question; but it seems to me that at $1,000, no constitutional question would arise.

Mr. HANSEN. Is there any court decision to support that conclusion, or on what basis is the judgment made?

Mr. STEVENSON. I do not know of any court opinions directly on this question.

Mr. HANSEN. But that does reflect the opinion of the Senator from Illinois?

Mr. STEVENSON. Yes, and of experts. It is a question of reasonableness. I think it would be held unconstitutional to prohibit a $5 contribution, but somewhere it becomes reasonable and, therefore, constitutional, and we, as elected public officials, know better than anyone else where that area lies. I think clearly that $1,000 is safe constitutionally.

Mr. HANSEN. Would it be the Senator's opinion that if we were to experience further rampant inflation the time could come when $2,000 would pass the constitutional test as well as the $1,000?

Mr. STEVENSON. I have no doubt that $2,000 would pass the constitutional test now. We can go up as far as we want The question is how far we can go down. Congress would have to review legislation of this kind from time to time either to increase the per individual campaign contribution limits or the amounts of public subsidy, and also the amounts that were permitted to be spent in campaigns by the candidate.

Mr. HANSEN. I thank the Senator.

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

Mr. STEVENSON. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, with great reluctance I find it necessary to oppose the amendment offered by my friend, the Senator from Illinois. In my opinion, there is a good case for a blended system of public and privately supported campaigns, provided that the public share is high enough to give a reasonable guarantee that we have dealt with the problem we are trying to solve here, and that is the corruption of private money.

What bothers me with this 50-percent share in the Stevenson amendment is that it raises again the possibility that candidates seeking to raise the private money they need to run an adequate campaign would accept money in amounts from sources that might again compromise and possibly corrupt the public officials. I am sure that is something that the Senator from Illinois wishes to avoid as much as I do.

The $1,000 ceiling on private contributions, I believe, is unrealistic, if 50 percent of the money has to be raised from private sources.

The $3,000 figure we set in S. 372 was based on our combined judgment that, if you have to raise that money privately, somewhere around the $3,000 level there should be a ceiling to prevent one from going beyond it and therefore able to resist the temptation of getting oneself into a compromised position.

Since I believe $1,000 is unrealistic, I think we will have politicians finding ways to get around the law, to avoid its provisions, to develop tricks which permit them to raise money they need to pay for 50 percent of the cost of a campaign. I think that has been one of the problems of the Corrupt Practice Acts from the beginning, since they are unrealistic from the point of view of ceilings. Politicians have cynically been undermining and running away from the spirit of those laws, creating further cynicism on the part of the public as to the sense of law-abidance on the part of the elected officials.

Since I believe this would cut the public share down to a dangerous level that might again expose politicians to corruption and since the $1,000 based on that theory is also unrealistic, I regret that I must oppose the amendment.

The PRESIDING OFFICER. All time of the Senator from Illinois has expired.

The Senator from Massachusetts has 22 minutes remaining.

Mr. KENNEDY. I am proud to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Does the Senator from Massachusetts renew his motion?

Mr. KENNEDY. Mr. President, I do. I move to table the amendment of the Senator from Illinois.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered.

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

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "nay."

The result was announced—yeas 50, nays 42, as follows:

[No. 516 Leg.]

YEAS—50

Abourezk	Gravel	Montoya
Bayh	Hart	Moss
Bentsen	Haskell	Nelson
Bible	Hatfield	Nunn
Brock	Hathaway	Pastore
Brooke	Huddleston	Pearson
Buckley	Humphrey	Pell
Burdick	Inouye	Randolph
Byrd, Robert C.	Jackson	Ribicoff
Cannon	Javits	Schweiker
Case	Johnston	Scott, Hugh
Chiles	Kennedy	Stevens
Clark	Long	Talmadge
Cranston	Magnuson	Tunney
Domenici	McGee	Williams
Eagleton	McIntyre	Young
Eastland	Mondale	

NAYS—42

Aiken	Biden	Curtis
Allen	Byrd, Harry F., Jr.	Dole
Bartlett	Church	Dominick
Beall	Cook	Ervin
Bellmon	Cotton	Fong
Bennett		Fulbright

Griffin	McClellan	Scott, William L.
Hansen	Metcalf	Sparkman
Hartke	Muskie	Stafford
Helms	Packwood	Stevenson
Hollings	Percy	Taft
Hruska	Proxmire	Thurmond
Hughes	Roth	Tower
Mansfield	Saxbe	Weicker
Mathias		

NOT VOTING—8

Baker	Gurney	Stennis
Fannin	McClure	Symington
Goldwater	McGovern	

So the motion to lay on the table the Stevenson amendment to part 1 of the Kennedy amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to part 1 of the Kennedy amendment as modified. On this question the yeas and nays have been ordered.

Mr. KENNEDY. Mr. President, there are a number of technical amendments that I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will report the amendments.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Mr. President, inasmuch as the yeas and nays have been ordered, is it necessary that unanimous consent be obtained before the amendment can be modified?

The PRESIDING OFFICER. It would take unanimous consent to modify the amendment even if the yeas and nays had not been ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may modify the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The modifications are as follows:

On page 3, line 5, after the word "shall", strike out "also be in" and insert "be filed by such candidate with the Comptroller General. Any withdrawal of any authorization shall also be in".

On page 7, line 16, after the word "may", strike out "respect;" and insert "request;".

On page 10, line 14, after the word Senator", strike out "or" and insert "Delegate, Resident Commissioner, or Representative, from a State which is entitled to only one Representative; or".

On page 10, line 15, after the word "the", insert "Federal".

On page 10, line 16, after the word "Representative", insert "from a State which is entitled to more than one Representative."

On page 13, line 21, after the word "the" where it appears the first time, strike out "Federal Election Commission" and insert "Comptroller General".

On page 18, line 7, after the word "the", strike out "Commission" and insert "Comptroller General".

On page 29, line 3, after the figure "501", strike out "(e)" and insert "(f)".

Mr. KENNEDY. Mr. President, I wish to state that there are two other matters to be considered. For the information of the Senate, one is a matter that the Senator from Maine (Mr. HATHAWAY) has spoken to me about. I hope that we can act expeditiously on that matter.

The second matter is changing the effective date of the application of the amendment to congressional and senatorial elections from 1974 to 1976. That is an amendment to part 2. So, if we could have the amendment offered by the Senator from Maine, he can explain it.

Mr. HATHAWAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. HATHAWAY. 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 the amendment will be printed in the RECORD.

The amendment is as follows:

On page 17, line 8, add "or $30,000, whichever is larger".

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Maine is recognized.

Mr. HATHAWAY. Mr. President, the amendment simply adds language at the end of subsection (b). It would simply add "$30,000 or whichever is larger." This is an amendment that would benefit the smaller States which would not receive very much money under the two cents per eligible voter that the State committee could spend on behalf of all candidates in Senatorial and Congressional races.

Mr. KENNEDY. Mr. President, I urge adoption of the amendment. Under the present proposal, the provision allows 2 cents per eligible voter to be spent by a State party committee. Obviously, in the less populated States, that is a very low figure. The amendment of the Senator from Maine would put on a floor of $30,000 that would be available to the various State committees to spend on behalf of the candidates in their States.

They would still have to raise that money, which they could do from private contributions. However, they would be permitted to do so. It would affect a number of the smaller States.

In addition, the 2 cents a voter provisions are, of course, not intended to allow a national committee to pour its entire allotment into a few State or local races. With the 2 cents overall limit, a 2 cents local race limit also applies. The same sort of local limit also applies to spending by a State committee or local House races in the State.

I think the Senator from Maine has offered a useful and helpful amendment. I would urge the Senate to adopt the amendment. This is an important provision in guaranteeing a role for our political parties.

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

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Maine to Kennedy amendment No. 651 (putting the question).

The amendment was agreed to.

Mr. BELLMON. Mr. President, I have an amendment at the desk. I call up the amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk proceeded to state the amendment.

Mr. BELLMON. 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 the amendment will be printed in the RECORD.

The amendment is as follows:

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

"SEC. 4. PUBLIC FINANCING OF FEDERAL ELECTIONS.

"(a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:".

On page 46, strike out lines 3 and 4, and insert in lieu thereof the following:

"SEC. 5. DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND.".

On page 47, strike out lines 4 and 5, and insert in lieu thereof the following:

"SEC. 6. INCREASE IN TAX CREDIT AND TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.".

On page 47, after line 20, insert the following:

"SEC. 7. AMENDMENT OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

"(a) Section 302(b) of the Federal Election Campaign Act of 1971 is amended by striking out 'in excess of $10'.

"(b) Section 302(c)(2) of such Act is amended by striking out 'in excess of $10'.

"(c) Section 302(d) of such Act is amended by striking out 'in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100'.

"(d) Section 304(b)(2) of such Act is amended by striking out 'in an aggregate amount or value in excess of $100, together with the amount and date of such contributions'.

"(e) Section 304(b)(5) is amended by striking out 'in an aggregate amount or value in excess of $100'.

"(f) Section 304(b)(7) of such Act is amended by striking out 'in excess of $100'.

"(g) Section 304(b)(9) is amended by striking out 'in the aggregate amount or value in excess of $100'.

"(h) Section 304(b)(10) is amended by striking out 'in excess of $100'.

"(i) Section 305 is amended by striking out in an aggregate amount in excess of $100'.

"(j) Section 308(a)(7) is amended by striking out 'shown to have contributed in excess of $100'.".

Mr. BELLMON. Mr. President, I can explain the amendment in a very brief time. I believe the amendment is one that the author of the pending measure might wish to accept.

The law as it presently stands requires the reporting of contributions made in the amount of $100 or more. And it requires the reporting of campaign expenditures in the amount of $100 or more.

It is my feeling that if we are going to go into a system or using the taxpayers' dollars to help pay the cost of campaign expenditures, the taxpayers have a right to know where every dollar of their money has gone. I believe that giving a candidate the authority to spend some of this money in the amount of $100 or less without an accounting is going to open the door for a great deal of public criticism.

It seems to me that this would be no

way to help restore public confidence in our electoral process if we require candidates to account for every dime that they take in or spend, the voters will know what is going on in the campaign.

