THIRD MEMBER OF FAMILY RECEIVES LIFE SAVING AWARD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 1974

Mr. JONES of Tennessee. Mr. Speaker, I would like to take this opportunity to honor Mr. Herman Zimmerman of Dyersburg, Tenn., who was awarded the Red Cross Certificate of Merit for Lifesaving on June 18, 1974, in ceremonies at Dyersburg State Community College.

Mr. Zimmerman, an engineer with Heckethorn Manufacturing Co., Inc., of Dyersburg received the highest award made by the Red Cross for saving a person's life through the use of first aid. Mr. Zimmerman, 58, is the third member of his family to receive such a citation.

Zimmerman successfully administered mouth-to-mouth resuscitation to W. Marvin Early, a Heckethorn employee, who had collapsed at the Dyersburg plant from a heart attack. Mr. Zimmerman accompanied the heart seizure victim to the hospital and assisted in transferring him to the emergency room. Mr. Early later recovered and has since returned to work.

Mrs. Jan Zimmerman, his wife, was the first to receive the Red Cross Certificate of Merit. In 1963 she and her husband came upon an automobile accident near Lebanon, Ill. Stopping at the crash scene Mrs. Zimmerman identified herself as a first aid instructor and offered to assist. Police at the scene gave her permission and Mrs. Zimmermann crawled through the window of the disabled vehicle and began administering mouth-to-mouth resuscitation to the accident victim, continuing until units from the Lebanon Fire Department arrived.

Their daughter, Mrs. Lynn Mann, was in her kitchen in an east Memphis apartment in 1970, when neighbors came to ask her if she could help with a 7-year-old boy who had been rescued from the complex's pool. She ran to the poolside and immediately applied artificial respiration and revived the child by the time an ambulance arrived. The youngster was taken to a hospital and later was pronounced in good condition.

Mr. and Mrs. Zimmermann are both Red Cross first aid instructors and Mrs. Mann has received Red Cross first aid training and is a Red Cross water safety and swimming instructor volunteer.

SENATE—*Friday, June 21, 1974*

The Senate met at 10 a.m. and was called to order by Hon. HOWARD M. METZENBAUM, a Senator from the State of Ohio.

PRAYER

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

Eternal Father, we thank Thee that where the spirit of the Lord is there is liberty. May Thy spirit pervade the life of this Nation that we may be kept by Thy grace. Keep us captive only to Thy spirit—that we may be free from bondage—to self, to things, to position, to power. Hold us firmly and guide us clearly that we may pursue only what is good and true and just. Help us all to live the God-centered life we profess, to obey Thy laws, to love Thy ways, to keep Thy covenant.

And to Thee shall be all thanksgiving and praise. 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., June 21, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HOWARD M. METZENBAUM, a Senator from the State of Ohio, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13839) to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended.

The ACTING PRESIDENT pro tempore (Mr. METZENBAUM) subsequently signed the enrolled bill.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 20, 1974, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

THE JUDICIARY

The assistant legislative clerk read the nominations in the judiciary as follows:

William H. Orrick, Jr., of California, to be U.S. district judge for the northern district of California.

Henry F. Werker, of New York, to be U.S. district judge for the southern district of New York.

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

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

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

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

LEGISLATIVE SESSION

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

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

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 913, 914, and 918.

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

AMERICAN UNIVERSITY

The bill (S. 3389) to amend the act entitled "An act to incorporate the American University," approved February 24, 1893, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to incorporate the American University", approved February 24, 1893 (27 Stat. 476), as amended, is amended (1) by deleting "three-fifths of whom" and inserting in lieu thereof "at least one-fourth of whose duly elected number"; (2) by deleting "the Methodist Church" and inserting in lieu thereof "The United Methodist Church"; (3) by inserting immediately after "required for" the words "carrying out", and (4) by deleting "eleven of whom" and inserting in lieu thereof "at least eleven or more of whom, as determined by duly adopted by-laws,".

(b) Section 2 of such Act, as amended, is amended to read as follows:

"SEC. 2. After the date of the enactment of this section—

"(1) in order to advance the educational intention and spirit of The United Methodist Church in founding the university, all property, both real and personal, of the corporation shall be held in perpetuity for educational purposes;

"(2) in the event that all of the property, both real and personal, of the corporation shall no longer be held for educational purposes as provided in paragraph (1) of this subsection, all right, title, and interest of the corporation, subject to enforceable liens, reservations, and restrictions, shall vest in the Board of Education of The United Methodist Church, a corporation organized under the laws of the State of Tennessee, or its successor; and

"(3) no amendment to this Act shall be proposed by the board of trustees unless first approved by not less than two-thirds of the total duly elected membership of such board."

COMPULSORY VACCINATION FOR PUBLIC SCHOOL STUDENTS IN DISTRICT OF COLUMBIA

The bill (H.R. 8747) to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students, was considered, ordered to a third reading, read the third time, and passed.

TO PROVIDE FOR PAYMENTS BY POSTAL SERVICE TO CIVIL SERVICE RETIREMENT FUND

The Senate proceeded to consider the bill (H.R. 29) to provide for payments by the Postal Service to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 8348 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other statute, the United States Postal Service shall be liable for that portion of any estimated increase in the unfunded liability of the Fund which is attributable to any benefits payable from the Fund to active and retired Postal Service officers and employees, and to their survivors, when the increase results from an employee-management agreement under title 39, or any administrative action by the Postal Service taken pursuant to law, which authorizes increases in pay on which benefits are computed.

"(2) The estimated increase in the unfunded liability, referred to in paragraph (1) of this subsection, shall be determined by the Civil Service Commission. The United States Postal Service shall pay the amount so determined to the Commission in thirty equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the fiscal year in which an increase in pay becomes effective.".

SEC. 2. (a) The last sentence of section 1005(d) of title 39, United States Code, is repealed.

(b) Section 1005(d) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h) of title 5.".

SEC. 3. The effective date of this Act shall be July 1, 1971, except that the Postal Service shall not be required to make (1) the payments due June 30, 1972, June 30, 1973, and June 30, 1974, attributable to pay increases granted by the Postal Service prior to July 1, 1973, until such time as funds are appropriated to the Postal Service for that purpose, and (2) the transfer to the Civil Service Retirement and Disability Fund required by title II of the Treasury, Postal Service, and General Government Appropriation Act, 1974, Public Law 93-143.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COST OF VIETNAM WAR

Mr. MANSFIELD. Mr. President, I have asked the Library of Congress to furnish me with a statement relative to the cost of the Vietnam war and also the total number of casualties, including specifically the number of paraplegics and quadraplegics. I have been using some figures which have been quite exaggerated.

I ask unanimous consent, so that the record can be made clear as to the number of paraplegics and quadraplegics resulting from the war in Vietnam, as well as the cost of the war up to the end of 1973 and the projected cost into the next century, that the complete statement I received from the Library of Congress be printed in the RECORD.

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

COST OF VIETNAM WAR

In response to your inquiry of May 23, 1974, concerning the best available estimates of the cost of the Vietnam War, the following information is supplied:

1. U.S. CASUALTIES

According to Department of Defense (DoD) figures, as of May 18, 1974, there were 46,243 combat deaths and 10,326 nonhostile deaths of U.S. military personnel in Southeast Asia during the Vietnam War; 153,311 were wounded and hospitalized and 150,343 were wounded but not hospitalized. DoD has been requested by the Congressional Research Service to supply these casualty data for each of the four countries mentioned in your letter (Vietnam, Laos, Cambodia, and Thailand) and this information will be forwarded when available.

2. VIETNAM VETERANS

According to the most recent Veterans' Administration (VA) figures, in September 1973 there were 1,824 paraplegics—including 1,077 double amputees—538 quadraplegic cases involving loss of use of all four limbs, and 6 quadraplegic amputees among the 6,760,000 U.S. veterans of the Vietnam War period. VA expenditures for Vietnam era veterans through June 30, 1972, totalled $7,271,180,000; these expenditures through June 30, 1973, totalled $10,847,227,000 and included disability compensation and pensions, vocational rehabilitation and training, and education and training. It should be noted that these expenditures pertain to all veterans of military service during the Vietnam War period. Only a part of these total costs are attributable to U.S. participation in that war.

3. VIETNAM WAR COSTS REFLECTED IN DOD APPROPRIATIONS

Total obligation authority through the DoD budget in support of U.S. military operations in Southeast Asia for Fiscal Years 1965-1974 totalled $137.9 billion in full costs and $110.4 billion in incremental costs. Estimated outlays for FY 1965-74 totalled $138.2 billion in full costs and $110.1 billion in incremental costs. According to DoD definitions of "full costs" and "incremental costs," *Full Costs* cover all the forces engaged, plus their support, including the costs of added personnel, aircraft operations, munitions used, equipment lost and supplies consumed in Southeast Asia or elsewhere in support of those forces deployed. *Incremental Costs* cover only the costs for non-baseline forces plus extra costs above the normal peacetime operating level of baseline units engaged. For example, full costs include all costs of aircraft operations in the theater, fuel, parts, maintenance and base operations. In peacetime, the baseline units involved would be flying the aircraft in training and other missions, and would incur costs. By the same token, all ammunition consumed in the theater is reflected under full costs. Since the baseline units involved would consume some ammunition in peacetime training, only the difference is included in the incremental cost.

4. OTHER COSTS RELATED TO VIETNAM

U.S. loans and grants to Vietnam for economic assistance through Agency for International Development (AID) and Food for Peace programs in FY 1953-1973 totalled $6.3 billion; loans and grants for military assistance during this 20-year period totalled $14.6 billion, including $12.5 billion in Military Assistance Service-funded (MASF) grants through the DoD budget beginning in FY 1965. It should be noted that these MASF funds are included in the war cost figures cited above.

5. LONG-RANGE COSTS OF VIETNAM WAR

To date, there has been no official study of the long-range costs of the Vietnam conflict. The figure of $352 billion contained in the 1972 and 1973 editions of the Statistical Abstract of the United States derives from the testimony of Prof. James L. Clayton of the University of Utah before the Joint Economic Committee on June 4, 1969. (U.S. Congress. Joint Economic Committee. Subcommittee on Economy in Government. The Military Budget and National Economic Priorities. Hearings, 91st Congress, 1st session, Part 1, June 3, 4, 5, 6, & 9, 1969. Washington, U.S. Govt. Print. Off., 1969. p. 143-150.) Prof. Clayton's estimate of the "ultimate cost of the Vietnam conflict" included $220 billion in veterans' benefits, and he noted that "the greatest increase in costs of any war in our history comes after the fighting stops in the form of veterans' benefits."

The most comprehensive treatment of the subject appears to be a doctoral dissertation on the economic effects of the Indochina War by Mr. Tom Riddell of American University, Washington, D.C., who is currently teaching economics at Bucknell University in Lewisburg, Pennsylvania. The major conclusions of this research were reported in an article by Mr. Riddell, "The $676 Billion Quagmire," which appeared in The Progressive, August, 1973, p. 33-37, and was entered by Senator Mansfield in the Congressional Record, vol. 119, pt. 24, pp. 31764-31767. At such time when Mr. Riddell's dissertation may be published or otherwise made available for public distribution, it will be possible to evaluate the statistical data and research methodology upon which his conclusions are based; however, in the meantime, the figures cited and the projections and extrapolations from these figures in the article noted above cannot be critically evaluated as to their factual accuracy of predictive capabilities.

Please advise if further assistance is required.

WESTERN COAL

Mr. MANSFIELD. Mr. President, in this morning's Wall Street Journal there is an excellent article written by Edwin

McDowell, who is a member journalist on the editorial staff, entitled "The Shootout Over Western Coal."

Mr. McDowell traveled through Montana and I am sure into North Dakota and Wyoming as well. From Colstrip, Mont., he has created a story which I think gives a pretty fair analysis of the situation which confronts those of us so vitally interested in the agricultural economy of eastern Montana and, I would assume, of North Dakota and Wyoming as well, and the possibilities inherent in unregulated strip coal mining.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

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

THE SHOOTOUT OVER WESTERN COAL

(By Edwin McDowell)

COLSTRIP, MONT.—Almost a century after the rush to California's gold fields, another Westward migration in search of riches is under way. But this time the prize is coal rather than gold. And the newcomers are not individual prospectors or adventurers but mining engineers and coal companies.

Coal, which at one time supplied 75% of America's energy needs, has slipped to a point where it provides only 20%, but it faces enormous demands. Dwindling domestic oil and gas reserves soon will be unable to supply more than 40% of the nation's growing energy needs and if the U.S. is to achieve anything like self-sufficiency by 1980, it will have to find a replacement for an estimated 12 million barrels of oil daily that otherwise would have to be imported at that time.

Thus the burden is largely on coal as the nation's most abundant and economical energy source. One ton contains the energy equivalent of about four barrels of oil, and the nation's coal reserves are estimated upwards of three trillion tons—enough to satisfy America's energy demands for decades and perhaps even centuries. More than half the known recoverable reserves lie west of the Mississippi, much of it in the Fort Union formation that extends across Montana, Wyoming and North Dakota.

Only about 5% of the 600 million tons of coal produced in the U.S. last year was extracted from Western mines. But that is about to change. Though coal from the East and the Midwest is far more efficient in terms of energy output (BTUs) than Western sub-bituminous and lignite, it is estimated that less than 10% of coal reserves east of the Mississippi can meet the standards of the Clean Air Act, scheduled to go into effect July 1, 1975.

Moreover, the low sulfur Western coal lies just below the surface in seams sometimes as thick as 100 feet. Some 50 surface mines are currently in operation throughout the West and a number of new ones are in various stages of development. Although the existing mines produced only about 41 million tons in 1972, by 1985 their output is expected to increase 15-fold to supply about half the nation's coal needs.

PEABODY'S PLANS

Here in Rosebud County, Peabody Coal Co. and Western Energy Co. are each mining two seams, an upper seam about 25 feet thick and a lower one about nine feet thick. Peabody, the nation's largest coal produc r, turned out two million tons last year here at its Big Sky Mine and expects to double that in 1974 and remain at that level for at least another 30 years. Western Energy, a subsidiary of Montana Power Co., mined 4.2 million tons last year and expects to mine more than 13 million tons three years from now. It has more than a billion tons in reserve at Colstrip and has contracts for the next 35 years.

Strip mining on this rolling, rugged prairie looks like simplicity itself. It is far safer than undeground mining and on average requires only a third as many workers to produce the same tonnage mined underground. Two enormous machines sit on the edge of two open pits and steadily scoop out as much as 35 cubic yards of overburden. When the soil is removed, huge power shovels at the bottom of the pit load the coal into trucks that take it to a nearby preparation point. There it is crushed and funneled in 10,000 ton loads into a string of 100 high-capacity coal cars (unit trains) for an 850-mile journey to Minnesota Power & Light Co.'s plant in Cohasset, Minn.

In all, four unit trains leave Big Sky Mine each week for Cohasset; another 10 leave Western Energy's Colstrip mine bound for Billings, Minneapolis and Chicago. Increasingly, utilities in the Midwest and Southeast are looking toward Western coal and urging the government to end its moratorium on Western coal leasing.

But some environmentalists argue that coal companies already are sitting on hundreds of leases to federal land containing billions of tons of coal.

The coal company rejoinder to this is that Western development has been hobbled largely by conflicting and vague federal coal leasing laws. Moreover, because of transportation costs Eastern coal traditionally has been cheaper. And Western development has been slowed because until recently utilities have been unwilling to enter into long term contracts for Western coal as long as there was a chance federal air quality standards would be lowered or postponed, or until they knew for sure whether the Environmental Protection Agency would relax its position on scrubbers—devices to remove sulfur dioxide from the smokestacks of coal-fired power plants.

EPA Administrator Russell Train estimates that almost 600 power plants may need scrubbers—or contract for Western coal. The cost of installation could add 15% to the average utility bill, he calculates.

But surface mining in the West raises important problems beyond cost comparisons with Eastern coal and other economic considerations. Digging out huge chunks of earth creates serious environmental and ecological dislocations. And many Westerners simply don't want their unspoiled land to become the nation's utility backyard at any price.

Most Western states now require that stripped land be graded and reclaimed. But, according to a recent report by the National Academy of Sciences, the state agencies charged with enforcement are generally understaffed and the state laws do not provide for "adequate planning, monitoring, enforcement and financing of rehabilitation."

The House of Representatives is about to begin debate on the merits of a strip mine control bill that would set federal minimum reclamation standards. So far, the bill which recently emerged from the House Interior Committee, seems to have pleased almost nobody. Environmentalists charge it is too weak, while industry officials say it is "punitive." The Nixon administration also is critical, claiming the bill would reduce coal production by up to 187 million tons a year—a charge the chairman and ranking member of the subcommittee on the environment heatedly deny.

But even without federal minimum national standards, and despite weak state enforcement, the coal industry insists it is eager to restore and protect the land. Research dollars are being put into everything from mine safety to converting solid coal into clean-burning synthetic oil or natural gas.

Critics reply that this is small consolation after the industry spent only $9 million in mining research between 1969 and 1973. And they argue that less than one half of U.S. land previously stripped for coal has ever been reclaimed.

Here at Blue Sky Mine, Gene A. Tuma, Peabody's Western director of reclamation, proudly points to 3,000 cottonwood, pine, plum, willow, ash and crab apple trees that have been planted on reclaimed land. Although he says it takes perhaps four years to get a really good cover over restored land, the five or six kinds of grass he has mixed with alfalfa and sweet clover appear to be growing well. Moreover, it's evident from the care with which workers have bulldozed around rather than over trees and shrubbery that others here share his conservationist ethic.

It's agreed by many conservationists that reclamation can be successful as long as industry and consumers are willing to pay for it. Estimates range upward to $4,000 an acre to restore Western land to its original value. But this amounts to only about 20 cents per ton and at most would probably add no more than 3% to the average residential electric bill.

Not everyone, however, is convinced. One of the skeptics is Wallace McRae, 38, who owns a 30,000-acre ranch near here and has emerged as a principal spokesman for the Rosebud Protective Association of some 50 or 60 rancher members. "There are too many unresolved questions about the disruption of surface and ground water," he says. He thinks 50 years, not four, would be a better estimate for the probable time needed to determine strip mining's impact on Western land and watersheds.

"Even where reclamation looks good, it's so artificial," Mr. McRae says. "Western Energy's 10-acre reclamation showcase is a mecca for everyone who's out to prove that it works, and if photography could kill grass it would have been a desert long ago. But that's not reclamation. No lawn in the state gets better care. Reclamation is restoring land when it's treated like our range grass."

SIMILAR SKEPTICISM

Mr. McRae's cousin, Evan (Duke) McRae, 46, owner of Greenland Cattle Co., is similarly skeptical even though several years ago he sold five or six sections (640 acres) of his 34,000-acre cattle ranch to Peabody, which leases it back to him to raise cattle and will eventually resell it to him under terms of a buy-back option. (Under the complex legal framework of Western land, surface rights, mineral rights and water rights on the same property may each have different owners and be regulated by different levels of government.) He used the money to buy 12 additional sections nearby. But he says he wouldn't sell another acre, even though he says he has been offered up to $12 million for his property.

"I just don't think the reclamation is all that good," he says. "It seems like the coal companies have to be forced before they'll make real lasting improvements. Some of my property has been reclaimed three times and it still doesn't look good."

Both McRaes admit it's hard for ranchers to resist the lure of multimillion dollar offers and some have, in fact, welcomed the coal companies with open arms. But they say they wonder about their obligation to family and neighbors and they wonder how long it will be before encroaching men and machines destroy the isolation necessary for successful ranching operations.

Like many Westerners, they worry about what mine-mouth conversion plants and gasification plants will do to the region's water tables. They question the social and economic impact of mining on an area so lacking in houses, stores and provisions that it isn't uncommon for mine workers to commute each day from as far away as Billings, 125 miles to the west. They claim school enrollments have tripled in two years and they shudder at the thought of instant cities go-

ing up around land their grandfather settled almost 90 years ago.

It isn't always easy for strangers to understand the concern of ranchers, who require about 40 acres of land for each head of cattle. Even the National Academy of Sciences study says that projections indicate a disturbance of only about 300 square miles of Western lands by the year 2000, a figure less than 1% of the total area of eight Western coal states and only 15% as much as the nearly 2,000 square miles of land already disturbed by surface mining in the East. Moreover, only a fraction of the total acreage to be mined will ever be disturbed at any one time.

But that is small consolation in this state, where close to half the coal lies beneath private rangelands to which the federal government owns mineral rights. If Western coal is absolutely necessary, opponents say, it should be excavated from deep mines even if it means having to leave a good part of it underground.

PROFESSOR WEBER'S CONTENTION

In fact, Professor W. Mark Weber, a geologist at the University of Montana and a member of the Sierra Club's fossil fuel subcommittee, contends that industry should make a greater commitment toward removing the remaining quantities of low-sulfur, high-BTU coal in Eastern underground mines before it even thinks about stripping the West. He insists that the so-called Mansfield amendment in the strip mining bill passed by the Senate last year, banning all surface mining of coal where the government has retained mineral rights, "would buy time for Western states to evaluate more fully the environmental consequences of strip mining, while providing an incentive to improve, expand and perfect deep mining in both West and East."

The effect of this, reply the coal people, would be to keep billions of tons of coal from ever being mined.

However Congress eventually resolves the strip mining dilemma and even if it is unable to agree on a federal law, the essential questions will probably remain. Even out here in the Big Sky country, where man and the land seem so much more closely entwined, the dilemma remains as vexing as when viewed from afar. About the only clear impression that emerges is that even here on the Great Plains nature is unlikely to remain in its relatively undisturbed state for very long.

"Some of my property has been reclaimed three times and it still doesn't look good."—Evan (Duke) McRae.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The distinguished Republican leader is recognized.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Delaware (Mr. BIDEN) is now recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order accorded to the distinguished Senator from Delaware (Mr. BIDEN) to speak today be vacated.

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

ORDER FOR EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of the 15 minutes ordered for morning business today, there be a time limitation of not to exceed 30 minutes for the same purpose.

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

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

DEATH OF CLEM H. SEHRT

Mr. LONG. Mr. President, last Friday, I lost a lifelong friend and Louisiana lost one of its most outstanding citizens.

Clem H. Sehrt was one of the best men it was ever my privilege to know. His life should be an inspiration to Americans of humble birth everywhere. By dint of hard work, perseverence, loyalty, and love of his fellow man, he arrived at the top of the business, professional, and governmental leadership of Louisiana.

Clem first became involved in politics almost immediately following his graduation in 1932 from Loyola Law School. And his political career spanned the entire period from the days of my father, Huey Long, until his death last week. During that time he managed many political campaigns in New Orleans and achieved numerous victories.

It was my good fortune that Clem was my campaign manager in New Orleans the first time I ran for the U.S. Senate. Had it been otherwise, I would not have had the opportunity to serve this Government in the Nation's Congress.

Throughout the years it has been my privilege to work with this great and dedicated American. I found that he was one of those who demanded little of life and gave much to it.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article published in the June 16, 1974, edition of the New Orleans Times Picayune which highlights Clem Sehrt's career.

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

SEHRT FORCE IN STATE'S POLITICS

(By James H. Gillis)

The late Clem H. Sehrt's political career spanned the entire period from the Huey Long era until his death Friday.

Sehrt managed many political campaigns and he helped to put together the victories of numerous candidates for office, but he never held elective office.

He was a political power in several state administrations, but from the standpoint of public visibility the most important office he held was that of state banking commissioner in the administration of former Gov. John J. McKeithen.

Yet he maintained strong political ties with members of the Louisiana congressional delegation and with the national Democratic Party. During the years in which many Louisiana politicians flirted with States Rights and Dixiecraft movements, Sehrt never strayed off the party reservation.

Hence, he was in excellent standing in Washington whenever a Democrat was President. This paid off in patronage. Sehrt's own former law partner, Edward J. Boyle, is now a federal judge. So is James A. Comiskey, son of the late Assessor James E. Comiskey, who for many years worked in close political collaboration with Sehrt.

POLITICAL OUTSET

He became involved in political activity almost immediately following his graduation in 1932 from the law school of Loyola University where he was a star football lineman.

The first important political campaign in which he became involved was as an active worker in behalf of the candidacy of the late Francis Williams for mayor in a race against the late Mayor T. Semmes Walmsley who had the support of the Regular Democratic Association and the late John Klorer, who was backed by the late Sen. Huey P. Long.

Wamsley was elected. Williams ran third and the elements in his political organization dispersed into other factions. Sehrt aligned himself with the Long faction, which was then ascendant and was to remain so for some time in state politics.

The bitter 1940 campaign for governor found Sehrt managing the campaign of the late Gov. Earl K. Long, who had succeeded to the state's top executive office following the resignation of the late Gov. Richard W. Leche. Long was defeated by Sam H. Jones, but Sehrt was to have success with Long as a candidate in future campaigns.

The election of the late de Lesseps S. Morrison as mayor of New Orleans in 1946 began a period of over 15 years during which Sehrt and his alignments with the Long and Old Regular factions was to be on the other side.

In 1948, after supporting Earl Long's successful campaign for governor, Sehrt became the governor's chief political representative in New Orleans and in the fall of the year he became chairman of the Louisiana Democratic Association, which had been the Long political organization since Huey's day.

In February of 1951, Gov. Long ordered the LDA merged with the Old Regulars, who also were beneficiaries of his patronage. It was done, and Sehrt became chairman of the new organization, which became known as the Louisiana Regular Democratic Association.

GOVERNOR KENNON

The election of Judge Robert F. Kennon as governor in 1952 over an Earl Long-backed candidate was a political setback for Sehrt. However, in 1956, Sehrt and Comiskey, who was the key political leader among the Regulars, helped put together a first primary victory for Earl Long for another term.

This time Long's chief opponent was the late Mayor Morrison. However, within a few months Sehrt fell out politically with Gov. Long over the governor's attempt to raise taxes and call a state constitutional convention.

In the 1959–60 campaign Sehrt supported the candidacy of former Gov. Jimmie H. Davis who defeated Morrison. In the fall of 1960, Earl Long, a long-time political ally of Sehrt, died. Sehrt, however, remained active in various political campaigns. One of those whose successful campaigns he backed was former Mayor Victor H. Schiro.

In the meantime, Sehrt's activity began to shift from politics to banking. In July of 1963 he became president of the National American Bank. In November of 1966 he was appointed by former Mayor Schiro to the Louisiana Superdome Commission. He held membership on the commission at the time of his death through reappointment by Mayor Moon Landrieu.

In December of 1967, Sehrt was named vice chairman of the board of the National

American Bank. He divested himself of his banking connections in January of 1969 when former Gov. McKeithen appointed him banking commissioner. He continued to hold his position until Gov. Edwin Edwards succeeded McKeithen in 1972.

SENATOR JOHNSTON

Mr. LONG. Mr. President, my junior colleague from Louisiana, Senator J. BENNETT JOHNSTON, has been a Member of this body for less than 2 years but already he has gained a reputation for hard work, perserverence, and integrity.

I was pleased to read in last Sunday's Washington Post a profile of my colleague entitled, "A Glimpse Into a Day of a Typical Senator." While I enjoyed reading the article, written by David C. Martin of the Associated Press, I might disagree with the headline that Senator JOHNSTON is "typical."

He goes well beyond the standards expected of all of us in exercising the public trust that is implicit in our election to office. He and I have worked well together as a team to help Louisianians.

While we naturally have disagreed on some issues, this has not affected our ability to get together to help our great State and try to serve our constituents when the public interest was at stake.

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

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

A GLIMPSE INTO A DAY OF A TYPICAL SENATOR

(By David C. Martin)

The junior senator from Louisiana hangs up his telephone with a sigh and looks at the ceiling. "Damn," he breathes.

Bennett Johnston has just spent a half hour explaining why a fellow senator's pet provision is being cut from legislation Johnston plans to introduce later in the day.

"Bill, if our chances weren't so dim anyway, I'd say let's go ahead and leave it in . . . But Bill, let us leave it out. I am for you, but I just don't want to kill the whole bill. It could lose us those one or two key votes."

And so it goes—and goes. "Here's the thing, Bill. But Bill, don't you see . . ." Bill apparently doesn't see, for he refuses to accept Johnston's reasoning, although he has no choice but to go along.

Finally, Johnston cuts off the conversation. "Let me think about it, Bill," he tells his colleague, but his tone makes clear that he is not about to change his mind.

As Johnston hangs up, his personal secretary enters to tell him that two Democratic colleagues, Sens. Edmund S. Muskie of Maine and Adlai E. Stevenson III of Illinois, want to discuss legislative strategy over lunch at 12:30. This creates a problem since Johnston is scheduled to preside over the Senate for an hour beginning at 1 o'clock. But the secretary already has taken care of that with a phone call to Sen. Floyd Haskell (D-Colo.), who has agreed to take Johnston's place on the floor.

"All right," Johnston says. "Now I don't want anybody to interrupt me for the next hour." He said the same thing about an hour ago, but this time he looks like he means it.

Between his recalcitrant colleague and a string of unscheduled visitors and callers, Johnston has yet to prepare the statement he will deliver in a few hours on the floor of the Senate when he introduces his bill to establish a system of standby wage and price controls.

Johnston, 41, says this is probably the single most important piece of legislation he has handled in his two-plus years in the Senate. For that reason, he explains, today is not entirely typical.

But still this day does have the basic ingredients of any other day, requiring him to balance his legislative duties, either in committee or on the floor, with enough down-home politicking to keep the folks back in Louisiana happy. "You can spend all your time politicking," Johnston says, but "if you're doing your job right you're either in committee or on the floor."

Many times politics and legislation coincide, such as when Johnston fought to kill an oil price rollback that would have upset a lot of powerful constituents in oil-rich Louisiana.

But today his sponsorship of standby economic controls goes against the grain of most of his constituents, particularly some Louisiana businessmen who happen to be in town. He'll have some explaining to do this evening when he attends a Chamber of Commerce cocktail party.

"One of the most difficult things up here is to try to get the story across back home," he says.

This morning, for instance, an influential constituent called to ask why the senator was advocating an immediate and indefinite freeze on all wages and prices. He wasn't. The biggest frustration in being a senator, Johnston says, is "being almost totally misunderstood and seeming almost powerless to do anything about it."

Another frustration is the unwanted but unavoidable interruptions that occur during even the best-planned days. Each morning when he arrives in his office, Johnston is handed a 5-by-8-inch pink slip and a 3-by-5 green card, both outlining his schedule for the day. He keeps the pink slip on his desk and carries the green card in his coat pocket.

Today his first appointment is not until 4 p.m. But when he arrives in his office a few minutes past 9, a gentleman from Covington, La., is waiting to see him. Johnston says, "All right, for just a minute."

The man, a gasoline dealer whom Johnston has helped in gaining relief from the Federal Energy Office, is ushered in for his allotted minute. Johnston says how glad he is that he could help, manages a reference by name to the visitor's wife, tells him to "make this your headquarters while you're here," and walks him to the door, explaining that "today's a big day."

That done, Johnston sits down at his desk to discuss his controls bill with a legislative assistant who is miffed that Muskie and Stevenson have emerged as the principal names on the measure.

Johnston puts in a call to Stevenson and starts working his way through the "IN" box on his desk when his secretary brings word that a man from the Baton Rouge Chamber of Commerce is outside.

The senator hustles to the outer office. "Today's a big day for us," he says, before lapsing into a moment of pleasantries about how members of the Baton Rouge delegation managed to miss their plane.

Johnston returns to his gold-carpeted inner sanctum where a call from Stevenson is waiting. The two spend a few minutes planning a floor exchange that will explain the effect standby controls would have on the health care industry. This canned debate, officially known as a "colloquy," is necessary to establish the legislative intent of the bill should it become law, Johnston explains.

Hanging up the phone, he turns to a job he says is "worse than anything else in the world"—answering mail. His staff already has drafted the needed replies, "but they just don't quite sound right." So he dictates them again.

Next a phone call from a Louisiana reporter who wants to know what Johnston will be doing on the floor this afternoon.

In mid-explanation, Johnston's private phone rings. He answers and proceeds to cut his first secret deal of the day.

"You're going to owe me a lot of favors, pal," Johnston says. "Like what?" queries the voice on the other end. "Like anything I say," Johnston tells his 14-year-old son, spokesman for a small but powerful special interest group.

Young Bennett taken care of, Johnston is back to the Louisiana reporter and a brief discourse on the consumer price index. As soon as he hangs up, another Louisiana reporter is brought in to ask the same questions and receive the same answers.

It is now 10:45 and Johnston has just issued a ban on further interruptions. No sooner said than the phone rings, carrying the insistent voice of his congressional friend with the deleted provision. By 11:30 the conversation is over and the second order against interruptions has gone out.

He spends the next hour dictating the floor statement now scheduled for 3 p.m., then rushes to keep his lunch date with Stevenson and Muskie. Two steps out the door, he stops, sticks his head back in and asks where the luncheon is.

Back in the office shortly after 2, Johnston reads his floor statement aloud to his legislative assistant—"You like that little allusion to an economic ambush?"—and then, for the first time today, heads for the Senate floor.

Stepping off the elevator at the entrance to the chamber, he runs into a trio of labor lobbyists who make one last effort to convince him of the folly of standby controls.

Passing into the chamber, Johnston, "the distinguished gentleman from Louisiana," as he's now called, takes a seat front row center, and shortly launches into his appeal. Only a few senators are present and the press gallery is almost empty.

But over in the spectator galleries, his wife, Mary, has just brought in a high school group from Shreveport to watch their senator in action.

Thirty minutes later, Johnston is finished and Muskie takes over, elaborating further on the inescapable need for this legislation. Then opponents of the measure rise to describe at length the havoc it would bring.

It's almost 6 o'clock now. The high school group has long since departed, and the galleries are all but deserted. Besides Johnston, three senators are on the floor.

Sen. Hubert H. Humphrey is winding up a lengthy and passionate speech in favor of the Johnston bill. As Humphrey finishes, Johnston rises to compliment the distinguished gentleman from Minnesota on his remarks, adding if "the Senate as a whole heard that speech I think the bill would be passed overwhelmingly."

In fact, two days later it was defeated.

The Senate adjourns for the day and Johnston heads back to his office, trying to explain what has been accomplished by so much debate before so few people.

"It has a certain educational value," he says, noting that other senators will read portions of the debate in the Congressional Record the next day.

But mainly, he concedes, it is a chance for senators to deliver themselves of their rounded phrases and to hear themselves praised as the distinguished gentlemen from here or there who have so eloquently presented the case for this or that.

At 6:30 Johnston is back in his office signing the letters he dictated earlier. It is too late to attend the Japanese embassy reception in honor of the Emperor's birthday, but the Chamber of Commerce cocktails are a must. And his late arrival will make it impossible to turn down a dinner invitation after he gets there.

He says he tries to keep such social events down to a maximum of two nights a week. "You can really run that sort of thing into the ground," he says, "not getting your real work done. But sometimes," like tonight, "you just can't avoid it. They're good friends and supporters."

They are waiting when he arrives, gathering around shaking his hand. Flashbulbs pop as the senator engages in earnest conversation with one constituent after another.

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

INCREASE IN BUDGET FOR THE PANAMA CANAL GOVERNMENT AND COMPANY FOR FISCAL YEAR 1975 (S. Doc. 93–87)

A communication from the President of the United States transmitting proposed amendments to requests for appropriations for the fiscal year 1975 providing an increase in the budget for the Panama Canal Government and Company (with an accompanying paper). Referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 20, 1974, he presented to the President of the United States the following enrolled bill:

S. 411. An act to amend title 39, United States Code, with respect to certain rates of postage, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.J. Res. 1062. A joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes (Rept. No. 93–951).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3320. A bill to extend the appropriation authorization for reporting of weather modification activities (Rept. No. 93–952).

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

S. 2848. A bill to extend and improve the Drug Abuse Education Act of 1970 (Rept. No. 93–953).

By Mr. HUGHES, from the Committee on Labor and Public Welfare, without amendment, and without recommendation:

H.R. 9456. A bill to extend the Drug Abuse Education Act of 1970 for three years (Rept. No. 93–954).

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. Res. 345. An original resolution authorizing supplemental expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States. (Referred to the Committee on Rules and Administration) (Rept. No. 93–955).

AUTHORITY TO FILE CONFERENCE REPORT DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized until midnight tonight to file a conference report on H.R. 7724, a bill to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FULBRIGHT (by request):

S. 3689. A bill to complement the Vienna Convention on Diplomatic Relations. Referred to the Committee on Foreign Relations.

By Mr. PROXMIRE (for himself and Mr. BROCK):

S. 3690. A bill to amend the Civil Liability Provisions of the Truth in Lending Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT (by request):

S. 3689. A bill to complement the Vienna Convention on Diplomatic Relations. Referred to the Committee on Foreign Relations.

DIPLOMATIC RELATIONS ACT OF 1974

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to complement the Vienna Convention on Diplomatic Relations in order to promote the conduct of the foreign relations of the United States by specifying the privileges and immunities which foreign diplomatic missions and their personnel may be accorded in the United States.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated June 14, 1974, as well as a section-by-section analysis and the text of the Vienna Convention.

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

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Diplomatic Relations Act of 1974."

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to promote the conduct of the foreign relations of the United States by specifying the privileges and immunities to which foreign diplomatic missions and the personnel thereof are entitled and by authorizing the President to regulate, consistent with treaties and other international agreements of the United States, customary international law and practice, and this Act, the granting of such privileges and immunities.

DEFINITIONS

SEC. 3. As used in this Act, the phrase "foreign diplomatic mission and the personnel thereof" includes

(a) any duly accredited permanent or special diplomatic mission of a sending state to the United States, including special envoys, and the members of the staff of the mission, the members of the families of such members of the staff, the private servants of the members of the mission, and diplomatic couriers.

(b) the head of a foreign state or the head of the government of a foreign state, and, when they are on an official visit to or in transit through the United States the foreign minister of a foreign government, and those members of the official party accompanying such officials.

AUTHORITY OF THE PRESIDENT

SEC. 4. (a) The President is authorized, upon a basis of reciprocity and under such terms and conditions as he may from time to time determine—

(1) to apply the treatment prescribed by the Vienna Convention on Diplomatic Relations, or any part of parts thereof, to those foreign diplomatic missions and the personnel thereof not otherwise entitled to such treatment;

(2) to extend more favorable treatment than is provided in the Vienna Convention on Diplomatic Relations to foreign diplomatic missions and the personnel thereof with respect to—

(A) exemption from Federal taxes; and

(B) immunity from civil and criminal jurisdiction of the United States or of any State, territory, or possession thereof for those persons defined in the Vienna Convention on Diplomatic Relations as the members of the administrative and technical staff and the service staff of the mission.

(b) The determination of the President as to the entitlement of a foreign diplomatic mission and the personnel thereof to diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations or under this Act, shall be conclusive and binding on all Federal, State, and local authorities.

(c) The President shall from time to time publish in the Federal Register of the United States a list of the permanent foreign diplomatic missions and the personnel thereof entitled to diplomatic privileges and immunities.

JUDICIAL MATTERS

SEC. 5. (a) Whenever any writ or process is sued out or prosecuted in any court, quasi-judicial body, or administrative tribunal of the United States, or of any State, territory, or possession thereof, against a person or the property of any person entitled to immunity

from such suit or process under the Vienna Convention on Diplomatic Relations or pursuant to this Act, such writ or process shall be deemed void.

EXERCISE OF FUNCTIONS

SEC. 6. The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates.

EFFECTIVE DATE AND REPEALS

SEC. 6. (a) This Act shall be effective immediately.

(b) Sections 4063, 4064, 4065, and 4066 of the Revised Statutes (22 U.S.C. 252–254) are repealed upon the effective date of this Act.