The PRESIDING OFFICER. The Senator from Oklahoma will suspend. The Chair would inform the Senator from Oklahoma that his amendment is not in order since it amends sections 2, 3, and 4 of the bill which are not presently under consideration.

Mr. BELLMON. I withdraw the amendment and will offer it at an appropriate time.

The PRESIDING OFFICER. The amendment is withdrawn. The question is on agreeing to part 1 of the Kennedy amendment as modified. On this question, the yeas and nays have been ordered.

Mr. BEALL. Mr. President, Amendment No. 651, sponsored by nine Senators, has placed again before the Senate the matter of public financing of Federal political campaigns. Certainly there is a need to act decisively and expeditiously on the reform of our campaign financing procedure. And thus I am pleased that the Senate is once more coming to grips with this pressing problem.

I believe that it is most important that the Congress move to limit campaign expenditures at the Federal level. This amendment accomplishes that goal. However, I am disappointed that its provisions prohibit private contributions to candidates for Federal office, since under the proposal contributions can only be tendered to a State or national political party. For that reason, I supported the amendment offered by the Senator from Illinois (Mr. STEVENSON) which would have permitted 50 percent of campaign expenditures to be funded from private sources, while at the same time providing for sizable moneys from public funds.

This amendment would have still limited private contributions to a level of $1,000 but unfortunately the Senate tabled this positive proposal.

I believe that the proper proposal for public financing of Federal election campaign should involve a blend of public and private contributions. Such a concept would contain the virtues of a public system, while at the same time continuing to permit individuals to participate in the process. I regret that this amendment now on the floor does not contain such language and I would certainly hope its provisions would be modified in conference committee to reflect this blend of financing.

The pending amendment has been quite properly divided into four sections. I will vote to support three of those sections dealing with Presidential primaries, the income tax "checkoffs" and increased tax credit and deductions. However, I must oppose that section dealing with congressional campaign funding. I do this because of what I consider a serious oversight in the amendment; namely, that this legislation makes no provisions as to the financing of primaries for Federal office. The failure to include any provisions dealing with primaries makes this section ineffective, since in many states across the Nation, winning a major party primary is tantamount to election.

Until steps are taken to control primary spending as well as expenditures in general elections, public financing proposals fail to completely come to grips with the problems of our election processes. I urge the appropriate committees of the Congress to give this matter priority consideration, so that a comprehensive public financing bill can be enacted into law.

The PRESIDING OFFICER. The question is on agreeing to part 1 of the Kennedy amendment 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 Mississippi (Mr. STENNIS) is necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "nay."

The result was announced—yeas 52, nays 40, as follows:

[No. 517 Leg.]

YEAS—52

Abourezk	Haskell	Moss
Bayh	Hathaway	Muskie
Bible	Huddleston	Nelson
Biden	Hughes	Pastore
Brooke	Humphrey	Pell
Burdick	Inouye	Percy
Byrd, Robert C.	Jackson	Proxmire
Cannon	Javits	Randolph
Case	Kennedy	Ribicoff
Chiles	Long	Schweiker
Clark	Magnuson	Scott, Hugh
Cook	Mansfield	Stafford
Cranston	Mathias	Stevenson
Eagleton	McGee	Tunney
Fulbright	McIntyre	Williams
Gravel	Metcalf	Young
Hart	Mondale	
Hartke	Montoya	

NAYS—40

Aiken	Dole	Nunn
Allen	Domenici	Packwood
Bartlett	Dominick	Pearson
Beall	Eastland	Roth
Bellmon	Ervin	Saxbe
Bennett	Fong	Scott, William L.
Bentsen	Griffin	Sparkman
Brock	Hansen	Stevens
Buckley	Hatfield	Taft
Byrd, Harry F., Jr.	Helms	Talmadge
Church	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Johnston	Weicker
	McClellan	

NOT VOTING—8

Baker	Gurney	Stennis
Fannin	McClure	Symington
Goldwater	McGovern	

So part 1 of Mr. KENNEDY's amendment (No. 651), as modified, was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to part 2 of the Kennedy amendment.

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 33, following line 15, insert the following: (4) The term 'contribution' means a gift of money made by means of a written instrument which includes on its face the name and address of the person making the gift, except that this definition shall not apply to section 9037.

Mr. TUNNEY. Mr. President, the Kennedy amendment as written in section 2 would make it possible for loans to a Presidential primary to receive a maximum contribution from the Federal Government from the taxpayers to the extent of $100. It seems to me that we should allow only the matching of the gift to a Presidential primary rather than to loans which can be paid back. It does not seem to me that the Federal Government should be making a contribution because the loans will be repaid.

I have discussed the amendment with the Senator from Massachusetts and my understanding is that he is prepared to accept the amendment.

Mr. MONDALE. Yes. The Senator from California (Mr. TUNNEY) has identified what is a flaw in the draft. We should not be able to match a loan, which is not a contribution or a gift. That is, a loan which will be repaid.

Mr. TUNNEY. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY).

The amendment was agreed to.

Mr. ALLEN. Mr. President, I offer an amendment, on page 31, line 20, to strike the words "Matching Payment Fund Act" and to substitute "Political Subsidy Act."

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. ALLEN. Yes, if I may 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. ALLEN. 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 clerk will state the amendment of the Senator from Alabama (Mr. ALLEN).

The assistant legislative clerk read as follows:

Part 2 of Kennedy amendment No. 651—on page 31, line 20, strike all on that line and substitute the words "Political Subsidy Act".

Mr. ALLEN. Mr. President, I do not plan to insist on this amendment, although I do beieve it is a good one. Inasmuch as all time has expired on part 2 of the Kennedy amendment, I offer this amendment for the purpose of using some 4 or 5 minutes of time.

Mr. President, this is the worst part of the amendment because it does subsidize,

as the amendment which I have just submitted implies, the various candidates for the presidential nomination of whatever party.

In order to qualify for this subsidy, all that is necessary is for the candidate for the nomination for the Presidency of either party to raise $100,000 in contributions of not more than $100 each.

Thereafter, until the convention acts, his hand is in the public till for a matching of one-half of the amount he raises in contributions up to $100.

Mr. President, the fact sheet that the sponsors of the amendment have submitted points out that under this amendment, under the Kennedy amendment, part 2, $7 million could be paid out of the public treasury for each bona fide—or nonbona fide, for that matter—candidate of either party for the presidency. In Sunday's paper, the Gallup Poll showed that some 11 candidates were mentioned for the Democratic nomination for the presidency, and some five or six Senators were in that group.

Under this subsidy provision, part 2 of the Kennedy amendment, each of those candidates could receive up to $7 million in matching funds. The same would be true in the Republican Party.

Such candidates as Governor Rockefeller of New York, who certainly would not need any Federal subsidy if he wanted to run for the presidency; Governor Connally of Texas; and Governor Reagan of California could come in for the subsidy. Any of the Senators here who are seeking the Republican nomination or the Democratic nomination would be able to collect up to $7 million from the public treasury to aid them in their campaigns.

This is stretching the concept of public financing of elections just a little far, it seems to the Senator from Alabama. I do not believe it is in the public interest.

This amendment calls for paying out tremendous sums of money. In a Senate race, according to the figures submitted to the Senators by the proponents of the Kennedy amendment, it would cost some $20 million every time one Senator from each State had to run.

In the House, I believe the subsidy is $90,000 for each member of Congress or his opponent. That would be some $180,000 for each member of Congress. That runs up to $80 million or $100 million every time they have a congressional election.

Further on, it provides for doubling the check-off, doubling the amount that can be contributed and claimed as a deduction.

I do not believe that the public wants to go to the extent of financing the candidacy of every person who wants to run for the Democratic or the Republican nomination for President. Talk about a proliferation of candidates. That is what part 2 would provide for. Many people could raise $100,000 and get their hands in the public Treasury to pay for half of the expenses. That might eliminate some tremendous deficits that some of the candidates seem to end up with, but I do not believe it is in the public interest.

I offer these comments because the time has expired for commenting on section two.

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

Mr. ALLEN. I am delighted to yield.

Mr. HANSEN. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Alabama. The distinguished Senator from Arizona (Mr. FANNIN) is necessarily absent this afternoon. Were he here, I know that he, too, would be supporting the proposal of the distinguished Senator from Alabama. I merely wanted to apprise Senators of the feeling of the Senator from Arizona.

Mr. ALLEN. I thank the distinguished Senator.

Mr. DOMINICK. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. DOMINICK. I have been very much impressed with the argument the Senator from Alabama has been making. I have been voting consistently with him on this bill. What I find ironic—and I can make this into a question if I have to, but I prefer not to—is that we originally started out by increasing the public debt limit. The public debt limit has long stopped being a limit; it is merely a movable finish line. Every time the executive comes along with a debt limit, we increase the rate. While we are doing that, we are also increasing the public debt by the Kennedy amendment, whereby a particular candidate gets a subsidy of a million dollars. I intend to vote against the Kennedy amendment.

Mr. LONG. Mr. President, will the Senator yield me time in opposition?

Mr. ALLEN. I yield.

Mr. LONG. Mr. President, I shall vote for the campaign financing amendment. I would be willing to agree that there are ways in which the amendment could probably be improved, but it would seem to me that the adoption of the amendment will have the effect of making clear to all of the Congress that the Senate thinks we ought to act in this area. Really, to try to remove the Presidency from the power of large contributors to affect decisions will not achieve its objective unless there is also a way to prevent candidates for President from becoming so committed to people when trying to raise money in a primary for the Presidency that we fail to achieve our overall objective by public financing of the campaign in a general election.

The brother of the distinguished Senator from Massachusetts, the late Senator Robert Kennedy, made the point in 1967 that we will not achieve what we are trying to accomplish if all we do is a $1 check-off for general elections, because a candidate of modest means would still have to go through the trouble of trying to obtain funds to finance the cost of the primary elections. That would still leave him with hat in hand, seeking private contributions.

It is my judgment that if this amendment for public financing of campaigns is agreed to by the Senate, we will have time—I believe we will—in the years between now and the elections to think about the matter and to make some further modifications. I believe a vote by the Senate tonight for this section of the amendment will change our current practices, and I believe eventually the House will agree, as well. I hope that in this Congress we will see to it that we do find a way to finance Presidential primaries in the most equitable way that any Senator can conceive. This amendment is a beginning. It sets us on this road.

I have no doubt that if the House should accept the amendment, we will find ways in the next year or 2 years, between now and the next Presidential election, to perfect it in ways which will be more satisfactory to the Senator.

As far as I am concerned, I think it will move us toward what will be the best resolution of this issue. This amendment might not do all we hope for, but it will start us on the road toward what we would like to achieve—and that is public financing of primaries leading up to the nomination and election of the President in such a fashion that he would not be in the position of making commitments he does not want to make, in raising campaign funds for either the nomination or the election.

So while there is much merit in what the Senator is saying, I think the objections he voiced would be moderated when he sees in time how we modify this approach to make it what it should be.

Mr. ALLEN. Would it not be the better course of wisdom to arrive at that better plan before we enact it into law?

Mr. LONG. I understand the Senator's argument, and I wish that the Committee on Finance had seen fit to take the time to work on this measure and to try to perfect what was offered to us. It was the judgment of the majority of the committee, and I sensed that it was the judgment of the committee, that we should do this.

Under the circumstances, when the Senate tells us it wants us to act in this area, I believe that all of us should make our contributions with respect to how it should be worked out to the best advantage of the Nation.

Mr. ALLEN. It never has been subjected to hearings in the Senator's committee?

Mr. LONG. We did not have adversary hearings.

Mr. ALLEN. Probably testimony by some sponsors of the amendment.

Mr. LONG. That is correct.

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

Mr. ALLEN. I yield.

Mr. STEVENS. Mr. President, I have supported the Senator from Alabama and the Senator from Louisiana in the attempt to prevent this from becoming a Christmas tree, but I do not believe it is time for Congress to finance the House and the Senate election campaigns. However, I would like to mention that I do think it is time for the Presidential campaign to be taken out of the field of private financing, and I hope that the Senator from Louisiana, as we proceed down this road, would take a look at the suggestion of the Senator from Oregon (Mr. PACKWOOD) for regional financing.

I think this aspect of financing Presi-

dential campaigns is the worst portion of the amendment, but there should be some way to eliminate the people the Senator has mentioned—the extra candidates who obviously are not going to be among the final contenders. It seems to me that with the situation we have today, with the Watergate controversy and all the financing controversies we have, we are required to show the American people that we want the Presidential race to be taken out of the normal sphere of financing.

I do not know what the fate of the measure will be in the House. I intend to support total financing of general Presidential elections. But I hope the Senator from Louisiana will see to it that there is some mechanism to see that we might get the House to release a portion of this, at least for the Presidential race, for the 1976 campaign.

Unless we do it now, I am sure people already are starting to raise money for the 1976 campaign. I understand my good friend from Washington is going to move to extend the Senate and congressional races over to 1976 because people already are raising money for 1974.

I believe the time to act with respect to the Presidency is now. With respect to congressional races, we should put those off for a couple of years to see what happens.

But I do hope that the Senator will do his best to try to hold the Presidential plan.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that if we are going to have any laws passed regulating these matters they should be considered by a committee in the regular way?

Mr. ALLEN. That has been the usual precedent.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that we are now engaged in an exercise of futility because of the House refusing because of the House rule which does not favor Senate nongermane amendments to a House-passed bill?

Mr. ALLEN. That is the case.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that we might use this time in a more profitable fashion than we are using it now?

Mr. ALLEN. I agree.

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

Mr. ALLEN. I yield.

Mr. DOMINICK. One of the things that occurred to me is that everyone wants to get his finger in the pot, and I think that is just as true of a lot of our colleagues here as anyone else in the ordinary world.

What would prevent any Senator who was running in 1976 for election or reelection to suddenly announce he is running for the Presidency and then they get the financing out of that and say, "So sorry, I cannot make it in the New Hampshire primary. I am going to use the money for my Senate campaign."

Mr. ALLEN. It seems to me that could take place.

Mr. DOMINICK. This whole thing, it seems to me, has not been thought through carefully. I am against public financing anyhow for a variety of reasons, but it seems to me that anyone contemplating running for the Presidency in 1976 probably should not vote on this matter.

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. I yield.

Mr. HANSEN. I was particularly interested in the exchange between the distinguished Senator from Alabama and the distinguished Senator from North Carolina. It is unnecessary to call attention to the fact that the Senator from North Carolina has been chairing hearings on this precise question; on a question that is certainly interwoven with the amendment now before us.

I find it inescapable to arrive at a conclusion other than that which has been arrived at by the Senator from North Carolina. It would seem to me that we are, indeed, going about this in the wrong way in saying we have a problem so let us take action now and try to perfect it later.

I have to agree with my good friend from Alabama that a much better way, it seems to me, would be to hold hearings, to let the entire matter go through the regular legislative process, and then bring it before this body after all the options and considerations that are deserving of contemplation have been examined. Having done that, we would be far better able to know what, if any, changes should be made. Without our having gone through that effort and having the benefit of hearings—and I somewhat mention we have not had hearings before the Committee on Finance because there the only testimony, as the chairman pointed out, was from those who favor the legislation in this area—I would have to agree with my good friends from North Carolina and Alabama that it seems inappropriate to add this amendment to a bill which will, indeed, exacerbate a problem we are trying to correct.

As the Senator from Colorado pointed out, we are trying to up the legal limitation on the national debt and accompanying that effort now is an amendment which would further raise the national debt.

I thank my good friend.

Mr. ALLEN. I thank the Senator from Wyoming and the Senator from North Carolina.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The question is on agreeing to part 2.

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 46, line 2, strike "1974" and insert "1975".

Mr. KENNEDY. Mr. President, I think a number of Senators have gone on record in general support for the earlier provision relating to senatorial and congressional campaigns. Although they favor reform, they are concerned with what might seem to be a self-serving act in providing public funds for their own campaigns in 1974. It would seem appropriate that we defer the effective date so that it will not apply until after the 1974 elections. The amendment is so intended.

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

Mr. KENNEDY. I yield.

Mr. DOLE. The Senator has made it perfectly clear that the amendment does take care of the question raised by the Senator from Kansas, the Senator from Washington, and other Senators throughout the day. Is that correct?

Mr. KENNEDY. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

The amendment to part 2 of amendment No. 651 was agreed to.

Mr. ALLEN. Mr. President, I call for the yeas and nays.

Mr. SCHWEIKER. Mr. President——

Mr. ALLEN. Mr. President, I withdraw my request.

Mr. SCHWEIKER. Mr. President, I would like to answer a few of the spurious charges that have been brought against this section of the amendment in the colloquy and in the Senator from Alabama's comments. Some statements have been made that are not a matter of record as far as the amendment is concerned. This particular section of the bill relates very specifically to the original bill that the Senator from Minnesota (Mr. MONDALE) and I introduced on July 24 of this year, S. 2238, and this particular concept——

The PRESIDING OFFICER. The Chair must notify the Senator that all time on the amendment has expired.

Mr. SCHWEIKER. On which amendment?

The PRESIDING OFFICER. On part 2 of the Kennedy amendment. There is no further time.

Mr. KENNEDY. Mr. President, a parliamentary inquiry. There is 1 hour.

The PRESIDING OFFICER. The Senate already has agreed to the amendment on the date, so there is no amendment before us other than part 2 of the amendment, on which all time has been used.

Mr. KENNEDY. Is there time on the bill?

The PRESIDING OFFICER. There is no time left on the bill.

Mr. SCHWEIKER. Mr. President, may I make a parliamentary inquiry?

Mr. KENNEDY. Mr. President, may I ask unanimous consent to have 5 minutes yielded to the Senator?

The PRESIDING OFFICER. Is there objection?

Mr. AIKEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question is on adoption of part 2 of the amendment, as amended.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "nay."

The result was announced—yeas 54, nays 38, as follows:

[No. 518 Leg.]

YEAS—54

Abourezk	Hart	Metcalf
Bayh	Hartke	Mondale
Beall	Haskell	Montoya
Bentsen	Hathaway	Moss
Bible	Huddleston	Muskie
Biden	Hughes	Nelson
Brooke	Humphrey	Pastore
Burdick	Inouye	Pell
Cannon	Jackson	Percy
Case	Javits	Proxmire
Church	Johnston	Randolph
Clark	Kennedy	Ribicoff
Cook	Long	Schweiker
Cranston	Magnuson	Scott, Hugh
Dole	Mansfield	Stafford
Eagleton	Mathias	Stevens
Fulbright	McGee	Tunney
Gravel	McIntyre	Williams

NAYS—38

Aiken	Dominick	Roth
Allen	Eastland	Saxbe
Bartlett	Ervin	Scott, William L.
Bellmon	Fong	Sparkman
Bennett	Griffin	Stevenson
Brock	Hansen	Taft
Buckley	Hatfield	Talmadge
Byrd, Harry F., Jr.	Helms	Thurmond
Byrd, Robert C.	Hollings	Tower
Chiles	Hruska	Weicker
Cotton	McClellan	Young
Curtis	Nunn	
Domenici	Packwood	
	Pearson	

NOT VOTING—8

Baker	Gurney	Stennis
Fannin	McClure	Symington
Goldwater	McGovern	

So part 2, of amendment No. 651, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on part 3 of the Kennedy amendment.

Mr. LONG. Mr. President, I send to the desk an amendment to part 3 of the Kennedy amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

On page 46, strike out lines 8 through 19 and insert in lieu thereof the following:

"Campaign Fund) is amended by striking out '$1' each time it occurs and inserting in lieu thereof '$2'; and by striking out '$2 or more' where it occurs and inserting in lieu thereof '$4 or more'; and by striking the word 'Presidential' and inserting in lieu thereof 'Federal'."

Mr. LONG. Mr. President, as part 3 of this amendment is written, it says that the check-off is increased from $1 to $2 and that a person in effect has agreed that he should be regarded as making the contribution or favoring the contribution unless he marks that he does not want to do so.