(c) The repeal of the several statutes or parts of statutes accomplished by this Act shall not affect any act done or right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue, and may be enforced in the same manner as if such repeal had not been made, subject only to the applicable immunities heretofore flowing from customary international law and practice.

DEPARTMENT OF STATE,
Washington, D.C., June 14, 1974.

HON. GERALD R. FORD,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "to complement the Vienna Convention on Diplomatic Relations" which was ratified by the United States on November 13, 1972. The purpose of the bill is to promote the conduct of the foreign relations of the United States by specifying the privileges and immunities which foreign diplomatic missions and their personnel may be accorded in the United States. This bill is virtually identical to S. 1577 which was passed by the Senate in the 90th Congress except that, upon the recommendation of the Department of Justice, Section 5(b) dealing with criminal penalties for a knowing violation of the statute has been eliminated. Bills identical to S. 1577 have been introduced in subsequent years, the latest such bill in 1970 during the 91st Congress. A sectional analysis of the proposed bill is enclosed.

The primary purpose of reintroducing the bill at this time is to bring about uniformity in United States practice relating to diplomatic privileges and immunities following the entry into force of the Vienna Convention (TIAS 7502). At present, there are two distinct standards, one international and one domestic, for determining the scope of privileges and immunities which may be accorded foreign diplomatic missions and their personnel. The Vienna Convention, which is in force for 112 countries, including the United States, embodies in most material respects customary rules of international law in this area. In addition, Sections 4063–4066 of the Revised Statutes (22 USC §§252–254) provide a separate and, in some respects, broader standard of immunity for various classes of diplomatic mission personnel.

One reason for the bill is that as a matter of domestic law, the Vienna Convention does not repeal or supersede 22 U.S.C. §§252–254 in situations in which both are applicable. This is made clear by the text of the Convention (Arts. 38 and 47) and the legislative history of its consideration (Ex. Rep. No. 6, 89th Cong. 1st Sess., Ex. H, 88th Cong. 1st Sess., p. 11 (1965)). This view has been confirmed by an opinion from the Office of Legal Counsel, Department of Justice, dated May 4, 1973.

In addition to bringing about conformity between the international and domestic legal standards in immunities through repeal of the above-mentioned sections of the Revised Statutes, the bill will serve the following major purposes:

(1) authorize the President, upon a basis of reciprocity and at his direction, to accord the privileges and immunities specified in the Vienna Convention on Diplomatic Relations to diplomatic missions and their personnel of states not parties to the Convention;

(2) authorize the President to extend on the basis of reciprocity more favorable treatment than required by the Vienna Convention to diplomatic missions and their personnel with respect to:

(a) Federal taxes, and

(b) the civil jurisdiction of the United States, or of any State, territory or possession over persons who are members of the administrative and technical staff of the diplomatic mission, as defined in the Vienna Convention, and the civil and criminal jurisdiction over members of the service staff of the diplomatic mission, as also defined in the Vienna Convention;

(3) make binding and conclusive on all Federal, State and local authorities any determination by the President as to the entitlement of a foreign diplomatic mission or its personnel to privileges and immunities under the Vienna Convention or the subject Act;

(4) direct the President to publish from time to time in the Federal Register a list of the foreign diplomatic missions and their personnel entitled to diplomatic privileges and/or immunities; and

(5) make void any writ or process sued out or prosecuted in any court, quasi-judicial body, or administrative tribunal of the United States, or of any State, territory or possession thereof, against a person or the property of any person entitled to immunity from such suit or proceeds.

The Department of Justice concurs in the submission of this proposed legislation and recommends its enactment.

The Office of Management and Budget advises that enactment of the enclosed draft bill would be consistent with the Administration's program.

In view of the continuing potential for undesirable consequences stemming from the existing legal framework, prompt action is urged on this legislation.

Cordially,

LINWOOD HOLTON,
Assistant Secretary
for Congressional Relations.

Enclosures: As stated.

SECTION-BY-SECTION ANALYSIS

SECTION 1. TITLE

This may be cited as the "Diplomatic Relations Act of 1974".

SECTION 2. STATEMENT OF PURPOSE

This states the purpose of the bill, which is is to promote the conduct of the foreign relations of the United States by specifying the privileges and immunities to which foreign diplomatic missions and the personnel thereof are entitled, and by authoriing the President to regulate, consistent with treaties and other international agreements, customary international law and practice, and this proposed legislation, the granting of such privileges and immunities.

SECTION 3. DEFINITIONS

This defines the phrase "foreign diplomatic mission and the personnel thereof" as including not only members of permanent diplomatic missions, their families, and their private servants, but also heads of foreign states and heads of foreign governments, whether in the United States for official or personal reasons, foreign ministers when on an official visit to or in transit through the United States, and persons on special diplomatic mission to the United States, together with the members of the official parties accompanying all such persons. The definition also includes diplomatic couriers. This broad definition is desirable for several reasons. The Vienna Convention on Diplomatic Relations has reference only to permanent diplomatic missions, and, in limited respects, to diplomatic couriers. The privileges and immunities that are everywhere accorded to visiting heads of state and heads of government should have some basis in the statutory law of the United States.

SECTION 4. AUTHORITY OF THE PRESIDENT

Paragraph (a) of this Section authorizes the President, on a basis of reciprocity and under such terms and conditions as he may from time to time determine;

(1) to apply the treatment prescribed by the Vienna Convention on Diplomatic Relations, or any part or parts thereof, to those foreign diplomatic missions and the personnel thereof not otherwise entitled to such treatment.

(2) to extend more favorable treatment than is required by the Vienna Convention on Diplomatic Relations to foreign diplomatic missions and the personnel thereof with respect to (a) exemption from Federal taxes; and (b) immunity from criminal and civil jurisdiction for members of the administrative and technical staff and the service staff of the mission. The taxes to which Section 4 applies will be those imposed by or pursuant to Acts of Congress. This provision will enable the United States to continue to accord, in return for an appropriate *quid pro quo* by the sending state, (1) the exemption from Federal taxes presently enjoyed by duly accredited diplomatic officers and members of the administrative and technical staff who are nationals of the appointing state, (2) complete immunity from criminal jurisdiction to members of the service staff who are not nationals or residents of the United States, and (3) immunity from civil and criminal jurisdiction in respect of official acts to members of the administrative and technical staff who are nationals or residents of the United States.

Paragraph (b) of Section 4 reaffirms the primacy of the Executive Branch's determination with respect to entitlement of a particular foreign diplomatic officer or employee to diplomatic privileges and immunities. The making of a determination of diplomatic immunity, from civil or criminal jurisdiction would presumably be delegated to the Department of State pursuant to Section 6, would be exercised by the Secretary of State or his designee in the light of the purpose set forth in Section 2 and the certificate of the Secretary of State or his designee would be transmitted by the Attorney General to the appropriate court.

Paragraph (c) of Section 4 adopts the notice feature of 22 U.S.C. 254, with these changes: the names of persons in the permanent foreign diplomatic missions entitled to immunity, instead of just those persons presently listed in the so-called "White List," will be required to be made of public record; these names will be published in the "Federal Register' rather than posted in the office of the Marshal for the District of Columbia.

SECTION 5. JUDICAL MATTERS

Paragraph (a) provides that any writ or process sued out or prosecuted against a person or the property of any person entitled to immunity from such process shall be deemed void.

SECTION 6. EXERCISE OF FUNCTIONS

This is a standard delegation of authority provision.

SECTION 7. EFFECTIVE DATE REPEALS

Paragraph (a) provides that the "Diplomatic Relations Act of 1974" will be effective immediately. Paragraph (b) provides for the repeal of Sections 4063, 4064, 4065, and 4066 of the Revised Statutes (22 U.S.C. 252–254), upon the effective date of the Act. Paragraph (c) is a clause regarding legal acts done or rights accrued, or proceedings commenced in any civil cause before the repeal of the several statutes referred to in paragraph (b) above.

June 1974.

(Reprint of English Text Only)

VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND OPTIONAL PROTOCOL ON DISPUTES

MULTILATERAL

Vienna Convention on Diplomatic Relations and Optional Protocol on Disputes

Done at Vienna April 18, 1961;

Ratification advised by the Senate of the United States of America September 14, 1965;

Ratified by the President of the United States of America November 8, 1972;

Ratification of the United States of America deposited with the Secretary-General of the United Nations November 13, 1972;

Proclaimed by the President of the United States of America November 24, 1972;

Entered into force with respect to the United States of America December 13, 1972.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A proclamation

Considering that:

The Vienna Convention on Diplomatic Relations and the Optional Protocol Concerning the Compulsory Settlement of Disputes were opened for signature on April 18, 1961, and were signed on behalf of the United States of America on June 29, 1961, certified copies of which are hereto annexed;

The Senate of the United States of America by its resolution of September 14, 1965, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention and the Optional Protocol;

On November 8, 1972, the President of the United States of America ratified the Convention and the Optional Protocol, in pursuance of the advice and consent of the Senate;

The United States of America deposited its instrument of ratification of the Convention and the Optional Protocol on November 13, 1972, in accordance with the provisions of Article 49 of the Convention and Article VI of the Optional Protocol;

Pursuant to the provisions of Article 51 of the Convention and Article VIII of the Optional Protocol, the Convention and the Optional Protocol will enter into force for the United States of America on December 13, 1972, the thirtieth day after deposit of the instrument of ratification;

Now, therefore, I, Richard Nixon, President of the United States of America, proclaim and make public the Convention and the Optional Protocol to the end that they shall be observed and fulfilled with good faith on and after December 13, 1972, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

In testimony whereof, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this twenty-fourth day of November in the year of our Lord one thousand nine hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.

[SEAL]

RICHARD NIXON.

By the President:

WILLIAM P. ROGERS,
Secretary of State.

[United Nations Conference on Diplomatic Intercourse and Immunities]

VIENNA CONVENTION OF DIPLOMATIC RELATIONS

(United Nations 1961)

The States Parties to the present Convention,

Recalling that peoples of all nations from ancient times have recognized the status of diplomatic agents,

Having in mind the purposes and principles of the Charter of United Nations [1] concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States.

Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(*a*) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;

(*b*) the "members of the mission" are the head of the mission and the members of the staff on the mission;

(*c*) the "members of the staff of the mission" are members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(*d*) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(*e*) a "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;

(*f*) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(*g*) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(*h*) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(*i*) the "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the mission including the residence of the head of the mission.

ARTICLE 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

ARTICLE 3

1. The functions of a diplomatic mission consist *inter alia* in:

(*a*) representing the sending State in the receiving State;

(*b*) protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

(*c*) negotiating with the Government of the receiving State;

(*d*) ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;

(*e*) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

ARTICLE 4

1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.

2. The receiving State is not obliged to give reasons to the sending States for a refusal of *agrément*.

ARTICLE 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.

2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a *chargé d'affaires ad interim* in each State where the head of mission has not his permanent seat.

3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

ARTICLE 6

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

ARTICLE 7

Subject to the provisions of Articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

ARTICLE 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.

2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

ARTICLE 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognize the person concerned as a member of the mission.

ARTICLE 10

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of:

(*a*) the appointment of members of the mission, their arrival and their final depar-

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[1] TS 993; 59 Stat. 1031.

ture or the termination of their functions with the mission;

(b) the arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;

(c) the arrival and final departure of private servants in the employ of persons referred to in sub-paragraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;

(d) the engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

ARTICLE 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

ARTICLE 12

The sending State may not, without the prior consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

ARTICLE 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

ARTICLE 14

1. Heads of mission are divided into three classes, namely:

(a) that of ambassadors of nuncios accredited to Heads of State, and other heads of mission of equivalent rank:

(b) that of envoys, ministers and internuncios accredited to Heads of State;

(c) that of *chargés d'affaires* accredited to Ministers for Foreign Affairs.

2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

ARTICLE 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

ARTICLE 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with Article 13.

2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.

3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

ARTICLE 17

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

ARTICLE 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

ARTICLE 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions, a *chargé d'affaires ad interim* shall act provisionally as head of the mission. The name of the *chargé d'affaires ad interim* shall be notified, either by the head of the mission, or in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

ARTICLE 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

ARTICLE 21

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

ARTICLE 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

ARTICLE 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

ARTICLE 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated reasons for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

ARTICLE 27

1. The receiving State shall permit and protest free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The dipomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

ARTICLE 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

ARTICLE 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction,

(a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purpose of the mission;

(b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legate as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a),

(b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

ARTICLE 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;

(d) dues and taxes on private income having its source in the receiving State and capital taxes on investment made in commercial undertakings in the receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for the personal use of a diplomatic agent or members of hs family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

ARTICLE 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

1. Except insofar as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or traveling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

ARTICLE 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the re-

ceiving State or such other ministry as may be agreed.

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

ARTICLE 42

A diplomatic agent shall not in the receiving State practice for personal profit any professional or commercial activity.

ARTICLE 43

The function of a diplomatic agent comes to an end, *inter alia*:

(*a*) on notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;

(*b*) on notification by the receiving State to the sending State that, in accordance with paragraph 2 of Article 9, it refuses to recognize the diplomatic agent as a member of the mission.

ARTICLE 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

ARTICLE 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

(*a*) the receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;

(*b*) the sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;

(*c*) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

ARTICLE 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

ARTICLE 47

1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(*a*) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State;

(*b*) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

ARTICLE 48

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice,[2] and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York.

[2] TS 993; 59 Stat. 1055.

ARTICLE 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 51

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 52

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 48:

(*a*) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 48, 49 and 50;

(*b*) of the date on which the present Convention will enter into force, in accordance with Article 51.

ARTICLE 53

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 48.

In witness whereof the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

Done at Vienna, this eighteenth day of April one thousand nine hundred and sixty-one.

OPTIONAL PROTOCOL CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

(United Nations, 1961)

The States Parties to the present Protocol and to the Vienna Convention on Diplomatic Relations, hereinafter referred to as "the Convention", adopted by the United Nations Conference held at Vienna from 2 March to 14 April 1961,

Expressing their wish to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonable period,

Have agreed as follows:

ARTICLE I

Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to the present Protocol.

ARTICLE II

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

ARTICLE III

1. Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

ARTICLE IV

States Parties to the Convention, to the Optional Protocol concerning Acquisition of Nationality, and to the present Protocol may at any time declare they will extend the provisions of the present Protocol to disputes arising out of the interpretation or application of the Optional Protocol concerning Acquisition of Nationality. Such declarations shall be notified to the Secretary-General of the United Nations.

ARTICLE V

The present Protocol shall be open for signature by all States which may become Parties to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York.

ARTICLE VI

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE VII

The present Protocol shall remain open for accession by all States which may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE VIII

1. The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever day is the later.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this Article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE IX

The Secretary-General of the United Nations shall inform all States which may become Parties to the Convention:

(*a*) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with Articles V, VI and VII;

(*b*) of declarations made in accordance with Article IV of the present Protocol;

(*c*) of the date on which the present Protocol will enter into force, in accordance with Article VIII.

ARTICLE X

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article V.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

Done at Vienna, this eighteenth day of April one thousand nine hundred and sixty-one.

By Mr. PROXMIRE (for himself and Mr. BROCK):

S. 3690. A bill to amend the civil liability provisions of the Truth in Lending Act, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

ALTERNATIVE TO CLASS ACTION SUITS

Mr. PROXMIRE. Mr. President, the bill which Senator BROCK and I are jointly introducing today amends section 130 of the Truth in Lending Act to provide a new remedial scheme for violations of that act. The bill would substitute a so-called Qui tam remedy for the present class action remedy under Truth in Lending. This alternative remedy is intended to apply to violations of the disclosure requirements under chapter 2 and to such additional requirements which may be subsequently added to the act including the requirements added by the proposed chapter 4 on credit billing practices.

The proposed bill, which is introduced for purposes of discussion and comparison with existing law and with other reform proposals, was drafted after extensive consultation and discussion with both consumer and industry representatives. This does not imply that those who participated in these discussions necessarily agree with all of the provisions in the proposed bill. I am sure that recommended changes will be forthcoming and both Senator BROCK and myself reserve the right to consider further changes in the bill. As I indicated, the primary purpose of introducing the bill is to get a discussion going between industry and consumer groups on an alternative to the class action approach. Neither Senator BROCK nor myself have taken a final position on the Qui tam remedy or on the details of the proposed bill.

The bill provides that when a creditor is charged with violating the Truth in Lending Act, a debtor or bona fide consumer protection organization may bring a civil suit in his own name and in the name of the United States, for injunctive relief and for assessment of a civil penalty.

The United States must be notified of the suit, and may step in and take it over; if the United States decides not to participate, the suit may be carried on by the person who originated it. If the court finds that a violation has occurred, the creditor will be required to pay a civil penalty, and a portion of this penalty is awarded to the person who initiated the suit. Costs and reasonable attorney's fees shall also be awarded to a successful plaintiff.

The purpose of providing this civil remedy, of the type long known in the courts as a "qui tam" action, is to encourage creditors to comply with the law by making it more practical for private parties to bring a suit to enforce the law. In this case, the incentive for private parties to bring suit takes the form of a portion of the fine imposed plus reimbursement of costs and attorney's fees. The qui tam remedy thus can increase compliance with the statute without requiring an additional active detection and enforcement effort by already overburdened Government agencies.

The need to establish new remedies for the Truth in Lending Act has been evident for some time. The present remedies are unsatisfactory from the point of view of both creditors and debtors. Under section 130 in its present form, a creditor who fails to make the disclosures required by the act is subject to suit by a debtor for twice the finance charge associated with the transaction, with a minimum liability of $100 and a maximum liability of $1,000. In addition, the successful plaintiff is entitled to court costs and a reasonable attorney's fee.

This relatively small statutory liability does not appear sufficient to encourage diligent compliance with the law on the part of all creditors. The $100 minimum recovery for a single plaintiff is less than a slap on the wrist for many creditors. Moreover, because of the complexity of the law it is unlikely that a large number of individual consumers will realize that a violation has occurred and bring suit against any given creditor.

An alternative which has been attempted by a number of plaintiffs is the class action, in which suit is brought by one consumer on behalf of himself and all other persons affected by the creditor's illegal conduct. If the suit is successful, all members of the class can recover. However, a problem arises in applying the minimum liability provisions of section 130 to a class action involving millions of consumers. If each member of the class were to collect the minimum award of $100, the creditor's liability would be staggering. As a result, courts have generally been unwilling to permit truth-in-lending suits to proceed as class actions. A potentially valuable consumer protection tool has therefore been unavailable. On the other hand, many creditors fear that a future court may still certify a suit for class action and subject the creditor to the risk of a crippling penalty. Thus, both consumers and creditors have reason to be dissatisfied with the present law.

In an attempt to deal with this problem the Senate last year passed section 208 of S. 2101, which is now pending before the House of Representatives. In the case of a class action, this section eliminates the $100 minimum recovery and sets a maximum total recovery for the class of the lesser of $100,000 or 1 percent of the net worth of the creditor.

While this solution eliminates the risk of astronomical crippling liabilities, it creates new problems. The division of the maximum class recovery among a very large class of customers may mean that each member of the class recovers only a few cents, or, at best, a few dollars—often not enough to cover the cost of identifying him and mailing him his share of the award. It seems likely that, under these circumstances, many plaintiffs or many courts will feel that the costs of the class action outweigh the benefits in truth in lending cases. We may thus find ourselves back where we started, with no effective civil remedy. Moreover, the Supreme Court has recently decided that the cost of notifying the members of the class must be borne by the plaintiffs. (*Eisen, et al.* v. *Carlisle & Jacquelin, et al.*, No. 73-203, May 28, 1974).

It is my feeling that the qui tam remedy may overcome many of the difficulties inherent in the class action. In those cases where no consumer suffers actual damages because of the creditor's violation, the central object of a remedial statute is not to distribute a sum of money to each of the creditor's customers. Rather, the purposes are two: First, to establish a monetary liability large enough to motivate the creditor to comply with the statute; and second, to create a sufficient, but not overly large, incentive for private enforcement of the law.

The proposed amendment achieves these purposes by providing that a creditor who violates the law shall be liable for a civil penalty of not less than $15,000 nor more than $200,000. The court, in determining the precise amount of the penalty, is to consider the resources of the creditor, the number of persons adversely affected by the illegality, and the extent of the creditor's attempts to comply with the law. In order to encourage private parties to assist in the enforcement of the statute, the court is to award between $5,000 and $10,000 to the person who initiated the suit. The remainder of the civil penalty, of course, will be paid into the U.S. Treasury. Since this arrangement should provide adequate enforcement of the law, the amendment explicitly abolishes the right to initiate a class action suit in truth in lending cases.

The proposed amendment is novel in some other respects. It recognizes that, because of the complexity of the law, a layman usually cannot detect a violation. In reality, violations are often identified by a concerned organization, which then brings suit in the name of a consumer who has dealt with the creditor. The proposed amendment would simplify and streamline matters by permitting bona fide consumer protection organizations to bring suit in their own names. It also provides that the attorney's fees awarded to the successful plaintiff shall not be decreased by the fact that his attorney is retained or employed by a nonprofit organization. Furthermore, because the counsel fees paid to the defendant's lawyers provide a useful measure of the amount of work involved in carrying on the law suit, the court is instructed to consider such fees in determining the amount of a reasonable attorney's fee to be awarded to the plaintiff.

In summary, it appears to me that the proposed qui tam remedy provides for effective, economical enforcement of the law, without placing an additional burden on our law enforcement agencies and without the complexities and costs inherent in the class action approach. I hope the Senate will give it serious consideration.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a statement on the bill by Senator BROCK together with the text of the bill.

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

STATEMENT BY SENATOR BROCK

I am delighted to join the Senator from Wisconsin (Mr. PROXMIRE) in sponsoring legislation to amend the Truth-in-Lending Act to substitute a qui tam remedy for class actions.

When the Subcommittee on Consumer Credit was working on Truth-in-Lending Act Amendments we found that the Federal courts had experienced problems in certifying class action suits for the enforcement of that Act. Section 130 of the Truth-in-Lending Act permits consumers to bring civil actions in the Federal courts against any creditor who fails to disclose the information required by the Act. A problem has arisen in applying the minimum liability provisions of the Act in class action suits involving millions of consumers. As a result the present civil remedy serves neither the consumers intended to be aided by the Truth-in-Lending Act nor the creditors intended to be subject to its controls. In addition, the ruling of the Supreme Court in the *Eisen* case requiring persons initiating class action suits to notify at their expense all other persons in the class, will make it next to impossible for consumers to utilize the class action remedy.

As a solution to the problem a number of scholars have suggested that the class action device be statutorily limited to the recovery of actual damages and that a new technique—the qui tam action—be utilized to encourage the private attorney general to prominently participate in the enforcement of truth-in-lending.

In an effort to fashion a legislative approach which will improve the effectiveness of the Truth-in-Lending Act, I join with Senator Proxmire in offering this amendment to the Truth-in-Lending Act. This will give the public an opportunity to comment on the provisions in this legislation, on which I retain an open mind.

S. 3690

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

Section 130(a) of the Truth in Lending Act (15 U.S.C. Sec. 1640) is amended to read as follows:

"(a)(1) Except as otherwise provided in this section, any creditor who, with respect to any person, fails to comply with any requirement imposed under this title (other than Chapter 3) is liable to such person for an amount equal to the greater of (1) twice the finance charges imposed but not less than $100 nor more than $1,000, or (2) the actual damages sustained by that person; *Provided, however,* That in the case of a violation involving conduct which was part of a creditor's course of conduct with respect to which a judgment has been entered against that creditor pursuant to Paragraph (3) the creditor is liable under this proviso for any actual damages sustained by a person bringing an action under this Paragraph.

"(2)(A) Except as otherwise provided in this section, any obligor, whether or not actually damaged, may bring a civil action in any United States district court pursuant to Title 28, U.S.C. Sec. 2201 for a declaration that a creditor of such obligor has engaged in a course of conduct in violation of the requirements imposed by chapter 2 of this title (provided that at least one such violation occurred within one year before the initiation of the action), for injunctive relief and for the relief provided by Paragraph (3).

"(B) Except as otherwise provided in this section, any bona fide consumer protection organization, whether or not actually damaged, may bring a civil action in any United States district court pursuant to Title 28, U.S.C. 2201 for a declaration that a creditor has engaged in a course of conduct in violation of the requirements imposed by chapter 2 of this title (provided that at least one such violation occurred within one year before the initiation of the action and regardless of whether such organization is an obligor of such creditor), for injunctive relief and for the relief provided by Paragraph 3. In the case of actions brought under this subparagraph, the court shall determine, as soon as practicable, whether the plaintiff is a bona fide consumer protection organization. In making this determination, the court shall consider, among other factors, the length of time the organization has been in active existence, the nature and level of its activities, the size of its membership, and its experiences in consumer protection litigation. An organization established solely or primarily for the purpose of bringing the particular action in which the determination is being made is not a bona fide consumer protection organization.

"(C) The person bringing an action under this paragraph shall allege all such courses of conduct by the creditor that are claimed to be in violation and known to the person. Such action shall be brought in the name of and for the United States as well as for the private plaintiff. The person bringing the action shall immediately give notice of the pendency thereof to the United States by sending to the Board and to the Attorney General of the United States by certified mail, a copy of the complaint together with a summary statement in writing outlining the evidence and information in the possession of the plaintiff material to the effective prosecution of the action. A copy of the notice, with proof of mailing, shall be filed with the court. If within sixty days after notice, the United States fails to file with the Court a formal notice of its intervention as a co-plaintiff, or if it earlier declines in writing to the court to enter such action, the action may be carried on by the person bringing it, provided that the court finds, on motion made by such person within 60 days after the expiration of such period or the declination of the United States, that such person can and will adequately prosecute the action.

"(3) In the event that more than one civil action shall be instituted pursuant to Paragraph (2) involving the same course of conduct, the court shall determine in which case the plaintiff will best, most effectively represent the position or positions adverse to the defendant, and shall stay further proceedings in the other actions until that case has been adjudicated; between two plaintiffs who represent those positions equally well, the one who filed first shall be preferred. If a person bringing such action, or the United States, prevails in the action, the court may enjoin the course of conduct, and shall impose a civil penalty on the creditor within the limitations specified in Paragraph (4), of which amount not less than $5000 nor more than $10,000 shall be awarded to the person who prevailed and the balance shall be awarded to the United States. No such civil penalty shall be awarded in any other action with respect to the same course of conduct of the creditor occurring prior to the time at which the judgment imposing the penalty or enjoining such conduct becomes final.

"(4) A creditor shall be liable under paragraph (3) for not less than $15,000 nor more than $200,000. In determining the amount of this civil penalty, the court shall consider the resources of the creditor, the number of persons adversely affected by the course of conduct, and any affirmative action taken by the creditor, prior to the filing of the suit, to achieve compliance with chapter 2. The court may permit the defendant to pay the United States share of the judgment in installments.

"(5) In any successful action brought under paragraph (1) or (2), the court shall award to the person who prevailed in the action costs and a reasonable attorney's fee. In determining the amount of a reasonable attorney's fee, the court shall consider, among other relevant factors,

(A) the time required to prosecute the action;

(B) the novelty and difficulty of the issues involved and the skill required to prosecute the cause;

(C) the contingency or certainty of success; and,

(D) the amount of counsel fees that the defendant incurred in connection with its defense of the action.

The fact that a plaintiff is represented by an attorney retained or employed by a nonprofit organization, shall not preclude an award of attorney's fees under this subsection.

"(6) The remedies provided by this subsection may not be enforced in a class action."

SEC. 2. The amendments to section 130(a) of the Truth in Lending Act made by this Act shall apply to actions initiated after the date of enactment of this Act and to any action pending on such date if such action is so amended with the consent of all parties. All other actions pending on the date of enactment of this Act shall be subject to the provisions of section 130(a) in effect prior to the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2801

At the request of Mr. PROXMIRE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2801, to prevent the Food and Drug Administration from regulating safe vitamins as dangerous drugs.

S. 3679

At the request of Senator MCGOVERN, the Senator from Georgia (Mr. TALMADGE), the Senator from Alabama (Mr. ALLEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. CLARK), the Senator from Texas (Mr. BENTSEN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Vermont (Mr. AIKEN), the Senator from North Dakota (Mr. YOUNG), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. HASKELL), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 3679, a bill to provide emergency financing for livestock producers.

SENATE RESOLUTION 345—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

(Referred to the Committee on Rules and Administration.)

Mr. FULBRIGHT, from the Committee on Foreign Relations reported the following resolution:

S. RES. 345

Resolved, That Senate Resolution 241, 93d Congress, agreed to March 1, 1974, is amended as follows:

(a) In section 2, strike out the amount $708,800" and insert in lieu thereof "$851,000".

AMENDMENT OF THE FOREIGN ASSISTANCE ACT—AMENDMENTS

AMENDMENT NO. 1511

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

Mr. ABOUREZK submitted an amendment intended to be proposed by him to the bill (S. 3394) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ABOUREZK. Mr. President, the now familiar panacea for domestic ills, law and order, has long been used to describe American objectives in the troubled areas of Africa, Asia, and Latin America. While the Federal Government did not start aiding local U.S. police agencies until 1968, we have been supplying the police of selected underdeveloped nations with equipment, arms, and training since 1954. U.S. funds have been used to construct the National Police Academy of Brazil, to renovate and expand the South Vietnamese prison system, and to install a national police communications network in Colombia. The Agency for International Development estimates that over 1 million foreign policemen have received some training or supplies through the U.S. public safety program—a figure which includes 100,000 Brazilian police and the entire 120,000-man National Police Force in South Vietnam.

U.S. foreign aid programs in the underdeveloped third world call for a modest acceleration of economic growth, to be achieved wherever possible through the normal profitmaking activities of U.S. corporations and lending institutions. It is obvious, however, that an atmosphere of insecurity and rebelliousness does not provide an attractive climate for investment. In the rapidly urbanizing nations of the third world, civil disorders have become a common phenomenon as landless peasants stream to the cities in search of economic and cultural opportunities.

Since most of these countries cannot satisfy the aspirations of these new city-dwellers under present economic and social systems built up tensions are increasingly giving way to attacks on the status quo. After his 1969 tour of Latin America, Nelson Rockefeller noted in his report to the President that while Latin armies:

> Have gradually improved their capabilities for dealing with Castro-type agrarian guerrillas, it appeared that radical revolutionary elements in the hemisphere are increasingly turning toward urban terrorism in their attempts to bring down the existing order.

This prediction has already been borne out in Brazil and Uruguay, where urban guerrillas have in the past staged spectacular bank robberies and kidnappings.

Since the late 1950's a paramount concern of American policymakers has been the preservation of social stability in countries deemed favorable to U.S. trade and investment. U.S. military planning has been shaped by the need to provide, on a moment's notice counterinsurgency forces that can be flown in to the aid of friendly regimes threatened by popular insurrection. The military assistance program has been used to upgrade the capabilities of indigenous forces to overcome the rural guerrilla forces. Finally, on the premise that the police constitute the first line of defense against subversion, the Agency for International Development has funneled American funds and supplies into the hands of third world police forces.

During hearings on the foreign assistance appropriations for 1965, AID Administrator David Bell described the rationale behind U.S. police assistance programs as follows:

> Maintenance of law and order including internal security is one of the fundamental responsibilities of government . . .
>
> Successful discharge of this responsibility is imperative if a nation is to establish and maintain the environment of stability and security so essential to economic, social, and political progress . . .
>
> Plainly, the United States has very great interests in the creation and maintenance of an atmosphere of law and order under humane, civil concepts and control . . . When there is a need, technical assistance to the police of developing nations to meet their responsibilities promotes and protects these U.S. interests.

The public safety program is not large in comparison to the military aid program—but its supporters can muster some impressive arguments in its favor. It is argued, for instance, that the police—being interspersed among the population—are more effective than the military in controlling low-scale insurgency. Supporters of the police assistance program also point out that police forces are cheaper to maintain than military forces, since they do not require expensive "hardware" like planes, tanks, and artillery.

These arguments, advanced by men like Col. Edward Lansdale, formerly of the CIA, received their most favorable response from President John F. Kennedy and his brother Robert, then the Attorney General, in the early 1960's. Presidential backing was responsible for a substantial expansion of the public safety program in 1962, and for the centralization of all U.S. police assistance activities in AID's Office of Public Safety. The State Department memorandum establishing OPS is noteworthy for its strong language—the memo, issued in November 1962, declared that AID—

> Vests the Office of Public Safety with the primary responsibility and authority for public safety programs and gives that Office a series of powers and responsibilities which will enable it to act rapidly, vigorously, and effectively . . . powers greater than any other technical office or division of AID.

The two Kennedys also gave enthusiastic support to the creation of an Inter-American Police Academy in the Panama Canal Zone. Later, in order to open the Academy to police officers from other countries, it was moved to Washington, D.C., and reorganized as the International Police Academy.

The Office of Public Safety is empowered to assist Third World police organizations in three ways: First, by sending "public safety advisers" who provide "in-country" training for rank and file policemen only at the expense of the host country; second, by providing training at the International Police Academy and other U.S. schools for senior police officers and technicians; and, third, by shipping weapons, ammunition, radios, patrol cars, jeeps, chemical munitions, and related equipment.

Last year, after the passage of an amendment to the Foreign Assistance Act of 1974, I directed a letter to USAID requesting information on what the OPS program would encompass in the next 2 years, taking in consideration the new congressional limitations imposed on OPS.

Mr. Matthew Harvey, AID Assistant Administrator for Legislative Affairs, responded only in part to the question by choosing to omit the OPS plans for the continued export of police and paramilitary weaponry. Harvey states:

> During the next two years, the Office of Public Safety projected assistance to a number of countries. Currently Public Safety programs are being implemented in 18 countries.
>
> Commitments include Public Safety advisory assistance mainly in the field of administration and management — training both in-country and at the International Police Academy in Washington, D.C.—commodity assistance which includes items such as vehicles, communcations, police type weapons and training aids.
>
> The International Police Academy is scheduled to provide training for police officers from nations of the free world. Of high priority is training of foreign police officers who are responsible for the maintenance of law enforcement resources which are committed to the international narcotics control efforts. The Public Safety program also includes a training program for the Africa region which will enable police officers from 21 countries to receive U.S. training.
>
> The Office of Public Safety is also scheduled to provide TDY technical assistance to countries in the development of the police institution. The Office of Public Safety has been tasked to provide technical assistance in developing narcotic control programs which include such specialized fields as criminalistics, records and communications.
>
> b. As you are probably aware the Senate/House conferees have reported out the foreign aid bill which under Section 112 requires the ending of all Public Safety overseas programs. If signed into law in this form, the Bill would not affect the activities of the International Police Academy in Washington. The Academy would continue to train police officers in modern police management and techniques as at present.

Using Latin America to measure the scope of these activities, we find that over 150 public safety advisors have been stationed in 15 countries until now, and that some 2,000 Latin police officers have received training at the International Police Academy. In addition, over $42 million has been given to these countries in OPS supporting assistance programs in the last 3 years alone. Until 1972, the leading beneficiary of the public safety program in Latin America was Brazil, which received almost $8 million in OPS funds by the middle of 1972. Since then, the largest recipients of OPS aid have been Colombia and Guatemala.

In providing this kind of assistance, OPS notes that:

> Most countries possess a unified civil security service which "in addition to regular police include para military units within civil police organizations and paramilitary forces such as gendarmeries, constabularies, and civil guards which perform police functions and have as their primary mission maintaining internal security.

The AID program is designed to encompass all of these functions. According to OPS:

Individual Public Safety programs, while varying from country to country, are focused in general on developing within the civil security forces a balance of (1) a capability for regular police operations, with (2) an investigative capability for detecting and identifying criminal and/or subversive individuals and organizations and neutralizing their activities, and with (3) a capability for controlling militant activities ranging from demonstrations, disorders, or riots through small-scale guerrilla operations.

As noted in the 1962 State Department memo, OPS possesses unique powers not granted to other AID bureaus. These powers enable OPS to "act rapidly, vigorously and effectively" in aiding Latin regimes threatened by popular uprisings When a crisis develops in a Latin capital, OPS officials often stay up "night after night" in their Washington, D.C., office to insure that needed supplies—including radios and tear gas—reach the beleaguered police of the friendly regime.

AID officials insist that public safety assistance is "not given to support dictatorships." But there are apparently exceptions to this rule: Administrator Bell told a Senate Committee in 1965 that:

It is obviously not our purpose or intent to assist a head of state who is repressive. On the other hand, we are working in a lot of countries where the governments are controlled by people who have shortcomings.

Not wanting to embarass AID or any of the people we support who have "shortcomings," Bell did not mention names.

It is entirely possible that one country Bell was referring to is Brazil—a country which until 1972 enjoyed a substantial OPS contribution despite well-documented reports that political prisoners are regularly being tortured by the police. In justifying continued OPS aid to such regimes, Bell explained that:

The police are a strongly anti-Communist force right now. For that reason it is a very important force to us.

It is no surprise that these men should consider a small amount of allegedly Communist-led terrorism to be sufficient reason to subsidize the repressive apparatus of a totalitarian regime.

THE "PUBLIC SAFETY PROGRAM" IN SOUTH VIETNAM

According to a letter I received from the State Department dated February 5, 1974, Assistant Administrator Harvey stated that after June 14, 1974, there will be no South Vietnamese police officers admitted to training courses of whatever nature at the International Police Academy.

In another letter, dated January 28, the Department states that:

No U.S. personnel, either civilian or military, are advising the Vietnamese National Police under any contracts with the Department of Defense or other government agency. Such action would be in violation of the Ceasefire Agreement of January 27, 1973 which has been strictly complied with.

Yet, in an article dated February 16, David K. Shipler, a New York Times correspondent stated that he has found a great deal of evidence to the contrary. Shipler writes:

Although the Paris agreements explicitly rule out advisers to the police force, the South Vietnamese National Police continue to receive regular advice from Americans.

In a recent conversation with this correspondent, two high-ranking officers said they and their staffs met frequently with the Saigon station chief of the C.I.A. and his staff. Sometimes, they said, the C.I.A. chief asks the police to gather intelligence for him, and often they meet to help each other analyze the data collected.

A police official confirmed that in some provinces "American liaison men" who work with the police remain on the job. "There are still some, but not so many," he said.

EPISODE IN POLICE STATION

Local policemen still refer to "American police advisers," according to James M. Markham, Saigon bureau chief of The New York Times, who was detained by the police late in January after a visit to a Vietcong-held area.

Mr. Markham said that in both Qui Nhon, where he was held overnight, and Phan Thiet, where he was detained briefly while being transferred to Saigon, policemen, talking among themselves, referred to the "police adviser." In Phan Thiet, he reported, a policeman was overheard saying. "Let's get the American police adviser over here."

In the last six weeks The New York Times has made repeated attempts to interview officials in the United States Agency for International Development who are responsible for American aid to the police. Although the officials appeared ready to discuss the subject, they were ordered by the United States Ambassador, Graham A. Martin, to say nothing.

Contrary to assurances from the State Department, it is doubtful that police assistance to South Vietnam has been terminated. One is compelled to ask, therefore, just what the Congress and the American people have to do to stop the incessant funding of the South Vietnamese police forces. What does it take to tell AID, OPS and others in the administration, no. We have passed a law specifically prohibiting U.S. police assistance or training to South Vietnam and yet, the programs continue to go on, apparently almost unabated.

In 1971, Michael Klare wrote an excellent report on the public safety program in South Vietnam. While the report may not be a description of the public safety program as it exists today in South Vietnam, it does represent the most accurate history and description of the program as it existed until recently. It indicates, I believe, the real focus and intent of the public safety program even as it exists today.