This is sort of a silent, give-consent type of election. I fear that it could be misunderstood and that the public might think we are trying to slip something past them. I think it is far better for those of us who favor this concept to simply make a direct appeal to the public next April that they make the check-off. It will be on the tax return. Since last year, we have amended the provision to simplify the check-off and require it to be on the front page or on the page where the taxpayer signs the return.

I can show Senators where it will now appear on the return. This is shown on the copies of the new 1973 tax returns on your desks.

I feel confident that it would be better to let the public be urged to mark it one way or the other where they can mark it affirmatively it they want to checkoff, rather than to mark it negatively. I believe this approach would appeal much more to the public.

I hope that this amendment will be accepted by the sponsors or otherwise agreed to.

I ask the distinguished Senator from Massachusetts whether he favors this amendment.

Mr. KENNEDY. Mr. President, I think that this is an extremely useful suggestion. As the Senator from Louisiana knows, the inclusion of the dollar check-off on the individual tax returns was really brought about as a result of the outstanding work of the Senator from Louisiana.

I think that the American people will have a much greater opportunity in 1973 than they had a year ago on their tax forms to indicate their support for this approach to public financing. I would hope that the Senate would accept the amendment. I think it is a useful amendment.

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana to part 3 of the Kennedy amendment (putting the question).

The amendment was agreed to.

Mr. LONG. Mr. President, in order to expedite the work of the Senate this evening, I now ask unanimous consent that my request for a further division of this amendment be vacated so that we may vote on the remaining sections with one vote. I see no point in having several votes on the remainder of the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. BELLMON. Mr. President, I call up my amendment which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. BELLMON's amendment is as follows:

On page 46, strike out lines 3 and 4, and insert in lieu thereof the following:

"SEC. 5. DESIGNATION OF INCOME TAX PAYMENTS TO FEDERAL ELECTION CAMPAIGN FUND.".

On page 47, strike out lines 4 and 5, and insert in lieu thereof the following:

"SEC. 6. INCREASE IN TAX CREDIT AND TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.".

On page 47, after line 20, insert the following:

"SEC. 7. AMENDMENT OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

"(a) Section 302(b) of the Federal Election Campaign Act of 1971 is amended by striking out 'in excess of $10'.

"(b) Section 302(c)(2) of such Act is amended by striking out 'in excess of $10'.

"(c) Section 302(d) of such Act is amended by striking out 'in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100'.

"(d) Section 304(b)(2) of such Act is amended by striking out 'in an aggregate amount or value in excess of $100, together with the amount and date of such contributions'.

"(e) Section 304(b)(5) is amended by striking out 'in an aggregate amount or value in excess of $100'.

"(f) Section 304(b)(7) of such Act is amended by striking out 'in excess of $100'.

"(g) Section 304(b)(9) is amended by striking out 'in an aggregate amount or value in excess of $100'.

"(h) Section 304(b)(10) is amended by striking out 'in excess of $100'.

"(i) Section 305 is amended by striking out 'in an aggregate amount in excess of $100'.

"(j) Section 308(a)(7) is amended by striking out 'shown to have contributed in excess of $100'.".

Mr. BELLMON. Mr. President, this amendment has already been discussed earlier in the day. It would simply require that all contributions of whatever size and all expenditures of whatever size be reported, for the reason that if we are to be using public funds in political campaigns, the public has a right to know how the funds are being spent, and also, to make this kind of reporting meaningful, the public needs to know the total amount of moneys from all sources being received.

The matter has been discussed with the author of the amendment. I am not sure what his position is.

Mr. KENNEDY. Mr. President, for the benefit of the Senate, similar provisions are included in S. 372, down to a limit of $100. Since the Senator from Oklahoma

raised this issue, I have talked with the Senator from Nevada, who was the manager of S. 372, and he has expressed some concern that the amendment would raise certain administrative problems.

We are all interested in full disclosure of campaign contributions and expenditures. I believe the $100 limitation strikes the right balance.

This is an issue that has been considered in very great detail by the Rules Committee, which reached the $100 figure. I think that is preferable from the administrative point of view, and vastly preferable.

Mr. President, the hour is late. I would hope that perhaps we could accept the amendment, and the members of the Finance Committee, working with Senator CANNON as well as the proponents of the bill in the House of Representatives, could make this proposal conform with good, sound, practical, reporting procedures.

I am willing to accept the amendment, if the other sponsors have no objection.

Mr. BELLMON. Mr. President, this form of acceptance leaves me in some doubt as to whether we should have a record vote on this matter. I am rather in doubt as to whether the author of the amendment (Mr. KENNEDY) is persuaded of the merits of my proposal, and might not be too much of a champion of it when we get to conference. For that reason, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, my amendment to the Kennedy amendment would modify the Federal Election Act of 1971 in order to mandate that in elections for Federal office all candidates must make complete and fully accurate financial disclosures of their campaign receipts and expenditures.

Present disclosure provisions of Public Law 92-225, the Federal Campaign Act, require that periodic reports be filed either with the Secretary of the Senate or the Clerk of the House of Representatives, as well as the office of secretary of state of the State in which such election is held. These reports must contain the full name, mailing address, as well as the occupation or principal place of business, if applicable, for each person who has either contributed or to whom expenditures have been made in an amount "in excess of one hundred dollars."

My amendment is easily understood. It would simply remove the "one hundred dollars or less exemption for public disclosure" as presently contained in the Federal Election Campaign Act. By removal of this exemption, we would finally achieve a complete disclosure requirement for all campaign contributions and expenditures in Federal elections.

This change in Federal law would represent a significant step in restoring public confidence in our political process and elected officials. Congress must act to reverse the trend of the past year during which events have eroded the public's faith and trust in their elected representatives to an all-time low. It has always been my conviction that disclosure represents the most effective means for countering the public outcry of undue influence and campaign abuse. Full and complete financial disclosure of all expenditures and contributions will have the additional benefit of properly identifying those interests which support a candidate for Federal office. In addition, Mr. President, the citizens of this country who make the political process function by giving of their time, effort and support by campaign contributions have a right to know how their contributions, no matter how small, are being spent.

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. BELLMON. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time, and ask unanimous consent to have a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON) to the amendment (No. 651) of the Senator from Massachusetts (Mr. KENNEDY). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "yea."

The result was announced—yeas 56, nays 36, as follows:

[No. 519 Leg.]

YEAS—56

Abourezk	Cook	Pearson
Aiken	Cotton	Percy
Allen	Curtis	Proxmire
Bartlett	Dole	Randolph
Bayh	Domenici	Ribicoff
Beall	Dominick	Roth
Bellmon	Ervin	Saxbe
Bennett	Fong	Schweiker
Biden	Gravel	Scott, Hugh
Brock	Griffin	Scott, William L.
Brooke	Hansen	Sparkman
Buckley	Hatfield	Stafford
Burdick	Helms	Stevens
Byrd, Harry F., Jr.	Hruska	Taft
Byrd, Robert C.	Humphrey	Thurmond
Case	Mansfield	Tower
Chiles	Mathias	Weicker
Church	Nunn	
Clark	Packwood	
	Pastore	

NAYS—36

Bentsen	Huddleston	Metcalf
Bible	Hughes	Mondale
Cannon	Inouye	Montoya
Cranston	Jackson	Moss
Eagleton	Javits	Muskie
Eastland	Johnston	Nelson
Fulbright	Kennedy	Pell
Hart	Long	Stevenson
Hartke	Magnuson	Talmadge
Haskell	McClellan	Tunney
Hathaway	McGee	Williams
Hollings	McIntyre	Young

NOT VOTING—8

Baker	Gurney	Stennis
Fannin	McClure	Symington
Goldwater	McGovern	

So Mr. BELLMON's amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that from now on, rollcall votes not exceed 10 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I want to make it clear that my earlier objection was registered on behalf of another Senator, and that Senator has withdrawn his objection.

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

The question is on agreeing to parts 3 and 4 of the Kennedy amendment.

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

The yeas and nays were ordered.

Mr. PERCY. Mr. President, as long as we have a system of financing of elections which allows private contributions, I think we should limit large individual political contributions to political candidates, but encourage smaller contributions from more people. I think there is a step we can take to positively encourage more contributions from a larger number of people, which this section is designed to do.

This section, Mr. President, would double the allowable tax credit or tax deduction for political contributions.

The section would double the allowable tax credit for a political contribution from $12.50, as in current law, to $25 in the case of an individual and from $25 to $50 in the case of a couple.

If people chose to take a tax deduction, the allowable tax deduction would be increased from $50 to $100 in the case of an individual and from $100 to $200 in the case of a couple.

Mr. President, I originally introduced this section on June 4, 1973, as part of my campaign spending reform bill, S. 1936, cosponsored by Senator Moss and Senator COOK. As this provision related to the tax code, not within the jurisdiction of the Rules Committee, it was not incorporated in S. 372, the omnibus campaign spending bill reported from the Rules Committee.

For the same constitutional questions, I was not able to add it as a floor amendment to S. 372 which passed the Senate in late July of this year. At that time, Senator LONG suggested it would be more appropriate to offer this provision on a House-passed revenue bill after the August recess. Today seems an appropriate day to take this action and I am pleased we are voting on this today.

I feel that enactment of this section would encourage a broader range of peo-

ple to participate in the political process and I urge its enactment. I ask unanimous consent that a letter from the Secretary of the Treasury dated August 28, 1973, giving the cost of my bill previously offered, be incorporated following this statement.

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

SECRETARY OF THE TREASURY,
Washington, D.C., August 28, 1973.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: This is in reply to your letter of August 3, 1973, in which you asked for my views on the effect of S. 2280, a bill you recently introduced which would increase the ceilings on both the credit and the deduction for political contributions.

At this time I cannot answer your specific questions relating to the use of these credits and deductions on 1972 tax returns because the Internal Revenue Service has not yet completed tabulations for returns filed last spring. The soonest we expect preliminary information from 1972 returns is in late November or December; and even then returns filed late or otherwise subject to processing difficulties may be excluded.

Having confessed that we lack the proper data to evaluate the effect of your bill, I believe that the cost of S. 2280 would run approximately $30 million in a presidential election year and perhaps half this amount in a congressional election year. I base this in part on some early studies used to develop the estimated impact of the campaign contributions credit and deduction provisions enacted in 1971 and in part on a relatively small sampling of returns filed for 1972.

I trust this information will be helpful.

With best regards,

Sincerely yours,

GEORGE P. SHULTZ.

The PRESIDING OFFICER. The question is on agreeing to parts 3 and 4 of the Kennedy amendment. 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 Mississippi (Mr. STENNIS) and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "nay."

The result was announced—yeas 63, nays 28, as follows:

[No. 520 Leg.]

YEAS—63

Abourezk	Bentsen	Brock
Bayh	Bible	Brooke
Beall	Biden	Burdick
Byrd, Robert C.	Humphrey	Nunn
Cannon	Inouye	Packwood
Case	Jackson	Pastore
Chiles	Javits	Pell
Church	Johnston	Percy
Clark	Kennedy	Proxmire
Cranston	Long	Randolph
Eagleton	Magnuson	Ribicoff
Fong	Mansfield	Schweiker
Fulbright	Mathias	Scott, Hugh
Gravel	McGee	Sparkman
Hart	McIntyre	Stafford
Hartke	Metcalf	Stevens
Haskell	Mondale	Stevenson
Hatfield	Montoya	Taft
Hathaway	Moss	Tunney
Huddleston	Muskie	Williams
Hughes	Nelson	Young

NAYS—28

Aiken	Domenici	Pearson
Allen	Dominick	Roth
Bartlett	Eastland	Saxbe
Bellmon	Ervin	Scott, William L.
Bennett	Griffin	Talmadge
Buckley	Hansen	Thurmond
Cook	Helms	Tower
Cotton	Hollings	Weicker
Curtis	Hruska	
Dole	McClellan	

NOT VOTING—9

Baker	Goldwater	Stennis
Byrd, Harry F., Jr.	Gurney	Symington
Fannin	McClure	
	McGovern	

So parts 3 and 4 of Mr. KENNEDY's amendment (No. 651) were agreed to.

Mr. DOMENICI. Mr. President, I have not heretofore been a stanch advocate of paying for campaigns or elections with tax funds. However, recent events have led me to consider, along with the other many rules and regulations, some system for partial or total public financing of campaigns.

Nevertheless, I honestly do not believe that a bill dealing with the limit on the national debt is the place to provide the statutory authority for public financing of campaigns. Further, I do not feel that there has been enough consideration of the procedures required to integrate and coordinate public campaign financing with the other rules and regulations which exist and which yet need to be created. Neither do I believe that enough emphasis or considerations has been given to the proper mix of private money with tax money nor have sufficient tax incentives for individual contributions been considered. Tax deductible contributions are another way to finance political campaigns, but individual efforts on the part of campaigns will be credited in one instance but perhaps penalized in other instances.

I do feel that $175,000 as a floor for a statewide general election for a U.S. Senator with a wide-open, no-limit primary would be a disaster. I frankly believe that a national experiment with Presidential general elections as the test vehicle with tax deductible contributions, maximum individual contributions of perhaps $500, and a national subsidy of one-half or more of some maximum figure of $30 to $40 million would be far preferable to the provisions contained in this bill.

I hope that I am believed when I say that I will give serious thought to innovative measuers to accomplish public financing of political campaigns, but I do not believe that taxpayers money or private citizens money automatically carry with them the qualities of fair play and morality on the part of the user. The use abuse can be cured by legislation. The overreaching and improper expectations of the giver is what we are trying to correct with this proposal and it just does not do that. Consequently, I am forced to vote against this amendment with the full expectation that if it fails to become law, legislation of this importance will have the benefit of the full legislative process it deserves rather than being simply added as an amendment to a bill to which it is not even germane.

I am confident that in that legislative process the concerns which I have expressed above will have an opportunity to be thoroughly addressed.

Mr. PELL. Mr. President, earlier this year, the Subcommittee on Privileges and Elections and its parent Committee on Rules and Administration were deeply involved with a number of election reform bills which were debated on the Senate floor before passage by the Senate.

One of those bills, S. 372, "The Federal Election Campaign Act Amendments of 1973," was brought before this body during the last week of July.

At that time, many proposed amendments were introduced by my colleagues. and among them were various public financing measures which had not been considered by the committee.

Following a period of discussion on public financing some of the proposals were withdrawn on the assurance of Senator CANNON, chairman of the Committee on Rules and Administration, and my assurance, as chairman of the Subcommittee on Privileges and Elections, that hearings would be held in September of this year.

However, the so-called Kennedy-Scott Amendment No. 406, to S. 372, was further debated and was subsequently tabled by the Senate.

Thereafter, on September 18, 19, 20, and 21, my Subcommittee on Privileges and Elections held public hearings on all public financing legislation.

Forty or more witnesses gave their views, and while a great preponderance of testimony favored public financing, there was no consensus or unanimity of opinion. Clearly there was a need to evaluate various proposals to determine a system designed to arouse interest and support in the Congress and from the electorate.

During the course of its studies the committee was given the duty of considering the qualifications of Congressman GERALD FORD to become the Vice President of the United States, and therefore public financing legislation was delayed, but only by a few days.

I introduced a bill, S. 2718, on the 16th of November 1973.

But, on the 13th of November an amendment to the Debt Ceiling Act was offered. That amendment, No. 651, incorporates many, if not all, of the proposals introduced during the consideration of S. 372 and now with the adoption of the Allen amendment incorporates all of S. 372.

I believe that the amendment offered by the senior Senator from Massachusetts (Mr. KENNEDY) and by several other

of my distinguished colleagues in the Senate, is a substantial and worthy contribution toward the public financing of Federal elections.

However, it varies in several points from the provisions of my Public Financing bill:

First, it does not cover all primary elections—S. 2718 does.

Second, it does not provide for matching private and public funds in all elections—S. 2718 does.

Third, it does not require all candidates to prove their public appeal by raising base amounts or "seed" money—S. 2718 does.

Fourth, it does not incorporate the provisions of the Federal Election Campaign Act of 1971 and the provisions of the Amendments of 1973 (S. 372)—S. 2718 does.

Fifth, it contains many complex formulas and administrative burdens, with advisory boards and other requirements not contained in any existing law or other Senate-passed bill.

S. 2718 was not introduced as a perfect bill. It was intended to be an initial stage in the regular Senate procedure. It was a first step along the road to public financing with the expectation that committee action would amplify and polish it until it would meet general requirements and obtain broad approval. It has been reported by the subcommittee to the full Committee on Rules and Administration.

In summary, Mr. President, I am not convinced that amendment No. 651 is the best possible public campaign financing bill. Because of my concern over this legislation, as chairman of the Subcommittee on Privileges and Elections, I had introduced by bill (S. 2718) as a substitute for the pending amendment. However, I recognize that we are now operating under unusual parliamentary circumstances, and in view of all the circumstances I will not call up my substitute amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

Strike lines 7 through 9 on page 2 and insert the following: (other than by timely payment in full) unless the appropriate Committees of the Congress are kept currently informed of the ongoing status of any such negotiation, and provided with the text of any agreement in a reasonable time prior to its signature on behalf of the United States—

Mr. BENNETT. Mr. President, I share with the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the author of this amendment, and other Members of the Senate, the concern that has arisen over the fact that there have been some rescheduling and renegotiations of debts that after the fact seem to be unwise. But the amendment as it was written would make it absolutely impossible for our negotiators to act in some situations where we are trying to renegotiate a debt owed the United States by a foreign government.

Under the amendment, if it were agreed to, we would have to wait until the proposal came back to Congress and was acted upon by both Houses, in which case we would lose our opportunity to participate in the most vital sections of the negotiations.

So instead of saying, as the amendment now says:

No debt owed to the United States Government under any program by any foreign government may be canceled, renegotiated, rescheduled, or settled in any manner (other than by timely payment in full) unless the Congress specifically authorizes by concurrent resolution the cancellation, renegotiation, rescheduling, or other settlement of the debt,

I propose that we provide:

No debt owed to the United States Government under any program by any foreign government may be canceled, renegotiated, rescheduled, or settled in any manner (other than by timely payment in full) unless the appropriate committees of the Congress are kept currently informed of the ongoing status of any such negotiation, and provided with the text of any agreement in a reasonable time prior to its signature on behalf of the United States.

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

Mr. BENNETT. I yield.

Mr. AIKEN. Would this proposal of the Senator require the committee to approve it?

Mr. BENNETT. It would not require the committee to take formal action to approve it. It requires only that the negotiators inform the committee. But I assume if members were disturbed by the potential settlement they would be in a position to make clear they would not approve it.

Mr. AIKEN. And this would be made to the appropriate committees of Congress?

Mr. BENNETT. The Senator is correct.

Mr. AIKEN. I think that takes care of the situation. But section 3, as printed in the bill, would make all kinds of trouble for the United States having obligations due from other countries, some of which would not be all of our own.

So I think the proposal of the Senator would take care of this situation. I think the Asian countries are primarily involved. I am not sure about that. But the proposal is a great improvement over the bill as it stands now.

Mr. BENNETT. Certainly nothing could proceed in the absence of knowledge by the appropriate committees, and I would think they would have the power to indicate their disapproval—very strong disapproval.

Mr. AIKEN. If there is, very few committees would make the situation known to Congress.

Mr. BENNETT. Were it more or less acceptable on its face, this would not force the whole matter to be held up for more formal action by both Houses of Congress.

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

Mr. BENNETT. I yield.

Mr. JAVITS. I have one suggestion. I think the Senator has found an ingenious way to deal with the problem. I suggest for his consideration the possibility of including the words "at least 15 days before the agreement is signed," because no time is provided in the Senator's amendment.

Mr. BENNETT. I thought about that, but I could envision some situations of 15 days delay before signatures have been started. I have no objection to putting in a time limit, but I just wonder if it will not limit the process.

Mr. JAVITS. "Reasonable time." Otherwise we might get a letter the day before saying, "We are going to sign today."

Mr. AIKEN. The way things are going in the Middle East, we might not have more than a day. Well, of course, we would have more than that—undoubtedly a few days.