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

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

REPORT

The Public Safety program in South Vietnam is the largest and one of the oldest U.S. police assistance programs—half of AID's Public Safety Advisors and more than half of OPS's annual budget are committed to Vietnam operations. The Vietnam program began in 1955, when Michigan State University received a contract from the International Cooperation Administration (AID's predecessor agency) to assemble a team of police experts to advise the government of Ngo Dinh Diem. Ultimately 33 advisors served in the Police Division of the now famous Michigan State University Group (MSUG); of this group, at least a few are known to have been CIA agents. The police division supervised the reorganization of Vietnam's decrepit police system, provided training in a variety of police skills, provided small arms and ammunition, and helped establish a modern records system for filing data on political suspects.

The MSUG effort was superseded in 1959 by a Public Safety Division (PSD) under direct U.S. management. In keeping with President Kennedy's call for increased counterinsurgency initiatives, the program was vastly expanded in 1962. Beginning with a staff of six in 1959, the PSD mission in Vietnam increaed to 47 in 1963, and to 204 by mid-1968. Total support of the PSD program had reached $95,417,000 by the end of fiscal year 1968, and has continued at the rate of about $20 million a year; (some of these funds are supplied by the Department of Defense rather than by AID).

From the very start of the Vietnam conflict, the National Police (NP) of South Vietnam has been regarded by our government as a paramilitary force with certain responsibilities related to the overall counterinsurgency effort. In the Foreward to a manual on *The Police and Resources Control in Counter-Insurgency* (Saigon, 1964), Chief Frank E. Walton wrote that "the methods included in this text are emergency procedures not utilized in a normal peace-time situation. They are stringent, *war-time* measures designed to assist in defeating the enemy . . ." In order to upgrade Vietnamese police capabilities to carry out its wartime responsibilities, PSD supervised the consolidation of all regional, provincial and specialized police agencies under the directorate of National Police in 1962, and subsequently prepared a "National Police Plan" for Vietnam in 1964. Under the plan, the NP's personnel strength grew from 19,000 men in 1963 to 52,000 by the end of 1965, 70,000 in 1967, and 85,000 by the end of 1969. To keep pace with this rapid growth, the plan provided for a vast increase in U.S. technical assistance, training and commodity support. Public Safety Division aid and management have become so extensive, that the National Police might more properly be considered a U.S. mercenary force than an indigenous institution.

SPECIFIC FUNCTIONS

The specific counterinsurgency functions performed by the police—resources control, identification, surveillance and pacification—are spelled out in an OPS brochure on *The Role of the Public Safety In Support of the National Police of Vietnam* (Washington, D.C., 1969), and in AID's *Program and Project Data Presentations to the Congress for Fiscal Year 1971.*

Resources Control is defined by Public Safety Advisor E. H. Adkins Jr. as "an effort to regulate the movement of selected resources, both human and material, in order to restrict the enemy's support or deprive him of it altogether . . ." In order to prevent the flow of supplies and people to and from villages loyal to the National Liberation Front (NFL), 7,700 members of the National Police currently man some 650 checkpoints at key locations on roadways and waterways, and operate mobile checkpoints on remote roads and trails. By 1968, more than 468,456 persons had been arrested in this program, of whom 28,000 were reported as "VC suspects." AID reported that "Resources control efforts in 1969 resulted in nearly 100,000 arrests including more than 10,000 known or suspected Vietcong. Confiscations included 50,000 units of medicine/drugs and 6,000 tons of contraband foodstuffs.

The *National Identity Registration Program* is described by OPS as "an integral part of the population and resources control program." Under a 1957 law, amended in 1967, every Vietnamese 15 years and older is required to register with the Saigon government and carry identification cards; anyone caught without the proper ID cards is considered a "VC suspect" and subject to imprisonment or worse. At the time of registration, a full set of fingerprints is obtained from each applicant, and information on his or her political beliefs is recorded. By 1971, 12,000,000 persons are to have been reached by this identification/registration program. "Once completed," AID explains, "the identification system will provide for a national repository of fingerprints and photographs and biological data. It will be one of the most complete national identification systems in the world, and one of the most badly needed."

Surveillance of persons and organizations suspected of harboring anti-government sentiments is the responsibility of the NP's Special Police Branch (SP). The Special Branch is nothing more or less than Vietnam's secret police; originally the Indo-Chinese branch of the French *Surete*, the SP was known as the Vietnamese Bureau of Investigation during the Diem regime. According to the 1962 decree establishing the National Police, the SP was given the responsibilities of: "Gathering information on political activities," and "carrying out undercover operations throughout the country, searching for, investigating, keeping track of, and prosecuting elements indulged in subversive activities." OPS documents state that "SP agents penetrate subversive organizations," and "use intelligence collection, political data [and] dossiers compiled from census data . . . to separate the bad guys from the good." AID has nothing to say about the criteria used to separate the "bad guys" from the "good guys"; anyone familiar with the Vietnamese scene knows, however, that the SP's major responsibility is surveillance of non-Communist groups that could pose a political challenge to the regime in power. Persons who advocate negotiations with the NLF are routinely picked up by the Special Police and sentenced to stiff prison terms.

Pacification usually brings to mind "good will" projects like school construction and free medical care in Vietnam, however, the paramount task of the U.S. pacification effort is the identification and neutralization of the local NLF administrative apparatus—in Pentagon nomenclature, the "Viet Cong Infrastructure" (VCI). The counter-infrastructure campaign was initiated by the CIA in July 1968 as the "Phung Hoang" program—better known in English as Operation Phoenix. This program, incorporated into the Civil Operations and Revolutionary Development Support (CORDS) effort, is described by American officials as "a systematic effort at intelligence coordination and exploitation." In the *intelligence* phase, all allied intelligence services—including South Vietnam's Special Police Branch and America's CIA and military intelligence organization—are supposed to pool the data they have collected (or forcibly extracted) from informers and prisoners on the identity of NLF cadres. It is for this ultimate purpose that most of the other police functions described above—interdiction, identification, registration and surveillance—are carried on. In the *exploitation* phase of Phoenix, members of the paramilitary National Police Field Forces, sometimes assisted by the Army, make secret, small-scale raids into contested areas to seize or eliminate persons who have been identified by the intelligence services as "VCI agents." In testimony before the Senate Foreign Relations Committee, the head of CORDS, ex-CIA agent William E. Colby stated that in 1969 a total of 19,534 suspected VCI agents had been "neutralized"—of this amount 6,187 had been killed, 8,515 arrested, and 4,832 persuaded to join the Saigon side. Colby insisted that Phoenix did not constitute an "assassination" or "counter-terror" operation.

Each of the counterinsurgency programs described has been accompanied by an expansion of the prison population of South Vietnam. Since prison management is considered a major task of the overall police responsibility, the U.S. Public Safety program includes substantial assistance to the Directorate of Corrections—the Saigon agency ultimately responsible for the operation of South Vietnam's 41 civil prisons. U.S. aid has enabled the Directorate to enlarge the prison system from its 1967 capacity of 20,000 prisoners to the present capacity of 33,435 inmates.

From 1967–1969, OPS expenditures in support of prison maintenance have totaled $1.6 million. Specific project targets in 1969, according to AID's *Program and Project Data Presentations to the Congress*, include: "The renovation and expansion of selected correction centers, the addition of up to 1,000 trained personnel to administer correction centers . . . and the implementation of a plan for relocating prisoners in order to reduce overcrowding and provide greater security from VC attacks." To achieve these targets, "AID will provide technical advisors to help supervise relocations and to train new recruits . . . [and] will provide supplies for prison security . . ." One of the facilities selected for the relocation program was the dread prison of Con Son Island with its now-notorious "tiger cages."

TIGER CAGES GET HIGH RATINGS

Americans who were in Saigon in the late Fifties under the Michigan State-CIA police advisory mission noted at the time that opposition politicians were frequently carted off to Con Son. The U.S. government's own figures state that at least 70 percent of the prisoner population throughout Vietnam is political, and another nine percent is "military"—that is, POW's. It has been said for years that to know the status of the noncommunist political opposition, Con Son was the place to go.

U.S. Public Safety Advisor Frank Walton, former Los Angeles Deputy Chief of Police, with a reputation for being hard on minorities, is one of 225 Public Safety Advisors with the Agency for International Development in Vietnam. Walton declared Con Son to be "a correctional institution worthy of higher ratings than some prisons in the U.S." with "enlightened and modern administration."

In order to upgrade the administrative capabilities of the Corrections Directorate, AID regularly provides training to Vietnamese prison officials "outside of Vietnam." Although AID does not divulge any details, the ten officials receiving such training in fiscal year 1969 are probably among the 60 Vietnamese police officers brought to the U.S. to attend special courses. According to the AID manual on *Public Safety Training*, foreign police personnel can attend an 18-week course in "Penology and Corrections at Southern Illinois University in Carbondale. The Southern Illinois program includes instruction in such topics as: "disposition of convicted offenders and juveniles; philosophy and practice of correctional institutional management; methods of correctional staff training and development." The program also includes a course on "Correctional Institute Design and Construction."

One begins to appreciate the breadth of the Vietnam program by reading AID's 1971 budget request—$13 million is being sought to achieve the following "Project Targets": . . . provision of commodity and advisory support for a police force of 108,000 men by the end of FY 1971 . . . assisting the National Identity Registration Program (NIRP) to register more than 12,000,000 persons 15 years of age and over by the end of 1971; continuing to provide basic and specialized training for approximately 40,000 police annually; providing technical assistance to the police detention system including planning and supervision of the construction of facilities for an additional 2,000 inmates during 1970; and helping to achieve a major increase in the number of police presently working (6,000) at the village level.

This presentation, it must be remembered, only represents programs under AID authority; missing from this prospectus are NP activities financed by the CIA and the Defense Department. Military Assistance funds are used to finance the activities of the parliamentary National Police Field Forces (NPFF), which, by January 1969, constituted a small army of 12,000 men organized into 75 companies (our expansion plans call for a total complement of 22,500 men and 108 companies by the end of 1970). Because of the "military commonality" of their equipment, all commodities support to the NPFF is provided by the Pentagon. The extent of CIA contributions to the National Police is of course impossible to determine; it is known, however, that the CIA has been involved in modernizing Vietnam's secret police files since 1955. One does not have to invoke the sinister image of the CIA, however, to establish beyond a doubt that the United States is intimately involved in every barbarous act committed by the South Vietnamese police on behalf of the Saigon government.

Mr. ABOUREZK. Mr. President, there are other programs in the Office of Public Safety which concern me a great deal. According to reports which I received last year, the U.S. Government has been training foreign policemen in bomb-making at a remote desert camp in Texas. At the U.S. Border Patrol Academy in Los Fresnos, Tex., foreign policemen are taught the design, manufacture and potential uses of homemade bombs and incendiary devices by IPA instructors. At least 165 policemen have taken this "Technical Investigations Course" since it was first offered in 1969.

While I was assured at the time that the course had been terminated, I have recently learned that it has resurfaced—this time in Edgewood, Md. According to E. H. Adkins, Deputy Director of the IPA, in an interview with Carol Clifford of the Los Angeles Times, the course has been "revamped" and renamed prevention and investigation of contemporary violence.

In addition to the bomb school, I have learned that International Police Academy graduates also attend a school for Psychological Operations at Fort Bragg, N.C.

The school, which is held at the U.S. Army Institute for Military Assistance at Fort Bragg, N.C., includes courses with such titles as subversive insurgent methodology, psychological operations in support of internal defense and development, the role of intelligence and internal defense. According to Adkins, the purpose of the school is to "teach police how the military handles psychological warfare problems."

We have also learned that the IPA counts among its graduates security guards employed by Aramco, the Arabian American Oil Co.

I could go on, with other reports of OPS activity which I have found in the

last year including letters from foreigners indicating U.S. complicity in the use of torture in countries abroad, but I think that the point is clear:

This country is involved in an activity which is totally divorced from the scope and intention of U.S. foreign aid. The Office of Public Safety and the International Police Academy mocks the purpose of other AID programs and has inflicted an indelible blemish on the past record and accomplishments of USAID programs.

For this reason, I am introducing an amendment to the Foreign Assistance Act of 1975 which would prohibit this insensible activity from continuing.

Last year we were only partially successful in curtailing the activities of the OPS. Presently, only U.S. funds for police training in foreign countries is prohibited. Obviously, a great deal of activity has continued to persist. The International Police Academy has now graduated 4,000 students and they continue to come. Supporting assistance to many of the most repressive governments in the world today continue to go on unabated. And new programs such as the "contemporary violence" course in Maryland continue to spring up.

It is time, I believe that the Congress terminates this program and all related activities in regard to police and prison support. I am hopeful that my colleagues will agree with me, and support this amendment when it comes up for consideration later this summer.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

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

AMENDMENT No. 1511

On page 7, between lines 13 and 14, insert the following new section:

PROHIBITING POLICE TRAINING

SEC. 10. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. (a) Prohibiting Police Training.—None of the funds made available to carry out this or any other law, and none of the local currencies accruing under this or any other law, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other internal security forces of any foreign government or any program of internal intelligence of surveillance on behalf of any foreign government within the United States or abroad.

"(b) Subsection (a) of this section shall not apply—

"(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States; or

"(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program.

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment."

(b) Section 112 of such Act is repealed.

On page 7, line 16, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

AMENDMENT NO. 1512

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

Mr. ABOUREZK. Mr. President, today I am introducing amendment to S. 3394, the foreign aid bill which provides that no military assistance shall be made available to any foreign government during any period in which that government does not allow such international organizations as the International Committee of the Red Cross, the International Commission of Jurists, Amnesty International, and the Inter-American Commission on Human Rights free access into their prisons for the sole purpose of conducting inspections with respect to alleged violations of human rights.

I join a growing number of Americans who are deeply concerned over the rampant violations of human rights and the need for a more effective response from the U.S. Government. Despite national differences, ideological variances, and numerous reasons, a large and ever-growing number of American citizens find a common cause in coming to the aid of the oppressed in countries throughout the world.

The sad but unfortunate fact is that gross and malicious violations of human rights continue to persist in almost every part of the world. Torture, mass imprisonment, summary executions, and discrimination, and other abhorent violations continue to be used—sometimes quite overtly—in countries whose governments the United States consider to be among its closest friends.

While no one disputes the role of any government in guaranteeing to its citizens the most basic freedoms and rights accorded to every human being, it has become apparent in recent years that many governments not only neglect to guarantee these rights but actually deny them.

Contrary to what many now believe, government repression is not limited to one particular ideology. Governments from every part of the political spectrum have at one time in recent years been accused of violating the fundamental rights of its citizens.

While the protection of human rights remains essentially the responsibility of each government, it becomes the responsibility of the international community when violations occur at the hands of the government. It must be the responsibility of concerned governments and international organizations to help defend the human rights of all people throughout the world.

For this reason, the United Nations and its specialized agencies have developed an extensive body of international law pertaining to human rights. In the latest U.N. compilation of specific human rights instruments of the U.N. 13 declarations and 23 conventions are listed.

Unfortunately, the U.S. record on ratification of human rights treaties has been a dismal failure. According to the report on Human Rights in the World Community submitted to Congress by the House Subcommittee on International Organizations and Movements earlier this year, the United States, through this failure to become a party to all but a few of the human rights treaties, has become increasingly isolated from the development of human rights law. There can be little question that this embarrassing failure has impaired both our participation in international cooperation in human rights as well as any bilateral efforts which this Government may have considered to persuade governments to respect international human rights standards.

One major cause for the embarrassing failure on the part of the United States in this regard is that the people in this country have not been made aware of the inhuman atrocities and the repressive and barbaric tactics which some governments in the world insist on using as their only means of staying in power.

They have not been told that people are thrown in prison in many countries simply because of their beliefs or their disagreement with their own government. They are not told that the most unbelievable forms of torture known to man are used daily by some government officials on their own citizens. Americans are unaware that thousands of innocent people are shot each year without so much as a hearing on the crimes which they are accused of committing. Most important of all, few U.S. taxpayers know that part of their hard-earned wages are going, in taxes, to support these repressive measures—sometimes directly through the export of police and prison equipment and many times indirectly through direct payments to many of the most repressives regimes in the world today.

A large part of the problem lies directly within our own State Department. The Department as well as the entire Nixon administration chooses to pretend that that repression, torture, and the abridgement of human rights simply does not exist. A recent example of this is the response received by Senator KENNEDY from the State Department in reply to the recommendations contained in a study mission report submitted by his Senate Subcommittee on Refugees. In regard to political prisoners in South Vietnam, the Department stated:

The Department of State cannot agree with the Study Mission's assertion that "the record is clear that political prisoners exist in South Vietnam."

We would add that the extensive evidence available to us simply does not sustain the highly publicized charges that civilian prisoners are subjected to widespread, systematic mistreatment in the jails of the Republic of Vietnam.

Time and again, the administration continues to attempt to solve the problems of blatant and gross violations of human rights simply by denying that they exist. The State Department assertion that there are no political prisoners in South Vietnam defies not only the findings of the Refugee Subcommittee, but also the scores of reports by responsible humanitarian organizations whose documented evidence leaves absolutely no question that these violations exist.

In Chile, while people are arrested, tortured, and summarily killed for any reason or even no reason, our Government is asking $85 million in bilateral aid for the next fiscal year. Unlike other Western countries, we have offered no asylum to Chilean refugees. And we have said nothing, officially, about the murder and savagery.

If the United States only spoke out against the torture, if our Embassy in Santiago was active in watching the trials and other visible manifestations of oppression, if Congress could, just once, attach conditions to aid, those who rule Chile, South Vietnam, and other repressive countries would listen.

But we in the Government of the United States show no official concern for human rights. We have nothing to say about the repression and slavery of the Ache Indians in Paraguay or about the documented brutalities which have occurred in some of Paraguay's neighboring countries. In Korea, in Indonesia, in the Philippines, in Uruguay, in Brazil, and in scores of other countries whose governments are our "friends," the Government of the United States sits idly by as while grave acts of torture and murder continue to be committed.

In a recent article in the New York Times, Anthony Lewis summed up American indifference best:

> Some of the nastiest governments in the world today were born or grew with American aid. That being the case, the most modest view of our responsibility would require us to say a restraining word to them occasionally. But we say nothing, we hear nothing, we see nothing.

Citing the State Department response regarding the nonexistence of South Vietnamese political prisoners which I mentioned earlier, Lewis writes:

> Thus thousands of non-communists in South Vietnamese jails were made to vanish, the twisted creatures in tiger cages waved away. Thus the idealism that once marked America's place in the world has become indifference in the face of inhumanity.

Mr. President, it is appalling that the concern for human rights is not even considered in our country's foreign policy. It has been pushed from a low priority to total invisibility behind the "more important considerations" of political, economic, and military decisionmaking. It has been totally neglected and all but dismissed as a factor in United States foreign policy.

While one would be foolish to suggest that the human rghts factor should be the only consideration, or even the single, major factor in determining our foreign policy, there is little doubt that it ought to be accorded far greater import than what now exists. If the United States cannot play a role in setting some kind of example for other countries to follow, then surely we cannot expect some other country or international organization to do so either.

In this country, respect for human rights is a fundamental tradition set down in the Constitution. The citizens in this country have long cherished this tradition as one of the most fundamental of all and one which is worth fighting for. We have encouraged other countries and their governments to accept the principles of our Bill of Rights to the point where we have even helped write their existing constitutions. The U.S. Government has had ample opportunity to impress upon these governments of the importance of guaranteeing human rights to all of their people—regardless of belief, race, or ideology.

Yet, the State Department has taken the position that questions involving human rights are domestic in nature and not relevant in determining bilateral relations. With almost weekly charges of serious violations of human rights somewhere in the world, the most the Department has done is to make private inquiries and low-keyed appeals to the government concerned.

While the State Department continues to rely on the "nonintervention" rationale in cases involving human rights, it is all but forgotten at other times. In the last 15 years alone, we have seen overt examples of U.S. intervention in the Dominican Republic, in Cuba, and in Southeast Asia, merely to name three. God only knows how many covert operations the United States has been involved in during this same time period.

In addition, the United States has not hestitated to criticize violations of human rights in the Soviet Union—especially in regard to the Solzhenitsyn affair. Even a vast number of Members in the Senate have attempted to threaten to curtail trade with the Soviet Union if its emigration policy for Jews is not modified. Current U.S. policy, however, has made it clear that Soviet violations of human rights will not deter efforts to promote détente with the Soviet Union.

I concur with those who argue that as the importance of ideology in international relations continues to lessen, the United States must begin to consider a certain government's adherence to objective human rights standards as one important criterion in determining our foreign policy. Certainly, protection of human rights is often a better measure of the performance of a government than is ideology.

In the last year, the Senate has had the opportunity on several occasions to emphasize the importance of human rights in the implementation of foreign policy. We have attempted to establish some criteria which could be considered in determining who should receive U.S. foreign aid and just what that aid should consist of.

On each occasion, however, the supporters of this effort have been accused of intervening in the domestic affairs of another country, of using faulty criteria in establishing foreign policy, and of jeopardizing U.S. international political and military positions by offering or supporting such legislation.

Mr. President, I join those who believe that arguments such as these are completely wrong and totally without merit. I believe that the only way in which basic houman rights can be considered in the overall determination of foreign policy is for the Congress to demonstrate its concern. Members of Congress should not hesitate to speak out forthrightly in calling for action by the executive branch in defense of international standards of human rights when they are violated. It simply has got to start here.

It is for this reason that I am now introducing this amendment to the fiscal 1975 foreign aid bill.

The sole purpose of this amendment is to insure that those people who are imprisoned in countries whose governments are receiving U.S. military aid are being accorded the most basic of human rights. If, in the opinion of any one of the four organizations the Government is insuring these rights to its citizens, then there would be no question as to their eligibility for receiving U.S. foreign aid. However, if on the other hand, the organization determines that the rights of its citizens are being violated, the country would not be eligible for U.S. military assistance until those rights are restored.

The international organizations are a vital contributor to the international protection of human rights. Their value arises from their independence from governments which enables them to view objectively human rights situations in various countries without regard to political considerations. These traits of objectivity and political independence make it possible for nongovernmental organizations to speak out against human rights violations when governments are silent. I am therefore convinced that with the assistance of such international organizations, the United States can go a long way in insuring that at least in those countries who receive U.S. military aid, the basic human rights of their citizens are allowed.

In recent years, the world has witnessed an alarming increase in the violations of human rights including the practice of torture. Amnesty International estimates that torture exists in at least 64 countries at last count—many of whose governments are considered friends of ours. Until this country speaks out in defense of these rights, until we use our massive influence with many of these countries to terminate their inhumane treatment of their own citizens the violations will continue to occur and most likely increase.

This amendment is an attempt to use that influence. Members of the Senate will have the opportunity to put the Congress on record as opposing the repugnant treatment of millions of people by their own government. It is an opportunity to begin to put an end to the torture, the unjust imprisonment, and the mass murders of thousands of innocent people. I believe that it is not only an opportunity, but a responsibility.

Mr. President, I ask unanimous consent that the text of the amendment be inserted into the RECORD.

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

AMENDMENT NO. 1512

On page 7, between lines 13 and 14, insert the following:

ACCESS OF INTERNATIONAL ORGANIZATIONS TO PRISON

SEC. 10. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. Access of International Organizations to Prisons.—No funds made available to

carry out this or any other law shall be used to provide military assistance or security supporting assistance or to make military sales, credit sales, or guaranties, to or for any foreign government during any period in which that government does not allow the International Committee of the Red Cross, the International Commission of Jurists, Amnesty International, or the Inter-American Commission on Human Rights, free access into the prisons of that country for the sole purpose of conducting inspections with respect to alleged violations of human rights."

On page 7, line 16, strike out "Sec. 10" and insert in lieu thereof "Sec. 11".

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENT NO. 1513

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

Mr. MAGNUSON (for himself and Mr. MANSFIELD) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14832) to provide for a temporary increase in the public debt limit.

Mr. MAGNUSON. Mr. President, I submit an amendment authored by the distinguished majority leader (Mr. MANSFIELD) and myself to set a certain date, December 31, 1974, by which time private citizens shall be permitted to own gold for investment purposes. Under our amendment, the President would have discretionary authority to remove the present restrictions on private ownership before December 31. However, and I want to emphasize this point, the amendment would permit private ownership as of December 31 even if the President did not act. It should be noted that our amendment is essentially the same as the gold ownership provision contained in H.R. 15645 which has just recently been reported by the House Banking Committee. Consequently, we are confident our amendment would be acceptable to the House.

Mr. President, this is a matter in which Senator MANSFIELD and I both have long been interested, and we feel strongly that the time has arrived for resolving this issue once and for all. Last year, of course, the Senate passed legislation (S. 929) that would have permitted private ownership of gold beginning on December 31, 1973. The House bill, however, did not permit private ownership until such time as "the President finds and reports to the Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States international monetary position." As Senators know, the House provision prevailed in conference.

Mr. President, we can see how it might be beneficial to allow the administration some flexibility in bringing the present restrictions on private ownership to an end. However, all of us in this body know from hard experience how matters of this sort have a habit of just dragging on and on without final resolution.

The amendment we are offering today addresses both of those concerns—the need on one hand to give the administration some flexibility and the necessity on the other hand of assuring that this matter will be brought to a final conclusion within a reasonably short period of time.

Mr. President, I urge adoption of the amendment.

AMENDMENT NO. 1514

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

Mr. CHILES. Mr. President, I submit an amendment to H.R. 14832, which would prohibit the reduction of certain veterans' benefits as a result of increase in social security or railroad retirement benefits or certain other annuities.

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

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

AMENDMENT NO. 1514

At the end of the bill add a new section as follows:

SEC. . (a) Section 415(g) of title 38, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(4) Notwithstanding the provisions of paragraph (1) of this subsection, in determining the annual income of any person for any year there shall not be included in such income—

"(A) the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly payment of annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of an annuity under section 8340 of title 5, United States Code, if—

"(i) such increase results from provision of law enacted after December 30, 1973, providing increases in the monthly benefits payable to individuals entitled to benefits under such section 202 or 223 of the Social Security Act, such increase results from provisions of law enacted after such date providing increases in railroad retirement benefits, or such adjustment results from a cost-of-living adjustment in a civil service retirement annuity effective after December 30, 1973; and

"(ii) for the month (or any portion thereof) in which the Act containing such provisions of law was enacted or for which such adjustment was effective, such person was entitled to (I) a monthly insurance benefit under section 202 or 223 of the Social Security Act, monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, or an annuity under subchapter III of chapter 83 of title 5, United States Code, (or other comparable provision of law), as the case may be, and (II) dependency and indemnity compensation under the provisions of this chapter; and

"(B) the amount of any lump-sum payment paid to such person during such year if—

"(i) such payment is attributable to an increase in (I) the monthly insurance benefits to which such person is entitled under section 202 or 223 of the Social Security Act, or (II) the amount of the monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937;

"(ii) such increase results from the enactment, after December 30, 1973, of any provision of law increasing (I) the monthly benefits payable to individuals entitled to benefits under section 202 or 223 of the Social Security Act, or (II) the monthly payments of annuity or pension payable to individuals under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(iii) such lump-sum payment is paid separately from the rest of any monthly insurance benefit of such person under section 202 or 223 of the Social Security Act or of any monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1937."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, in determining the annual income of any person for any year for purposes of this chapter or the first sentence of section 9(b) of the Veterans' Pension Act of 1959 or any prior law, there shall not be included in such income—

"(1) the amount of any increase in monthly insurance benefits payable to such person during such year under section 202 or 223 of the Social Security Act, the amount of any increase in the monthly annuity or pension payable to such person during such year under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or the amount of any cost-of-living adjustment of annuity under section 8340 of title 5, United States Code, if—

"(A) such increase results from provisions of law enacted after December 30, 1973, providing increases in the monthly benefits payable to individuals entitled to benefits under such section 202 or 223 of the Social Security Act, such increase results from provisions of law enacted after such date providing increases in railroad retirement benefits, or such adjustment results from a cost-of-living adjustment in a civil service retirement annuity effective after December 30, 1973, and

"(B) for the month (or any portion thereof) in which the Act containing such provisions of law was enacted or for which such adjustment was effective, such person was entitled to (i) a monthly insurance benefit under section 202 or 223 of the Social Security Act, a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, or an annuity under subchapter III of chapter 83 of title 5, United States Code (or other comparable provision of law), as the case may be, and (ii) pension under the provisions of this chapter or the first sentence of section 9(b) of the Veterans' Pension Act of 1959 or any prior law.

"(2) the amount of any lump-sum payment paid to such person during such year if—

"(A) such payment is attributable to an increase in (i) the monthly insurance benefits to which such person is entitled under section 202 or 223 of the Social Security Act, or (ii) the amount of the monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937;

"(B) such increase results from the enactment, after December 30, 1973, of any provision of law increasing (i) the monthly benefits payable to individuals entitled to benefits under section 202 or 223 of the Social Security Act, or (ii) the monthly payments of annuity or pension payable to individuals under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937; and

"(C) such lump-sum payment is paid separately from the rest of any monthly insurance benefit of such person under section 202 or 223 of the Social Security Act or of any monthly payment of annuity or pension payable to such person under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937.".

Amend the title so as to read: "An Act to provide for a temporary increase in the public debt limit, and for other purposes."

AMENDMENT NO. 1515

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

Mr. NELSON. Mr. President, today I am introducing an amendment to H.R. 14832, the Debt Ceiling Act, providing for a $205 tax credit in place of the personal exemption in existing law. This $205 tax credit, which would be used by all taxpayers, is a proposed substitute to the amendment offered by some of my colleagues providing for a $190 tax credit or a $825 personal exemption at the option of the taxpayer. Their amendment is tax reduction without tax reform.

A fundamental inequity of our present tax law is that the value of personal exemptions depends on one's tax bracket. The personal exemption is a deduction from adjusted gross income and is of substantially greater value to wealthy families.

For example, today's $750 exemption reduces the income tax of a person in the lowest income tax bracket by $105—14 percent of $750—but saves a high-income person as much as $525—70 percent of $750. Let us consider a man with half a million dollars of income who is in the 70-percent bracket and a man earning $5,000. If each is married with two children, the wealthy man will save $2,100 because of the personal exemption and the man with $5,000 will save about $470. For a man in the 14 percent bracket, the birth of a child provides him with tax relief of $105; for the man in the 50-percent bracket whose income may be over $50,000, the relief is $375, and for the wealthy man in the 70-percent bracket, the relief is $525.

Logic would suggest that tax relief based on family size, should be greater or at least the same for low-income families than for the high-income one. The advantage of a tax credit over the personal exemption has been recognized by tax experts and public leaders for many years. For example, this April 11 Senator KENNEDY, in a Senate speech stated:

> We also need to overhaul the relationship between tax credits and tax deductions in the Internal Revenue Code. In the past, as part of overall tax reform, I have urged Congress to allow credits instead of deductions in a number of major areas, including the personal exemption, . . .
>
> It makes no sense to me that, because of the rate structure of our revenue laws, a child in a wealthy family is worth a tax saving of $525 to his parents while a ghetto child is worth only $105 in tax relief.

Rather than ending this inequity, the optional approach increases it. The optional approach of a tax credit or an increas d tax exemption would further reduce the progressivity of our tax system above the cut-off point—in this case, around $20,000—since these high-income taxpayers would still benefit relatively more than the individual who takes the credit.

The across-the-board $205 tax credit would achieve not only tax relief but greater equity in our tax law. A $205 tax credit which would be a deduction from the final tax bill would be of equal value to all families. Providing for a credit instead of an exemption will make the income tax system far more progressive, and provide a substantial new equity for millions of taxpayers.

Furthermore, a tax credit concentrates tax relief among low- and middle-income families where it is most needed. For example, a study by the Joint Economic Committee shows that a family with a budget of $12,614 had to pay an extra $1,168 just to maintain their 1972 living standards. Over the weekend, the Labor Department published a report demonstrating the devastating effect on middle Americans' standard of living and purchasing power. It provided fresh evidence that last year's inflation squeezed lower income and intermediate families harder than those at "higher" levels. This is because food prices rose the most last year and food, in percentage terms, is a bigger budget item for the less-well-off than the well-to-do.

For example, a typical lower income urban family of four needed 10.8 percent more money to sustain itself at the same standard of living in 1973 as they had in 1972. A middle-income family needed 10.3 percent more money to maintain the same standard of income.

It is these very people that would be helped the most by an across-the-board $205 tax credit rather than an optional credit. For example, a couple with one dependent whose adjusted gross income is $12,500 would have a tax savings of $75 from present law under the optional credit, but $120 under the $205 tax credit. If this couple had two dependents, the tax savings would be $111, and $171 respectively.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at this time, two tables, one showing the Federal individual income tax liability under present law and under the optional tax credit and the $205 tax credit, and the other showing the different tax savings for certain categories of taxpayers.

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

TABLE I.—FEDERAL INDIVIDUAL INCOME TAX LIABILITY UNDER PRESENT LAW, UNDER A $190 NONREFUNDABLE TAX CREDIT OR AN $825 PERSONAL EXEMPTION DEDUCTION AT THE TAXPAYER'S OPTION (PROPOSAL NO. 1), AND UNDER A $205 NONREFUNDABLE MANDATORY TAX CREDIT (PROPOSAL NO. 2)—SINGLE PERSON AND MARRIED COUPLE WITH NO, 1 2, AND 4 DEPENDENTS

[Assuming deductible personal expenses of 15 percent of income]

	Tax liability														
	Single person			Married couple with no dependents			Married couple with 1 dependent			Married couple with 2 dependents			Married couple with 4 dependents		
Adjusted gross income	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2	Under present law	Under proposal No. 1	Under proposal No. 2
$3,000	[1] $133	[1] $69	[1] $54	[1] $28											
$5,000	[1] 491	[1] 443	[1] 428	[1] 322	[1] $189	[1] $159	[1] $208			[1] $98					
$6,000	[1] 681	[1] 647	[1] 632	[1] 484	[1] 373	[1] 343	[1] 362	[1] $183	[1] $138	[1] 245			[1] $28		
$8,000	[1] 1,100	[1] 1,084	[1] 1,073	[1] 848	[1] 753	[1] 723	[1] 700	[1] 563	[1] 518	569	[1] $373	[1] $313	[1] 322		
$10,000	1,530	1,512	1,510	1,190	1,110	1,080	1,048	920	875	905	730	607	620	$350	$260
$12,500	2,059	2,040	2,054	1,628	1,578	1,548	1,463	1,388	1,343	1,309	1,198	1,138	1,024	818	728
$15,000	2,630	2,610	2,643	2,095	2,062	2,038	1,930	1,878	1,833	1,765	1,688	1,628	1,435	1,308	1,218
$17,500	3,249	3,226	3,276	2,604	2,566	2,569	2,416	2,360	2,364	2,233	2,167	2,159	1,903	1,804	1,749
$20,000	3,915	3,890	3,965	3,135	3,098	3,130	2,948	2,891	2,925	2,760	2,685	2,720	2,385	2,273	2,310
$25,000	5,420	5,392	5,500	4,310	4,268	4,370	4,100	4,037	4,165	3,890	3,806	3,960	3,470	3,344	3,550

[1] Computed without reference to the tax tables for returns with adjusted gross income under $10,000.

Source: Staff of the Joint Committee on Internal Revenue Taxation, May 30, 1974.

TABLE II.—TAX SAVINGS

	Married couple with 2 dependents	
Adjusted gross income	Under alternative tax credit	Under $205 tax credit
$8,000	$196	$256
$10,000	175	235
$12,500	111	171
$15,000	77	137

Mr. NELSON. Mr. President, there are two other major reasons why the $205 tax credit is to be preferred over the optional tax credit. First, it costs less, second, since it would take effect after December 31, 1974 it would not be financed by retroactive repeals, as of January 1, 1974, of existing laws.

The $205 tax credit would provide $6.786 billion in tax relief to 58,603 million American taxpayers. It would eliminate entirely the tax burden for 7,657 American taxpayers—mostly working families with moderate and low incomes.

The net cost to the Treasury, however, would be $5.274 billion—about 1 billion less than the optional tax credit—because tax relief based on family size would be of equal value to all taxpayers.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at this time, a table showing the aggregate decrease and increase in Federal individual income liability resulting from the $205 tax credit.

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

ESTIMATED AGGREGATE DECREASE IN FEDERAL INDIVIDUAL INCOME TAX LIABILITY RESULTING FROM THE SUBSTITUTION OF A $205 MANDATORY NONREFUNDABLE TAX CREDIT FOR THE $750 PERSONAL EXEMPTION DEDUCTION—BY ADJUSTED GROSS INCOME CLASS, 1974 INCOME LEVELS

Adjusted gross income class	Returns with tax decrease: Total number with tax decrease (thousands)	Returns with tax decrease: Number made nontaxable (thousands)	Returns with tax decrease: Decrease in tax liability (millions)	Returns with tax increase: Number of returns (thousands)	Returns with tax increase: Increase in tax liability (millions)	Net change in tax liability (millions)
0 to $3,000	4,057	2,976	$223	0	0	−$223
$3,000 to $5,000	7,579	1,783	632	0	0	−632
$5,000 to $7,000	8,273	1,400	900	0	0	−900
$7,000 to $10,000	11,428	1,098	1,578	0	0	−1,578
$10,000 to $15,000	15,655	358	2,322	297	$8	−2,314
$15,000 to $20,000	9,023	37	970	833	28	−942
$20,000 to $50,000	2,584	3	161	6,423	884	+723
$50,000 to $100,000	3	1	1	652	446	+446
$100,000 and over	1	(1)	(1)	159	145	+145
Total	58,603	7,657	6,786	8,363	1,511	−5,274

[1] Less than 500 returns or $500,000.

Source: Staff of the Joint Committee on Internal Revenue Taxation, June 3, 1974.

Note: Details will not necessarily add to totals because of rounding.

Mr. NELSON. Mr. President, as I mentioned earlier, this proposal, unlike the $190 alternative credit—will concentrate tax relief among low- and middle-income taxpayers. This proposal would result in less tax liability than under present law for all the following categories of taxpayers—assuming deductible personal expenses of 15 percent of adjusted gross income:

Single person	$14,264.71
Married couple with no dependents	20,196.08
Married couple with one dependent	20,882.35
Married couple with two dependents	21,568.63
Married couple with four dependents	22,941.18

In other words, families of four with adjusted gross incomes of $22,941.18 or less would pay less in tax than under the present law.

Even for many taxpayers above the break-even point, there would only be a minor increase in taxes. For example, a married couple with one dependent with adjusted gross income of $25,000, tax liability would increase by $65. For the same couple with two dependents, their tax liability would increase by $70.

Finally, I have grave reservations about the soundness—except in extraordinary circumstances—about retroactively repealing existing laws. Regardless what is believed to be the faults of a particular tax provision, taxpayers at the beginning of a tax year have the right to expect that laws they relied on will exist for that year. Otherwise, they could be penalized for tax decisions they have no opportunity to change. For these reasons, I have proposed that the repeal of DISC and the strengthening of the minimum tax be effective at the end, rather than the beginning of this year. On the other hand, the oil industry has clearly been on notice that Congress will make major changes in their tax law. Repeal of the percentage depletion as of January 1, 1974 is necessary to reduce windfall profits already enjoyed by the oil industry.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at this time, a table showing the revenue effects of my bill S. 3437 which I reintroduced as amendments to H.R. 8217 to indicate the kind of tax package possible that:

First, would combine tax relief with tax reform,

Second, would not increase Federal deficits but, in fact, raise Federal revenues, and

Third, would not require unreasonable retroactive repeal of existing tax laws.

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

REVENUE EFFECTS OF S. 3437 INTRODUCED BY SENATOR NELSON ON MAY 2, 1974[1]

Provisions	In billions: 1974	In billions: 1975
Sec. 2—$205 credit		−5.0
Sec. 3—Repeal of depletion percentage	2.2	2.2
Sec. 4—Strengthening minimum tax [2]		.926
Sec. 6—Limitation on foreign tax credit		.500
Sec. 7—Repeal of foreign intangibles		.100
Sec. 8—Taxation of undistributed profits		.350
Sec. 9—Repeal of DISC		.920
Sec. 10—Repeal of WIHC		.40
Sec. 11—Repeal of ADR	.400	1.0
Revenue gain	2.600	1.0

[1] Revenue estimates provided by the Joint Committee on Internal Revenue Taxation. Some of the figures have been rounded and because of the interaction among the provisions, totals may have to be modified.

[2] Sec. 5, whose revenue impact begins in 1977 has been omitted.

Mr. NELSON. Mr. President, changing the present personal exemption to a $205 tax credit would be a fundamental reform of a tax system, making it more progressive and would concentrate tax relief for those groups who have been hit hardest by inflation.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD at this time, two examples of the effects of the proposed amendment to substitute a $205 credit for the personal exemption.

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

Example I. A married man with two children with an income of $10,000 assuming the standard deduction

A. Tax under present law:	
Adjusted gross income	$10,000
Less standard deduction (15%)	1,500
Equals	8,500
Less four personal exemptions of $750	3,000
Equals taxable income	5,500
Tax from table (schedule Y)	905
B. Tax under the proposed amendment:	
Adjusted gross income	$10,000
Less standard deduction (15%)	1,500
Equals taxable income	8,500
Tax from table (schedule Y)	1,490
Less credits (4 times $205)	820
Equals tax liability	670

Example II. A married man with two children with adjusted gross income of $50,000 assuming itemized deductions of 15%

A. Tax under present law:	
Adjusted gross income	$50,000
Less itemized deductions	7,500
Equals	42,500
Less four personal exemptions of $750	3,000
Equals taxable income	39,500
Tax from table (schedule Y)	11,915
B. Tax under the proposed amendment:	
Adjusted gross income	50,000
Less itemized deductions	7,500
Equals taxable income	42,500
Tax from table (schedule Y)	13,340
Less credits (4 times $205)	820
Equals tax liability	12,520

AMENDMENT OF HEARINGS ON S. 6, EDUCATION FOR ALL HANDICAPPED CHILDREN

Mr. RANDOLPH. Mr. President, as Chairman of the Senate Subcommittee on the Handicapped, I announce that the subcommittee will hold a hearing on S. 6, a bill for the education of all handicapped children, on Monday, June 24, 1974, at 10 a.m. in room 5302, Dirksen Senate Office Building. Persons wishing to present a statement should contact Mrs. Patria Forsythe, professional staff member, or Miss Anne Hocutt, research assistant, Subcommittee on the Handicapped at (202) 225-9075.

ANNOUNCEMENT OF HEARINGS ON REHABILITATION LEGISLATION

Mr. RANDOLPH. Mr. President, at my request, the senior Senator from California (Mr. CRANSTON), an effective advocate and leader in the development and enactment of the Rehabilitation Act of 1973, will chair a hearing of the Subcommittee on the Handicapped on S. 3108, a bill to transfer the administration of the Rehabilitation Act of 1973 from the Social and Rehabilitation Service to the Office for Human Development at the Department of Health, Education,

and Welfare; H.R. 14225, a bill to extend and authorize additional appropriations under the Rehabilitation Act of 1973; and related measures.

The hearing will be held at 9:30 a.m., Thursday, June 27, in room 4232, Dirksen Office Building. Administration witnesses will testify. Persons wishing to submit written statements for the hearing record should contact Mrs. Patria Forysthe, professional staff member or Miss Anne Hocutt, research assistant, Subcommittee on the Handicapped, at (202) 225-9075.

NOTICE CONCERNING A NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: Gordon Krupsaw Milstone, of Maryland, to be Examiner-in-Chief of the U.S. Patent Office, vice John Stevens Lieb, resigned.

On behalf of Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, June 28, 1974, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

RAYMOND NOYES, CONGRESSIONAL RECORD CLERK FOR 39 YEARS, RETIRING

Mr. CANNON. Mr. President, I wish to call attention to my colleagues the retirement this week of Raymond F. Noyes as CONGRESSIONAL RECORD clerk after 39 years of service with the Government Printing Office.

Mr. Noyes was detailed to the CONGRESSIONAL RECORD clerk's office in May of 1953 and in less than 5 years he advanced to the top position in that office.

An intensely dedicated man, Raymond Noyes performed the intricate duties of his office with diligence, patience, and untiring energy. As a member of the Joint Congressional Committee on Printing I have had the opportunity of observing Mr. Noyes' unflagging devotion to an arduous and painstaking job.

I wish for him a long and happy retirement, knowing that he carries with him the warmest good wishes from those he served so well.

BILINGUAL PROGRAMS

Mr. TOWER. Mr. President, within recent days, we have had final congressional action on the second supplemental appropriations bill for fiscal year 1974, and on the bill to amend and extend the Elementary and Secondary Education Act. In each instance, Congress has approved certain language that will, in effect, impact in a very positive manner in title VII of the Elementary and Secondary Education Act, or what is commonly known as the Bilingual Education Act.

As my colleagues are aware, the bilingual education program is a discretionary grant program that provides funds to local education agencies for projects that are designed to meet the needs of children who come from environments where the dominant language is other than English, and who come from low-income families. From $8 million in 1969, the program has grown to one for which Congress authorized $53 million in fiscal year 1974.

In approving the second supplemental appropriations bill, Congress recently added an additional $12 million to the bilingual education program for fiscal year 1974. These funds will remain available for use until December 31, 1974.

In approving the elementary and secondary education legislation, I am very pleased to note that the Congress has recognized the concept of bilingual vocational training, which I originally introduced in 1973, by approving the Tower-Dominick Bilingual Vocational Training Act. Although hearings are currently being held in the House on the Vocational Education Act, congressional approval of this extremely important concept as a 1-year program is of great significance to the Spanish-speaking citizens of Texas as well as to the entire country.

Mr. President, the key to the success of the overall bilingual education effort in this Nation rests wholly upon a full understanding of this program by our local education agencies and by our local communities. This understanding is greatly assisted by the public-spirited and conscientious efforts of individuals such as Mr. Jack Roth, president of KONO/KITY Radio in San Antonio, Tex. Since one of his recent editorials has been followed by significant congressional legislative activity relating to the bilingual education concept, I ask unanimous consent that this editorial entitled "Understanding the Bilingual Concept" be printed in the RECORD.

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

UNDERSTANDING THE BILINGUAL CONCEPT

About 50 percent of Mexican-American pupils in the Southwest enter school without knowing the English language—even enough to communicate on a primitive basis. In San Antonio, the primary aim of our bi-lingual programs is to change this pitiful situation. Yet, the bi-lingual concept is probably one of the most misunderstood in our community. We want to see thousands of citizens of the Mexican-American community become responsible, productive members of society; therefore, support of our bi-lingual programs is as vital to our community as water is to a well.

The United States is an English-speaking country. Yet thousands of its citizens grow up with little or no knowledge of the English language . . . or even the ability to identify objects! This deficiency drives these people back into the barrio, where they remain shackled and where their potential withers away and dries up. The non-English-speaking first grader is frustrated and eventually quits school, in most cases . . . giving up what seems to him a losing battle. Not only is this a considerable handicap for the individual, but it also deprives the entire community of sharing the rich culture and heritage which the Mexican-American people have to give. So—all segments of society suffer. The current efforts on the part of organizations such as the Adult Learning Center of San Antonio are paramount in reversing the hopelessness of the Mexican-American, non-English-speaking citizen.

Studies prove that the learning processes of a human being begin at birth. During these years, English must be the primary language in the home. The child can grow up to speak both English and Spanish, and, indeed, he should . . . but English must be first for the sake of his future in an English-speaking country. So—the approach of the Adult Learning Center of San Antonio is to work with the adults of the home so that they can teach their pre-school children English. These children deserve a chance to fulfill themselves as individuals and valuable members of our community. The programs of bi-lingual education warrant your understanding and support if the well is not to run dry.

WISCONSIN AIR NATIONAL GUARD 115TH FIGHTER GROUP

Mr. PROXMIRE. Mr. President, it was my pleasure to have recently received from one of my constituents, Mrs. Alice B. Nilsson, a letter in which she expressed her gratitude for the aid several members of the Wisconsin Air National Guard 115th Fighter Group gave her in moving from her apartment this spring. Accompanying this letter was a news report concerning a citation this fighter group was awarded for their superior combat capability.

Mr. President, it is reassuring to observe the unselfish personal conduct and professional achievements of this fighter group, especially during a time when many Americans feel pessimistic and critical about many aspects of their collective lives. I believe that Mrs. Nilsson's letter and the accompanying news report concerning the combat readiness of the Wisconsin Air National Guard 115th Fighter Group speak for themselves in this regard, and I ask unanimous consent that they be printed in full in the RECORD.

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

MADISON, WIS.,
May 23, 1974.

HON. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Recently there was some consideration of closing Truax Field and moving the U.S. Air National Guard away from Madison but I believe that will not now be done.

Mr. and Mrs. Ronald Rueckert, who are both members of the Air National Guard, lived across the hall from me in this apartment building until they recently moved into a home of their own which they had just purchased. I am explaining this because some of the members of the Truax Air National Guard performed a *most welcome* community service for me.

I am 81 years old, tho active, and needed the space this apartment would give, so arranged to rent it when I learned the Rueckerts were leaving. (Until I retired, I was a departmental secretary at the University of Wisconsin.) Members of the Air National Guard stationed here heard I wanted to move and on the date came in for an hour and a half or two hours and moved all my furniture into the new apartment. Mrs.

Rueckert transferred all my dishes and helped with my cooking equipment and miscellaneous items until everything was completed. This experience was a total and delightful surprise to me financially as well as physically. I cannot express my appreciation adequately.

As I didn't write down the names of the participating men, I cannot give their names but I did express my appreciation. A community service is such a rarity in my experience, I felt you would be interested.

Very truly,

Mrs. ALICE B. NILSSON.

[From the Wisconsin State Journal, May 16, 1974]

AIR GUARD AWARDED CAPABILITY CITATION

The Wisconsin Air National Guard 115th Fighter Group, stationed at Truax Field, was recently awarded the United States Air Force A Award, for superior combat capability from 1971 to 1973.

Individual honors were also earned by S Sgt. Leo V. Clark, M Sgt. James R. Breedlove and Capt. Dale L. Ebben.

WESTERN COAL DEVELOPMENT

Mr. FANNIN. Mr. President, the issue of the energy crisis reached a peak several months ago, and since that time it has slipped to minor importance in the minds of some individuals. One of our best informed colleagues, Senator CLIFFORD P. HANSEN of Wyoming, in an address to the National Coal Association during their 57th annual convention, cogently reminds us that this crisis has not passed and that we must make good use of this time to plan and direct our attention toward resolving our energy-related problems. Mr. President, I ask unanimous consent to print in the RECORD Senator HANSEN's remarks, which I know will be of interest to all the Members. I want to pay tribute to Senator HANSEN for his leadership and farsightedness in working to meet our energy needs.

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

WESTERN COAL DEVELOPMENT

(By Senator CLIFFORD P. HANSEN)

JUNE 18, 1974.

In front of the National Archives building in Washington there is a statue with the inscription, "What is past is Prologue." A visitor in passing asked a cab driver what the inscription meant.

"It means," said the cabbie, "you ain't seen nothing yet."

Despite the fact that we are no longer inconvenienced by long lines at the gas pumps, we face the very real danger that in terms of the energy crisis "we ain't seen nothing yet."

The title of this 57th Anniversary Convention of the National Coal Association is most appropriate. Coal is an American asset. It is the resource which is the key to achieving energy self-sufficiency.

In days past, we have seen the rise and fall of the use of coal as a source of energy. Whereas coal supplied 40 percent of our nation's energy in 1950, it now only supplies 18 percent.

Considering that coal reserves constitute approximately 88 percent of our nation's known energy reserves, this decline is dramatic. To meet our increasing energy needs, we looked to petroleum and natural gas. We became over-dependent in using these two hydrocarbons. Today these two sources of energy supply 77 percent of our total energy requirements.

In light of the experience that America has had this past winter, we know how crucially important it is to take the necessary steps to minimize our dependence upon foreign sources of energy. While much money will be expended on research and development of new technologies, substantial lead time will be needed before the exotic sources of energy can be utilized. For the time being, we must stick with the traditional sources of energy.

To meet the goal of energy self-sufficiency by 1985, a recent report of the National Academy of Engineering makes the prediction that even if we can hold down 1985 energy demand by 15 percent, the use of coal must be doubled, nuclear generating capacity must be increased by a factor of 15, and oil and gas production must be increased by 20 percent. Coupled with the fact that coal could be substituted for oil and gas this underscores the importance of developing our coal reserves.

We in the Northern Great Plains area have become increasingly aware that the coal reserves of the West will play a significant role in meeting our energy demands and in attaining national self-sufficiency. Most of the Western coal is low in sulfur. It is in great demand by utilities who must comply with pollution abatement requirements of the Clean Air Act. It lies in thick seams and is easy to mine by surface mining methods. The recoverage reserves of coal-bituminous, subbituminous and lignite—in the Northern Great Plains Area constitutes 43.8 percent of the total recoverage reserves of the Nation. These coal reserves are indeed an asset. However, in the eyes of many, they are a liability.

To properly develop this asset of western coal reserves, we must account for all liabilities. Measures must be incorporated into surface mining legislation and federal coal leasing policy which will protect the unique environment of the West, preserve our water supply, and avoid the adverse social and economic impacts of wide-scale coal development. With the cooperative efforts of Congress, the Administration, state and local governments, industry, and general public, the balance sheet will show that development of western coal is a sound investment.

One of the greatest liabilities that the coal industry faces is the uncertainty which has been generated by the pending surface mining legislation and federal coal leasing policy.

There is a need for legislation which will protect our environment and still allow us to recover our natural resources. We owe it to ourselves and our posterity to preserve our environment. Likewise, the social and economic well-being of our Nation is dependent upon the continued recovery of coal by surface mining. The goals are compatible and, in light of our modern technology, can be attained if reasonable legislation is enacted.

I favor the enactment of comprehensive Federal legislation which would place the primary responsibility for implementation and enforcement with the States. If the States' laws do not meet the minimum standard, the Federal Government should have authority to force compliance. However, such legislation should be flexible enough to allow States latitude in adopting legislation that is suited to the diverse climatic and topographic variations of our Nation. For example, requirements that would be appropriate for the Western States might not be appropriate for the Appalachian States.

It would be folly to shut down surface mines in any section of the country for the sake of uniformity in the federal law. I believe the people of the States in Appalachia are competent to set restrictions and reclamation standards that will assure the future usefulness of the surface of these lands in the coming years. The real criterion is whether the land can be reclaimed. I hope that the coal industry will resist pressures that would pit the East against the West.

In the long run our nation cannot afford to "write off" any significant amount of this abundant energy resource.

I joined with the able Senator from Montana (Mr. METCALF) in supporting an amendment, which was adopted in the Senate passed bill, that would allow the States to require reclamation standards more stringent than the minimum required by Federal law. While the purpose of the bill is to assure that no mining of lands occur unless reclamation can be accomplished, I want to assure that the environment in the West is adequately protected. As I have reiterated time and time again before the Senate, while tougher State environmental standards might increase the cost of the energy that the consuming States receive from the producing States, if consuming States want the energy, they should be willing to share in the cost of protecting the environment.

Despite my concern for the environment, I will not support unreasonable reclamation standards. In the deliberation of the bill, I tried to spell out the costs of reclamation. Let no one doubt who will pay for it: the man who flips the light switch. The consumer should realize that the price includes the costs involved in the reclamation of mined land.

The plight of the consumer is fraught with higher prices and inflation. There is no need to add to this burden by imposing controls in the name of environmental protection that do nothing but inflate the cost of energy. We need to get the reclamation job done without enacting excessive controls.

In short, we need balanced legislation which will adequately protect our environment, allow us to utilize coal as a means to increase our domestic energy supplies, and stabilize the economic and social welfare of our Nation.

I am confident that all of you would support such legislation. Needless to say, it is a challenge to enact balanced legislation. Too often many of our legislative proposals involve emotional issues which cloud the otherwise good judgment of all concerned. Surface mining legislation is such an example.

Our legislative experience with surface mining legislation reminds me of the story of the old gentleman in the hospital whose doctors were uncertain of the causes of his illness.

He asked his grandson to follow them from the room and attampt to overhear their prognosis.

The boy returned shortly and reported to his grandfather that the doctors said they did not know what was wrong with him, but they would find out when they did the autopsy.

And that is just what would be accomplished if some of the provisions in the pending surface mining legislation are not changed. Fortunately, there is still some time to practice some preventive medicine in remedying the deficiencies of the legislation. I think that this can be done and I think that this session of Congress is the time to do it.

The Senate passed its surface mining bill, S. 425, on October 9, 1973. As you may know, I voted for final passage of this bill because I wanted to record my approval of the many commendable provisions and features contained in that legislation. Following extensive hearings and debate, the final committee version generally reflected an awareness of the problems associated with surface mining, as well as a determination to improve our techniques in meeting our energy requirements through the use of coal.

As I noted to no avail during consideration of S. 425 on the Senate floor, if the Mansfield amendment, which prohibits surface mining of federal coal where the surface ownership is privately held, were enacted into law, Congress would make a drastic mistake.

I do not mean to imply that I am not sympathetic with the ranchers whom Senator Mansfield meant to protect by offering his amendment. As a rancher myself, I understand why the surface owners of the Northern Great Plains are so concerned about their land.

Generally, the source of conflict between the ranchers and coal mining companies stems from the Stock-Raising Homestead Act of December 29, 1916. This Act requires that all patents issued under its provisions shall contain a reservation to the United States of all coal and other minerals together with the right to prospect for, mine, and remove such minerals. Thus, the rancher owns the surface but the subsurface, in the case of coal, is leaseable.

Present law provides that the person who has acquired the coal lease may enter and occupy so much of the surface as may be required for purposes reasonably incident to the mining or removal of the coal provided that: (1) payment is made for damages to the crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount of damages; or (2) written consent or waiver of the owner of the land is obtained; or (3) in lieu of either of the foregoing the mining company could execute a good and sufficient bond or undertaking to the United States for the use and benefit of the owner of the land to secure the payment of any damages. I have been informed that the general practice is to obtain written consent or waiver of the owner of the land. This consent is usually obtained by paying the surface owner for the use of the land or by buying the land outright.

I understand it is the practice of some mining companies to buy out the rancher, mine the land, and then deed the land back to the rancher after it has been reclaimed.

During the consideration of the Senate surface mining bill, it was advocated that the bond provision of the law should be deleted. This would give the ranchers the final say as to whether their land would be mined. Senator Mansfield originally intended to sponsor such an amendment. However, he recognized that there would be some legislative problems in that it would enable surface owners to demand exorbitant prices from coal mining companies in exchange for acquiring the surface rights. Ironically, the House Interior Committee adopted a surface owner consent amendment.

Most ranchers who contacted me prior to Senate debate on the bill had been led to believe that the Mansfield amendment would give the surface owner the exclusive right to determine whether the minerals could be mined. But the Mansfield amendment incorporated in the Senate bill was quite different in that it gave the surface owner no right of determination and precluded surface mining regardless of the intent of the surface owner. Although the amendment would permit underground mining, most of the coal in the areas affected by the amendment is so close to the surface and the seams are so thick that underground mining methods would be wholly impractical and in most instances impossible. The amendment is in effect a prohibition.

The Department of the Interior estimates that the Mansfield Amendment would have a profound effect on coal development.

Initially, Interior predicted that about 14.2 billion tons of Federal coal could not be mined under the restrictions of the Mansfield Amendment. National Coal estimates that the figure is about 37.5 billion tons. A Staff Analysis of the Office of Energy and Natural Resources in the Department of the Treasury translated these estimates into the daily equivalent crude oil production. Assuming a 30 year deposit life, 5.4 or 14.3 million barrels of crude oil per day, dependent upon the estimate used, is the equivalent of the energy which would be lost if this coal is withdrawn. To put this in the proper perspective, I quote from the report: ". . . using the more conservative Interior figures, the Federal coal that could not be mined . . . is approximately equivalent to current total U.S. crude oil imports. The higher National Coal Association figure is only 2.7 million barrels per day short of current total U.S. oil consumption." (Impact of Coal Surface Mining Legislation on Energy Supplies, Staff Analysis of Office of Energy and Natural Resources, Department of the Treasury, by Douglas L. McCullough, November 9, 1973).

The House Interior Committee's response to the surface owner consent provision is not a solution to the Mansfield amendment. As I indicated previously, the Melcher amendment requires surface owner consent with variations based on how the surface owner obtained his title.

Since I don't often have the privilege to associate myself with the views of my good friend from Arizona, Mo Udall, let me observe that I subscribe to the additional views of Mr. Udall, Mr. Johnson, Mr. Taylor, Mr. Ruppe, and Mr. Martin contained in the House Report on H.R. 11500. These able gentlemen noted that: "If surface owner consent becomes law, the possibilities for unjust enrichment and anti-competitive practices are obvious. . . . [C]onferring a mining veto on the surface owner will not stop mining; it will mean rather that mining will follow an irrational pattern dictated by the willingness of individual surface owners, rather than the systematic development of the coal deposits best suited to mining and reclamation."

As an alternative to the Mansfield and Melcher surface owner protection amendments, it is urged that the surface owner is entitled to more than surface damage payments and proper reclamation. To accomplish this, some have proposed that the surface owner should receive from the mine operator an amount equal to ⅛th of the Federal royalty for each ton of coal mined and sold, which royalty shall always extend to the benefit of the surface owner notwithstanding any change in surface ownership.

Considering the three alternatives and the present law, I have to conclude that both the Mansfield and Melcher amendments are completely unsatisfactory, and the royalty provision and present law are deficient. Hopefully, with the input of all concerned parties, Congress will resolve the issue in a manner which will be fair to both the ranchers and the mining companies.

There are other provisions in the legislation which must be remedied. Paramount among these is the "approximate original contour" provision. There is a need to clarify that all restoration methods may be used. This clarification is essential in regard to the problems associated with the mining of mountain tops and thick seams.

I have no objection to designating an area as unsuitable for mining if it cannot be reclaimed or if the surface mining would be incompatible with existing land use plans. However, I do object to the blanket designation of areas of critical environmental concern as being unsuitable for mining. Part of my fears were eliminated by an amendment in the Senate bill which would guarantee that before such a designation could be made, a detailed study would have to be completed. The comparable provision in the House bill is too sweeping and could result in protracted litigation with attendant loss of the resource.

Before concluding my remarks on the pending legislation, let me make one final observation. I am grateful that our Founding Fathers had the wisdom to establish a bicameral legislature. The recent experience of Congress with land use legislation illustrates my point. The Senate passed a land use bill, but the House recognized that there was a vast difference between the popular concept and the actual legislation. Despite the threats of the proponents of the legislation, the House defeated the Jackson-Udall bill. Hopefully, if the next Congress considers land use planning due consideration will be given rights of property owners which the Jackson-Udall bill ignored.

While I applaud the action of the House in defeating the land use legislation, I hope that this will not be the case with the surface mining legislation. Rather I hope that the House will pass reasonable legislation which will adequately protect the environment and still allow for recovery of the coal. I make this distinction between land use and surface mining because the bill that the Senate passed, S. 425, with the exceptions I previously noted, is sound legislation. It would be an excellent vehicle to use in a Senate-House Conference.

While I know that the mining industry has been accused of conspiring with the Administration to defeat the surface mining legislation, I do not believe that this is the case. It is in the national interest that a good surface mining law be enacted. I believe the Senate passed bill provides a basis on which to work.

Recent hearings on the federal coal leasing policy demonstrate how significant this legislation is in the eyes of the public. At these hearings, your able President, Carl Bagge, expressed the hope that through the resolution of the surface mining legislation, the legitimacy of the coal industry would be recognized by the affected states and local communities, and that the industry would have the opportunity to cooperate fully in a true partnership to plan for the development of this abundant, vital American asset. I hope that this goal will be achieved in the near future.

WELCOMING OLDER AMERICANS AT THE COLLEGE OF SOUTHERN IDAHO

Mr. CHURCH. Mr. President, recently I conducted a hearing for the Senate Committee on Aging in Twin Falls, Idaho. The site for that hearing—which dealt with "future directions in social security"—was the magnificent auditorium in the College of Southern Idaho.

Dr. James L. Taylor, the president of CSI, welcomed the committee and made a brief statement about the efforts made at that college to accommodate the special needs and interest of older Americans.

Dr. Taylor's commentary was significant and welcome, because it expressed a clear realization by Dr. Taylor and his associates that there is a place in higher education for older persons, not only as students but as members of the faculty or staff.

I believe that the efforts being made on behalf of the elderly at CSI are worthy of note elsewhere, and I ask unanimous consent that Dr. Taylor's statement be printed at the end of this statement in the RECORD.

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

STATEMENT OF THE HONORABLE JAMES L. TAYLOR, PH. D., PRESIDENT, COLLEGE OF SOUTHERN IDAHO

Senator Church, distinguished platform guests, senior citizens, ladies and gentlemen, it is indeed a pleasure for me to welcome all of you to the College of Southern Idaho.

We feel very strongly that this college is a people's college. We have tried to develop the college in such a way that it meets the approval of not only the community college district, but likewise the citizens of this great state.

There are a few things that we have attempted to do at this institution, which I feel has significant value for senior citizens. It is our feeling that we have responsibilities to develop new innovations in curriculum so that learning experiences might be helpful and beneficial to our senior citizens.

In order to do that, we have developed this institution so that it is practically free of physical barriers for the aged, or the infirmed.

We have developed in our curriculum programs that senior citizens can retrieve from our library, where they can study individual studies, where they can make movement in this direction as freely as they would like.

Likewise we have developed physical therapy, and physical activities in our fine gymnasium, with a special room designated for senior citizens to use to the extent that they are capable.

In addition, we are quite proud of our local unit of the Retired Senior Volunteer program. Under this program, we have devised what we call a gold card, which enables the senior citizens to attend the various activities that occur on campus.

These activities are sponsored by our student association, and they are free to our students, and they are free to our senior citizens.

In addition, we have established tuition-free courses for senior citizens. We have provided work opportunities for the retired people that have special skills, we have included in our monitoring and instructional programs these work opportunities.

Older people that have skills, we have employed them in various facets of the college, and, of course, I guess for one thing that most of you have enjoyed in the last few hours is riding in our golf courts, and I am quite sure some of you that have ridden, are not really infirmed, but you are attracted by the wheel, but we wish you well, and we certainly will continue to do all we can for you.

Other things that I think we could and should do for our senior citizens are the things that you as individuals would want this institution to do.

Again, it is my personal privilege and pleasure, Senator Church, to be here, and to welcome your Committee, and most especially to welcome the CSI, the Senior Citizens of this state.

WAGE AND HOUR LAW: ANOTHER VIEW

Mr. HELMS. Mr. President, the 1974 amendments to the so-called Fair Labor Standards Act have been the source of a great deal of distress in my State, and I have no doubt in many other areas of the country.

In addition to providing increases in the minimum wage, this legislation extended the act to include employees not previously covered. One such group is domestic service workers. It is provided that initially these employees are to be compensated at the rate of $1.90 per hour. Provisions are made for subsequent increases to a substantially higher rate. This may seem all very well at first glance, but closer analysis mandates a different conclusion.

I voted against these amendments because it was easy to predict the consequences.

Many working mothers—and with the current rate of spiraling inflation, many mothers must work—need maids and babysitters to maintain their home and care for their children during business hours. Often these mothers earn little more than they are required to pay their domestic worker. The result is a most unfortunate situation. Large numbers of these domestic workers are being discharged, not because their work is unsatisfactory, but because it is simply not economically possible for the working mother to afford them. Then, the mother must either discontinue working or leave her children without proper care and supervision.

If the mother discontinues working in order to care for her children, she no longer has a job that she needs, a business no longer has an employee that it needs, and a domestic worker no longer has a job that she—or he—needs. An overzealous Congress has, again, made a negative contribution to the well-being of the American people. This is one of the problems resulting from this legislation. There are others.

For example, this legislation fosters the view that an employee should appear for work at a stated hour and promptly leave at the conclusion of a given work period. An employer is discouraged from allowing an ambitious young person to remain overtime, because he wishes to gain experience or take advantage of additional opportunities to learn. This is true, because of the accelerated payment provisions for overtime work. I recently came across an editorial that makes this point very clearly. Perhaps others will find it interesting.

Mr. President, I ask unanimous consent that an editorial by Joan Black Bakos which appeared in Restaurant Business be printed in the RECORD at the conclusion of my remarks.

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

THE RIGHT TO WORK OVERTIME—NOT FOR MONEY, BUT FOR KNOWLEDGE

In reading what was available of the new regulations under the Fair Labor Standards Act, I was struck by the overtime provisions of the bill. I can understand the spirit of the law; workers should not be exploited, should not work without being compensated for their labor. Labor is truly "worthy of its hire."

But I could not help remembering how I learned my craft. Not in journalism school—although that obviously helped—but in hanging around the editors' offices long after five to learn from professionals all that the professors never knew or could never teach. I was forunate to work for a small publishing company in New York which published three magazines and one newspaper in the hotel and restaurant field. The company was Ahrens, long since gone from the scene, but the people who were there—the editors and writers—taught me more than I had ever learned before. Not between nine and five—we were all too busy then—but after five, when the phones stopped ringing, and the clerks went home, and the office was quiet. That's when the learning process began.

Sometimes it meant going over an issue that had just been published, or making elaborate—if impossible plans—for issues yet to come. Sometimes it meant re-editing reams of galleys—or facing the realization that a pet story just would not work. Sometimes it meant going to association or professional meetings to meet the leaders in the hotel and restaurant business at that time. Whatever the reason, in hanging around after quitting time, I learned my craft. If that publishing company had to pay me for those hours, they would never have hired me, and would certainly never have kept me.

Tyros learn from professionals. And it doesn't much matter what the field is. A young man or woman will learn the restaurant business by watching the professionals at work. If the law stipulates that he must be paid for that time—or if union regulations demand such payment—the ambitious beginner is at a disadvantage. His growth in his profession will be stunted.

There should be a provision in the law for individual choice. There should be a way for a worker to decide freely that spending some of his extra time and labor to learn his craft would not make his employer a lawbreaker.

The writers of this law wanted to protect the worker from exploitation. An honorable goal. But for some, work is more than so much pay for so many hours. And while I understand the necessity of assuring workers fair and equitable payment for their labor, I wonder how the ambitious worker, the worker with plans for himself, the worker with a dream of having his own restaurant or being manager someday, will ever realize his ambition if under the law he must clock in and out at a certain time.

There is so much to learn that 48 hours just isn't enough time for some people. It wasn't for me. Talented people were willing to teach me all they knew during some late hours in those early years. Fortunately there were no regulations to prevent me from learning.

NASHVILLE INNOVATES TO SOLVE DUAL PROBLEMS OF POWER AND POLLUTION

Mr. HUMPHREY. Mr. President, the energy crisis has made it only too clear that new methods are needed to provide the energy that we so heavily rely upon in our homes and businesses, and at reasonable prices. At the same time, new solutions to our solid waste disposal problems are desperately needed. In regard to both these problems the progressive city of Nashville, led by its mayor, the Honorable Beverly Briley, has again achieved a pioneering milestone in the realm of urban management.

Today the Nashville Thermal Transfer Corp. will be dedicated. This facility is a great fuel-saving, waste-consuming innovation that should serve as an example to the rest of our Nation's cities that alternative means of generating power and disposing of solid waste are available.

Nashville and Mayor Briley should be applauded for their efforts and accomplishments, and their example should be followed by other cities facing these same problems. I, therefore, ask unanimous consent that a background summary of the Nashville Thermal Transfer Corp. project be printed in the RECORD.

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

NASHVILLE THERMAL TRANSFER CORP.

BACKGROUND SUMMARY

(a) The project is the first in the nation to provide both heating and cooling for downtown district distribution through the incineration of solid waste.

(b) The $1½ million project includes no federal subsidy or local tax revenue. It is 100% privately financed through the sale of bonds.

(c) The project was developed on the initiative of the Metropolitan Government of Nashville and Davidson County and is a cooperative venture of local government, state government, and private interests.

(d) Twenty-four private and eighteen government buildings have already contracted for Thermal services.

(e) Thermal users will realize at least a 25% savings over their 1973 heating and cooling costs.

(f) The plant ultimately will consume 1,440 tons of solid waste daily—equal to the total volume of county refuse collection.

(g) The local government will save $1½ million annually through the elimination of landfill activity, plus additional income through sale of the process residue.

(h) Pollution emission levels are being reduced by over 50 percent as existing systems are replaced by Thermal.

(i) Thermal also utilizes waste oil (automobile crankcase waste) as stand-by-fuel, thus relieving a secondary waste problem.

(j) Thermal generates electricity to meet its own power needs.

(k) The incinerator receives the solid waste straight from collection without any pre-processing.

(l) Thermal delivered initial steam service in February and began fueling with solid waste on May 8.

AWACS PROGRAM

Mr. MAGNUSON. Mr. President, a recent article in Government Executive magazine clearly discusses the issues involved in the AWACS program. I believe that this article answers many of the questions that have been raised about AWACS. I commend it to the attention of every Senator 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:

AWACS

HEAVY FIRE

There is an adage among Air Force crew chiefs that "If it works, don't fix it." AWACS (officially, "E–3A Airborne Warning and Control System") proponents in not only the Air Force, which is developing it, but Army and Navy would be justified, under the circumstances, to wonder why the program has come under such heavy fire lately, particularly on Capitol Hill.

Points out AWACS program director, Air Force Brig. Gen. Larry Skantze, "It has met or is ahead of every schedule milestone laid down for it in July, 1970. Development costs are on target and could come in under target when we're finished."

What, then, is the beef? Usually, Congress, for one, criticizes Defense for cost overruns and delivery slippage on programs—implying that the operational requirement for the criticized system is unquestioned. Uniquely in the AWACS case, the critics' case seems founded on challenging its ability to survive and perform in its operational environment.

Which leaves AWACS proponents even more mystified. If any two pieces of the AWACS picture have received the most attention, they are operational capability and system survivability in combat.

The "out front" sources of the criticism are easy enough to trace. Last year, Senator Thomas Eagleton (D-Mo.) challenged the system's survival chances in combat and called for, in effect, a suspension of funding pending additional study. He was persuaded to let Fiscal '74 funding go through but asked at the same time for a General Accounting Office (GAO) study prior to Fiscal '75 budget hearings.

Their report released in March, 1974, included no prior inputs or discussions with either the Air Force Systems Command's Electronic Systems Division, USAF Tactical Air Command, Aerospace Defense Command, the *AWACS* project office or the major contractors (Boeing, Westinghouse, et al).

The Air Force had only seven calendar days to respond to the finished report which it had not seen prior to the final draft.

Not surprisingly, therefore, their report tends to confirm Sen. Eagleton's worries. Since the report's release, in side-by-side testimony (Skantze and the GAO) before appropriate Congressional committees, GAO's verbal view is much closer to the Air Force's confidence about the program—but the published criticism has not been overruled with an up-dated GAO release.

Here, in brief, are the criticisms and a condensed version of Skantze's answers:

"Our reservations . . . do not pertain so much to the need for the systems but rather to the management approach for its development and procurement."

Few military development programs have been approached with as much attention to reducing the decision-making risk as has *AWACS*. "The initial requirement," points out Skantze, was spelled out "in 1963 and resulted in a six-year Overland Radar Technology program to determine if, technologically, a 'look-down' radar of this size and range could be developed, having a very high target resolution in spite of ground clutter."

In 1969, two final-competition contractors (Hughes Aircraft and Westinghouse) were pitted against each other in a so-called Brassboard competition. The objective was to see which could best meet the operational requirement. Westinghouse got the job though both contenders met the minimal performance specifications.

After that 1972 decision, the Pentagon authorized, with then in-effect Congressional approval, full-scale development in 1973—with proviso for additional studies.

But three years earlier, with then-Defense Secretary Dave Packard chairing the DSARC (Defense Systems Acquisition and Review Committee) meeting, a step-by-step development program had been laid on, designed basically to reduce decision-making risk to a minimum.

That objective, in effect an *AWACS* version of "fly-before-buy," has been and still is being followed. The radar, for instance, is not, as the GAO printed report charges, "brand new and unproven." (On the Antenna Phase Shifter component, for example, Westinghouse, having been working on it since 1963, has today what it considers about a third or fourth generation subsystem.)

"The ultimate design configuration will not be known for several years and the Air Force is uncertain about retrofitting earlier models of *AWACS* as the desired equipment is defined . . ."

That claim, Skantze feels, results from critics' confusion about two things. For one, AWACS is now moving from the Brassboard to a preproduction configuration on, in simplest terms, the avionics package. That means, among other things, microminiaturizing it and similar "polishing of the design" geared to simplifying maintenance and improving reliability.

All that, in turn, means greater capability in a smaller package which means, in turn, the possibility of putting even more capability into a single airframe than is now planned.

Which leads to the second part of what Skatze feels is the confusion. "What (a DSARC meeting) said last November was, 'maybe you need more capability than you are developing now.' The inference to those watching our work is that this is something we suddenly thought of and it involves brand new equipment."

Fact is, "as with any command and control system, we are certain we'll have evolution as we learn more about how to use the system." In the meantime, certain advances Skantze, and others, already see possible "would be desirable to have and we can reach these through a predictable system evolution."

"There has been little or no demonstration of the capability of AWACS to properly manage the tactical air situation in a high density combat environment such as is expected to be encountered in Europe." For instance, "there is a reasonable basis to believe that the AWACS radar can be jammed by the enemy from about 200 miles away."

Far back from the battle line (where AWACS' airborne station would be, as they say, optimal) the AWACS aircraft, says Skantze, will be able to see interceptors before they see it. Moreover it will be living in as reasonably friendly an environment as can be found in a tactical war zone, i.e. in amongst a nest of available, but not dedicated, protective fighter aircraft and surface-to-air missiles—with AWACS capable, itself, for that matter of 400 mile-per-hour maneuver.

As to jamming, "the AWACS radar," says Skantze, "is an order of magnitude more resistant to jamming than any other radar ever built." And in tests against the highest powered airborne electronic jammers that the United States currently has in tactical aircraft, "they haven't been able to degrade the radar performance to any significant degree."

Of course, Skantze adds, " 'Survival' is not the same as 'immortal.' Even AWACS can be jammed, in spite of its pulse doppler radar's ability to override ground clutter, if any enemy wants to put enough resources into the effort.

"And the aircraft can be shot down, if an enemy wants to pour enough fighters and missiles at the target.

"But it will cost him a lot of resources, far more than we think any commander could justify devoting to just one objective, in the real world of tactical combat."

As to AWACS critics' concern that December, this year, is too early to be making a production decision, Skantze disagrees and points to the "minimal risk" base the program has been on since the start. The aircraft, he says, is a Boeing derivative of the long operational 707, will be powered by TF–33 engines like those currently driving the C–141 transport, will have 1300 flying hours with the Brassboard radar system on board and operating by decision time in December.

As to the pre-production radar and all its components being, in effect, repackaged from the Brassboard into the preproduction version, "it will be a relatively easy matter to test the preproduction model (as Air Force is now doing) against test data already derived from the Brassboard version; and extrapolate from that whether we have it (the preproduction) model right or not. We will know that by December as well."