Mr. JAVITS. Let us say "as reasonable a time as practical."

After the word "agreement," insert "a reasonable time prior to its signature."

Mr. BENNETT. After the word "agreement," insert "a reasonable time prior to its signature."

I am very happy to accept that.

The PRESIDING OFFICER. Does the Senator ask that his amendment be so modified?

Mr. BENNETT. I do.

The PRESIDING OFFICER. It will be so modified.

Mr. LONG. Mr. President, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) offered an amendment in committee. I believe it was unanimously, or virtually unanimously, agreed to. It provided that the administration would not forgive $3 billion owed to us by India. Recently we had this question before us. We were asked by the Executive to forgive $3 billion India owes us. We would just write off $3 billion. The Senator from Virginia offered an amendment to a Senate bill to require congressional approval of the loan settlement.

Prior to that, Everett Dirksen had offered an amendment that they would not forgive—that was the language—without the consent of Congress.

Then the administration produced an Attorney General's interpretation to say that the Dirksen amendment referred only to loans made under the Foreign Assistance Act and that loans made under the Economic Cooperation Act could be forgiven without the consent of Congress.

The Senator's amendment to the committee's amendment would say that the administration could forgive the whole $58 billion.

It may be that if we had a debt limit bill, at that point we might prevent them from forgiving a loan. But in the absence of a debt limit bill, we would be kept more or less powerless to forgive loans. If they have loan terms to be approved on a schedule, they would come in and tell us, but in the absence of a good case, I see no reason why we ought to forgive $3 billion. As a matter of fact, if the United States is going to make a gift of $3 billion to somebody, why should Congress not have the privilege of partici-

pating in the $3 billion gift to India, for example?

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

Mr. LONG. I yield.

Mr. CASE. It seems to me the chairman of the committee makes a point that many of us have been urging in many areas of executive-congressional activities for a long time, and I do not think Congress should advocate this further authority in any way. I agree with the Senator from Virginia. I think he is right about it. I do not think this amendment should be accepted because it implies, and the whole basis for it is, that the President has this authority. He has no authority to give away American property.

Mr. LONG. I thank the Senator.

Mr. President, I see that the Senator from Virginia has arrived on the scene at this particular time.

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

Mr. LONG. I yield.

Mr. CHILES. I just want to say that I agree with the chairman. It seems to me that every time we start up the hill and say that we are going to reassume our constitutional duties—and this is a duty of ours under the Constitution; we are the ones who tax the people and we are the ones who spend their money and give it away—somebody says it is going to be too much of a burden. "It is going to be too much of a burden on the Congress. It is going to be too much of a burden on the administration. So we will notify you in advance and if the committees do not like it, they can do something about it."

Mr. President, I am on some committees. How do we get notified? We were notified only in time to pass a bill to change the standard for the dollar and revalue it. We were notified after others had revaluated the dollar and the stock market had revaluated the dollar. They said then, after the second time the dollar was devalued, that they consulted with 13 countries. I think that was the number. But they did not consult with anybody in Congress until the day after the public announcement. The day before the announcement they called some of the leadership in. That is how we were consulted.

Then we were consulted to pass legislation, but by that time the stock market and the international market and everything else had revaluated the dollar.

Now all we have to do is pass a simple resolution. I do not know of anything that passes more quickly than a noncontroversial resolution. It zooms through here. But it is said that it would be too much of a burden, so we are getting ready to go back down the hill and not meet the constitutional responsibility that we are required to exercise, so we can pass on the question of giving away our money.

Maybe we do not want to tell the American people that we gave it away. Maybe it is easier to say the President gave it away, that we did not do it. But I think at this point, when we have decided to go up the hill, we are now about to go back down the hill again. For once, why do we not stand on where we are trying to take back some of our authority?

Mr. LONG. Mr. President, I live in the hope that one of these foreign aid programs will succeed. If it does, they will be able to pay us back. Just in the hope that it is actually going to work out that way, I would think we might hang on a while in order to see if, by some good fortune, some country might react the way we hope the foreign aid program will make it react, and in that event, it would pay back what it owes us.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HARRY F. BYRD, JR. One hundred eight different countries owe the United States money. One hundred eight different countries owe the U.S. taxpayers a total of $58 billion.

The principle involved here is very simple. That money, it seems to me, belongs to the American taxpayers. Before that money can be rescheduled or renegotiated, or after it is rescheduled or renegotiated, before it can become effective in reducing the indebtedness of other countries to the United States, this amendment says—and it was put on by the Finance Committee without opposition, as I recall—that the Congress shall approve any such settlement.

It is a very simple principle. Do we want to give to the executive branch the right to make any settlement they wish in regard to the $58 billion owed to the American taxpayers, or should the Congress give final approval? I hope the Finance Committee will be sustained in its position.

Mr. LONG. Mr. President, I hope the amendment is not agreed to.

Mr. BENNETT. Mr. President, I have something to say on the Senator's comments. I am not striking the amendment. I found I could amend it.

My amendment provides that the appropriate committees of Congress shall be notified of ongoing negotiations, in a reasonable time, and provided with the text of the negotiations before the United States signs it. So that it seems to me that there is no problem and that it can go through without any serious problem with the timetable. If there is a problem, the appropriate committee can make it perfectly clear to the administration that it disapproves the signature. I think it has ways and means of getting public opinion aroused to prevent it.

But if we force the negotiators to hang in limbo until Congress acts, in the case of a multinational negotiation or a renegotiation, they will deal with all the other countries and leave us out.

Mr. HARRY F. BYRD, JR. It is not a multinational proposition; they are debts owed to the United States.

Mr. BENNETT. But it also affects amounts owed to other countries, and the countries get together as a group to try to settle the financial problems of the backward, underdeveloped country.

Mr. HARRY F. BYRD, JR. It is a question for Congress to decide whether it wants to give away its responsibilities and its rights. I happen to think that Congress should be the only group that has the power to eliminate or appropriate or get rid of tax funds. It should be done by the Congress itself.

Mr. LONG. Mr. President, I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. AIKEN. Mr. President, may I say a word?

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. AIKEN. Mr. President, I was asking for recognition when the tabling motion was made.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. LONG. Mr. President, I had moved to table the amendment.

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

Mr. AIKEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana withhold the motion to table?

Mr. AIKEN. Mr. President, I have waited all afternoon.

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

Mr. LONG. Mr. President, how much time does the Senator from Vermont want?

Mr. AIKEN. About 2 minutes.

Mr. LONG. Mr. President, I ask unanimous consent that I may withhold my motion for a few minutes.

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

Mr. AIKEN. Mr. President, I wanted to say that the conferees of both the House and the Senate agreed that it would be unwise to keep this provision in the foreign aid authorization bill. Sure, India owes us $3 billion, but if we go through and insist on that, chances are we will get nothing, and if we make a deal we will get $65 million a year, I understand. I do not know for how many years. But it is a lot better than nothing.

If 108 countries owe us money, that includes virtually every country in Western Europe. Are we going to put the squeeze on France, Belgium, and other countries in Western Europe?

Right now we are thinking of the Middle East, where we have a substantial amount owed us by Egypt. It might be handy for us to be able to make a deal with Egypt. I do not know what it is. I have a feeling it is about $500 million. I do not know how much they owe us. It might be very handy. But the same law that applies to India should apply to all other countries.

Thank goodness we did get our account with Russia settled I believe. I hope that Russia is not the only country, along with Finland, Yugoslavia, and a few others.

I think it extremely unwise to pass this measure unless it is amended as suggested by the Senator from Utah.

Mr. HARRY F. BYRD, JR., subsequently said: Mr. President, the Committee on Finance believes that the Executive should not reschedule or cancel debt of foreign governments without the approval of Congress. This money is owed to the Government of the United States—

namely, to the taxpayers of the United States.

It is significant, I think, that in 1966, when a Democratic President was in the White House, the Republican leader of the Senate, the late Senator Dirksen, submitted an amendment to the Foreign Assistance Act of 1961. This is the amendment offered by the then Republican leader:

No recipient of a loan under authority of this Act—

Namely, the Foreign Assistance Act—

any part of which is outstanding on or after the date of enactment of this subsection [September 19, 1966], shall be relieved of liability for repayment of any part of the principal of or interest on such loan.

Mr. President, I favored that proposal in 1966, when a Democratic President was in the White House.

Now we come to 1973, and the Committee on Finance wrote into the pending measure this proposal:

SEC. 3. No debt owed to the United States Government under any program by any foreign government may be canceled, renegotiated, rescheduled, or settled in any manner (other than by timely payment in full) unless the Congress specifically authorizes by concurrent resolution the cancellation, renegotiation, rescheduling, or other settlement of the debt.

Mr. President, these two proposals are quite similar; really they are almost identical. One was offered in 1966 by the then Republican leader of the Senate and the other was offered in 1973 by the Committee on Finance, the authors of that proposal in the committee being the Senator from Virginia, the Senator from Kansas (Mr. DOLE), the Senator from Wyoming (Mr. HANSEN), and the Senator from Delaware (Mr. ROTH).

So I think it is an appropriate proposal and one which Congress should adopt. I favored it in 1966 and I favor it in 1973.

Mr. LONG. Mr. President, I renew my motion to table the amendment of the Senator from Utah, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bennett amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "yea."

The result was announced—yeas 57, nays 34, as follows:

[No. 521 Leg.]