NO ENTHUSIASM

A program costing an estimated $2.5 billion overall could be expected to attract attention. While the critics' concern has been well publicized, most of the developing enthusiasm for the program has not.

Item: "I have been telling (the other members of the Joint Chiefs)," says former Air Force Chief of Staff George Brown, "to think

of AWACS as a national asset, not just an Air Force asset." Army and Navy preliminary studies bear him out. Both Services concluded it can perform necessary missions for them which otherwise couldn't be done—at least not with the efficiency and effectiveness of AWACS.

(Brown has been nominated to be the next Chairman of the Joint Chiefs of Staff.)

For example, in a demonstration flight over Europe it showed an ability to provide long range tracking data to Army SAM batteries on the ground, and long range air surveillance data to Navy task forces.

Item: NATO has set up a committee to study possible NATO-wide purchase and use of the system. Iran is interested in buying AWACS, and the Japanese have asked for preliminary cost and schedule information.

Item: All interested parties see merit, not only in the performance capability it is rapidly proving, but in the fact that, even from the U.S., it could be deployed and fully operational in no more than hours where a ground system with more limited range would take days.

(One by-product functional value is AWACS' emergency capability to take over commercial air traffic control—"provided a methodology can be worked out with the FAA"—in case airport ground power is lost as happened in the Northeast U.S. in the mid-Sixties.)

DIRECTED STRETCHOUTS

When it comes to finding other uses and new customers for AMACS, Skantze, by himself, has enough breadth of background to help in the selling. He enlisted in the Navy in 1946, served as a radio operator until 1948 when he received a competitive appointment to the Naval Academy from the Atlantic Fleet.

After graduation in 1952, he was sworn into the Air Force as a second lieutenant, and served in Korea. He has a masters degree in nuclear engineering, has served with the AEC as well as in the Air Force R&D complex (among other places, as SRAM program director).

As to the AWACS production decision due to be made this December, he says, "the necessary testing for performance, capability and capacity . . . will have been accomplished in sufficient depth such that all the information necessary for sound decision-making will be available."

On the cost side, the production funding request before Congress is for the first 12 operational aircraft. If this price seems higher than the Air Force may have indicated a few years ago, the answer, says Skantze, has nothing to do with technological unknowns being uncovered. Rather, it's simply the result of directed stretchouts and/or cut-backs of originally planned production buys on the system.

Specifically, Air Force at first planned to buy 64 aircraft—later dropped that to 42 to be purchased over a two-year period. They are down to 34 to be bought at a rate of one-a-month in yearly bunches of 12–12–7 over a two-and-one-half-year period.

(The difference between 31 and 34 is retrofitting the current three test aircraft into an operational mode.)

With that stretchout, learning curves, i.e. production costs, tend to flatten out rather than drop sharply through experience. A past pattern of pressing inflation will make the last of the aircraft cost more in 2½ years than they would if delivered in two.

In sum, as noted at the outset, AWACS seems like one of the few programs harboring virtually no managerial mysteries. What then, its proponents are lately wondering, is all the fuss about?

PSRO

Mr. HANSEN. Mr. President, we have recently witnessed considerable controversy concerning Professional Standards Review Organizations. I refer to section 249f of Public Law 92–603, the Social Security Amendments of 1972. This law mandates that local physician review boards be created in areas throughout the country that will monitor the necessity and quality of medical care reimbursed by medicare and medicaid. The intent of the program is to be eventually extended to monitor all medical services reimbursed through a national health insurance program.

The serious nature of the controversy is evidenced by the fact that 14 State medical societies have passed resolutions for repeal of the law; 29 other State societies support repeal or amendment to remove the objectionable parts; and the American Medical Association, representing 80 percent of the board certified physicians in the country, has, in accordance with a resolution of its house of delegates, asked for amendment to the law, and, if that fails, repeal of the law.

This concern for the law is reflected also by bills now before the Congress asking for repeal supported by 96 Congressmen; 25 other Congressmen support amendment to the existing law.

These efforts can well be summarized by the statement of AMA President Russell B. Roth, M.D., before the Senate Finance Committee oversight hearings:

The best efforts of the legislators involved, the staff of the Senate Finance Committee, the staff of the PSRO administrative office in HEW, and physicians from AMA, from assorted state medical societies and specialty medical organizations, have not succeeded in creating in the profession the climate of acceptance and cooperation essential to success. The fault does lie with the sincerity or intensity of the effort to cooperate, it lies with the basic ineptitude of the statute.

I have become increasingly concerned with the PSRO issue. In the past I have hesitated to support repeal of the law, or even to change it in the absence of real evidence indicating how PSRO is working.

On May 8 and 9, the Senate Finance Health Sucommittee, of which I am the ranking minority member, held oversight hearings on PSRO implementation. We heard testimony from the best experts in the country on how PSRO is shaping up. As a result of those hearings, I would like to share several of my preliminary impressions and observations:

First. A review program composed of physicians to accomplish effective peer and quality review of medical services must have the unqualified support of the physicians themselves to be of any real benefit;

Second. PSRO, now a requirement of the law, is being implemented widely. The concept of peer review has proven to be a workable and beneficial one in controlling utilization and improving quality of medical services;

Third. The current qualified physician support, which, as I mentioned, is necessary for the review program, is based on current implementation procedures and regulations that have not been grossly unfair or objectionable;

Fourth. The current alienation against the program seems equally justified, however, in the face of dangerous and discriminatory administrative abuses that are not sufficiently dealt with by the statute; and

Fifth. The current PSRO statute, while being essentially praiseworthy in concept and intent, may contain some basic problems.

In the context of the present discussion of this issue, I suggest that we maturely and objectively analyze all facets of the situation.

PSRO, in my opinion, is one of the most important issues before this Congress, as it may change the very nature of the medical care delivery system. The profound and far-reaching implications of this legislation will undoubtedly extend into many other areas of American life as the philosophy represented by the law will be incorporated into government policy.

It would seem unwise if the Congress was to take the attitude that the present law is above reproach and cannot be changed. I suggest that we remain open to constructive amendment of this important law.

To such efforts, I pledge my wholehearted support.

AN IDAHO VIEW OF "FUTURE DIRECTIONS IN SOCIAL SECURITY"

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has already conducted 5 days of hearings in Washington, D.C., over the past few months on "Future Directions in Social Security."

Testimony at those hearings has been illuminating and timely, providing very helpful information about the strengths of our social security systems as well as some of its problems. The national perspective provided by the witness has been invaluable.

And yet, a program as vast and vital as social security must also be viewed in terms of its direct impact upon the people it serves.

For that reason, I recently conducted the first field hearing on "Future Directions." It was held in Twin Falls, Idaho, at the College of Southern Idaho in conjunction with the annual State conference on aging, and it provided a very helpful closeup view of social security at work.

Part of that view was reassuring. It showed a system which, despite an increasingly heavy work load, has the resilience and a firm foundation needed to cope with new assignments imposed by the Congress.

Other, lesser parts of the view were disturbing. They indicated that the Social Security Administration will need strong support and understanding from the Congress during an important phase of its development.

Mr. President, I ask unanimous consent that an opening statement I made at the hearing be printed at the close of these remarks.

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

(See exhibit 1.)

Mr. CHURCH. Mr. President, the statement describes the ways in which social security has responded to its many new responsibilities, and it also describes the attempts by the Congress to keep

benefits apace with inflation—a task becoming more and more difficult in the face of administration drift and indecision.

My opening remarks also note my concern about reports that some problems have arisen in Idaho and elsewhere in regard to the implementation of the supplemental security income program, enacted by the Congress to provide assistance to aged, blind, and disabled persons whose incomes fall below certain standards.

SSI was certainly on the minds of many of the witnesses at Twin Falls.

Mr. Guy Shambaugh, director of the social security office at Boise, said:

> We get some feeling of frustration in our jobs as we find ourselves with too little time to do as thorough an interview as is really necessary to fully explain the benefits of the (SSI) program and achieve full understanding on the part of the applicants for benefits.

He said that it takes about 30 minutes on the average for an SSI interview and 45 minutes to file a disability benefit application. Despite the increased workload, his office staff has increased only by two regular employees over the last 1½ years. His personnel must work week-ends and at night to keep up with demand.

Another Social Security Director, John Carlton of Twin Falls, said:

> The SSI program could well be a prototype for future actions of a similar nature. If the future of social security includes the administration of other programs aimed at solving the problems of the needy, I have two requests. Give us sufficient staff to handle the work and keep the programs fiscally separate from the present social security system.

Closely related testimony was given about SSI Alert, the program launched last year to locate and sign up persons eligible to receive the SSI benefits.

Mr. Wil Overgaard, Deputy Director of the Idaho State Office on Aging, described the effect of SSI alert in that State:

> There were some 10,000 elderly in the State who were contacted. One out of ten are found to be qualified which means then that there are 9 out of the 10 that for some reason were borderline cases; somehing is wrong; they did not quite make it; and so there is going to be an impact on them particularly in their attitude toward this type of a program.

A research specialist at the Office on Aging, Mr. David Mueller, said that SSI Alert is significant because it sets precedent for actively recruiting participants for an income benefit program. He pointed out, however:

That backlogs of applicants occurred at district social security offices after screening by SSI volunteers;

That there was confusion as to regulations and their interpretation;

That "the means test required for qualifying has become as stigmatic as the system we were trying to avoid"; and

That SSI benefit levels are far too low in the face of rising inflation.

These and other criticisms made of SSI can lead to positive corrective actions at an early date. I will, therefore, devote 3 days of hearings next month to future exploration of SSI issues and I will seek additional suggestions for improvement. SSI is too important to fall by the wayside or to fail in fulfilling its mission satisfactorily.

On the matter of social security levels in general, the Twin Falls testimony provided ample evidence about the great needs of so many older persons totally or primarily dependent upon their monthly social security checks.

Mrs. Ruth Mitchell, chairman of an areawide planning and service Task Force on aging, said:

> I have seen senior citizens and disabled persons not living, but existing on $87 a month. This will not cover the necessities of life, such as clothing, food, shelter, and utilities, let alone medical attention, transportation, or recreation. Therefore, I feel that Social Security, Medicare, and SSI are inadequate. I have assisted senior citizens with applications (for SSI or disability) and in many cases we have had no response for as much as 90 days.

Members of a panel accompanying Mrs. Mitchell—Miss Elsie Lindgren of Twin Falls, Mrs. Edna Belle Oslund of Twin Falls, Mr. Howard Burkhart of Twin Falls, Mr. Earl Long of Murtaugh, Mrs. Hildred Howard of Hansen, and Mr. Juan Trevino—provided other useful insights into social security operations.

As I have said, these operations are vitally important to older Americans. What happens when a mistake is made? An extreme, but very significant, example was discussed at Twin Falls. Mrs. Blenda Jenkins, a 70-year-old widow from Basalt, did not receive her social security check in January. Weeks passed and she received no check despite inquiries. Finally in March she was told that the computer had listed her as dead, a mistake which, as Mrs. Jenkins told the Committee, "was not very nice."

It was not until April 18 that she received a check, and even then she received two overpayments which she had to turn back.

Her daughter, Mrs. Alice Moore of Pocatello, said that such mistakes are generally regarded as rare. But, she added:

> It is more frequent than people believe. A computer error was made on my brother's (disability) check. He waited from November until about March 20, because the computer had made an error on his check.

She provided other examples and I will take special interest—at next month's hearing on SSI—in seeking out facts about SSA computer operations. Expensive, complicated equipment should be at the service of SSA and its beneficiaries; it should not become a bottleneck.

Mr. President, our hearing record was too rich for adequate summarization here. I would, however, like in particular to note that Mr. Kenneth Hill and Mrs. Faye Rebenstorf of the Joint State Legislative Committee of the National Retired Teachers Association-American Association of Retired Persons provided valuable testimony on a number of issues, including the need for further liberalization of the retirement test and an updating of the retirement income tax credit. Larry P. Evans, president of the National Council of Senior Citizens Club in Boise, advocated a strong, independent Social Security Administration as a separate agency outside of the Department of Health, Education, and Welfare.

As the sponsor of legislation which would deal with these and other issues, I was of course pleased to have such support. I was also convinced all the more that our social security system has strong roots, a sturdy trunk, and far-reaching branches. It is worthy of continuing concern and improvement by the Congress, and it will continue to grow and serve even more persons even while we preserve its essential features.

EXHIBIT 1

FUTURE DIRECTIONS IN SOCIAL SECURITY

Once again I am in Idaho to open an official hearing of the Senate Committee on Aging.

We will take a written transcript, which will help the Committee and the Congress to consider legislative proposals for older Americans.

Our subject today is "Future Directions in Social Security." And I can say that some of the best counsel I have received on this subject has been given to me by the citizens of Idaho I meet along the way—sometimes at my courthouse days and sometimes on the street corner when I stop to chat.

Talk turns so often to Social Security during my visits to Idaho simply because so many people are affected by it.

And the first point to be made is that Social Security is more than just a retirement program for the elderly. It is also family security—providing protection against loss of earnings because of death, disability, or retirement.

In one form or another, Social Security affects the lives of almost every family in the United States.

I don't want to overwhelm you with statistical data, but I think a few key facts about Social Security would illustrate its importance for all Americans.

Today 30 million persons receive monthly benefits. For the vast majority of elderly persons, Social Security is the economic mainstay.

It accounts for over half of their income.

It also helps to keep more than 12 million individuals out of poverty.

Without these benefits, most older Americans would not be able to achieve a moderate standard of living.

Social Security is also vitally important right here in Idaho.

In fact, the recently enacted 11 percent increase will provide an additional $9 million this year for 108,000 Idahoans.

Without this raise many would have slipped further behind in their race with inflation.

Our Social Security system, then, is of vital importance not only to older Americans but to other generations as well. Much depends upon how well it does its job, and this is even more true now since the Congress has added so many new responsibilities to the work of the Social Security Administration.

One of the biggest additions, of course, was Medicare. In 1965, when the Congress enacted this legislation, it was thought that just about all of the paper work would be done by fiscal intermediaries—the insurance companies and others responsible for processing claims.

But, of course, the local Social Security offices are constantly receiving requests for help on Medicare. At the district office in Boise, I understand that five staff persons are specialists who spend most of their time answering questions about Medicare.

Clearly, Medicare has added significantly to the work load at Social Security offices.

But other responsibilities have been added in recent years, as well. President Nixon, at the White House Conference on Aging, said that SSA offices should provide information and referral services on aging. In other words,

the SSA offices should be able to help older persons in need of a service or facts about services. Congress has made SSA offices responsible for administering black lung benefits to former miners with respiratory problems. Medicare has been broadened to include kidney dialysis, and so on.

The biggest new responsibility, of course, is the new Supplemental Security Income program, or SSI as it is known. I was one of the supporters of SSI. I believed that the time had come to replace the inadequate and inequitable Old Age Assistance program, which offered widely varying payments on a state-by-state basis. Not only that, Old Age Assistance was administered through the local welfare office, causing many people to shun that program because they saw no reason to turn to welfare in their old age after avoiding it during all of their earlier years.

SSI was intended to overcome the welfare stigma. It would be administered by the Social Security Administration; and the monthly check would be enclosed with the regular Social Security check. The idea was to help those older Americans—as well as the blind and disabled—who couldn't make it in any other way. Another purpose was to bring benefit levels up to a more adequate level than was generally true under Old Age Assistance.

One of the reasons I supported SSI is because I saw a clear need to help millions of older persons who stayed near or close to the poverty level, no matter how Congress raised the Social Security levels.

And yet, I did not want to disrupt one of the fundamental and essential values of our Social Security system: the principle that workers in this country contribute to their own retirement security by making payroll contributions during their years in the labor force. In other words, they are helping to pay for their own Social Security benefits.

SSI is intended to preserve that feature while meeting direct need. And it is essential that SSI work, and work well. The Senate Committee on Aging has been keeping watch over the early months of SSI, which began in January. I am concerned by reports that some problems have arisen, and I want to explore those problems here today. I also would like to give credit to those who are working so hard to make SSI work: the Social Security employees who are working after hours and on Saturdays, the volunteers of SSI ALERT, and national and local organizations concerned about aging.

If, however, problems are emerging in SSI, now is the time to face them, while the program is young.

I have another reason for concern about SSI; I believe that it could become the means for ending poverty once and for all among the elderly of this nation. At that time, perhaps five million older persons in the United States are below poverty levels or so close that they might as well be considered so. SSI, if it is improved and made more workable, can be used to help them, while still preserving the essential concepts of our Social Security system.

But only if it is a flexible and compassionate program, and only if people believe in it.

This afternoon's hearing, I want to emphasize, will not be limited to SSI, but will deal with other issues related to Social Security.

Inflation, of course, is very much on our minds. Back in 1972, when I sponsored a 20 percent increase in Social Security, it looked as if we might have at last caught up with rising prices. In that same year, Congress approved a cost-of-living adjustment mechanism to help Social Security benefits continue to stay at least roughly in the race with the cost of living.

But it soon became evident that we couldn't wait until 1975, when the automatic increases were due to begin. We had to enact the two-step, 11 percent increase which is taking effect this year.

Even so, inflation has not been overcome. Unfortunately, some of the steepest increases have been concentrated in areas where the elderly have their greatest expenditures. Food prices, for example, have jumped by almost 28 percent. Certain home fuel oils have increased by an astounding 73 percent. Just think of it: almost double the amount you were paying during the fall of 1972.

This is a major reason why I supported legislation to roll back home fuel prices by as much as 40 percent. But the White House would not go along with this measure. And we were unable to secure the needed two-thirds vote in Congress to override the veto.

This is another reason why I led the successful fight to block the pay raise for Members of Congress, the Federal Judiciary, and top officials of the Administration. If we are going to lick inflation, we must show some self-restraint. And there is no better place to start than right at the top in the Federal Government.

Another concern of mine, one which will be discussed in testimony today, is the rising cost of health care and sometimes the unavailability of such care.

The Senate Committee on Aging recently determined that Medicare pays only about 40 percent of all health care costs of older Americans. I say that not to denounce Medicare, but to argue that it could be extended and improved. And my number one priority is Medicare coverage of certain out-of-pocket prescription drugs. We will hear again today about the severe impact that drug costs have upon the budgets of older persons; it is high time that something be done about them.

I am also hopeful that my legislation to improve home health coverage can soon be enacted into law. Many of the key concepts for that bill were developed at a hearing last year—just like the one we are conducting today—in Coeur d'Alene.

Witnesses at the Coeur d'Alene hearing repeatedly emphasized that many older Americans were placed in hospitals at a much higher public cost, simply because other forms of care were not available.

Yet, if we could just shave one day off the Medicare national hospital average, we could produce a savings approaching $400 million.

Most older Americans also would prefer to remain in their homes, rather than being institutionalized, if appropriate forms of care are available.

I will not at this point give a detailed description of legislation which I have introduced to improve economic security in retirement years. I hope to have that opportunity as the hearing continues.

Let me close by saying that I will make every effort in the next few months to advance a bill of mine to establish the Social Security Administration as an independent agency, outside of the Department of Health, Education, and Welfare. It is essential that SSA, which has been remarkably free of political manipulation, continues to remain so. Those who hold elective office should not be permitted to use the system to promote their candidacy. My bill would prohibit insertion of self-serving statements in the envelope used for Social Security checks.

All in all, Social Security has served us well since its enactment in 1935.

This hearing, and others I have conducted in Washington, will help to assure that it continues its work on behalf of all citizens, young or old, present and future.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention has been a target of severe critical attack from both highly responsible and highly irresponsible sources. I have refuted the many uninformed charges against the Genocide Convention in a number of statements. Today I address those critics who have responsibly considered the text of the treaty and still hold reservations.

The report on the Genocide Convention from the Committee on Foreign Relations acknowledged certain difficulties of interpretation which occur in the text of the treaty itself. In four "understandings" the committee recommended specific interpretations of certain paragraphs in order to allay any misconceptions.

The Genocide Convention has as its stated objectives the preservation of man's most precious right, the right to live. When the Genocide Convention was submitted to the Senate 22 years ago only 5 nations had ratified it. Since then another 70 nations have ratified the treaty, but not the United States.

Mr. President, America is conspicuous. We are conspicuous for our remarkable national record in the struggle for human rights. We are just as conspicuous for our international absence in the ratification of the United Nations Convention on Genocide. We should resolve without further hesitation or excuse this hypocritical indifference.

Mr. President, I call upon the Senate of the United States to ratify this document without further delay and so proclaim to all the world our country's united condemnation of the inhuman barbarism by which one group would exterminate another from the face of the Earth.

EILEEN HUNTER

Mr. HANSEN. Mr. President, in a day when increasing numbers of people are looking toward Government for the assumption of more and more responsibilities that were once considered individual or family in character, it is gratifying and reassuring to note that there are still persons willing to do, voluntarily, those good deeds which we most admire.

Eileen Hunter, my friend, friend of Jackson Hole, and benefactor of its good institutions, was given only a fraction of the credit which is her due when St. John's Hospital patrons honored her recently.

I ask unanimous consent that the citation read at the 16th annual Spring Fling at Jackson Lake Lodge in Grand Teton National Park be printed in the RECORD.

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

EILEEN HUNTER

St. John's Hospital in the village of Jackson, in the valley of Jackson Hole, County of Teton, State of Wyoming, is blessed with a guardian angel.

St. John's has been blessed with many guardian angels. From its inception, back in the days when land, lumber, logs, and labor were donated to get the first building started, it has been a community project. Ever since, a host of community angels have pitched in to keep it operating. In these later years of building a new and modern St. John's Hospital, Eileen Hunter has been one of the most active angels in attendance. Hers has been the spark which said, "Let's do it!" when the necessary "doing" seemed impossible.

Back in 1957 when Dr. Peter Ward, of Chi-

cago, inspecting the old St. John's Hospital for accreditment, he stated that it was, "Unsafe, inadequate and uneconomical"—something had to be done. The hospital board found themselves with massive economic problems as well as the need for a larger, but still convenient site. William Hunter Memorial Park, the site of the new hospital, was a gift to the community from Eileen Hunter. Eileen acquired the desirable piece of property and, working through the Episcopal Church, made it available for the building location.

Eileen likes to keep her left hand from knowing the good deeds which her right hand doeth, so she claims innocence or forgetfulness about them, but the hospital board knows that she is always there when a need becomes apparent. St. John's Hospital has just completed an expansion that adds six semi-private rooms, a physical therapy department and a nurses' station. The project, located in the southeastern corner of the hospital, was begun over a year ago as a result of the efforts of Eileen Hunter.

Noting that the nursing home facility might be phased out due to a rapid increase of acute (short term) care patients, during 1973 Mrs. Hunter raised the initial $50,000.00 of the total $150,000.00 for the expansion. She then spearheaded the drive to make up the full amount. The cost to put these additional rooms into operation was approximately $9,400 per bed, compare construction recently done at the Cody Hospital which cost $50,000 per bed. Thanks be to the original planning of the building, which allowed room for expansion within the original walls.

When asked an approximate total of her hospital donations Eileen replies—with typical Eileen Hunter Style—"If I can afford to give a lot and another can afford to give a dollar, then we're even."

William and Eileen Hunter came to Jackson in the early 1930's when they established the Hunter Motors Garage and Ford Automobile Agency. It was located at the corner of Broadway and Cache Avenue, in the building now housing Paul Hansen Gifts. They were no strangers to Jackson, having sold to the natives of the valley. Bill Hunter had established Ford agencies in Kemmerer and also in Ogden, Utah.

In 1946 the Hunters bought the ranch now known as the Hunter Hereford Ranch; the home which Eileen claims has the 'best view in the valley.' Lying north of Kelly, in the foothills of the east side of the valley, her home commands a sweeping view across the sage covered Snake River flats, until it is stopped by the stupendous wall of the Teton range of mountains.

Bill loved the ranch more than any place on earth and is buried on a part of it; a spot where Eileen intends to join him someday. In the meantime she has a tremendous zest for living. Most of all she enjoys people—her hospitality is legend. She has entertained many of the most important people of the land, as well as some who needed sanctuary and the soothing solitude of the open spaces. There is a spaciousness in her friendship.

Tonight the community served by St. John's Hospital salutes this vibrant lady who has done so much to make St. John's Hospital the modern facility which we are proud to have serving our county.

J. WILLIAM FULBRIGHT

Mr. CHURCH. Mr. President, nationally-syndicated columnist Tom Braden recently wrote a perceptive piece on J. WILLIAM FULBRIGHT that I think deserves the Senate's attention. Mr. Braden recounts about Senator FULBRIGHT:

This was the man who helped Franklin D. Roosevelt found the United Nations . . .

This was also the author of the plan to spend counterpart funds by the massive foreign scholarship program which bears his name. This was the first man in the Senate to recognize the dangers of McCarthyism. This was the man who first pointed out to the nation that Lyndon Johnson and his aides were not telling the truth about the war in Vietnam.

And this was the man who was advocating an approach to China and detente with Russia long before President Nixon put the idea into action.

I share Tom Braden's hope that the statesman—and our distinguished friend—from Arkansas will remain in public service. J. WILLIAM FULBRIGHT has served "the Nation's good" so well and so uniquely for 30 years; a place is needed for him in the future, too, so that his voice will be heard and his counsel will be available.

I ask unanimous consent that Tom Braden's column that appeared in the Washington Post be printed in the RECORD.

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

A PLACE FOR THE FULBRIGHTS

(By Tom Braden)

The voters of Arkansas have decided to deprive the nation of the services of a most knowledgeable man, and the fact points to a peculiar weakness in our American system of government.

I used the word "peculiar" because in other democracies—England's, for example—J. William Fulbright, having fallen from power, would nevertheless be used. His party would find a safe seat for him, or he would enter the House of Lords. His voice would be heard, and his counsel would be available.

Not so here. Fulbright can go back to the university life from which he came or he can become a gentleman farmer once again. What a pity to waste those long years of experience and study, the lessons learned in moments of high action and decision—what a pity to waste them on a college classroom or a few friends gathered for a chat near the barn door.

What ought we to do about the waste of human material which comes from political defeat? Granted, we cannot appoint to high office every defeated senator. About many of them there would be disagreement as to whether salvage was worthwhile.

But even his opponents might argue that J. William Fulbright's 30-year record of high-minded intelligence deserves special consideration.

This was the man who helped Franklin D. Roosevelt found the United Nations. It is not his fault that the reality never attained the dream. Somebody once asked him how long it took to write his resolution calling for the creation of "appropriate international machinery with power adequate to prevent future aggression."

His response highlights one aspect of the problem he now presents: "I think," he said, "about 15 years."

This was also the author of the plan to spend counterpart funds by the massive foreign scholarship program which bears his name. This was the first man in the Senate to recognize the dangers of McCarthyism. This was the man who first pointed out to the nation that Lyndon Johnson and his aides were not telling the truth about the war in Vietnam.

And this was the man who was advocating an approach to China and detente with Russia long before President Nixon put the idea into action.

Secretary of State Henry Kissinger is an admirer of Fulbright. It may be that the Secretary of State can find some means to use him for the nation's good. But if so, it will be fortuitous.

This country has no systematic way of sustaining its nationally oriented talent against the onslaught of local popularity.

The voters of Arkansas liked a man named Dale Bumpers. It is their privilege. But for the nation, Bumpers is to Fulbright as somebody in Bristol was to Edmund Burke. The lesson to be learned is not that Fulbright should be younger, more handsome, better on TV. The lesson is that we need to find a way to avoid the waste of our best-educated talent.

"The amount of energy wasted by men and women of first-class quality in arriving at their true degree, before they begin to play upon the world stage, can never be measured," wrote Winston Churchill. "One may say that 60 per cent, perhaps 70 per cent, of all they have to give is expended on fights which have no other object but to get to their battlefield."

It is a wise observation, and a sad one. But how much sadder it is to reflect that some men, having gained the battlefield and won great exploits, are then eliminated by a chance encounter totally irrelevant to the action in which they have been engaged.

CONSERVATION OF ELECTRICAL ENERGY

Mr. CANNON. Mr. President, I would like to share with my colleagues the commendable results of Capitol Hill energy conservation efforts during the past 6 months.

In separate letters of November 14, 1973, to the Members of the Senate and the House, both the Speaker and I described actions which the Architect of the Capitol was undertaking, with our approval, in order that the Congress might effectively participate in the national effort to conserve energy. These measures include: Earlier than usual discontinuance of air conditioning last fall; reduction of Capitol dome lighting by 70 percent and of other public space lighting by about 50 percent; shorter operating hours for escalators; and 68° thermostat settings in spaces other than the Members' office suites and committee rooms. These measures were expected to reduce electrical power consumption by about 15 percent and heating fuel requirements by about 10 percent. In order to further reduce energy requirements, Members and committees were asked to reduce thermostat settings and lighting levels in their offices to the extent practicable.

I am very pleased to report that the results exceeded the aforementioned goals. Our consumption of electrical power has dropped, compared with the same months of the previous year by 14.4 percent in December, 17.8 percent in January, 17 percent in February, and an impressive 23.3 percent in March. At the same time consumption of steam which was produced primarily by coal, also dropped significantly, that is, 14.5 percent in January alone. I wish to commend and congratulate my colleagues in both Houses and all employees of the Congress for this fine effort.

It appears timely now to point out that the forthcoming months of the air cooling season offer the greatest annual opportunity to save significant amounts of electrical energy, primarily because our chilled water compressors are driven electrically. During the unpredictable temperatures of April and May, and later in September and October, attempts to

save air cooling energy by higher settings on thermostats can sometimes have the reverse effect on unseasonably cool nights when the switch releases steam into the system. Now that we can expect consistently high summer temperatures, however, the Architect will set thermostats in public spaces at 78 degrees, in accordance with acceptable recommendations. Members and committees and their staffs are requested to do likewise in their offices, to the extent practicable, and to continue their other commendable economies in the use of electrical appliances and lighting.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, are we still in the morning hour?

The ACTING PRESIDENT pro tempore. Morning business is now closed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive C, 93d Congress, 2d Session.

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

PROTOCOLS FOR THE EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive C, 93d Congress, 2d session.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. McGEE. Mr. President, I ask unanimous consent that a member of my staff, John Baines, be permitted on the floor during the course of the discussions of the treaty.

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive C, 93d Congress, 2d session, the protocols for the extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971, which was read the second time, as follows:

PROTOCOLS FOR THE EXTENSION OF THE WHEAT TRADE CONVENTION AND FOOD AID CONVENTION CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The Governments participating in the Conference to establish the texts of the Protocols for the extension of the Conventions constituting the International Wheat Agreement, 1971,

Considering that the International Wheat Agreement of 1949 was revised, renewed or extended in 1953, 1956, 1959, 1962, 1965, 1966, 1967, 1968 and 1971,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments, the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971, will expire on 30 June 1974,

Have established the texts of Protocols for the Extension of the Wheat Trade Convention, 1971 and for the Extension of the Food Air Convention, 1971.

PROTOCOL FOR THE EXTENSION OF THE WHEAT TRADE CONVENTION, 1971

The Governments party to this Protocol.

Considering that the Wheat Trade Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971 expires on 30 June 1974,

Have agreed as follows:

ARTICLE 1

Extension, expiry and termination of the Convention

Subject to the provisions of Article 2 of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1975, provided that, if a new international agreement covering wheat enters into force before 30 June 1975, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE 2

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1974:

(*a*) paragraph (4) of Article 19;
(*b*) Articles 22 to 26 inclusive;
(*c*) paragraph (1) of Article 27;
(*d*) Articles 29 to 31 inclusive.

ARTICLE 3

Definition

Any reference in this Protocol to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as "the Community"). Accordingly, any reference in this Protocol to "signature" or to the "deposit of instruments of ratification, acceptance, approval or conclusion" or "an instrument of accession" or a "declaration of provisional application" by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

ARTICLE 4

Finance

The initial contribution of any exporting or importing member acceding to this Protocol under paragraph (1)(b) of Article 7 thereof, shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing members for the current crop year shall not be altered.

ARTICLE 5

Signature

This Protocol shall be open for signature in Washington from 2 April 1974 until and including 22 April 1974 by Governments of countries party to the Convention, or which are provisionally regarded as party to the Convention, on 2 April 1974, or which are members of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, and are listed in Annex A or Annex B to the Convention.

ARTICLE 6

Ratification, acceptance, approval or conclusion

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory Government in accordance with its respective constitutional or institutional procedures. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 18 June 1974, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

ARTICLE 7

Accession

(1) This Protocol shall be open for accession:

(*a*) until 18 June 1974 by the Government of any member listed in Annex A or B to the Convention as of that date, except that the Council may grant one or more extensions of time to any Government that has not deposited its instrument by that date, and

(*b*) after 18 June 1974 by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency upon such conditions as the Council considers appropriate by not less than two-thirds of the votes cast by exporting members and two-thirds of the votes cast by importing members.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

(3) Where, for the purposes of the operation of the Convention and this Protocol, reference is made to members listed in Annex A or B to the Convention, any member the Government of which has acceded to the Convention on conditions prescribed by the Council, or to this Protocol in accordance with paragraph (1)(b) of this Article, shall be deemed to be listed in the appropriate Annex.

ARTICLE 8

Provisional application

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Protocol. Any other Government eligible to sign this Protocol or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE 9

Entry into force

(1) This Protocol shall enter into force among those Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol by 18 June 1974, as follows:

(*a*) on 19 June 1974, with respect to all provisions of the Convention, other than Articles 3 to 9 inclusive and Article 21, and

(*b*) on 1 July 1974, with respect to Articles 3 to 9 inclusive, and Article 21 of the Convention,

if such instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application have been deposited not later than 18 June 1974 on behalf of Governments representing exporting members which held at least 60 per cent of the votes set out in Annex A and representing importing members which held at least 50 per cent of the votes set out in Annex B, or would have held such votes respectively if they had been parties to the Convention on that date.

(2) This Protocol shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval, conclusion or accession after 19 June 1974 in accordance with the relevant provisions of this Protocol, on the date of such deposit, except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application.

ARTICLE 10

Notification by depository Government

The Government of the United States of America as the depository Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to, this Protocol, as well as of each notification and notice received under Article 27 of the Convention and each declaration and notification received under Article 28 of the Convention.

ARTICLE 11

Certified copy of the Protocol

As soon as possible after the definitive entry into force of the Protocol, the depository Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

ARTICLE 12

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the Protocols to extend the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian, and Spanish languages shall be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party and to the Executive Secretary of the Council.

PROTOCOL FOR THE EXTENSION OF THE FOOD AID CONVENTION, 1971

The parties to this Protocol,

Considering that the Food Aid Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971 expires on 30 June 1974,

Have agreed as follows:

ARTICLE I

Extension, expiry and termination of the Convention

Subject to the provisions of Article II of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1975, provided that, if a new agreement covering food aid enters into force before 30 June 1975 this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE II

Inoperative provisions of the Convention

The provisions of paragraphs (1), (2) and (3) of Article II, of paragraph (1) of Article III, and of Articles VI to XIV, inclusive, of the Convention shall be deemed to be inoperative with effect from 1 July 1974.

ARTICLE III

International food aid

(1) The parties to this Protocol agree to contribute as food aid to the developing countries, wheat, coarse grains or products derived therefrom, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (2) below.

(2) The minimum annual contribution of each party to this protocol is fixed as follows:

	Metric tons
Argentina	23,000
Australia	225,000
Canada	495,000
Finland	14,000
Japan	225,000
Sweden	35,000
Switzerland	32,000
United States of America	1,890,000

(3) For the purpose of the operation of this Protocol, any party which has signed this Protocol pursuant to paragraph (2) of Article V thereof, or which has acceded to this Protocol pursuant to the appropriate provisions of Article VII thereof, shall be deemed to be listed in paragraph (2) of Article III of this Protocol together with the minimum contribution of such party as determined in accordance with the relevant provisions of Article V or Article VII of this Protocol.

ARTICLE IV

Food Aid Committee

There shall be established a Food Aid Committee whorse membership shall consist of the parties listed in paragraph (2) of Article III of this Protocol and of those others that become parties to this Protocol. The Committee shall appoint a Chairman and a Vice-Chairman.

ARTICLE V

Signature

(1) This Protocol shall be open for signature in Washington from 2 April 1974 until and including 22 April 1974 by the Governments of Argentina, Australia, Canada, Finland, Japan, Sweden, Switzerland and the United States of America, provided that they sign both this Protocol and the Protocol to extend the Wheat Trade Convention, 1971.

(2) This Protocol shall also be open for signature, on the same conditions, to parties to the Food Aid Convention, 1967 or to the Food Aid Convention, 1971, and to those provisionally regarded as parties to the Food Aid Convention, 1971, which are not enumerated in paragraph (1) of this Article, provided that their contribution is at least equal to that which they agreed to make in the Food Aid Convention, 1967 or, subsequently, in the Food Aid Convention, 1971.

ARTICLE VI

Ratification, acceptance, approval or conclusion

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory in accordance with its constitutional or institutional procedures, provided that it also ratifies, accepts, approves or concludes the Protocol to extend the Wheat Trade Convention, 1971. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 18 June 1974, except that the Food Aid Committee may grant one or more extensions of time to any signatory that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

ARTICLE VII

Accession

(1) This Protocol shall be open for accession by any party referred to in Article V of this Protocol, provided it also accedes to the Protocol to extend the Wheat Trade Convention, 1971 and provided further that in the case of parties referred to in paragraph (2) of Article V their contribution is at least equal to that which they agreed to make in the Food Aid Convention, 1967 or, subsequently, in the Food Aid Convention, 1971. Instruments of accession under this paragraph shall be deposited not later than 18 June 1974, except that the Food Aid Committee may grant one or more extensions of time to any party that has not deposited its instrument of accession by that date.

(2) The Food Aid Committee may approve accession to this Protocol, as a donor, by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, on such conditions as the Food Aid Committee considers appropriate, provided that the Government also accedes at the same time to the Protocol to extend the Wheat Trade Convention, 1971, if not already a party to it.

(3) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

ARTICLE VIII

Provisional application

Any party referred to in Article V of this Protocol may deposit with the Government of the United States of America a declaration of provisional application of this Protocol, provided it also deposits a declaration of provisional application of the Protocol to extend the Wheat Trade Convention, 1971. Any other party whose application for accession is approved may also deposit with the Government of the United States of America a declaration of provisional application, provided that the party also deposits a declaration of provisional application of the Protocol to extend the Wheat Trade Convention, 1971, unless it is already a party to that Protocol or has already deposited a declaration of provisional application of that Protocol. Any such party depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE IX

Entry into force

(1) This Protocol shall enter into force for those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession.

(*a*) on 19 June 1974 with respect to all provisions other than Article II of the Convention and Article III of the Protocol, and

(*b*) on 1 July 1974 with respect to Article II of the Convention and Article III of the Protocol

provided that all Governments listed in paragraph (1) of Article V of this Protocol have deposited such instruments or a declaration of provisional application by 18 June 1974 and that the Protocol to extend the Wheat Trade Convention, 1971 is in force. For any other party that deposits an instrument of ratification, acceptance, approval, conclusion or accession after the entry into force of the Protocol, this Protocol shall enter into force on the date of such deposit.

(2) If this Protocol does not enter into force in accordance with the provisions of paragraph (1) of this article, the parties which by 19 June 1974 have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application may decide by mutual consent that it shall enter into force among those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of pro-

visional application, provided that the Protocol to extend the Wheat Trade Convention, 1971 is in force, or they may take whatever other action they consider the situation requires.

ARTICLE X

Notification by depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding parties of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to this Protocol.