YEAS—57

Abourezk	Eastland	Mondale
Allen	Ervin	Montoya
Bartlett	Fulbright	Moss
Bayh	Gravel	Nelson
Bentsen	Hansen	Nunn
Bible	Hartke	Packwood
Biden	Haskell	Pell
Brooke	Hatfield	Proxmire
Burdick	Hathaway	Randolph
Byrd, Harry F., Jr.	Helms	Ribicoff
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Schweiker
Case	Hughes	Scott, William L.
Chiles	Inouye	Sparkman
Church	Jackson	Talmadge
Clark	Johnston	Tunney
Cranston	Long	Weicker
Dole	Magnuson	Williams
Dominick	Mansfield	
	McClellan	

NAYS—34

Aiken	Griffin	Percy
Beall	Hart	Saxbe
Bellmon	Hruska	Scott, Hugh
Bennett	Humphrey	Stafford
Brock	Javits	Stevens
Buckley	Kennedy	Stevenson
Cook	Mathias	Taft
Cotton	McGee	Thurmond
Curtis	Metcalf	Tower
Domenici	Muskie	Young
Eagleton	Pastore	
Fong	Pearson	

NOT VOTING—9

Baker	Gurney	McIntyre
Fannin	McClure	Stennis
Goldwater	McGovern	Symington

So the motion to lay Mr. BENNETT's amendment on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 11104) was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, while we have some Senators present, I would like to say just about 4 minutes worth of words, and I shall not take any longer than that.

Many Senators will recall that back in 1971 the Senate and the House of Representatives individually passed a debt limit of $250 billion, which was all that the President was allowed to spend. Then the Appropriations Committee, largely because of the fact that the authorizations had come in so hard, appropriated $261 billion. So the President had a choice of either spending $261 billion or doing what Congress asked him to do.

He did what Congress asked him to do. Many of my colleagues were faced with people who protested strongly about the impoundments, and I heard some of my colleagues say this country was a monarchy or a dictatorship and everything else, simply because the President was trying to do what we told him to do to start with.

I have been here only 14 years, but I would suggest to Senators that in those 14 years we have increased the debt limit at least 23 times, either once or twice a year, and we tell the public at large we have a debt limit.

We do not have a debt limit. It is just like mercury; we change it every time it becomes uncomfortable, and raise it so that we can spend more money.

It was bad enough with just the temporary debt limit we had here to start with, but then we added on the Kennedy amendment on public financing, and not only increased the debt limit but increased the debt itself.

If you ask the American public whether they are willing to pay additional taxes in order to finance congressional and Presidential campaigns out of their tax money, I think you will find the result will be different than the Gallup poll and the Harris poll, when those who responded did not realize they were going to have to pay any more taxes.

How can we possibly ever arrive at a balanced budget, when we increase expenditures in this way? I say we are committing a hoax on the American public. The situation is ridiculous. I say if we are going to do anything about dealing with the debt limit, we ought to either stick with it or do away with it. I say do away with it totally, and I intend to vote against this bill.

Mr. TOWER. Mr. President, I associate myself with the remarks of the Senator from Colorado. I think he is right; we are perpetrating a hoax on the American people. The Senator is worthy of his seat.

Mr. BUCKLEY. Mr. President, I just want to say "Amen."

Mr. HELMS. Mr. President, I must oppose this bill to increase the so-called "temporary" limit on the public debt. As Members of this body know, the Federal debt is now approximately $462 billion. What we are proposing to do through this bill is to increase the allowable public debt through the end of this fiscal year to a level of $475.7 billion. Congress is, in effect, giving its consent to fiscal irresponsibility by increasing the public debt through the remainder of this fiscal year.

The American people realize, or certainly they should realize, that if the Government spends money it does not have, the result of that spending is increased inflation in our economy. That is precisely the cause of our economic plight today. In all candor, my friends, I think we have given this bill the wrong title. Instead of calling it the "temporary increase in the public debt limit," this bill should be titled the "Temporary Increase in Inflation in Our Economy," because that is exactly what we are doing.

This bill calls for a $10.7 billion increase in the national debt. This increase is inexcusable at a time when the administration and Congress are supposed to be doing something about controlling Federal spending and eliminating the inflationary pressures in our economy. Interest on the national debt alone is expected to rise from $22.8 billion in fiscal year 1973 to an estimated $27.7 billion during fiscal year 1974. This is an incredible jump of $5 billion—or approximately a 22 percent increase merely

in interest alone on the national debt during the course of 1 year.

Mr. President, this is serious business. If the interest on the national debt continues to increase by 20 percent each year, one does not have to be a mathematician to understand that our Government's finances will quickly deteriorate. The only way to prevent against this situation is to face up to the fact that the Federal Government can no longer spend money that it does not have.

The administration is now preparing its figures for fiscal year 1975. This is the time for Congress to speak and to express its policy that the national debt should not be increased, that taxes should not be increased, and that Government spending should be limited to the amount of revenue received by the Federal Government.

If you do not prohibit this administration—or any administration—from engaging in deficit spending, there will never be any end to bills such as this calling for ever-increasing extensions of the public debt ceiling.

Ten years ago, Congress had authorized a public debt ceiling not to exceed $309 billion. Today we are considering a debt ceiling of $475.7 billion. Where will all this end?

This is the second time this year that Congress has considered legislation to extend the "temporary" limit on the public debt. If Congress would show the same enthusiasm for legislation to prohibit deficit spending that it shows for legislation such as this to make it easy to engage in deficit spending, we would not have inflation. If Congress would limit its appropriations to the level of Federal revenues, the Treasury would not be borrowing billions of dollars at 9 percent interest, as it was last August. We would not have had a prime rate over 10 percent for the best commercial borrowers and we would not have had a situation where the average working family in this country cannot afford to buy a home because the high interest rate caused, Mr. President, by Government borrowing which has driven all the money out of residential mortgage lending.

I am convinced that if the Senate is really serious about inflation, about controlling Federal spending, and about limiting the demand for increased Federal taxes, then this bill must be voted down. If the Members of this body are sincere about balancing the Federal budget, there is certainly no need to authorize the administration to enter into another $10 billion public debt.

The PRESIDING OFFICER (Mr. NUNN). The bill having been read the third time, the question is, shall it pass? 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 New Hampshire (Mr. MCINTYRE) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

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

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Florida (Mr. GURNEY) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN) and the Senator from Arizona (Mr. GOLDWATER) would each vote "nay."

The result was announced——yeas 58, nays 34, as follows:

[No. 522 Leg.]

YEAS—58

Abourezk	Hartke	Muskie
Bayh	Haskell	Nelson
Beall	Hathaway	Packwood
Bennett	Huddleston	Pastore
Bentsen	Hughes	Pell
Bible	Humphrey	Percy
Biden	Inouye	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Cannon	Johnston	Schweiker
Case	Kennedy	Scott, Hugh
Chiles	Long	Sparkman
Church	Magnuson	Stafford
Clark	Mansfield	Stevens
Cranston	Mathias	Stevenson
Curtis	McGee	Tunney
Eagleton	McGovern	Williams
Fulbright	Metcalf	Young
Gravel	Mondale	
Hart	Moss	

NAYS—34

Aiken	Domenici	Montoya
Allen	Dominick	Nunn
Bartlett	Eastland	Pearson
Bellmon	Ervin	Roth
Brock	Fong	Saxbe
Buckley	Griffin	Scott, William L.
Byrd, Harry F., Jr.	Hansen	Taft
Byrd, Robert C.	Hatfield	Talmadge
Cook	Helms	Thurmond
Cotton	Hollings	Tower
Dole	Hruska	Weicker
	McClellan	

NOT VOTING—8

Baker	Gurney	Stennis
Fannin	McClure	Symington
Goldwater	McIntyre	

So the bill (H.R. 11104) was passed.

Mr. LONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments to H.R. 11104 and ask for a conference with the House thereon and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LONG, Mr. HARTKE, Mr. RIBICOFF, Mr. MONDALE, Mr. BENNETT, Mr. CURTIS, and Mr. FANNIN conferees on the part of the Senate.

Mr. LONG. Mr. President, I ask unanimous consent that in the engrossment of the amendments of the Senate to the bill, the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth, designations, and cross references thereto. Specifically, I ask unanimous consent that the text of S. 372, which the Senate has agreed to make a part of this bill, be placed after section 4 of the bill.

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

TRIBUTES TO SENATORS LONG, KENNEDY, CANNON, AND OTHER SENATORS ON TODAY'S SENATE ACHIEVEMENTS

Mr. MANSFIELD. Mr. President, I simply wish to commend those Senators whose effort was most prominent in obtaining the disposition of two highly important matters that arose today in the Senate.

With respect to the debt ceiling extension, the Senate is deeply indebted to the distinguished Senator from Louisiana (Mr. LONG). The able chairman of the Finance Committee deserves our highest commendation for his work on the debt ceiling measure and for his effective support of the campaign financing amendment.

To Senator KENNEDY goes equal praise for his able leadership in behalf of campaign funding. He, along with many other Senators on both sides of the aisle, is to be highly commended for this landmark proposal. This reform, if enacted, will provide a long stride in the effort to restore public trust and confidence in this Nation's electoral process.

And, of course, with the confirmation of GERALD FORD today the political process has been doubly affected. For this action, the Senate is indebted to the distinguished Senator from Nevada (Mr. CANNON). As the chairman of the Committee on Rules and Administration, he conducted a thorough, fair, and full investigation of this nominee and the Senate is most grateful.

TRIBUTES TO SENATORS

Mr. KENNEDY. Mr. President, just for a few minutes now, I want to acknowledge, after passage of the debt ceiling bill, the extraordinary and constructive work the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG), has provided in this important area of campaign reform.

As I have mentioned before to his committee and on this floor, he is the father of public financing. Tonight, after we have seen successful passage of the Kennedy amendment which had the support of many Senators, to whom I will refer briefly, I think that all of us are again reminded of the very important work the Senator from Louisiana (Mr. LONG) has provided.

It is also important to mention the work of the distinguished Senator from Michigan (Mr. HART). He was really the first Member of the Senate to introduce a public financing bill in this Congress. The distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) were the real leaders in developing the proposal on Presidential primaries, so important in terms of reforming our system.

The distinguished Senator from Illinois

(Mr. STEVENSON) and the distinguished Senator from Maryland (Mr. MATHIAS) also made important contributions in their own significant legislation and in the Senate and the House general election provisions of this amendment.

The distinguished Senator from California (Mr. CRANSTON) had a far-reaching proposal of his own, and was tireless in his work here on the floor of the Senate in speaking, and in talking and counseling with Senators and responding to questions which were on their minds.

I also acknowledge the important contribution of the distinguished Senator from Vermont (Mr. STAFFORD), one of the nine principal cosponsors of our amendment. His strong support has been especially helpful in developing a proposal which we hope may be successful in the House.