ARTICLE XI

Certified copy of the Protocol

As soon as possible after the definitive entry into force of this Protocol, the depositary Government shall send a certified copy of this protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

ARTICLE XII

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the Protocols to extend the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited with the Governments of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party.

The ACTING PRESIDENT pro tempore. Time for debate on this treaty shall be limited to 30 minutes, with 30 minutes on any amendment, reservation, or understanding, and 20 minutes on any debatable motion or appeal. The vote thereon will occur at 1:30 p.m.

The clerk will read the resolution of ratification.

The assistant legislative clerk read the resolution as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Protocols for the Extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971, which was open for signature in Washington from April 2, through April 22, 1974.

Mr. CURTIS. Mr. President, I support the treaty now before the Senate. This would extend for 1 year the Food Aid Convention and the Wheat Trade Convention. Both of these conventions are helpful to the wheat farmers in Nebraska and the Nation.

Under the Food Aid Convention all of the developed nations attempt to reach some agreement as to how much wheat and other food grains each country will contribute to the less-developed countries. I believe it is in the national interest to assure such multilateral assistance remains available and that this country is not required to carry the entire burden of feeding a less-developed world.

The Wheat Trade Convention has been successful in collecting factual data as to what is actually happening around the world in wheat trade. Hopefully the Russians and other nonparticipating countries will begin to provide data on production and consumption to the wheat trade secretariat in order that the wheat producing countries of the world can be better prepared for situations that occur, such as the huge Russian wheat purchases of 1972.

Mr. President, I hope that the Senate will overwhelmingly approve this 1-year extension of these two conventions.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

Mr. McGEE. Mr. President, I yield back my time on the treaty.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered on the treaty?

The ACTING PRESIDENT pro tempore. They have been ordered on the resolution of ratification. The vote will occur at 1:30 p.m. pursuant to the previous order.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Did the Senate give its assent that the conference on the budget would follow the consideration of the treaty?

The ACTING PRESIDENT pro tempore. That is correct.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session and proceed to the consideration of the conference report on H.R. 7130. Time for debate on this conference report will be limited to 2 hours, to be equally divided and controlled by the Senator from Illinois (Mr. PERCY) and the Senator from North Carolina (Mr. ERVIN). They will both occur after the vote on the executive proceeding.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with time not being taken out of either side.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The second assistant legislative clerk called the roll.

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

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

INTERNATIONAL WHEAT AGREEMENT CONFERENCE

Mr. McGEE. Mr. President, I ask unanimous consent that the pending business be temporarily set aside so that we might call up a resolution.

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

Mr. McGEE. Mr. President, I call up Senate Resolution 340.

The PRESIDING OFFICER. Without objection, the clerk will read the resolution.

The assistant legislative clerk read as follows:

Resolved, That it is the sense of the Senate that the President should request the International Wheat Council, at the earliest possible date, to request the Secretary-General of UNCTAD to convene a negotiating conference as provided in article 21 of the International Wheat Agreement, concluded at Geneva on February 20, 1971, with a view toward the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

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

Mr. McGEE. Mr. President, I do not intend to speak at length on this matter. The point is the Senate considered this matter in 1971 when the wheat agreement was last agreed upon, the preceding one, and there was no objection expressed in the final vote. It was accepted unanimously. It is simply a proviso that urges the wheat operation through the international wheat signatories to negotiate price agreement to protect the wheat farmers in any international wheat understanding. It is a sense of the Senate resolution that followed the last time, as it will be associated with this time, the International Wheat Agreement. There is no opposition on either side of the aisle to this.

Mr. President, we have before this body Senate Resolution 340 which I have joined in submitting with Senator HUMPHREY. This resolution reintroduces the language of Senate Resolution 136.

Members of the Senate will recall that Senate Resolution 136 was passed by the Senate in 1971 in conjunction with the International Wheat Agreement. That agreement was ratified by the Senate by a vote of 78 to 0. By a similar vote the Senate passed Senate Resolution 136—a unanimous show of strength for an orderly marketing system for wheat.

I introduced this resolution in 1971 after becoming very concerned that the International Wheat Agreement did not include any provisions relating to the prices at which signatory nations agreed to import and export wheat. Indeed, I am even more convinced now than in 1971 when I sponsored Senate Resolution 136 that some extra effort should be forthcoming from the administration in this direction.

Clearly, the administration's track record in maintaining a stable farm and food situation has not been good. Yet accord on pricing arrangements is essential both for the farmer and the consumer. Such an accord would aid in the development of a stable market situation. Farmers would be assured of fair and equitable prices as would consumers. In addition, fluctuations in supply would be better controlled.

I must point out that the present wheat agreement has a very positive feature—the provision of a Food Aid Convention. Under this convention developed countries have agreed to make contributions of wheat, coarse grains or products deriving from them to the developing countries. This is especially significant in light of the world's dwindling food supply and decline in foreign exchange reserves of these nations as a result of the increase in price for petroleum products. Under this convention the United States has a commitment of 1.9 million metric tons. Yet, despite this very significant feature there is no mechanism provided

in the agreement which would stabilize international trade between exporting and importing countries.

Presently, the existing agreement is merely a statement of principle and good intentions on the part of the world's major wheat traders. Unfortunately, it does not deal with the basic problems of international trading in wheat. These shortcomings were recognized by the agreement's drafters when they provided a mechanism through which ongoing negotiations could take place. That mechanism was established in article 21 of the agreement which provided that the International Wheat Council should examine questions of prices and related rights and obligations of the signatories to the agreement when it determined that these matters were capable of successful negotiation. The Wheat Council is specifically authorized under article 21 to request the Secretary-General of the United Nations Conference on Trade and Development—UNCTAD—to convene a negotiating conference.

Reports from a recent conference of the International Federation of Agriculture Producers indicate that broad agreement exists among more than 40 nations for the renewal of efforts to negotiate substantive and viable pricing provisions. These nations recognize that international commodity agreements have little substance unless a range of price movement and the establishment of a minimum price are agreed upon. Such action would clearly aid in stabilizing the world market and offer a measure of protection to those producers involved. In addition, it would tend to insulate the developing countries from severe fluctuations in the world commodity price market for wheat.

The world is becoming increasingly interdependent politically and economically, and producers and consumers realize this. World trade must be expanded. Yet it must be expanded in an orderly fashion. This expansion makes the farmers' problems in the United States an international one. Nations simply cannot ignore the economic concerns of producers in other countries. If trade expansion is to continue and if that expansion is to contribute to a lessening of international tension, it is imperative that accords be reached.

Mr. President, it is my view that international agreements on wheat will avoid disruptive competition between producers and will tend to expand commodity markets in a way that will not disrupt the international system. All nations wish to protect their primary producers, and the United States is no different in this regard. However, I trust that our Government is not unmindful of the views and needs of other nations as well. Senate Resolution 340 will enable us to combine the vital interests of the United States with those of other nations—a rare opportunity in international affairs.

This resolution, which I am cosponsoring today, will serve to express the concern and the sense of the Senate that the President should request, through the International Wheat Council, further negotiations aimed at securing an agreement on pricing provisions which the present wheat agreement totally lacks.

Mr. President, I offered this resolution because I believe that the International Wheat Agreement, as it comes to the Senate, is deficient and requires improvement. The Senate should not proceed to give its advice and consent to it without clearly indicating the urgent need to correct the agreement's obvious deficiency. Without such correction the agreement will be ineffective and unworkable.

I want to call into special notice that associated with this effort was the Senator from Minnesota (Mr. HUMPHREY), and that the two of us have jointly pressed for the reinstitution of this same sense of the Senate resolution.

Mr. HUMPHREY. Mr. President, I am happy to rise today in support of Senate Resolution 340. I introduced this resolution on June 13 on behalf of Senator McGEE and myself.

The Senate passed this same resolution in 1971 by a 78 to 0 vote, and the need for it should be evident to all today.

The International Wheat Agreement recommended to the Senate for its approval does not include any provisions relating to the prices at which the signatory nations to the agreement agree to export and import wheat.

Moreover, the agreement also fails to include the designation of reference wheats, basing points or definition of importers' and exporters' obligations. The agreement as it now stands is a mere statement of the good intentions among the major wheat traders of the world.

Mr. President, I have stated many times that a volatile, fluctuating market does not benefit the farmer, and it also does not benefit the urban consumer.

We are aware that the main beneficiary of fluctuating prices is the speculator. The farmer never receives the very high prices, and the prices paid by the urban consumer tend toward the peak of the price swing.

I think it would be an accurate statement that most farmers would much prefer to receive a fair and adequate return rather than ride a roller coaster which for them goes mainly down.

There is a large group of wheat farmers who are here this week to see their Senators on this very issue. They have been speaking out in favor of this resolution. I believe the great majority of wheatgrowers would support the wheat agreement with the addition of Senate Resolution 340.

I would not want to mislead anyone into believing that negotiating these issues would be anything other than a difficult job. My point is that we should not pass what is basically a toothless agreement without noting its shortcomings.

Resolution 340 attempts to eliminate these defects and it envisages convening an international conference to negotiate provisions on wheat export and import prices, reference wheats and basing points.

The point of this resolution is to help protect the American wheatgrower in the international wheat market. These are matters which have been basic considerations of the American wheatgrower for a great many years.

It is imperative, therefore, that there be the maximum of effort made, through agreement, to protect the American wheatgrower from the uncertainties that tend to dominate the world market. We feel that it would be helpful if we could enter into this new International Wheat Agreement armed with an expression of interest from the Senate that this is important to the American wheatgrower, and this resolution would strengthen the hands of our negotiators when this whole question is reopened.

This resolution provides that we will try again, at the earliest possible moment after ratifying the new International Wheat Agreement, to take up and negotiate these issues. I believe it will be helpful if the Senate endorses the concept of protecting the American wheatgrower through these negotiations.

We think it also would be worthwhile to adopt this resolution indicating our moral support of the efforts of the American members of the International Wheat Council.

Resolution 340 is entirely consistent with article 21 of the International Wheat Agreement which envisions the calling of negotiating sessions when it is judged that these matters are capable of successful negotiation.

I hope that the Senate will approve Senate Resolution 340 and that this will result in a negotiating conference arranged by the International Wheat Council at the earliest possible date in order to reach agreement on provisions relating to the prices of wheat and the rights and obligations of the importing and exporting countries.

The United States has been a partner in international agreements regarding trade in wheat since the first International Wheat Agreement was ratified by the U.S. Senate in 1949. These treaties represented an attempt to establish international amity and equity at the negotiating table rather than the alternative of unrestrained price-cutting competition.

This country should take the lead in continuing this kind of international understanding. Approval of Senate Resolution 340 today will clearly show the intent of the Senate that this be done.

Mr. McGEE. We are ready for the question.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. McGEE. I move to reconsider the vote by which the resolution was agreed to.

Mr. MANSFIELD. Mr. President, I move to table that motion.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CLARK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are

printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (H.J. Res. 1062) making continuing appropriations for the fiscal year 1975, and for other purposes, in which it requests the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1062) making continuing appropriations for the fiscal year 1975, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974—CONFERENCE REPORT

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

The ACTING PRESIDENT pro tempore. The Senate will resume the consideration of the report of the committee of conference on H.R. 7130 which the clerk will state.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7130) to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over the impoundment of funds by the executive branch, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will resume its consideration.

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 11, 1974, at pp. 18759–18773.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Rules and Administration have the privilege of the floor during the consideration of the budget reform conference report:

William McWhorter Cochrane, Tony Harvey, and Joseph O'Leary.

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

Mr. METCALF. Mr. President, during the consideration of this conference report, I ask unanimous consent that Mr. Winslow Turner and Mr. Don Tacheron of my staff be permitted the privilege of the floor.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that Alvin From of the staff of the Committee on Government Operations and Allen Schick of the Congressional Research Service be accorded the privilege of the floor during the consideration of this conference report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. ERVIN. Mr. President, I yield myself such time as I may use from the time at my disposal.

I ask unanimous consent that the following staff members be allowed to remain on the floor during consideration of, and votes on, the conference report on H.R. 7130: Robert Bland Smith, Jr., W. P. Goodwin, Jr., Alvin From, Herbert Jasper, J. Robert Vastine, and Allen Schick.

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

Mr. ERVIN. Mr. President, the conferees have reconciled by unanimous vote all differences between the legislation of the two Houses reforming the congressional budget process and instituting controls on the impoundment of appropriated funds—Senate report No. 93–924. I strongly urge the Senate to agree to the conference report.

To my mind, this is the most important piece of legislation that I have worked on during the 20 years that I have served in the Senate. It is the finest example of the legislative process at work that I have ever witnessed.

The Joint Study Committee on Budget Control began work in this area before legislation was even introduced, and to a large extent this act is the outgrowth of the Joint Study Committee's endeavor. By the same token, the Committees on Government Operations and Rules and Administration in the Senate have done outstanding work in the formulation of the bill which passed the Senate unanimously on March 22. Many other committees made significant contributions to the development of this measure during the past year and a half.

The committee of conference owes its gratitude to a staff drafting group which assisted greatly in resolving the differences between the House and Senate versions and in formulating the compromises which the conferees have accepted. The Senate conferees were aided by Robert B. Smith, Jr., chief counsel and staff director of the Government Operations Committee, Herbert N. Jasper, Alvin From, J. Robert Vastine, and W. P. Goodwin, Jr. The conferees also were assisted most magnificently by Harry Littell, the Senate's legislative counsel and his assistant, Larry Monaco, and by W. Thomas Foxwell, staff editor of the Committee on Government Operations.

Special praise must go to Allan Schick of the Congressional Research Service. Dr. Schick's knowledge, advice, and diligent endeavors have contributed greatly to the enactment of this complex legislation within one Congress, a remarkable feat in itself. Also, I should like to express my personal appreciation to Robert A. Wallace, president of the Exchange National Bank of Chicago, who served as chief consultant to the Government Operations Committee during its consideration of the bill.

With the help of all these persons, and more from the House staff, the conferees were able to work out a very good solution to the differences between the Senate and House versions.

The conferees were faced with a host of issues to resolve, the most important of which were the type of congressional budget office to create, the timetable for the congressional budget process, the manner in which authorization bills are to be handled in the future, the nature of the annual budget resolutions and crosswalks by committee functions, and the method by which the congressional budget actions are to be reconciled before the start of each fiscal year. These have been resolved in a fashion which has taken into account to a remarkable degree the interests of all committees involved in the budget process.

The impoundment of appropriated funds by the President—a highly controversial issue that has plagued the Congress for many years—is dealt with by way of an effective compromise.

I have worked on this issue for the past several years, and, I am extremely pleased that the major concerns of each House have been taken care of in title X of the act, which I believe will provide a sound and workable solution to the problem.

The impoundment title is based on the assumption that the President has no power under the Constitution to impound lawfully appropriated funds in the absence of a delegation of such authority by the Congress. However, it recognizes that there are times when the proper exercise of the executive function might make the deferral or rescission of budget authority the best public policy. In order to meet these situations, the title deals with three types of executive actions and places restrictions on each of them.

First, it retains the Senate's modification to the Antideficiency Act which provides for routine reservations of budget authority "solely to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements or greater ef-

ficiency of operations." The so-called other developments clause of the Antideficiency Act—which has been used by the Executive to justify many impoundments—is deleted, and reservations are restricted to those made under the provisions of that act or other laws.

Second, it requires the President to request the rescission of all or part of an appropriation which he determines is unnecessary to carry out the full objectives and scope of a program or which should not be obligated for fiscal policy or other reasons, including the termination of programs. In other words, both Houses of Congress must pass a rescission bill in order for the President to terminate or cancel a program or to delay the obligation of 1-year appropriations to the end of the fiscal year in which they are available.

Third, it delegates to the President a limited authority to defer the obligation of budget authority for a period not to exceed the expiration of the fiscal year in which they are deferred. Deferrals by the President include any delay or withholding of budget authority, whether by establishing reserves or otherwise. The President must notify Congress that he proposes to defer budget authority, and the deferral will be subject to the disapproval of either House of Congress by adoption of an "impoundment resolution." If either House passes a resolution of disapproval at any time, the President is thereby required to make the budget authority available for obligation.

Proposed rescissions and deferrals will be submitted to Congress by special message which will be published as a House or Senate document and in the Federal Register. They will be delivered to the Comptroller General and be referred to the appropriate committees. Both rescission bills and impoundment resolutions disapproving proposed deferrals will be referred to the appropriate committees, with provision for their discharge by petition after 25 days.

The Comptroller General will be granted authority to sue in the Federal District Court for the District of Columbia to enforce the provisions of the title, using attorneys of his own choosing, 25 days after he gives notice to Congress. This authority is not intended to infringe upon the right of any other party to initiate litigation. The Comptroller General also will be charged with the responsibility of monitoring the Executive and reporting to Congress on any deferrals, reservations, or impoundments which are not reported by a special message.

A disclaimer section directs that nothing in the impoundment title should be construed as ratifying or approving any past or present impoundment, affecting the claims or defenses of any party to litigation concerning any impoundment, or asserting or conceding the constitutional powers or limitations of either the Congress or the President. The disclaimer also disavows any intention by Congress to supersede any law which requires the mandatory obligation of budget authority, since several such statutes have been enacted in response to the wholesale impoundment of funds appropriated for specific programs.

The President is required to notify Congress by the 10th of each month the amount of budget authority which is being reserved or deferred, including the amounts which he has proposed to be rescinded or deferred. These monthly reports will take the place of the present quarterly reports required by the Federal Impoundment and Information Act of 1972, as amended, which will be repealed.

The delegation to the President of authority to "defer" the obligation of budget authority for definite and limited periods of time is not the same as a wholesale license to "impound" as that term is commonly understood today. This is an important distinction because no authority is granted to terminate or cancel a program, whether by direct or indirect action, or by inaction, nor is the authority to defer granted for indefinite periods of time.

Mr. President, I firmly believe that the impoundment control and congressional budget procedures provided in this act are workable. They constitute the first major reform of the method of authorizing and appropriating funds in more than half a century, and they are necessarily complex. However, men of reason and good faith can make them work efficiently so that Congress can gain effective control over the financial resources of the Federal Government.

This act will not guarantee fiscal responsibility on the part of Congress and the Executive, but it will make that goal attainable by those who serve here in the future so that history will record this act as the most lasting achievement of the 93d Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief statement which summarizes the principal budget control features of the conference report.

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

CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

SUMMARY OF TITLES I THROUGH IX

Titles I through IX of the conference report on H.R. 7130 may be cited as the "Congressional Budget Act of 1974". They provide the procedures and other reforms which are intended to enable the Congress to enact a comprehensive congressional budget each year.

Title X, which may be cited alone as the "Impoundment Control Act of 1974", provides procedures to effectively control the practice of Executive impoundment of appropriated funds. It is not discussed herein.

Title I. House and Senate budget committees

Budget Committees are established in the House and the Senate, with parallel jurisdictions over the congressional budget process. Membership on the Senate Budget Committee is the same as was provided in the Senate bill. The Senate Budget Committee will be a Category A committee, subject to the limit of two memberships on such committees beginning with the 95th Congress in 1977. The 15 members of the Senate Budget Committee are to be appointed in the same manner as members of other standing committees. Proceedings of the Senate Budget Committee are to be open except when closed for cause by majority vote of the Committee.

Title II. Congressional Budget Office

A Congressional Budget Office is to be established, headed by a Director appointed for a 4-year term by the Speaker of the House and President Pro tem of the Senate upon the recommendations of the Budget Committees. The Congressional Budget Office will be responsible for assisting all committees and Members regarding budget matters. Priority is to be given to the Budget Committees (which will have staffs of their own) and to the Appropriations and Tax Committees. Other committees are entitled to obtain available information and other assistance to the extent practicable. Members are to be given available budget information.

The Congressional Budget Office is to coordinate its activities with other congressional agencies—the General Accounting Office, the Library of Congress, and the Office of Technology Assessment. It also is authorized to secure information, facilities, and services from the executive branch. The Budget Office is authorized to hire staff and to obtain computer capability (with approval from the Senate Rules and Administration and House Administration Committees for major equipment). Except for certain excluded categories, information obtained by the Congressional Budget Office is to be available for public copying.

Title III. Congressional budget process

The President is to submit a current services budget by November 10, and the regular budget in January. The timetable of the congressional process provides for all committees to report their views and estimates to the Budget Committees by March 15 and for the Congressional Budget Office to report by April 1. Adoption of the first Budget Resolution is to be by May 15, with the same deadline for the reporting of authorizing legislation. After completing action on all regular appropriation bills, Congress adopts a second Budget Resolution by September 15, followed by any reconciliation action necessary to implement the budget.

The Budget Resolutions are to set forth total level of revenues, new budget authority, outlays, public debt, and budget surplus or deficit. The Budget Resolution also is to allow spending among the major functions in the budget, and these allocations are to be subdivided in committee reports to show new and continuing programs, permanent and regular appropriations, and controllable and other expenses. A crosswalk procedure is established for relating the amounts in the Budget Resolution to committee jurisdictions and the various appropriation bills.

No revenue, spending, entitlement, or debt regulation (other than advance revenues and advance appropriations) may be considered prior to adoption of the first Budget Resolution. The resolution establishes targets to guide subsequent congressional action, but it does not limit the amounts that may be appropriated. Scorekeeping procedures are established to provide reports on congressional budget actions and to protect the 5-year impacts of these actions.

The second Budget Resolution sets firm levels for revenues and expenditures, and these must be adhered to in subsequent legislation. It is permissible to adopt additional resolution revising the amounts in the budget. The second Budget Resolution may direct that changes be made in revenues, expenditures, or debt, and these directions are to be implemented in a reconciliation process before the start of the new fiscal year.

Title IV. Procedures for budget improvement

Special procedures are provided for backdoor spending and entitlement legislation. Contract and borrowing authority is to be effective only to the extent provided by appropriations. Entitlement bills are to be referred to the Appropriations Committee (under a 15-day limit) if they provide new spending authority above the relevant allocations in the Budget Resolution. These procedures would apply ony to new backdoor spending, not to existing contract, borrowing, or entitlement authority. Nor would they apply to exempt programs such as social security funds, 90 percent self-financed trust funds, or government corporations. The deadline for the reporting of authorizing legislation is set at May 15, with provisions for a waiver in the House or the Senate. The May 15 deadline does not apply to entitlement bills or to omnibus social security legislation.

The Congressional Budget Office is to make cost analyses of reported bills (other than those of Appropriations Committees). The jurisdiction of the Appropriations Committees is adjusted in accord with this legislation.

Title V. Change of fiscal year

The fiscal year is to be changed to an October 1–September 30 cycle, beginning with the 1977 fiscal year. The preceding fiscal year will run from July 1, 1975 through June 30, 1976. There will be a 3-month interim period (July 1–September 30, 1976) for which budget estimates will be submitted in accord with arrangements to be made in consultation with the appropriations Commitees.

Title V has provision for the transition to the new fiscal year, for the conversion of authorizations to the new timetable, and for accounting adjustments.

Title VI. Budget and Accounting Act amendments

The President's budget is to contain estimates for each of the items in the Budget Resolution. It also requires reports on variances between estimated and actual revenues and between estimated and actual uncontrollable expenses. The budget is to be updated by April 10 and July 15 and it is to have 5-year cost projections.

By November 10 of each year, the President is to submit a current services budget based on a continuation of current programs without policy change. The President also is to submit proposed authority legislation one year in advance of the year in which it is to take effect.

Title VII. Program review and evaluation

The General Accounting Office is charged with responsibility for assisting committees in the evaluation of government programs, including the development of statements of legislative objectives, methods for review and evaluation of such programs, and the analysis of program results. An Office of Program Review and Evaluation is to be set up in the General Accounting Office.

Title VIII. Fiscal and budgetary information

The Secretary of the Treasury and Director of the Office of Management and Budget are to cooperate with the Comptroller General in developing standardized budget information systems. GAO is to devise standard budget codes, terminology, and classifications for the use of federal agencies in supplying fiscal information to Congress. Particular consideration is to be given to the needs of the Budget, Appropriations, and Tax Committees. GAO is to assist committees in identifying their informational needs. Executive agencies are to furnish budget information and program evaluations to congressional committees. Data inventories with appropriate files and indexes are to be developed, and to the extent practicable, budget information is to be supplied to State and local governments.

Title IX. Implementing provisions

The rules of the House and the Senate are modified as appropriate for the congressional budget process. The various provisions of the bill are enacted as an exercise of the rulemaking powers of the House and the Senate and can be change by either. Provisions of Tities III and IV can be waived by majority vote or unanimous consent in the Senate.

A phased implementation schedule is provided for the various components of the congressional budget process and authority is given for a limited application of the budget resolution procedure for fiscal year 1976.

Mr. ALLEN. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from North Carolina for yielding to me at this time. I rise to commend him for his leadership on the Congressional Budget and Impoundment Control Act and to commend him also for his outstanding leadership in such a broad range of Government activities and Government policies.

The distinguished Senator from North Carolina is crowning a distinguished career in the U.S. Senate with a 2-year period of activity encompassing some of the greatest achievements ever made by a United States Senator in any comparable period of time.

In my opinion, the Senator's record in the last 2 years, with his wide range of interests—in the field of fiscal integrity for the Government, in the field of ethical conduct by officials of Government, in the field of clean political campaigns, in the field of first amendment rights, in the great breadth of his knowledge, and in the leadership he has displayed in so many other areas of our Government—is without equal in the history of the U.S. Senate. I would be remiss in my duty if I did not commend the distinguished Senator from North Carolina for his outstanding record.

The Senate, which is said to be the greatest deliberative body in the world, is going to lose a great deal of its luster when the distinguished Senator from North Carolina retires from this body. It will be a great loss to the Senate; it will be a great loss to the entire Nation.

I want to add my words of appreciation for the outstanding leadership of the distinguished Senator from North Carolina. It is amazing that he is able to cover such a wide range of governmental interests. Any subject before the Senate is of interest to the Senator from North Carolina, and he has a broad background of information that he is able to add to almost any discussion in the Senate.

I also commend the distinguished Senator from Illinois (Mr. PERCY) for the leadership he has displayed; the Senator from Montana (Mr. METCALF), one of the pioneers in this effort to obtain congressional budgetary control; the distinguished Senator from New York (Mr. JAVITS), one of the leaders in this field; the distinguished Senator from Maine (Mr. MUSKIE); the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from Georgia (Mr. NUNN), the distinguished Senator from Tennessee (Mr. BROCK) and the distinguished Senator from Kentucky (Mr. HUDDLESTON).

However, marching ahead of the entire group has been the distinguished Senator from North Carolina. We owe him a debt of gratitude, and I commend the Senator.

Mr. ERVIN. Mr. President, I am deeply grateful to the distinguished Senator from Alabama for his most gracious remarks.

I had great assistance in this work from the distinguished Senator from Maine (Mr. MUSKIE); the distinguished Senator from Montana (Mr. METCALF); the distinguished Senator from Kentucky (Mr. HUDDLESTON); the distinguished Senator from Florida (Mr. CHILES); the distinguished Senator from Illinois (Mr. PERCY); the distinguished Senator from New York (Mr. JAVITS); the distinguished Senator from Tennessee (Mr. BROCK); and the distinguished Senator from Georgia (Mr. NUNN).

Mr. President, every member of the committee worked extremely hard on this matter. We had great work from great staffs. Then the Rules Committee did a fine job on reviewing our work and in proposing certain amendments. I think the Nation owes a great debt of gratitude to every member of the Government Operations Committee.

The development of this bill represents, in my opinion, the legislative process working at its very best.

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

Mr. ERVIN. I had promised to yield to the Senator from Maine.

Mr. JAVITS. Mr. President, will the Senator yield for 1 minute?

Mr. ERVIN. Yes.

Mr. JAVITS. I beg Senator MUSKIE's indulgence.

Mr. President, I do have one question, but I would first like to join Senator ALLEN in hailing this as a real milestone, especially in the fight on inflation, which I am sure Senator ALLEN would have mentioned.

Mr. President, the key to the fight on inflation is a grip on expenditures, which to me is as important as the amount of the budget balance, and so forth. I have had a long struggle here to try and put Congress on a level with the executive, and this is one of the really historic steps in that direction.

I, too, would like to join Senator ERVIN in thanking the members of the committee. If I may be permitted to single out my beloved friend and colleague, Senator PERCY, he did something beyond the call of duty. He actually went out and sold this program to the business leaders of America.

Their friendship or opposition could have been decisive. So I really think we are deeply indebted to him for carrying that part of the load.

I also thank Senator MUSKIE for his collaboration with me on the bill and especially in the area of tax expenditures.

I now ask the Senator a question which relates to tax expenditures, that is, the tax indulgences and what they cost us, which is woven through the bill.

Because of my continuing interest and concern in the matter of indirect spending by way of tax expenditures, I proposed amendments to S. 1541 in the Government Operations Committee that sought to include the concept of tax expenditures in the budget process as specified by that bill. My amendments were accepted by the committee and passed the Senate with only minor changes.

The purpose of the tax expenditure language in the present bill is to provide that tax expenditures shall be considered at each step of the budget process to measure their impact on budget authority and outlays, their effects on revenue and their general operations in the budget process. If this information is placed clearly before the Congress, spending decisions will be made on a more informed basis than they have been in the past.

It is essential that any contemplated changes in revenues through tax expenditures should be brought to the attention of the Congress during the debate on the congressional budget. Therefore, the report accompanying the concurrent resolution shall contain a list of the estimated levels of tax expenditures by major functional categories. Most importantly in the case of legislation proposing new or increased tax expenditures the revenue committees of each House are charged with the duty of maintaining the appropriate levels of revenues and tax expenditures as set forth in the report accompanying the budget resolution or these committees must explain any deviation from those levels.

While new or increased tax expenditures are not prohibited, the revenue committees will have the burden of explaining any changes and this should lead to a closer examination and more thorough debate of tax expenditures. The provisions of the conference report regarding tax expenditures are practically identical with the provisions of the Senate bill.

For purposes clearly of spelling out what is meant by the tax expenditure provisions in the bill, I ask unanimous consent that the appropriate parts of the report of the Committee on Government Operations accompanying S. 1541 be printed in this point in the RECORD.

There being no objection, the excerpts from the report (No. 93–579) were ordered to be printed in the RECORD, as follows:

The bill provides that tax expenditures shall be considered at each step of the budget process to measure their impact on budget authority and outlays, their effects on revenue and their general operations in the budget process. If this information is placed clearly before the Congress, spending decisions will be made on a much more informed basis in each particular area than they have been in the past.

The committee feels that any contemplated changes in Federal revenues through tax expenditures should be brought to the attention of the Congress when they are debating the Congressional budget. Therefore, the concurrent resolution will reflect any anticipated decreases in Federal revenue attributable to new or expanded tax expenditures contemplated by the tax writing committees for the fiscal year in question. The budget resolution will reflect the considered best judgment of the Congress in regard to appropriate levels of revenues and outlays.

In the case of legislation proposing new or increased tax expenditures, the revenue committees of each House are charged with the duty of maintaining the appropriate levels of revenues and tax expenditures as set forth in each concurrent resolution or of justifying any deviation from those levels.

The Budget Committee shall review and consider existing tax expenditures. This will ensure that any decision or direct spending priorities will be made after consideration of present indirect spending through tax expenditures. The Budget Committee will also determine appropriate changes in the level of revenues including any decrease contemplated from new tax expenditures to be enacted in the fiscal year in question. The Committee shall also determine the existing levels of tax expenditures and consider their effects on Federal revenues and their relationship to other matters within the Committee's jurisdiction. Finally, the Committee shall make continuing studies of tax expenditures and methods of coordinating tax expenditure programs and direct budget outlays.

* * * * *

ASSISTANCE TO BUDGET COMMITTEES

Section 202(a) provides that it shall be the duty and function of COB to provide the Budget Committees of both Houses with information with respect to the budget, appropriation bills, other bills authorizing or providing budget authority or tax expenditures, revenues, receipts, estimated future revenues and receipts, changing revenue conditions and such other information as the committees may request. It further provides that at the request of the Budget Committees, personnel of COB shall be assigned, on a temporary basis, to assist each such committee.

* * * * *

PROJECTION OF REVENUES AND BUDGET OUTLAYS

Section 202(e) requires that the Director develop for the Congress information as to the effect of existing revenue laws, including tax expenditures, and existing authorizations and budget authority on expenditures during the current fiscal year and for the ensuing 4 fiscal years. This is in keeping with the emphasis on long-range program evaluation and planning required in other sections of the Act. (See titles VI through VIII.)

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SEC. 307(d). REPORTS ON LEGISLATION PROVIDING NEW TAX EXPENDITURES

Committees reporting legislation containing new or increased tax expenditures shall include details of how the legislation will affect existing levels of tax expenditures as contained in the budget resolution and why such action is necessary. The revenue committees of each House are charged with the responsibility of fully explaining any new or increased tax expenditures and their effect or impact and have the task of justifying any deviation from the level set forth in the most recent Concurrent Resolution. This is to insure that any new or increased tax expenditure will be approved by the Congress only after a thorough consideration of all relevant factors. The report will project resulting tax expenditures for each of the budget year and the four following years, and indicate the impact, if any, on state and local government.

Mr. JAVITS. The report will accurately detail the operation of the tax expenditure concept except for the inclusion of tax expenditures in the concurrent resolution. They are now in the report accompanying the resolution.

It should also be pointed out that in the discussion of estimated revenues and their sources it is also appropriate to discuss tax expenditures as they bear directly on revenues raised through the tax system and any changes therein may have the result of increasing or decreasing estimated revenues.

Finally I would like to reiterate that it is extremely important to consider indirect outlays by way of tax expenditures in the general debate on the budget and also at such times as the Congress is considering tax legislation. If we do this, decisions made in this area will be on a more informed basis than ever before and will be coordinated to a much greater degree with our direct spending through the budget process.

Mr. President, this legislation provides a workable way for Congress to undertake its examination of the needs and program alternatives, and the allocation of revenues to diverse human and national needs. It will establish a means for more responsible and disciplined execution by Congress to its responsibilities in the budget-policymaking fields.

It will allow Congress to acquire the means for the gathering of interpretive and analytical data on spending and related programs. Most importantly, it will facilitate the use of objective expenditures analyses to help it form independent judgments on appropriations matters. There are no simple solutions or panaceas for this problem. I trust that some of the solutions whcih will begin to resolve these problems may be found in this bill.

One other change that should be pointed out is that section 311 which deals with limitations on consideration of new budget authority legislation, entitlement legislation or revenue reducing legislation also includes consideration of tax expenditure measures.

I note that the managers added a statement at page 64 of the report which reads:

Although there is no specific mention on the consideration of tax expenditure measures, the managers note that after completion of the reconciliation process, Congress may not consider tax expenditures legislation that would have the effect of reducing total revenues below the appropriate level of the most recent concurrent resolution.

I ask the Senator from North Carolina whether, therefore, we are right to assume that, basically, the Senate provisions regarding tax expenditures are incorporated in this conference report.

Mr. ERVIN. Yes, they are.

Mr. President, the Senator from New York made many valuable contributions to the Senate bill and to this report.

I think one of the wisest things ever suggested to any committee of the Senate was the suggestion of the Senator from New York that instead of having controversies in which the President impounds funds when he feels that some program ought to be eliminated or some appropriation for some program should be reduced, we establish the principles incorporated in the conference report—that the President asks Congress to make a rescission of the programs, to revoke the program or to rescind the appropriation, or to reduce the appropriation. This is an orderly way to solve the problem which the executive branch and the legislative branch have been quarreling about, I suppose, almost since George Washington took his first oath of office as President.

Mr. JAVITS. Mr. President, I thank my colleague very much for noting that. I believe the impoundment issue is one of the most important in the relationship between Congress and the Executive and always thought that the rescission method was the most appropriate way to deal with expenditures that the President did not want to undertake. I am very pleased the conference request includes that provision and also tightens use of the antideficiency act in this area.

Mr. ERVIN. Mr. President, I yield to Senator MUSKIE as much time as he may require and then I will yield to the Senator from Illinois.

Mr. PERCY. Mr. President, may I just have 30 seconds?

Mr. MUSKIE. Yes, I yield.

Mr. PERCY. While my esteemed friend and colleague, Senator JAVITS, is present, I would like to pay particular tribute to him for writing in the tax expenditure provisions in the bill.

Mr. President, I will have some more extensive comments on those provisions when I later make my comments on the bill. While the Senator from New York is on the floor, I want to pay tribute to him for this, and much other, extremely valuable assistance that he provided.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I join in the commendations that have been expressed on the floor of the Senate this morning, and I especially would like to direct my comments to the distinguished Senator from North Carolina.

The observations made by Senator ALLEN are most appropriate. I have considered it a privilege to serve under Senator ERVIN's leadership during the past 2 years. He should be complimented upon the record of that leadership.

Mr. President, I join the distinguished Senator from North Carolina and the distinguished Senator from Illinois (Mr. PERCY) in urging adoption of the conference report on H.R. 7130, the Congressional Budget and Impoundment Control Act of 1974.

Mr. President, this legislation is the best kind of reform measure—self-reform. It will give Congress the means to deal in an orderly and comprehensive fashion with our most important decisions—those of budget policy and national priorities.

The Congressional Budget and Impoundment Control Act of 1974 is perhaps the most important bill Congress will consider this session.

It is designed to give Congress the information and staff necessary to determine each year how much money the Government has, how much it should take in, and how much it should spend, before determining what to buy with the taxpayers' dollars.

Duri.g the past half century, the Congress has witnessed a steady erosion of its control over the budget. In contrast, we have seen a consistent escalation of executive influence over budget and fiscal policies.

The Congressional Budget and Impoundment Control Act of 1974 will give us the means to reverse that erosion. It can reform the most serious shortcomings in the system by which Congress currently considers the budget.

It will provide the Congress with additional resources it needs, both in terms of staff and information, to make independent decisions on budget policies.

It will establish a realistic timetable for congressional consideration of the budget, enabling Congress to complete its work on the budget before the beginning of each new fiscal year.

It will, for the first time, provide Congress with the mechanism for overall, comprehensive consideration of budget policies.

Mr. President, I think it is appropriate to pay tribute to a staff drafting group which was of great assistance to the conferees in the resolution of the differences between the House and Senate versions and in the drafting of the conference report. That group consisted of Robert Bland Smith, Jr.; Herbert N. Jasper; Alvin From; W. P. Goodwin, Jr.; and J. Robert Vastine; with help from Harry Littell and Larry Monaco of the Legislative Counsel's Office and Allen Schick of the Library of Congress.

The distinguished Senator from North Carolina (Mr. ERVIN) has already explained, in some detail, the anti-impoundment provision in the conference report. I would like now to discuss the major elements of the budget reform provisions of the conference report to which Senator ERVIN has alluded.

First, the conference report, as did the Senate bill, calls for the establishment of a Congressional Budget Office—CBO—as an agency of the Congress. In agreeing to a Congressional Budget Office, the conferees anticipate that the Budget Committees in both Houses will have their own staff.

The CBO will meet our need for a highly competent staff to guide us in fiscal policy and budgetary considerations. It will be a full-time, year-round, nonpartisan staff that will compare with the General Accounting Office and will provide Congress with the knd of information and analyses it needs to work on an equal footing with the executive branch.

In my view, the creation of the CBO is an essential element of the budget process established in this bill.

Second, the conference report includes a workable and realistic timetable for congressional consideration of the budget. The cornerstones of this reformed budget process are two budget resolutions. The first enacted by May 15 would, in effect, establish the congressional budget for the fiscal year beginning the next October 1. That resolution would establish appropriate overall spending levels and recommended subtargets by functional categories as well as appropriate levels for revenues and projected and desirable surpluses or debts.

The second budget resolution must be enacted by September 15. This resolution would provide Congress with the opportunity to reassess its initial budget and priority decisions just before the beginning of the new fiscal year—taking into account the most current economic data and the intervening actions of individual spending measures. If the latest revenue estimates and the individual spending measures previously enacted differ from the appropriate levels established in that second budget resolution, the resolution will also direct committees of jurisdiction to recommend the legislative action necessary to reconcile those differences.

Congress will then complete its action on the budget by September 25 by enacting the reconciliation bill mandated by the second concurrent resolution.

While the enactment dates for the two budget resolutions are the keys to the timetable, the conference report includes other deadlines that are important to the success of the reformed budget process. It calls for the President to submit a new "current services" budget to Congress by the previous November 10. It requires the President to submit his final budget 15 days after Congress convenes, the same as in current law. And it calls for all spending legislation to be enacted by the 7th day after Labor Day.

Third, an essential part of the reformed budget process is the completion of consideration of authorization measures, which must be enacted before Congress can act upon appropriations bills.

The conference report, as did the Senate version, calls for a May 15 deadline for committee reports on authorization measures, with no enactment deadline. In addition, the conference report requires the President to submit his authorization request to Congress a year in advance so that the authorization committees can get a head start on meeting their deadlines.

Fourth, the conference report requires that the first budget resolution contain enough detailed data to insure a meaningful debate on budget and program priorities each spring. And it mandates additional backup information necessary for that debate be included in the committee report.

Further, the conference report includes a workable procedure for translating the functional breakdowns in the budget resolutions into congressional committee and appropriations subcommittee allocations. This procedure is nec-

essary to insure effective scorekeeping during consideration of spending and revenue measures.

Fifth, the conference report insures, as did the Senate bill, that all spending measures be sent to the President as they are completed, though they would not become effective until October 1 or later. This insurance is necessary to prevent the President from undercutting the congressional budget process by vetoes of spending bills just before the beginning of the fiscal year. And the conference report provides, as did the Senate bill, that the scope of the reconciliation process be broad enough to generate a comprehensive review of the congressional budget actions each September.

Mr. President, this legislation represents a reaffirmation of the determination of members of both political parties to establish an open, informative and thorough way for Congress to handle the Federal budget.

Those of us who have worked with this legislation for more than a year believe it will work.

However, it will not work unless Senators—and that includes all of us—are willing to change their style of living in this body.

It is going to mean that we are going to have to keep our noses to the grindstone on a year-round basis to meet the deadlines set out in the bill. It is going to require that our entire staffs are attuned to what is happening in the budget process for many weeks in a row.

Mr. President, in drafting this legislation in the Committees on Government Operations and Rules and Administration, as well as on the Senate floor, we have attempted to develop a procedure for congressional consideration of the budget that is both disciplined and flexible.

That is a difficult balance to achieve. But I am hopeful we have accomplished it.

To be sure, particularly in its first years, the implementation of the process may be erratic and deadlines may be missed. But the process in this legislation is flexible enough to survive a trying transition period. And it will not collapse as long as the Members of Congress want it to work.

All told, some 35 or 40 Senators contributed to the development of this bill. And the best guarantee for the sucess of the process established in this bill is for the Members of Congress to exhibit the same kind of determination to implement it that they did to draft it.

Mr. President, this legislation is too important for us to allow it to fail.

Mr. President, in closing I wish to give a special word of personal appreciation to the distinguished Senator from Montana (Mr. METCALF).

Senator METCALF was elected chairman of the Subcommittee on Budgeting, Management, and Expenditures more than a year ago in the Committee on Government Operations. He proceeded with the work that responsibility imposed upon him at a time when there was a great deal of pessimism as to whether or not all of the complex problems this legislation posed could be resolved—and resolved in a meaningful piece of legislation in this Congress.

It is because of his persistence and determined commitment to that objective more than any other single force that we are now acting on this conference report and about to send a bill to the President for his signature.

I compliment the distinguished Senator.

Mr. ERVIN. Mr. President, I will say to the Senator from Arkansas that I promised to yield briefly to the Senator from Montana, but first I want to say that the Senator from Maine has given an excellent analysis of the major provisions of the bill, and it would be impossible for me to overmagnify the great work he displayed in making this bill possible.

Also, I would like to join in his tribute to the Senator from Montana, who conducted the spadework hearings that contributed to the bill, and he also made magnificent contributions to the bill.

I yield to the Senator from Montana such time as he may use.

Mr. METCALF. Mr. President, I am especially grateful to the Senator from Maine for his gracious remarks. I am very appreciative of them. He was on the subcommittee day after day when it met. We heard from every area of government and from the academic community. We had the most superb staff that I have ever seen working together. We had consultants from many areas.

Finally, of course, let me say I feel we have come forth with a bill which, as the Senator from North Carolina (Mr. ERVIN) has said, is probably the most important bill to be passed in this Congress.

As far as I am concerned, it is probably the most important bill I have worked on in the more than 20 years I have been in Congress.

I want to especially commend my colleague on the Budgeting and Management Subcommittee, Senator Saxbe, who was the ranking minority member and worked, along with me, to get hearings and get quorums, and get discussions and work the bill out. I know Senator Saxbe's contributions to this legislation will also be remembered.

I would also like to compliment the Senator from Maine for the description of how the bill is going to work, for summarizing the timetables involved. Of course, I agree with the Senator from North Carolina that the conference committee and the staff and the committees of both Houses and all of us have done a great deal of work and have made a contribution. But we cannot sit back. We cannot say, "All right. Here we have passed this legislation that is so important and so significant, and now let us relax," because, as the Senator from Maine has suggested, some of the most important parts of this legislation are the titles providing for constant input of information to the committees of Congress and the Congressional Office of the Budget and the separate staffs of the committees.

Under the provisions of the bill as reported by the conference, we have to select a director of the Congressional Office of the Budget, who is appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate on recommendation of the Budget Committees in both Houses. So we cannot wait until next year to establish the Budget Committees. We need to do it right away, because the most important and significant part of this bill is the constant flow of information, the constant preparation of information, parallel to that provided by the Office of Management and Budget.

Many and many a time the distinguished Senator from Illinois (Mr. PERCY) has pointed out that this probably is the most significant part of the legislation, the operation of the Congressional Budget Office.

This is vital. It will have a significant impact if all of us will do as the Senator from Maine has suggested—try to make it work, and to start working now. The leadership has to meet and we have to select members of the Budget Committee, so that we can get a Director of the Congressional Budget Office and begin to put this into operation.

Moreover, I want to thank the Senator from West Virginia for seeing to it that, after this bill was written, it went to the Rules Committee, and, I believe with great statesmanship, and with more farsightedness as to what would happen to the various Members of the Congress than we realized on the Government Operations Committee, he provided that Senators could serve on the Budget Committee, initially, without losing their rights on other committees. Later, in the 95th Congress, they could make the important decision as to whether or not they want to serve on the Budget Committee, which will be a major committee, or whether they want to go back to the Committee on Appropriations, the Committee on Finance, the Committee on Armed Services, or whatever other second class A committee they had.

In any event, it is imperative that the Senate Committee on the Budget be created immediately, so that it can make recommendations to the President pro tempore immediately, so that it can start work immediately, and we can have a Director of the Congressional Office of the Budget working in this period, so that we will be prepared to get the necessary information in the next Congress.

I discussed some of these matters with the Comptroller General in a hearing of the Joint Committee on Congressional Operations on the day before yesterday, and he has already appointed Mr. Phillip "Sam" Hughes to head up his staff, and start his staff operations in anticipation of this legislation. But we also have to start our operations to provide them the necessary information requirements.

I think this is a major operation. This is one of the legislative accomplishments that we will be able to look back upon, and I think that we will have a great

deal of pride that we participated in it. But we can only justify that pride if we continue to keep the pressure on, and get the Congressional Budget Office Director appointed and get this information flowing into the Congress, so we will be ready, when the President sends up his budget message next year, and the committees will be ready, to act and report.

I have the same praise for the Senator from North Carolina, and especially for the Senator from Illinois who has been just as persistent as any Senator I can remember, in getting this legislation, who made the compromises that permitted us to get legislation to the floor.

But I want to admonish all of my colleagues that we have only begun to fight. Let us get this bill passed today and underway as a part of the machinery of the Senate tomorrow, or as soon thereafter as possible.

Mr. President, now that we have arrived at the final stage of the Budget Control bill, perhaps the most important thing we can do is to express gratitude for the legislative process which has produced it. From its beginning with the Joint Study Committee on Budget Control, the bill has undergone intensive investigation and negotiation by Members and staff in both Houses, on both sides of the aisle. Indeed, thousands of hours have been spent in testing its political feasibility and its parliamentary workability. The basic features and requirements of this bill are the result of sometimes drastic changes, not easily arrived at, or willingly agreed to, but I believe it is the best we could have done—given the scope of the challenge before us.

That challenge—stated plainly—was to find a mechanism by which 535 Members of Congress could determine an appropriate budget for the Nation and conduct their legislative business within it. Since 1921, attempts have been made by Congress to meet this challenge. All have failed for a variety of reasons, not the least of which were political. The result has been increasing control over fiscal policy by the executive branch, not provided in, nor even contemplated by, the Constitution.

The mechanism created by this legislation is more comprehensive, more dynamic, than anything previously considered. It is framed within the traditions and procedures of Congress, but at the same time it provides a new set of rules which, if followed, will work. The very nature of Congress is that it acts by majority vote. It does what it wants to do based on its responsibility to the electorate. The budget bill provides the opportunity for Congress to act in an organized and intelligent manner, to develop a fiscal policy and to provide budgetary control. That is all we can do.

But whatever the future of the budget procedure mechanism, there are some very far-reaching and long-needed institutional reforms in this bill, and I think they should be emphasized.

First, each House will have a Budget Committee which will look at expenditures and revenues in the light of the economy and recommend appropriate budgetary levels—first, in the spring, and then again by September.

These committees will assert a scorekeeping pressure on spending and revenue legislation, and will provide Congress with a continuing picture of budgetary requirements.

Second, there will be established a new Congressional Budget Office with its own director, personnel, and equipment to analyze budgetary information on a year-round basis, and furnish such information as well as personnel assistance on a priority basis to the budget committees; to the appropriations and revenue committees, on request; and, to the extent practicable, to other committees and Members. The CBO would be nonpartisan, and responsible for developing an informational base upon which all Members of the Congress can make their decisions.

Third, the bill provides extensive authority to the Congressional Budget Office to obtain budget and fiscal information, including estimates and statistics from the various agencies and departments in the executive branch, and from congressional agencies. Except for certain necessary constraints as to confidentiality, such information and data shall be made public.

In addition, in title VIII, the bill contains provisions which, properly implemented, will vastly improve the quality of fiscal, budgetary, and program information in the executive and make such information readily available to Congress. Briefly stated, these are designed to establish a procedure for Congress, acting through the Comptroller General, to specify the format and content of the fiscal, budgetary, and program information it needs for the executive mandate data classification on a uniform program basis, so the Congress can more readily identify, and select more sensibly among competing program interests and priorities direct the GAO—and the Congressional Budget Office—to create and maintain files of fiscal, budgetary, and program data, for congressional use, in a form for computer processing; and direct the Comptroller General, in cooperation with the Congressional Budget Office and the appropriate executive agencies, to develop and maintain an up-to-date inventory and directory of sources of such information in the executive branch.

Mr. President, on Wednesday, in hearings of the Joint Committee on Congressional Operations on research support and information services needed by Congress, I had a dialog with Comptroller General Staats and Philip S. Hughes of his staff on GAO's plans for implementation of these vitally important provisions of the bill.

I ask unanimous consent that relevant portions of the hearing transcript be included in the RECORD at the conclusion of my statement today.

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

(See exhibit 1.)

Mr. METCALF. Mr. President, parenthetically in developing title VIII, I had the fullest support and assistance of members of the House Appropriations Committee staff. I wish at this time to express my particular appreciation to Keith Mainland, Bruce Meredith and Eugene Wilhelm, all of whom made valuable contributions.

As I have said many times, information is the name of the game in budget control. Expenditure levels and revenue estimates and projections must be developed from hard data, most of which is stored in the executive branch. For the legislative budget control mechanism to work effectively, that data must be made available to the Congress, when and as needed.

Fourth, the legislation provides for a new fiscal year—beginning October 1. This will provide both the authorizing and spending committees with breathing room to complete their legislative workloads. More important, it will give Congress a reasonable time in which to establish budgetary targets early in the year, and make a final judgment as to appropriate expenditures and revenues before the fiscal year begins. The July 1 fiscal year—which grew out of another era when Congresses went home early in the summer—has increasingly provided a problem for appropriations and other spending measures frequently resulting in continuing resolutions. Congressional intent as to this change in the fiscal year is underscored by the fact that both the Senate and the House committees set the October 1 date early in the consideration of their respective bills, and it was sustained.

Fifth, an impoundment control feature has been added, and the impasse between the House and Senate on this important matter has been resolved. Under the bill, the Antideficiency Act has been tightened up to permit reserves solely for contingencies and to effect savings or efficiencies.

Whenever the President seeks to impound by terminating programs or cutting spending for fiscal policy reasons, he would be required to send Congress a message requesting the recission of budget authority. Unless both Houses complete action on the rescission in 45 days, he may not impound and must continue to spend the money for the objectives established by Congress.

For all other impoundments, including reserves under the Antideficiency Act, the President must notify Congress, and if either House passes an "impoundment resolution" disapproving such impoundment, he is required to release the funds.

In themselves, these five features provide Congress with the tools and time by which Congress can educate itself as to the effect of spending and revenue levels on the economy and on national growth. For the first time in its history, Congress and its relevant committees will have their own informational base for assessing alternative budgetary approaches and program priorities. It will be able to look at what it has spent and what it intends to spend as parts of a total picture. It will be able to keep score on itself. It will have

its own built-in early warning system on the economy. For the first time, it will have the capability of making fiscal policy without having to rely primarily on Executive expertise. And it will have a check on the President when he seeks to impose his own fiscal policy through the impoundment process.

Mr. President, I am delighted with this "Congressional Budget and Impoundment Control Act of 1974" because it contains many of the features of a substitute amendment which was submitted by the then junior Senator from Ohio (Mr. SAXBE) and me very early on in the subcommittee consideration of S. 1541, the basic Senate bill. It was our feeling then that congressional budget reform was the No. 1 priority of the 93d Congress, but in order to get Congress to support it, there had to be a mechanism devised which would allow Congress sufficient flexibility to arrive at spending and revenue decisions within its own procedural framework, rather than to impose rigid rules of restraint.

This bill, as finally revised and improved, supports that policy of flexibility. I urge adoption of the conference report.

I thank the Senator for yielding.

EXHIBIT 1.—EXCERPTS OF TESTIMONY BY COMPTROLLER GENERAL ELMER B. STAATS

Mr. STAATS. Section 202 of the Legislative Reorganization Act of 1970 provided for a standard classification of budgetary and fiscal data. Responsibility for development of that classification was assigned to OMB and Treasury in cooperation with the GAO.

H.R. 7130, as agreed to by the conference committee, would amend Title II of the Legislative Reorganization Act of 1970 to place primary responsibility for the development of standard data classifications and congressional reporting requirements with the Comptroller General.

I have testified on many occasions and we have worked closely with the many parties involved in the development of H.R. 7130. We firmly support the objectives of this legislation. We recognize the congressional needs for and the problems involved in developing data classifications that will meet these needs. We will devote the resources required to effectively carry out that responsibility.

To carry out our responsibilities under sections 201, 202, and 203 as they exist now, we have a full-time 24 person staff. This group has developed and maintains an informal but close working relationships with various congressional committees' staffs, especially the appropriations committees.

The group's major activities are aimed at improving the accessibility and usefulness of data currently reported to the Congress or available in the executive agencies. For example, they have been conducting a pilot study with the Subcommittee on HUD, Space, Science, and Veterans of the House Committee on Appropriations to identify its needs for budgetary and program information about the Department of Housing and Urban Development (HUD) and to specify the classifications to be used in reporting to the Subcommittee.

We referred to this effort in a May 1973 report to this Committee. We are pleased to report that we have now developed proposed classifications for each of the 49 HUD appropriations accounts and have presented them to the Subcommittee staff.

More recently, we have directed our attention to 14 Department of Agriculture accounts in a similar effort. With the increase in staff and the experience gained in the HUD pilot study we will be moving into other areas in the near future.

We are confident that we have developed the capability and etsablished the working relationship with the Congressional committees and the executive agencies which will enable us to carry out the reporting requirements and classifications work that would be assigned to us under H.R. 7130.

Since our prior report to the Joint Committee, the Office of Management and Budget and Treasury have created a team to develop a plan for addressing the Congressional information needs identified by the survey of committees and members we conducted in 1971 and reported in February and November 1972.

We are continuing to serve as the agent of Congress in working with the Office of Management and Budget and Department of the Treasury team on a day-to-day basis. Their team issued its plan on March 7, 1974.

This plan covers a wide range of the information needs of the Congress. Of particular interest at this time when H.R. 7130 is in focus are the categories which deal with Federal budget and supporting information, budget and fiscal status information, program oriented information and tax expenditure information. The plan also includes categories of information on fiscal policy, foreign currency, Federal employment, grant programs and social and economic conditions.

Several task groups have been created to assess the executive branch capabilities to meet these needs. We are participating in this work, especially in the further identification of congressional information requirements.

The OMB and Treasury March 7th plan does not propose to address needs which deal with social and economic information on the grounds that these types of data are not within the scope of budget and fiscal data included in Title II. We do not agree with their position. However, enactment of Title VIII of H.R. 7130 will settle that issue—the Congressional requirement is made clear that program-related data and information, such as social and economic data, are within the scope of this title.

In addition to efforts directed at improving the classification and reporting to the Congress, we believe it essential that Congress be given assistance in obtaining the information it needs. The OMB/Treasury team recognizes this problem. In their plan they state that "it is apparent that many of the information problems are due to difficulies in identifying information sources and in obtaining and aggregating disparate data, and are not due to a lack of data." An inventory and directory services for the Congress to permit it to obtain data from executive branch sources is needed. We are exploring ways such a service could be established. H.R. 7130 would amend section 203 to require such assistance from us. We agree that it is needed and feasible to develop.

The Chairman of the House Committee on Appropriations has requested us to help them develop procedures for acquiring and using 3- to 5-year projections of Federal outlays and receipts, especially for the major programs that are not subject to annual congressional funding. In addition, the GAO staff is identifying the resources available in the executive branch for providing such forecast or data from which forecasts can be made. We are also cooperating with the Congressional Research Services in its work on budget analysis and estimating procedures.

* * * * *

Senator METCALF. I have said on several occasions the most exciting and thrilling thing about the Budget Control Act—which I hope will be finally approved by the Congress this afternoon—is that, among other areas pertaining to our information needs, it provides an opportunity for gathering and assembling information on the budget at the same time as the OMB.

As you know, some of my Senate colleagues felt that you could not, or would not, do the job. Those of us who supported Title VIII, however, felt that GAO was the best agency for this.

I expect to go to the floor at 2 o'clock this afternoon and speak on the conference report. Can you assure me now, so that I can assure members of the Senate that we will see progress in your capacity in making this new budget process, and this new information process, work?

Mr. STAATS. I can give you that assurance, and we are already well under way with efforts which will fit in with the responsibilities that we will have under Title VIII. However, we will need some additional resources.

Senator METCALF. You need some more manpower, and so forth, to do the job.

Mr. STAATS. We are currently examining our own internal allocations of our staff, with this in mind, but I think I can give you the assurance you are seeking here that we will not only be able to do it, but we think we can do it in a very satisfactory way.

Senator METCALF. With the cooperation of the Congress?

Mr. STAATS. Yes.

Senator METCALF. Mr. Hughes may want to add something here.

Mr. HUGHES. I am certainly, not surprisingly, supporting the Comptroller General in his statement. We are working very closely with the OMB and the Treasury, particularly OMB, to carry out the provisions of the present law and the anticipated provisions of H.R. 7130.

The job is not going to be easy. We feel—and I think OMB and Treasury agree—that our efforts should be to develop a complex of systems that will meet both Executive Branch and Congressional needs, rather than duplicating systems.

That is not an easy job, as you can imagine, because of inevitable problems on both sides, but in recent months the cooperation between all parties has been very good, and we are hopeful we can do what needs to be done on a unified basis, or for the most part at least on a unified basis.

We have been taking a somewhat more agressive stance with the Executive Branch in this recently, because we think it is necessary, and also it helps to move the work along.

Our work with the subcommittees on appropriations with respect to classifications has been of great help in convincing the executive agencies that it is important they involve themselves in this kind of an effort.

There are some difficult problems, for example, arising out of executive branch responsibility for the President's budget, vis a vis congressional responsibilities and congressional needs for data. We need to work with the Executive agencies in a fashion which is consistent with the Budget and Accounting Act and presidential and OMB responsibilities under that Act, but at the same time gets the Congress the information that it needs for budget and program analysis. My personal feeling, and I think the feeling of those who are working on these problems in GAO, is that we are moving well, and much better than we did for a period of time, and frankly, I think the discussions around H.R. 7130 and its progress through the Congress have been very important in this.

Those were discussions at a staff level. Mr. Tacheron and others participated in

them, and organized them. I think they were very helpful.

Senator METCALF. We had a magnificent staff effort, of course, and a magnificent effort on the part of consultants and advisers who came in here and offered their expertise to help us work out a very complex and difficult problem. But you have all read the news reports and the Congressional Record this morning of the discussion of the Conference Report on the floor of the House by Members of Congress, where longtime Members say it will not work. I am taking this opportunity to get your assurance that something that I think is the most exciting part of the new budget bill—this information standardization and gathering process—as set forth in Title VIII can and will work.

Mr. STAATS. I would like to say to you, Mr. Chairman, we supported Title VII and Title VIII in our discussions with the House and with the Conferees. We do think that Title VII and VIII are both very important pieces of this total legislation.

I would like to add one other thing which we have emphasized at the times we have made formal testimony on this budget legislation before the different committees of the Congress. There will be problems in the first year or the second year. Things will have to be worked out, but the important thing is to give the new organization time to work out those problems.

Referring back to my own background in the Budget Bureau, where we attempted many years ago to develop overall targets for the Presidential budget along the same conceptual line as this legislation, we had great difficulty the first two or three years and we had to work out those problems. The agencies did not understand what we were trying to do. I hope that the Congress does not get discouraged if this does not work smoothly the first time around, because I am sure there will be problems, just as there were in the executive branch.

Senator METCALF. I am sure there will be, too. I was pleased that Mr. Hughes assured us that there has been cooperation from the Treasury Department and from the OMB, in trying to work out the initial stages of this, because—even though I like the statement that GAO will take an aggressive attitude—there are executive and administrative problems that are going to be unsurmountable, if there is not mutual understanding and cooperation. I am glad you have that cooperation.

Mr. HUGHES. Cooperation has been good, Mr. Chairman, particularly recently.

As you say the problem has to be solved. The data must come out of the executive agencies. They have it by and large. That is why it must originate there, and we must resolve those problems.

Senator METCALF. We would like to have it a little earlier, that is all. We would like to have it as part of the preparation of the budget, instead of having it thrown at us on the 21st of January.

Mr. HUGHES. I think that is a reasonable goal, and we should be able to achieve it.

The one comment, repeating myself a little bit with respect to the dialogue that I had with Mr. Cleveland, is that these are complicated problems, and by and large, they are human problems, problems of human interrelationships, not solvable by machines.

Machines may help, but there remain fundamental difficulties. We had some rather candid dialogue with the Executive Branch people and I think one of them stated the ultimate problem rather well. He said there may come a point when they would rather take the heat of not providing the information than take the heat involved in providing it. Those dilemmas need somehow to be faced up to.

Senator METCALF. That is inevitable, I think.

Mr. HUGHES. That is the kind of issue we are struggling with. The computers will not help on these human problems.

Senator METCALF. Sometimes you may find that the Congress will pull the rug out from under you, by deciding that some kinds of information you seek should not be provided. But most of the time, I hope, we will be able to give you cooperation in your search for information to make this new congressional budget process work.

Mr. STAATS. The important thing here is that the legislation does provide the charter, and it also provides the mechanism for a continuing dialogue on this with the executive branch. This is very important, because without that, we are not really going to make progress. It may be slow in some areas, but even so, I think the fact that there is a charter and the mechanism now for this dialogue to take place will be a great step forward.

Senator METCALF. I think this will be helpful, and I am going to ask the staff to extract this, and I will put it in the Congressional Record as a part of the discussion so that we will make some legislative history.

Mr. STAATS. Very good.

(This terminated the excerpt.)

Mr. ERVIN. Mr. President, I yield now to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I desire to have the distinguished chairman of the Government Operations Committee clairfy some of the intent of that committee, and of the conferees, in drafting the language of title X of the Congressional Budget and Impoundment Control Act of 1974, S. 1541.

Title X of S. 1541 must be correctly understood and interpreted at the outset by members of the executive branch if that statute is to be fully effective. Therefore, I would like the chairman of the Senate Committee to explain some portions of title X of that legislation so as to more fully explain the interrelationships of its provisions, to demonstrate how these various subsections are intended to operate harmoniously so as to remove any possible ambiguity or conflicts between these provisions.

In short, I believe that the answers to the following questions will be helpful to Members in considering this legislation correctly and in properly reconciling the intended overall operation of its various sections.

Can the President propose the deferral of multiyear funds beyond the end of any fiscal year?

Mr. ERVIN. No, he can propose deferral only to the end of the fiscal year in which he proposes the deferral. If the Congress does not disapprove the proposed deferral, he must then make all the funds available for obligation in the next fiscal year—unless he proposes deferral of part of the remaining funds in a new message in that fiscal year.

For example, the President could, under section 1013, propose to defer all or part of a 3-year appropriation for procurement for the first fiscal year of its availability. At the end of that fiscal year, he would be required to make the budget authority available for obligation or submit another proposal covering the second year. This can go on until the last year of availability. At that time, if the President proposed further deferral, section 1012 would apply—since deferral to the end of that year would result in the termination of the procurement program. This would require a rescission bill. Of course, should such a deferral have, at any time, the effect of terminating all or part of a program—even during the first fiscal year—the President would be required to comply with section 1012.

Mr. McCLELLAN. Can the President, under section 1013 of the bill, propose to "defer" any 1-year budget authority for the entire fiscal year for which that budget authority is provided?

Mr. ERVIN. No, that would be a proposed reservation of the budget authority under section 1012. Thus, the exception in section 1013(c) would deny the President the authority to propose a "deferral" for the entire fiscal year. The President would be obliged to proceed under section 1012 if his intent was to defer the obligation of 1-year budget authority for the entire fiscal year.

Mr. McCLELLAN. Then, insofar as 1-year money is concerned, section 1013 merely provides a procedure under which the President can propose the deferral of expenditures to a later point in the fiscal year involved but, in no event, can such proposed deferral extend to the end of that year?

Mr. ERVIN. Yes, that is correct.

Mr. McCLELLAN. Does this mean that where the apportionment process is used so as to cause a deferral of expenditures to a later quarter—other than those apportionments which merely allocate expenditures on a basis so as to avoid deficiency spending—all such apportionments will in the future be required to be reported to the Congress?

Mr. ERVIN. Yes, that was our intent in drafting these sections and we understand that the Appropriations Committee needs to have these reports so as to assure that the apportionment process is not being used for a purpose unintended by the conferees.

Mr. McCLELLAN. What happens if a "deferral" of budget authority is proposed for single-year funds so that the effect of the deferral would be to withhold or delay funds until a point in the fiscal year such that the programs or projects to which those funds would be applied are effectively stymied or changed?

Mr. ERVIN. The situation you describe cannot occur since such action would not be a bona fide proposed "deferral" but in fact a proposed reservation which must be reported under section 1012. The language of section 1012 "to be reserved from obligation for such fiscal year" would apply to that kind of action and thereby require the President to proceed under section 1012.

Mr. McCLELLAN. I take it then that the phrase "is to be reserved from obligation for such fiscal year," as used in section 1012, is not restricted to a situa-

tion when a "reserve," as specifically authorized by law, is proposed to be established?

Mr. ERVIN. That is correct. The phrase is not restricted to any proposed establishment of "reserves" but covers all procedures or actions which propose or would result in withholding of obligation of budget authority for the entire fiscal year.

Mr. McCLELLAN. The conference report defines "deferral of budget authority" to include the "withholding or delaying" the obligation of budget authority or any other action which precludes the obligation of budget authority. Could the definition be interpreted to include withholding or other action which permanently prevents the obligation of budget authority? If so, the President might then proceed under section 1013 rather than section 1012, if he wishes. Is that the intention of the conferees or of the language of this legislation?

Mr. ERVIN. Definitely not. Any action or proposal which results in a permanent withholding of budget authority must be proposed under section 1012. Section 1013(c) specifically provides that section 1013 does not apply to cases to which section 1012 applies. Only temporary withholding may be proposed under section 1013—and any such deferrals must be proposed under this section only.

The conferees have included both "withholding" and "delaying" in the definition of "deferral of budget authority" in order to insure that all actions which have the effect of preventing the obligation of budget authority for any length of time shall be subject to the terms of the impoundment control title. Such actions which result in a temporary delay in obligation are included in section 1013; those which result in the termination of a program or the reservation of 1-year funds to the end of the fiscal year in which they are available are included in section 1012 and precluded from action under section 1013.

Mr. ERVIN. Mr. President, the questions the Senator has asked call for answers; and the questions and answers together, I think, clarify completely the essential questions that might arise under the impoundment and deferral provisions of the bill. The Senator has rendered a great service to the Senate in propounding these questions and in giving me an opportunity to answer them.

Mr. McCLELLAN. Mr. President, will the Senator yield now for one or two other quesitons that are not covered in the prepared statements?

Am I correct in understanding that section 1012 means that the President may send to Congress a message requesting a rescission of certain appropriations, either in part or in full, of whatever Congress may have appropriated for any particular item of function of Government?

Mr. ERVIN. That is the purpose of the section. It is to provide an orderly method by which differences of opinion may be reconciled between the President and Congress in respect to the amounts of appropriations sought. It is a sound and sensible method, without going to a confrontation.

Mr. McCLELLAN. But that message has no legal effect. What it amounts to, does it not, is simply the President's recommendation to Congress to enact a bill to rescind those items of appropriations that he desires to have rescinded?

Mr. ERVIN. The Senator is absolutely correct. The recommendation of the President that an appropriation be eliminated or reduced in and of itself would have no legal effect whatsoever. In other words, for it to become effective, both Houses of Congress, by a majority vote, would have to take action either eliminating the appropriation or reducing the appropriation.

Mr. McCLELLAN. In other words, the message has no effect until and unless, within the prescribed period of time—45 days—Congress has completed action on a rescission bill rescinding all or a part of the amount proposed to be rescinded, or is that to be reserved?

Mr. ERVIN. The Senator is correct.

Mr. McCLELLAN. What would be the effect if, by the end of the 45 days, Congress had not completed action on the bill, but within a few days thereafter it did complete action? It would be legislation, the President could sign the bill, and the rescission would then become law.

Mr. ERVIN. Oh, yes, I think so, because under the legislative authority given to the Congress by article I of the Constitution and also by the necessary-and-proper clause, even though Congress does not act in the 45 days it could act thereafter.

Mr. McCLELLAN. It could. There is nothing to keep Congress from acting upon it.

Mr. ERVIN. No.

Mr. McCLELLAN. That does not prevent or preclude Congress from rescinding thereafter.

Mr. ERVIN. I might say that the 45-day provision is placed in the bill for the purpose of spurring speedy congressional action, but with recognition of the fact that Congress cannot deprive itself of any other power it has under the Constitution.

Mr. McCLELLAN. That is right. In a rescission message, rescission requires the enactment of a bill, whereas a defereral does not require the enactment of a bill.

I turn now to section 1013. As I interpret it, this section provides that the President can send a message requesting a deferral, but the deferral shall be made available for obligation if either House of Congress passes an impoundment resolution disapproving such proposed deferral.

Mr. ERVIN. Yes.

Mr. McCLELLAN It takes only one House to act on a deferral, whereas a rescission takes a bill, an action of both Houses.

Mr. ERVIN. That is right. In other words, section 1013 applies to what might be called the multiyear appropriation. It would authorize the President to defer any particular year's appropriation to the end of that year. But either House of Congress could veto his deferral, and in that case it would become necessary for him to carry out the project as authorized and funded by Congress.

Mr. McCLELLAN. This language cannot be corrected if it needs to be. I am not sure whether additional language is needed in section 1013 in order to avoid a possible ambiguity regarding the limitation of the applicability of that section to multiyear appropriations. However, the needed clarifying language may already be implicit in the present text of section 1013(a) which reads:

> Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided . . .

It seems to me that this language would be necessary to read: "Provided," and I then necessarily read this to mean that it applies to "appropriation acts with availability of 2 or more years."

Is the omission of the above nine words inadvertent, or does the Senator think these words are not needed since they are necessarily implied in the conferees intent as to the operation of section 1013?

Mr. ERVIN. It is implied. Section 1013 is intended to apply to multiyear appropriations because Congress in effect expresses its intent that single-year funds be obligated during the year of their availability by making them single-year funds in the first place.

The conferees intend that every executive action or inaction which has the effect of preventing the obligation of budget authority for any length of time be reported to Congress by special message, either under section 1012 or 1013.

Mr. McCLELLAN. If the Senator had the bill back on the drafting board, I think maybe that language should have been inserted.

Mr. ERVIN. It might have been better to put it in, but I think it is implied.

Mr. McCLELLAN. It probably is. It just occurred to me, though that while that language is necessarily implied, it is better to make this intent explicit now so that there will be no future misunderstanding of the intended operation of these sections. I therefore thank the Senator.

I did want this observation in concluding my remarks, Mr. President. At the time the bill was before the Senate, I think on the day of final passage, I made some remarks, and I reiterate those remarks today by reference. They appear at page 7932 of the CONGRESSIONAL RECORD of March 22, 1974.

I may say that I today express the same concern regarding this bill—whether it is going to be workable or not—and I also express the same hopes for the ultimate good that will come out of the very strenuous and dedicated efforts that have been made by those who have worked on the bill in an effort to find a solution to a tremendous problem that confronts us in budgetary matters

and in trying to handle the fiscal policies of the Nation.

I have sometimes said—and I think with some justification and with factual information to sustain it—that the Government today has simply become so big, its financial obligations are so great and so varied, that it is almost impossible to manage it efficiently under the democratic processes.

In view of that, it is compelling upon us to search for, to grope for, to experiment with, and to make every effort within our capacity and ingenuity to find a way to master this terrific problem; and if we do not, I fear we are in for even greater trouble than the strain we now feel.

I thank the distinguished Senator for yielding to me. I compliment those who have worked so hard on this measure, and I still express the hope and the aspiration that good will come from it, and that this is a step, a definite measure of progress in this field, and in the proper direction.

Mr. ERVIN. The Senator from Arkansas, whose mother came from North Carolina, has always been one of the strongest advocates in Congress of fiscal responsibility on the part of the Federal Government and, of course, fiscal responsibility on the part of the Federal Government requires fiscal responsibility on the part of Congress.

While we do not know how this bill will operate, we do know that it will operate successfully only if an effort is made by the Senate to make it operate successfully; and I think that this bill is the best proposal that has thus far been made to make effective what the Senator from Arkansas and the Senator from North Carolina have been fighting for for the last 20 years, and that is financial responsibility on the part of Congress as well as on the part of the executive.

Mr. McCLELLAN. I thank the distinguished Senator for yielding to me.

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

Mr. ERVIN. I had promised to yield first to the distinguished Senator from Illinois (Mr. PERCY), who is one of the Senators who have done yeomen work in bringing this proposal to its present state.

Mr. PERCY. Mr. President, I thank my distinguished colleague. I know the distinguished Senator from Wisconsin is anxious to clear up some points that may be ambiguous. So, before I begin my own comments, in the interest of the time of the Senator from Wisconsin, I am happy to yield to him for the purpose of clarifying any questions he may have.

Mr. PROXMIRE. Mr. President, I thank the Senator from Illinois. That is most helpful. I shall not take more than a couple of minutes, but I would like some clarification of the intent of the committee of conference with respect to those agencies which are now excluded from the President's budget under provisions of law. There are six such agencies, of which the largest in terms of outlays is the Export-Import Bank. The Senate voted to repeal those exemptions, that is, to put those agencies back under the budget. The conference committee did not adopt the Senate position but rather provided that the budget committees would study these exemptions on a continuing basis and report to their respective Houses any recommendations for changes.

In the Senate Banking Committee the other day, we had considerable debate as to whether or not we should put the Export-Import Bank back in the budget.

I had an amendment to do that. We had a close vote on it, and my amendment lost. The only argument, really, that was made against my amendment was that the conference had agreed that there would be a study made, and that under those circumstances, the authorizing committees would act improperly and in contradiction of what the conference intended.

So I would like to ask the distinguished Senator from Illinois and the distinguished Senator from North Carolina, first, did the conference committee intend by this to preclude any action by the relevant authorizing committees to put exempt agencies like the Export-Import Bank back in the budget?

Mr. PERCY. In answer to the question of the Senator from Wisconsin, absolutely not. There was no intention to preclude any attempt to put exempt agencies like the Export-Import Bank back in the budget by the relevant authorizing committees, in this instance the banking committees.

Mr. PROXMIRE. In the second place, was it the intention of the conference committee to assign to the budget committees definitive responsibility for the resolution of this issue?

Mr. PERCY. Absolutely not. In none of the discussions we have had or in none of the language of the report or the language of the law as I read it, did we attempt in any way to assign to the budget committees exclusive responsibility for decisions on this issue. The budget committees are merely asked to keep the issue under study. They cannot report legislation to change the law, nor was it ever our intention that they do so.

Mr. PROXMIRE. There is a question of timing here that is of considerable significance, and I think is really the heart of the objection to our acting on the Export-Import Bank now. The argument was made that since a study had been authorized, and the study would recommend a change, the Banking and Currency Committee should await the study by the budget committees before taking any action; that that might not be until some time next year or the year after, but whatever time it was, the budget committees should be given the courtesy of an opportunity to make such a study and make recommendations one way or the other. Is it the view of the Senator from Illinois that the authorizing committee, in this case the Banking Committee, should wait on the study by the budget committees before it acts?

Mr. PERCY. I would think—and this is a personal view—that if there is a reasonable expectation that the budget committees will get these studies under way, in this case the budget committee of the Senate, recognizing the fact that this is a controversial matter in which there are arguments on both sides by very responsible Members of this body, and if there is a reasonable expectation that those studies can be completed in time, then it would be well for the authorizing committees, perhaps, to wait.

However, if it does not appear as though, after a reasonable period of time, such study can be quickly accomplished, then I would say the authorizing committees should go right ahead and make their own decisions, based on their own expertise, because after all, they have been involved in these matters for a long time.

The Senator from Illinois is really quite sympathetic with the argument that the Export-Import Bank should be included in the President's budget. But the Senator from Illinois determined that we really did not have enough facts, as of this time. There was a presumption on my part that it would be a good idea, but there was strenuous objection from respected sources, and for that reason the committee of conference decided that a study would be desirable before decisions were made.

Mr. PROXMIRE. That answer gives me some trouble, because my notion was that we could act within the next couple of weeks when the Export-Import Bank bill comes before the Senate. It is scheduled to do that—the time might be extended, but sometime in the next month or so, and I had hoped that at that time we could put an amendment in to have it covered in the budget.