And, most especially, I pay tribute to the distinguished Republican leader (Mr. HUGH SCOTT), who cosponsored the initial proposal with me and who has been one of the most effective Senators in the election reform field since I first came to the Senate. I have been proud to work with him on this, and the success we share today was made possible, in large part, because of his strong efforts from the beginning on this proposal and his constant dedication to this reform, which means so much to the health and well-being of our political system.

This truly has been a joint effort. Those who sponsored the proposal today are, of course, continuing in support of the work of the distinguished Senator from Rhode Island (Mr. PELL), the chairman of the Elections Subcommittee of the Committee on Rules and Administration. And we also recognize the very important work in this area of the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Nevada (Mr. CANNON) who have been leaders in the fight to pass S. 372, the election reform bill, which has really, I think, been landmark legislation.

Finally, we would not be where we are today except for the work of the distinguished majority leader, Mr. MANSFIELD, as well as that of Senators PASTORE and LONG, in leading the effort that saw the dollar checkoff cemented into law in 1971, where so many vital issues were decided by one, two, or three vote margins.

This effort to reform public financing has truly been a joint effort with the support of a broad political spectrum and broad support from Members of both parties.

Any record reviewing what the Senate has done today, should recognize what I think has been an extraordinary joint contribution in a constructive and positive way toward bringing about meaningful election reform.

Mr. LONG. Mr. President, the distinguished Senator from Massachusetts (Mr. KENNEDY) is most generous in his remarks about me and other Senators, which we appreciate; but, Mr. President, the Senator from Massachusetts has won a landmark victory here today, a significant victory which will be recognized by all scholars of government and all those interested in the fundamentals of government.

The distinguished Senator from Massachusetts is to be congratulated. He has been working in this area for quite a while. It seems to me that it has been a long time since we first started discussing this issue; but now the Senate and the Nation will be very grateful to the Senator for the great leadership he has provided the Senate in this area.

I am confident that his efforts will be productive. I am also hopeful that the House will agree to the Senator's amendment. They may consider some modifications, but I am hopeful that the House will accept the Senator's amendment as it was voted on. I assure him that, so far as the Senator from Louisiana is concerned, I will work diligently, and I am sure that those who are named conferees on this side of the aisle will exert their best efforts, to see that the House does agree in whole or in very substantial part to the Senator's amendment.

Mr. KENNEDY. I thank the Senator from Louisiana.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield for a question, for the record?

Mr. KENNEDY. I am glad to yield.

Mr. DOMINICK. On page 46, under subsection (b) of section 6096, am I correct in my understanding that if a person were to check off some taxes for a particular candidate, he cannot do this—in other words, that he cannot give to the candidate or the party of his choice? It just goes into a fund?

Mr. KENNEDY. The Senator is correct. The Senator will recall that we changed this aspect of the dollar checkoff last June. On the Debt Ceiling Act in June, we created a general fund, and eliminated the so-called special accounts for particular candidates. Now we have a general fund rather than a special collection of funds. As I recall the debate, the Senator from Colorado spoke on that particular issue at that time as well.

Mr. DOMINICK. I was going to ask the Senator from Massachusetts whether he has ever had any opinion on the constitutionality of the fact that someone is prevented from giving a contribution to the candidate of his choice.

Mr. KENNEDY. I think that there obviously are a number of questions dealing with constitutional issues that this Congress and other Congresses have considered in election reform. A person who wishes to contribute for the benefit of a candidate has many other avenues to do so, apart from the tax form. The courts have given rather broad latitude to Congress in making reasonable decisions in this area, especially where what is at stake is the very integrity of the election process.

I believe that in the amendment which has been considered favorably here, as part of the debt ceiling act, there is a variety of imaginative ways to encourage individuals to participate by contributions and by other means.

Mr. DOMINICK. But I am correct, am I not, that the Senator has not had an opinion on the constitutionality of the provision?

Mr. KENNEDY. The Senator is correct in that statement. I am not aware of any court decision.

ORDER FOR RECOGNITION TOMORROW OF SENATOR MANSFIELD, FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR CONSIDERATION OF S. 2673, COMPENSATION OF THE ATTORNEY GENERAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately after the two leaders or their designees have been recognized on tomorrow, the distinguished majority leader be recognized for not to exceed 15 minutes; that there then be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate proceed to the consideration of S. 2673.

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

ORDER TO PROCEED TOMORROW TO THE CONSIDERATION OF H.R. 3153, TO AMEND THE SOCIAL SECURITY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of S. 2673 tomorrow, the Senate proceed to the consideration of H.R. 3153, a bill to amend the Social Security Act to make certain technical and conforming changes.

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

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION ACT OF 1973—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the Senate proceeds to the consideration of S. 2702, a bill to provide that daylight saving time shall be observed on a year-round basis, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by Mr. MAGNUSON and Mr. COTTON; that time on an amendment to be offered, as I understand, by Mr. DOMINICK and Mr. TAFT be limited to 1½ hours; that time on any amendment to the Dominick-Taft amendment be limited to 1 hour; that time on any amendment to the bill be limited to 1 hour, with the exception of the amendment by Mr. DOMINICK; that time on any amendment to an amendment be limited to 30 minutes; that time on any debatable motion or appeal be limited to 20 minutes, and that the agreement be in the usual form.

Mr. TAFT. Mr. President, reserving the right to object, I wonder whether the majority whip would be kind enough to include in that agreement the right of the Senator from Ohio to offer an amendment not subject to the rule of germaneness. If offered, it would deal with the same subject as the amendment which has been referred to already, to be offered by the Senator from Colorado; that that be in order; and that the debate thereon be limited to 1 hour.

Mr. ROBERT C. BYRD. Mr. President, I include that in my request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Ohio (Mr. TAFT), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from New Hampshire (Mr. COTTON), the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Illinois (Mr. STEVENSON), and other Senators for their cooperation in connection with the agreement.

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.

ORDER FOR VOTE ON S. 2673 NO LATER THAN 2:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I make the following unanimous-consent request without consulting anyone, inasmuch as I am probably the major obstacle to the passage for the moment, and I will not be an obstacle very long, to the passage of S. 2673, the Attorney General pay bill.

Mr. President, I ask unanimous consent that the vote on the passage of S. 2673 occur tomorrow no later than 2:30 p.m., and that paragraph 3 of rule XII be waived.

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

VACATION OF ORDER FOR CONSIDERATION OF H.R. 3153 TO FOLLOW DISPOSITION OF S. 2673

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered for consideration of H.R. 3153, the social security bill, to follow immediately upon the disposition of S. 2673 be vacated.

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

Mr. ROBERT C. BYRD. Mr. President, by way of explanation, may I say that the leadership has an understanding with the distinguished manager of the bill (Mr. LONG) to the effect that the social security bill would be taken up tomorrow afternoon immediately upon the disposition of the so-called Attorney General pay bill. It has been called to my attention subsequent to securing the agreement that there are some problems on the other side of the aisle and that a distinguished Senator needs to be consulted. I feel there is a good possibility that there will be no problem at the time we reach disposition of the Attorney General pay bill and in that event the social security bill still will be taken up. But that remains to be worked out on tomorrow.

AUTHORIZATION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT ON SATURDAY TO REPORT ENERGY RESEARCH AND DEVELOPMENT BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to have until midnight Saturday to report the energy research and development bill.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will meet at 10:30 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of S. 2673, the so-called Attorney General pay bill. There is a time limitation on that bill of not to exceed 5 hours.

Does the previous agreement provide for not to exceed 5 hours or is it 5 hours?

The PRESIDING OFFICER. Five hours.

Mr. ROBERT C. BYRD. I ask unanimous consent that the agreement of November 21, 1973 be changed to provide that the time on the bill not exceed 5 hours.

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

Mr. ROBERT C. BYRD. There is a time limitation on any amendment of 30 minutes. Is there a time limitation on debatable motions or appeals?

The PRESIDING OFFICER. There is.

Mr. ROBERT C. BYRD. And the provision has just been entered that the vote on the passage of the bill will occur not later than 2:30 p.m. tomorrow. That will be a yea-and-nay vote.

There will be at least one amendment offered to the bill. There will probably be a yea-and-nay vote on that amendment. That is an amendment I intend to offer. There may be other amendments.

Hopefully, by that time, the Senate can proceed to take up the social security bill on which amendments will be offered and votes on those amendments would occur.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from West Virginia whether in his previous unanimous-consent request he wishes to exclude the amendment to be offered by the Senator from West Virginia from the germaneness rule?

Mr. ROBERT C. BYRD. Mr. President, I am very grateful to the Chair for having asked that question. I am confident there will be no objection from Mr. HRUSKA and Mr. SCOTT because I have discussed my amendment with them.

I ask unanimous consent that the amendment I propose to offer to S. 2673 tomorrow be excluded from the provisions of germaneness that were included in the agreement.

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

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

It is expected that the social security bill can be disposed of tomorrow—or on Thursday, which will be more likely—and that following disposition of the social security bill the daylight savings bill could be taken up.

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 8:27 p.m. the Senate adjourned until tomorrow, Wednesday, November 28, 1973, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 27, 1973:

VICE PRESIDENT OF THE UNITED STATES

Pursuant to the provisions of section 2 of the 25th amendment to the Constitution of the United States, GERALD R. FORD, of Michigan, to be the Vice President of the United States.

EXTENSIONS OF REMARKS

FREEDOM'S VANGUARD

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Tuesday, November 27, 1973

Mr. STENNIS. Mr. President, on November 10, Dr. Karl Bennet Justus, executive director of the Military Chaplains' Association of the United States of America, addressed a VFW banquet in York County, Pa. I understand that about 400 members of the VFW heard his remarks.

I am much interested in the work of the service chaplains, and think this worthy speech should have further distribution. I ask unanimous consent that the speech of Chaplain Justus, entitled "Freedom's Vanguard," be printed in the extensions of remarks of the RECORD.

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

AMERICAN VETERANS; FREEDOM'S VANGUARD

Though I am not a politician, I wish to begin with a quotation credited to the late Carl Sandburg about politicos. His formula