It seems to me that the presumption should be, on the part of those who would exclude anything from the budget, that it should stay out. I would hope we would not have to wait until the budget committees could be organized and staffed, and spend some time making a study. It might be a year before we could get a conclusion under those circumstances. I would hope the Senator would indicate, at least, that the Senate could act without doing any serious violence to the intention of the conferees.

Mr. PERCY. I should not think any authorizing committees would feel that they are duty bound to wait until these studies have been completed. The work of the Senate must go on.

It is the understanding of the Senator from Illinois, however, that there are objections other than the fact that studies are being made. There is deep concern on the part of some Members of the Senate that proper lending activities might be curtailed as a result of the Export-Import Bank being placed in the President's budget process. But I should think the authorizing committees should make their own decisions in this respect, taking into account that a very high priority would be placed by the budget committees, and certainly, if the Senator from Illinois would have anything to say about it—I believe I would do so on behalf of

the distinguished Senator from North Carolina. I know that this is a highly controversial matter of great importance and I would urge we use our influence to urge the Budget Committees to undertake the studies at the earliest possible moment.

Mr. PROXMIRE. It was in the budget until 1971. No arguments were made that it inhibited proper lending activities. The Chairman of the Federal Reserve Board, the Comptroller General, and others recommended that it be put in the budget.

I simply ask a couple of other questions briefly. Is it in fact the case that the congressional concurrent resolutions provided for in this act could include outlays for the agencies now exempt from the Federal budget—in other words, it would be proper? I do not say mandatory but it would be proper for the resolutions on the budget to include the Export-Import Bank. My point is, if this is done and the budget that comes from the President does not include the Export-Import Bank, then we would have a discrepancy and it would appear that Congress was asking for a bigger budget than the executive. That would not be fair or accurate. It would be untrue. The only way we could prevent that is by putting the Export-Import Bank into the budget.

Mr. PERCY. I think that would be a very unfortunate occurrence if the congressional budget would appear to be larger than the President's budget as a result of these exclusions. We should have a mutual agreement between the executive and congressional branches as to what is to be included.

Mr. PROXMIRE. I thank the Senator.

Would the Senator from North Carolina indicate whether he would agree with the statements just made by the distinguished Senator from Illinois (Mr. PERCY), for the record?

Mr. ERVIN. I would like to say that the agencies which are exempted from the President's budget number six; namely, the Export-Import Bank, the Rural Electrification Telephone Revolving Fund; the Rural Telephone Bank; the Federal Financing Bank; the Environmental Financing Authority; and the U.S. Railway Association.

My personal conviction is that every item of expenditure which is going to be made by the Federal Government should be dealt with in the President's budget as well as in the congressional budget. Frankly, the provision in this study was a compromise between two contending groups, one felt they should be exempted and the other felt they should not be exempted on these particular items. The Senator from North Carolina would like to see them all included in the budget of the President. I think that they should be there.

I think that the Senator from Wisconsin would be fully within his rights as a Member of the Senate to propose that at any time in a bill or an amendment to a relevant bill, to put the Export-Import Bank in. It would be entirely within the rights of the Senator from Wisconsin.

Frankly, I would tell the Senator, I would vote for such a provision.

Mr. PROXMIRE. I thank the Senator from North Carolina very much. That is a great help.

Mr. ERVIN. The analysis of the Senator from Illinois—his views and mine so far as the matter of powers is concerned—is entirely in accord. We made this agreement as to what it should be in this particular instance, but so far as the authority of the Senator from Wisconsin to take such action with respect to the Export-Import Bank is concerned, we agree that he has it.

Mr. PROXMIRE. I thank the Senator very much.

I would conclude by saying that I agree with what has been said this morning about the very great importance of this legislation. It has been said that this is the most important bill that will be handled by the Senate in this session. Others say it is the most important bill we have had in a very long time.

I should like to point out that I have been making a series of speeches on what is right with the Federal Government. Many people think there are many things wrong with Congress—and, indeed, there are. No one will deny that our actions seem weak sometimes. But in taking this action today, when the House has already passed this conference report and the Senate passed the earlier version by a resounding vote, the Senate is improving in significant and substantial ways, which should give the American people some encouragement and hope that we are progressing in providing better government. With all kinds of problems and weaknesses and difficulties still, this will be a better Congress, a better operating Congress, and a more fiscally responsible Congress. It will mean that Congress has determined its priorities, and that it will have more clout in the future because of the action that the conference has taken and I hope that the Senate is about to take today.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Wisconsin for his comments. He serves as the chairman of the Subcommittee on Economy in Government on the Joint Economic Committee. It is a great pleasure for me to serve as the ranking Republican on that committee.

The Senator from Illinois, when he first came to the Senate, set as one of his objectives that every single day in the year he would try to find a way to reduce Federal expenditures by the amount of his annual salary. The record will show that we have exceeded that amount many times over. I would hope that that objective could be shared with many other colleagues. It certainly has been in the case of the distinguished Senator from Wisconsin who, ever since he came to Congress, has tried to make our dollars go farther, and has tried to work them harder. This is the whole purpose, really, of budget reform. The passage of this conference report is rightly hailed as an historic moment for Congress. I do not know what the vote today will be. We will have a rollcall vote on it but I do feel that it will probably be unanimous. The vote of the House the other day was 401 to 6 which, considering the diverse views and ideologies of House Members, is virtually unanimous. The Senate voted unanimously to pass S. 1541, 80 to 0, even after it had been broadcast that we could not possibly pass such a bill because of the conflicting views of our Members, because of the way it would invade the particular turf or territories of a particular Senator or a particular committee.

This is testimony to the fact that when we set our minds to do something, we really can accomplish something that is in the national interest and that certainly will serve the interests of every taxpayer and citizen in this country. It is probably the achievement of reform, urged on us for many decades, and which represents thousands of hours of dedicated work by Members of Congress and their staffs for all the consideration of the questions of committee jurisdiction entailed, and for all the complexities of the issues which were involved, the bill was passed in an extraordinarily short period of time. For such a bill to be passed within a single Congress is a tribute to the dedication with which Senators and Representatives have approached this very difficult task.

It also demonstrates that the American people demand better performance by Congress. The makeup of the Government Operations Committee on the Republican minority side is diverse, diverse in territorial distribution, diverse in the constituencies they represent, and diverse in their various political philosophies. But certainly the distinguished Senator from New York (Mr. JAVITS) has rendered valuable service. Deep down in his heart he knows, and has known from the outset of this debate, that the best way to keep a sound government, a sound country, a sound people, is with sound fiscal procedures. He has contributed immensely, as has the distinguished Senaotr from Florida (Mr. GURNEY) who has worked so tirelessly with us in this effort, as has the distinguished Senator from Delaware (Mr. ROTH), and the distinguished Senator from Tennessee (Mr. BROCK) both of whom served not only in the conference but presented many ideas, amendments, and suggestions, and who participated with particularly good effect in the months of debate on the bill in the subcommittee and in the committee. To them I am deeply grateful indeed.

Mr. President, I ask unanimous consent that Al Buckberg and Thomas White of the Joint Committee on Internal Revenue and Taxation be given the privilege of the floor during this discussion.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. TUNNEY. I should like to con-

gratulate the committee on the very fine work it has done. As one Senator who introduced a bill on the same subject over a year ago, I think that the committee is to be commended for the hard work it has done in making it possible to achieve the results that we are going to have today when this bill passes—probably unanimously—the Senate.

I do not think there is any way in which we can determine our social priorities more clearly than through the mechanism of the Federal budget. For Congress not to have the ability to establish, at the very beginning of each session, a ceiling, and then to relate each appropriation bill to that overall ceiling, does not make any sense at all.

I believe that this represents one of the major systemic reforms that have been desperately needed for a long time. The fact that the committee was able to take so many divergent views and fashion them into a package, a whole, demonstrates that our system can work, and it will work much more effectively in the future.

I thank my distinguished colleague for yielding.

Mr. PERCY. Mr. President, I thank my distinguished colleague not only for his comments, but also for his very active cooperation.

I also point out that another distinguished Senator from California, Senator CRANSTON, joined the Senator from Illinois and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) in introducing S. 846, at the beginning of this Congress. This was one of the bills on which the Senate budget reform bill, S. 1541, was based, because it embodied many of the concepts that we believed in deeply at the time. We were almost pioneering at that time.

I am deeply grateful for the assistance and encouragement offered to me by the distinguished Senator from California (Mr. CRANSTON).

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

Mr. PERCY. I yield.

Mr. CRANSTON. I am grateful for the generous remarks of the Senator from Illinois (Mr. PERCY) and for the opportunity to join with him and the Senator from Virginia (Mr. HARRY F. BYRD, Jr.) to do some of the pioneering work on this legislation.

I believe that this is probably the most important bill that has been passed or considered by Congress during the time I have been in the Senate. Its long-range consequences will be tremendous in terms of easing the pains of taxpayers and enabling Congress to examine the wisdom of spending priorities and the effect of these on the operations of the Government and the whole economy.

I congratulate the Senator from Illinois and all those who have worked on this matter, Senators ERVIN, CANNON, and JAVITS and others, for their tremendous work.

I know that Senator METCALF and Senator MUSKIE have done great work, and I congratulate them. The Senate owes their leadership a great debt.

Last winter, when many students of Congress began to express serious doubts that any congressional budget control legislation could ever be reduced to workable practical form, Senator ROBERT C. BYRD truly distinguished himself and earned a place as one of the masters of the science of the legislative process by the painstaking revisions of S. 1541 undertaken by his Subcommittee on Rules and Procedures. There is no doubt in my mind that this master of procedure deserves the lion's share of the credit for making the substantive proposals of the Congressional Budget and Impoundment Control Act of 1974 workable.

Mr. President, today the Senate will complete final action by Congress on a most important piece of legislation. From the standpoint of the fiscal well-being of the Nation, the Congressional Budget and Impoundment Control Act of 1974 is a most significant achievement of Congress.

The Budget Control Act represents years of very hard work. I commend the members of the Senate Government Operations Committee and the Senate Rules Committee—and the able staffs of both committees—for the months of untiring effort they have put into bringing us to the point where congressional budget control can be realized.

I have long advocated a limit on Government spending. I have thought that this issue never has been one of liberals versus conservatives. The debate, instead, is about what spending is really necessary within predetermined limits.

The Congressional Budget Control Act, I believe separates this traditional debate between different political philosophies into two major debates. One is over the spending limit itself. How much shall we spend? What revenues will be coming in to meet expenditures? Should we aim for a surplus? A deficit? Or a balanced budget? Will we need more revenues to meet anticipated needs?

These questions relate to the larger economic aspects of the budget which Congress in the past pieced together in some 13 separate appropriations bills, and in any number of supplemental appropriations bills.

The other debate will—and should—take place over priorities for spending. Unquestionably, this will promote a new and far healthier form of competition for funds. Some fear this competition will mean the end of programs for those without powerful political voices to speak for them. This need not be the result. Congress in the past has conscientiously exercised its role as Federal guardian of those who lack the numerical and financial strength to prevail by sheer political force. There is no reason why Congress should abandon this obligation and duty. I and others will work to see that it does not.

Competition can produce very beneficial results. It can best take place in the context of the procedures of the Congressional Budget Control Act. Old programs which have accomplished their original goals will be subjected to closer scrutiny as to their current usefulness. Resources still being spent on objectives long ago attained can be shifted to areas of greater need. Competition with leaner and better programs will either improve outmoded programs or eliminate them altogether. I think this is all to the good, and it certainly constitutes an overdue reform.

As important as the budget control features of this legislation are to Congress and the Nation, the impoundment provisions are worthy of special mention. For many years, Presidents have exercised their prerogative under the Anti-Deficiency Act to withhold appropriated funds for contingencies, to effect savings and enhance efficiency, or to respond to other developments which occur subsequent to Congress appropriating the funds. In recent years, this authority has been greatly expanded by President Nixon, far beyond what I believe was the original intent of Congress. The President ignored the legislative will of Congress by selectively withholding billions of dollars from vital programs through the impoundment mechanism.

I cosponsored legislation in the 92d Congress to require congressional approval of impoundments. Later, I was an original cosponsor of Senator ERVIN's bill in the 93d Congress. It prohibited impoundments for any reason, without a formal rescission resolution by both Houses of Congress within 60 days after notification by the President of his desire to withhold funds.

I am very pleased that the conferees on budget control have put the anti-impoundment measure in final form. It is an excellent provision. It requires the President to submit to Congress in writing his request to withhold funds from any appropriation. A rescission bill must be passed by both Houses within 45 days to approve the President's request. Without both rescission bills, the budget authority must be released for obligation.

One other feature of this historic legislation which I would like to call to the attention of my colleagues are provisions concerning entitlements—something of particular importance to veterans and others. I introduced the original amendment of this matter, and I am delighted with the final version that has been worked out in conference.

Finally, let me say that I know of the tremendous contribution made by Herb Jaspers of the Labor Committee staff to this legislation. He performed one of the ablest pieces of staff work I have witnessed on Capitol Hill. His work in coordinating the efforts of an unusually large number of staffers was magnificent, and I congratulate him—and them.

Mr. President, after this vital piece of legislation passes the Senate today and is sent to the President, I hope he will sign it and pledge to cooperate with Congress in a new effort to combat inflation by controlling Federal spending.

Mr. PERCY. Mr. President, I thank my distinguished colleague.

Mr. President, looking at the majority side of the Government Operations Committee, I have read any number of editorials recently that this particular piece of legislation or that particular piece of legislation is going to be the crowning jewel in the legislative career of the distinguished chairman of the Government Operations Committee, the Senator from North Carolina (Mr. ERVIN).

I have participated with him in certain legislation that we have introduced this year to repeal the no-knock legislation, the rights of privacy legislation now in the process of hearings in the Government Operations Committee, a field in which the distinguished Senator has worked for some 20 years.

The lead editorial in last night's Washington Star indicated that this may be the crowning jewel in the distinguished career of the Senator from North Carolina.

I feel very strongly, indeed, that the budget reform bill and the work done by the distinguished Senator will, for many, many decades to come, be one of the finest achievements of his political and public career. We are very grateful to him, and to Senator MCCLELLAN, the chairman of the Appropriations Committee and past chairman of the Government Operations Committee, for his very constructive help, without which we simply could not have made the progress we did make.

The distinguished Senator from Washington (Mr. JACKSON) maintained a deep interest throughout the course of our deliberations, and his expertise in many areas was of immense help.

Mr. President, I had the great pleasure of working with the distinguished Senator from Connecticut (Mr. RIBICOFF), and particularly with the distinguished Senator from Maine (Mr. MUSKIE) on many, many aspects of this bill. We had many areas where we agreed; we had certain areas where we disagreed. But always through an exchange of views and an understanding of each other's point of view, we were able to reconcile our differences. This bill is the result.

I have said many times that the unsung hero—and he will not be unsung much longer, because we are all singing his praises—the distinguished Senator from Montana (Mr. METCALF), provided a tremendous degree of assistance as the chairman of the subcommittee which dealt with this particular piece of legislation.

It was his persistence, his spirit of compromise, his resilience, and his tenacity which made possible the proposed legislation.

I think we should make note of the fact that the present Attorney General of the United States, former Senator Saxbe, served as the ranking minority member of that subcommittee. We are grateful for his participation and his help.

Senator ALLEN, with his usual expertise and knowledge, has been of great assistance. The Senator from Florida (Mr. CHILES) provided many new insights to us on the legislation. His penetrating questions were always helpful. We immensely enjoyed working with the Senator from Georgia (Mr. NUNN) and the Senator from Kentucky (Mr. HUDDLESTON), who, in spite of their having been on the Government Operations Committee for not quite as long a period as many others, actively participated in the consideration of this legislation. In their own right, they provided a tremendous insight into the nature of some of the problems as we dealt with them.

Our achievement is great, and we are rightly proud of it. But the implementation of this bill will be even more difficult. It will require even more determination than its enactment.

Even though we are feeling extraordinarily good about the work we have accomplished to date, the assistant majority leader, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), who is a realist, always brought us back to the point of realism in the hearings that were held before the Committee on Rules and Administration, which he chaired. The distinguished Senator from Michigan, Senator GRIFFIN, who is ranking minority member of the Subcommittee on Standing Rules of the Senate, deserves great credit for assisting consideration of the bill by the Rules Committee.

I point out, once again, that during the year-end Christmas holidays the Senator from West Virginia was here, busy at work on this legislation, so that we might, when we returned from that recess, immediately implement many of the fine ideas that he elicited.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

Mr. PERCY. Mr. President, the implementation of this legislation will be important, for, unlike the vast majority of bills which we pass, we must implement this legislation ourselves. This is nothing that we can pass on to the executive branch and say, "We have passed the laws; you implement them."

This implementation must be done by ourselves. The executive branch cannot be blamed for failure this time. If we fail, only we can be blamed.

There is a skeleton hiding in our collective closet, reminding us that in the late 1940's an effort to reform the budget process gave up the ghost. That skeleton of failure is rattling its bones today, reminding us that we cannot afford to fail again.

Mr. President, certainly the critical period that we are facing today, with two-digit inflation, with a failure of confidence by the American people in the future value of their dollar and of their wages and earnings, is an indication that it would be absolutely a catastrophe if we failed to implement the spirit and intent of this legislation.

This institution cannot survive much more of the "I told you so" cynicism that prevails in public opinion. We must make budget reform work, and we will rightly be blamed if it does not work.

Mr. President, this task will not be easy. We may already be behind schedule. The bill provides that the new congressional budget organization, the Budget Committee and the Congressional Budget Office, be created immediately upon enactment, and that we begin the trial run of some of the key processes next spring. The bill makes these trial run procedures optional, but I believe they are absolutely critical to the success of reform.

If we do not make maximum use of the trial run, we could fatally cripple the implementation of the mandatory processes that come into force in 1976. This is because the bill creates procedures that will make new demands on virtually all the committees. Congress must become accustomed to the new procedures in the course of time. To attempt to implement them without a trial period could result in outright congressional rejection of the entire reform.

By April 15, 1975, less than 10 months from today, the Budget Committee should report the first concurrent resolution—the first truly congressional budget. By April 1, 1975, the CBO should make its major report on fiscal policy. These two key events will require the creation, as soon as possible, of the Budget Committees, the appointment of the Director of the CBO, and the building of very competent staffs. The CBO must be funded, preferably by the Legislative Appropriation Act, though during the interim period until such appropriation can be made the contingent fund of the Senate will be used for this purpose.

At this point, I wish to ask the distinguished chairman of the Committee on Government Operations and the chairman of the Subcommittee on the Budgeting, Management, and Expenditures whether or not it would be well right now to once again establish, as I said in our discussions in subcommittee and committee, and as I believe we have tried to establish in the letter and spirit of the law, as well as the report itself, that the budget committees truly demand, if any committees demand it, expertise on the part of the members of those committees, and that the seniority system certainly should be abandoned in this particular area; that it would be a great disservice to the people of this country, to the taxpayers of this country, and the whole idea of congressional reform if seniority were the only basis for deciding which Republicans and which Democrats were to be assigned by the respective caucuses or Committee on Committees, to the Budget Committee; that there should be a degree of expertise, and a degree of knowledge; and that we want on those committees, the best, broadest representation we can have of expert thought in the Senate.

This is a human judgment, obviously, that will be made, but I think the spirit of what we tried to accomplish should be implemented.

I am very happy to yield to the distinguished Senator from Montana (Mr. METCALF), the chairman of the subcommittee, for any comments he cares to make.

Mr. METCALF. Mr. President, with permission of the chairman of the committee, may I be permitted to respond first?

Mr. ERVIN. I would be delighted if the Senator world.

Mr. METCALF. The Senator from Illinois will recall that when we organized the subcommittee and started hearings on this matter we had before us the Joint Study Committee on Budget Control's bill and we had the report from that committee providing that the Committee on Appropriations had to have so many members, with so many members from

Finance, and so many members from Ways and Means, and so forth.

Then there were suggestions, and I had one of them, that we have limited terms so that we would have not only experienced senior members, but also we would have some of the new, interested, and involved junior members.

Finally, the Senator from Illinois himself came up with the idea, to appoint this committee in the same way as all the other committees, by the caucuses, but with the understanding that we need some input from the Appropriations Committee, we need some of the expertise from the Finance Committee, and at the same time we need the young and the new ideas that are generated by the junior Members of this Congress.

The Senator from Illinois has mentioned the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Georgia (Mr. NUNN) who are new members, who made a tremendous input on the Democratic side; the Senator from Tennessee (Mr. BROCK) and the Senator from Delaware (Mr. ROTH), who made a tremendous input on the Republican side. Members such as those Senators should certainly have an opportunity, should certainly be considered in the selection of Senators who are to serve on this important committee.

I hope that in the caucus we will review the recommendation we started with 2 years ago and provide that we are not just going to have senior members; but give an opportunity to all members to demonstrate their interest and their concern in the budget process. Some of the best speeches in the Senate to bring this bill up over the years have been by such members as the Senator from Georgia (Mr. NUNN) and the Senator from New Mexico (Mr. DOMENICI) who made a splendid speech. They should also be considered, along with, of course, the experienced and the knowledgeable members of the Appropriations Committee, the Finance Committee, the Armed Services Committee, and other committees directly involved in budgetary decisions.

As the Senator from Illinois knows, we went over this entire matter, and the Senator from Montana suggested that perhaps we should have limited terms. I believe the way the Senator from Illinois worked it out, and the way it was worked out in the Committee on Rules and Administration, is that we have the prospect of a better committee if our respective caucuses are not confined only to those persons of seniority.

Mr. PERCY. I thank the distinguished Senator from Montana, and I do feel that the Senator from Illinois is going to have some degree of impartiality because his seniority in the Senate as of, I would anticipate, the first of next year, will be under the 50 mark, so I would be about midway. That is not a self-serving comment.

The Senator from Illinois had in mind the outstanding work of the Senator from Delaware (Mr. ROTH) and the Senator from Tennessee (Mr. BROCK), who are lower in seniority, but who are very high in their performance; and certainly the work of the distinguished Senator from Alabama whose seniority is not as great as other Members, but who would take second place to virtually no one in the U.S. Senate for his parliamentary skills and abilities and knowledge, and certainly in the field of budget and budget reform. He has been a tower of strength, as has the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. NUNN), the Senator from Kentucky (Mr. HUDDLESTON), who are lower in the seniority ranks, but their contributions have been immense.

I would hope that all of them would have an eligibility for membership on the Budget Committee and would be given consideration by the caucuses even though on a straight seniority basis they would not have that position.

For that reason, we tried in every way we could to indicate that representation of a number of committees including authorizing committees as well as the tax and spending committees, knowledge, and deep interest rather than seniority should be the guiding rule.

Mr. President, we have much to do and we will need full cooperation. The public and private groups that have pressed us for enactment of this reform must keep up their pressure. They must demand a high standard of performance. The congressional agencies—the Library of Congress, the General Accounting Office and the Office of Technology Assessment—must assist their new sister organization in every way. The administration—most notably the Office of Management and Budget—I hope will abandon whatever cynicism it has about the capacities of Congress to implement this reform, and do everything possible to work cooperatively with our new budget processes and our new congressional budget organizations.

But the best way to have cynicism removed is by the performance of the Congress in implementing and carrying out the intent and purpose of budget reform. This is too important a reform to be encumbered by any jealousies or rivalries between the branches. It is, after all, the vitality and balance of our two major constitutional institutions that is at stake. Their cooperation to date has been excellent. We must sustain it.

Mr. President, for purposes of legislative history I would like to discuss the provision of the conference report relating to the content of the first concurrent resolution on the budget.

The bill as passed by the Senate required a somewhat detailed subdivision or breakdown of the 14 major functional categories contained in the first concurrent resolution on the budget.

The division consisted of the following. Within each functional category, the allocation would be divided between total funds for existing programs, and the total for proposed programs. It would thus have enabled Congress to determine explicitly the amounts it anticipated for program initiatives and new priorities. The allocations for existing programs would have been further divided between permanent and current appropriations and, within the latter, between controllable amounts and other amounts. Thus, in summary form, the budget resolution would have indicated the amounts that would become available without any current action of Congress and the amounts estimated to be made available through the appropriations process for that year. The budget resolution would also have disclosed which appropriations were within the effective control of Congress and the amounts not controllable under existing law.

An example of this breakdown is contained on page 15 of the Rules Committee's report on S. 1541 (S. Rept. 93–688). There were two important purposes of this division. First, it was intended to provide a more accurate basis for the crosswalk exercise. This is the procedure in section 302 of the bill which provides that the budget committees (with the Appropriations Committees) shall translate the targets established in the concurrent resolution for the 14 major functional categories into targets for each spending bill to be considered by the Senate and House after the concurrent resolution is adopted. The effective operation of the crosswalk is critical to the success of the budget reform. It will be on the basis of the targets derived from the crosswalk that the scorekeeping process will occur. Each committee and subcommittee reporting budget authority bills must know what its target is, as must the Congress. If, for example, the Senate is about to vote an increase in the funding contained in the bill above the target, it should know that it is about to breach that target. Without the discipline of the targets and the scorekeeping process, the total of the budget authority bills actually voted by Congress may very substantially succeed the spending level in the first concurrent resolution, and jeopardize the effectiveness of the reconciliation process.

The second purpose of the division required by the Senate bill was to force a more realistic debate on spending and priorities. Too few members understand the extent to which spending for a great many programs is uncontrollable. It is easy, but extremely misleading, to propose substantial budget cuts when it is almost literally impossible to cut back spending without taking the cuts entirely out of the ever-smaller portion of the budget which is really controllable. Were the concurrent resolution to contain the divisions required by the Senate bill, the debates on priorities for spending would be better informed.

The committee of conference agreed to delete the requirement that the first concurrent resolution contain the further division. Instead, this division is required in the budget committees' reports on the resolution. However, in section 301(a)(6) the conference report provides that the budget committees may, at their discretion, include in the concurrent resolution—

> Such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

Under this provision, it is clear that the budget committees may include the further division, or some variation or modification of it, if they determine that it is necessary to make the essential crosswalk and scorekeeping procedures of the bill effective. In short, the dele-

tion of the requirement that the concurrent resolution contain the further division of the 14 major functional categories was not intended to limit the ability of the budget committees to include that breakdown in the first concurrent resolution itself.

III

Mr. President, a variety of funding devices are used in the budget and the status of some of these is to be modified by this legislation. For purposes of clarity and legislative history, therefore, I will review the main types of spending and their treatment in H.R. 7130.

Budget authority: This is authority provided by Congress to enter into obligations. Budget authority usually is furnished in annual appropriations, but it also may be provided in permanent appropriations and through backdoor procedures such as contract or borrowing authority.

It is important to note that budget authority relates to authority to obligate—not to spend—Government funds. Through its enactments, Congress has control over the obligations but not the outlays of Federal agencies. Once the budget authority has been granted, Congress traditionally has had no control over the timing of the expenditure. One of the purposes of the congressional budget process is to give Congress a measure of control over outlays.

Section 3 of the legislation excludes guaranteed and insured loans from the definition of budget authority. These loans are contingent liabilities of the United States and are not direct obligations.

The appropriate level of new budget authority is to be set in the first concurrent resolution on the budget, section 301, to guide Congress in its subsequent consideration of appropriations and other spending bills. The appropriate level of new budget authority in the second required budget resolution, section 310, is a firm ceiling and may not be exceeded in later congressional actions, unless Congress were to revise the ceiling during the fiscal year by means of a new concurrent resolution.

Outlays: This term refers to the amount of expenditures and net lending made during a fiscal year. Net lending is the excess of borrowings over loan repayments. Budget authority is the source of all outlays for under the Constitution money may be drawn from the Treasury only pursuant to an appropriation.

The amount of outlays in a particular fiscal year is determined by the current and past actions of Congress in providing new budget authority. More than $100 billion in fiscal 1975 outlays derives from past enactments and at the end of the fiscal year the unspent budget authority available for outlay in future years will exceed $300 billion. This pipeline is one of the main reasons why 75 percent of the outlays in the 1975 budget are uncontrollable.

The appropriate level of outlays is to be set forth in the first and second, and any additional budget resolution. Although appropriation bills only indicate the amounts of new budget authority that are to be provided, committee reports accompanying such bills are to project the 5-year outlays resulting from them, and the Congressional Budget Office is to furnish various status and scorekeeping reports relating to the effects of congressional actions on budget outlays, section 308.

Functional allocations of budget authority and outlays: The total budget authority and total outlays set forth in a budget resolution are to be allocated among major functional categories. As I discussed above, at the present time there are 14 such major functions in the President's budget and under the bill, these may be changed only after consultation with Congress, section 802. The major functions are: national defense, international affairs and finance, space research and technology, agriculture and rural development, natural resources and environment, commerce and transportation, community development and housing, education, and manpower, health, income security, veterans benefits and services, interest, general government, and general revenue sharing. A special, crosscutting energy category was introduced in the 1975 budget.

The functional categories overlap the appropriations categories used by Congress. Accordingly, the congressional budget reform legislation provides two crosswalk procedures before and after adoption of the budget resolution. The committee report accompanying a budget resolution is to indicate how the amounts were derived and the relationship of the functional allocations to other budget categories, section 301(d)(8). In addition, the joint explanatory statement of the managers accompanying a conference report on a budget resolution is to provide an estimated allocation among various congressional committees. The House and Senate Appropriations Committees, after consulting one another, are to subdivide their allocations among subcommittees, thereby providing a concrete basis for subsequent scorekeeping reports.

Tax expenditures: These are credits, deductions, and exemptions which have the effect of reducing the amount of Federal income tax paid by an individual or corporation. They are named tax expenditures because they have the same subsidy effect for the recipient as a direct expenditure.

In recent years, awareness of the scope and magnitude of tax expenditures has expanded, and are estimated to be in excess of $50 billion per year. The budget reform bill provides for inclusion of tax expenditures estimates in the President's budget, the tax expenditure budget, section 601, committee reports on budget resolutions, section 301(d)(6), committee reports on tax expenditure measures, section 308(a), and Congressional Budget Office scorekeeping reports, section 308(b). In addition, the Budget Committees are charged with the responsibility of requesting and evaluating tax expenditure studies, section 101 and 102. The result of these provisions should be a new congressional awareness and public knowledge of the costs of special tax exclusions, exemptions, deductions, or credits.

No special controls are imposed on tax expenditure legislation. However, after adoption of the second budget resolution, Congress would not be permitted to consider an increase in tax expenditures that would have the effect of reducing revenues below the level specified in the latest resolution.

I wish to call particular attention to the contribution of my distinguished colleague from New York (Mr. JAVITS) in writing these tax expenditure provisions into the bill.

Off-budget agencies: With adoption of the unified budget in 1968, all Govment funds and agencies were included in the budget. However, since 1971 at least six agencies have been granted off-budget status, that is, their financial transactions are not included in the President's budget, though they are annexed to it in the budget Appendix. The six agencies are the Environmental Financing Authority, the Export-Import Bank, the Federal Financing Bank, the Rural Electrification and Telephone Revolving Fund, the Rural Telephone Bank, and the U.S. Railway Association. The off-budget status of some of these agencies also includes exemption from any statutory ceiling on total budget authority and outlays. In fiscal 1975, the outlays of the off-budget agencies will be above $3 billion.

Section 606 of the budget reform bill calls for a study of off-budget agencies by the House and Senate Budget Committees. The statement of managers on the conference report indicates that off-budget funds need not be included in the budget authority and outlay amounts in the congressional budget resolution.

Contract and borrowing authority: The budget reform bill makes a substantial change in the status of contract and borrowing authority. Contract authority is the authority enacted by Congress for an agency to enter into a contract in advance of appropriations. Borrowing authority is the authority given to an agency to borrow from the Treasury, public debt receipts, or directly from the public, agency debt receipts. In the case of contract authority, an appropriation is made after an obligation has occurred when funds are needed to liquidate the obligation. In this circumstance, the appropriation is an uncontrollable act, for Congress has no alternative but to fulfill the obligation. In the case of borrowing authority, the borrowed funds have the same impact on the Treasury and on fiscal policy as a direct expenditure. Often, borrowing authority is used for commercial-type operations and is in the form of a revolving fund. As a loan is repaid to the agency, its borrowing authority is restored by an equivalent amount.

Contract and borrowing authority are two of the main forms of backdoor spending. The term used for them in the bill is spending authority. Backdoor spending does not go through the regular appropriations process, and there is a tendency for Congress to increase backdoor authority above the amounts requested by the President while reducing regular appropriations below the President's budget.

Under the budget reform legislation, new contract and borrowing authority no longer would have the status of budget authority. That is, it no longer would be permitted to enter into obligations or to borrow pursuant to such authority. Rather, the authority would have to be provided in appropriations acts. The net effect, therefore, would be to change new contract and borrowing authority into conventional authorizing legislation, with funds available only to the extent provided in subsequent appropriations (section 401(a)).

This new procedure would not apply to existing contract or borrowing authority. Nor would it apply to certain exempted programs such as social security trusts, 90-percent self-financed trust funds, or Government corporations.

Entitlement authority: This is another type of backdoor spending in which Congress entitles a person or a government to certain benefits and the money must be provided either in subsequent appropriations or in permanent appropriations, that is budget authority which becomes available without current action by Congress. Even when entitlements are funded through the appropriations process, Congress must provide the money required for the entitlement. Thus, the last point at which an entitlement can be effectively controlled is before the entitlement is enacted. Well over $100 billion of uncontrollable spending in the 1975 budget derives from mandatory entitlements.

The budget control bill establishes a variety of procedures for new entitlement legislation. First, such legislation may not be considered prior to adoption of the first budget resolution, section 303. The purpose is to enable Congress to determine entitlements in the light of its overall budget policy. Second, a new entitlement cannot take effect before the start of the next fiscal year, section 401(b)(1). The objective is to enable Congress to reconsider the level of entitlements in its second budget resolution and in a subsequent reconciliation process, section 310.

Third, entitlement bills as well as omnibus social security legislation may be considered even if they have been reported after the May 15 deadline for the reporting of authorizing legislation, section 402(e). Inasmuch as they may not be considered on the floor prior to May 15, it would be inappropriate to apply the May 15 reporting deadline to them. In the case of social security programs, the deadline is waived to allow consideration in the same omnibus bill of closely related programs.

Fourth, if it exceeds the relevant allocation in the budget resolution, an entitlement bill is to be referred to the Appropriations Committee, with a 15-day limit. The Appropriations Committee can report the entitlement with an amendment limiting the amount of new authority provided by it. Thus, unless it is within the budget resolution figure, an entitlement bill will be subject to Appropriations review. This referral procedure does not apply to social security and 90-percent self-financed trusts or to Government corporations. The status of general revenue sharing is to be determined in subsequent legislation.

VI

The final bill contains important provisions of interest to State and local governments. Most of these provisions were written by the Government Operations Committee, in coordination with organizations representing these governments, and they have been retained intact in conference. In addition, the bill contains the potential exemption for revenue sharing which was included in the bill by the Rules Committee. These provisions are:

First. Section 301(d)(7). This section provides that the report on the first concurrent resolution include "a statement of any significant changes in the proposed levels of Federal assistance to State and local governments." This provision was section 301(c)(5) of the Senate-passed bill.

Second. Section 303(b)(1). This section provides that bills providing "new budget authority which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies" may be considered by both Houses before the concurrent resolution is adopted on May 15 each year. Jurisdiction over such bills is retained by the Appropriations Committees. This was section 303(b)(3) of the Senate-passed bill.

Third. Section 308(a)(1)(C). This section provides that whenever a committee of either House reports a bill providing new budget authority, but not continuing appropriations, the committee's report shall contain a statement, prepared after consultation with the CBO Director, detailing "the new budget authority, and budget outlays resulting therefrom, provided by that bill or resolution for financial assistance to State and local governments." This was section 308(a)(3) of the Senate-passed bill.

Fourth. Section 401(d)(2). This section provides that Congress, when reauthorizing the general revenue sharing program in 1976, may provide that the authorization bill need not be subject to funding through the Appropriations Committees. However, the provision does not exempt the revenue sharing act from coverage under title III: revenue sharing must be included in the first concurrent resolution and it is subject as well to the reconciliation process. Same section as in the Senate-passed bill.

Fifth. Title VIII, amendment to Section 203(d) of the Legislative Reorganization Act of 1970, page 37. This section provides that the OMB, cooperating with the CBO, GAO, and representatives of State and local governments, shall provide to such governments fiscal and program data necessary to help them determine accurately and timely the impact of Federal assistance on their budgets. Same section as in the Senate-passed bill.

V

Finally, Mr. President, I would like to call attention to the bill's provisions for openness. A very important element of this reform is to bring out into full public view congressional budget procedures that, by their complexity, tend to confuse and obscure them from public understanding.

The bill contains at least three explicit provisions that will add measurably to public understanding. I have already alluded to one of them, that is the new visibility given to tax expenditures.

The second openness provision requires open operation of the Budget Committees themselves. Under the bill, the Senate Budget Committee must conduct all of its business in public unless it votes to close its meetings for one or several specific reasons. This is the first committee of the Senate to be under such a requirement. It is a forerunner, I am sure, of the procedures that we will soon apply to all Senate committees. Our own experience in the Government Operations Committee, which adopted an openness rule at the beginning of this Congress, has unquestionably shown that openness works.

The third provision is that the Congressional Budget Office make available to the public budget information that it obtains from the executive branch and other congressional agencies. These latter provisions were included in the bill at the suggestion of common cause.

However, there will be an even greater public information value in the budget bill as a result of the operation of the new procedures. The bill provides a new vote, or series of votes, on budget aggregates. For the first time the public can hold us accountable for our fiscal actions by monitoring out votes on the concurrent resolutions and the reconciliation measures. Will we set targets for ourselves only to exceed them? Or will we act with self-discipline and apply our self-created budgets to our actual spending actions. By creating a congressional budget process we enable the public to relate our spending and revenue-raising actions to their own family budget practices.

In conclusion, Mr. President, I should like to mention also the great contribution that the chairman of the Rules Committee, the Senator from Nevada (Mr. CANNON) has made. Without his help and the help of the ranking minority member on the Rules Committee, the Senator from Kentucky (Mr. COOK), we simply could not possibly have moved this legislation forward.

Although Senator COOK is necessarily absent today, I would like very much for the record to show that he has played an important role in the drafting of this most important legislation. As the ranking minority member of the Senate Rules and Administration Committee, he was a member of the House-Senate conference which drafted the report we are now considering, and he has approved and signed the report.

Although he will be unable to vote today, he has asked to be positioned in favor of the bill. His contribution has been invaluable, and he deserves our thanks.

I want to mention just a few members of our professional staffs for commendation. Allan Shick, senior specialist of the Library of Congress Congressional Research Service has made a crucial contribution to this bill. Our Senate legis-

lative counsel, Harry Littell, also merits special commendation for the skill and acuity with which he has, again and again, prepared the drafts of the bill in all the stages through which it has gone.

Other members of our staff deserve our appreciation. Alvin From, staff director of the Intergovernmental Relations Subcommittee, has played a very important role in fashioning this bill, as has Herbert Jasper, the general counsel of the Committee on Labor and Public Welfare, and Robert Smith, chief counsel of our own Government Operations Committee, and Bill Goodwin of the committee professional staff, with whom we have worked very closely.

The staff of the Committee on Rules and Administration, headed by its distinguished staff director, William McWhorter Cochrane, deserves special thanks. Under his direction and that of Joseph O'Leary, the committee minority counsel, and with the particular assistance of James Medill, Anthony Horney, John Coder, and Jack Sapp, the Rules Committee held hearings, redrafted, and reported S. 1541 in what must surely be considered record time for such an important and complex bill.

I want also to thank Robert Vastine, Minority Counsel of the Government Operations Committee, for his dedication to the objective of passing this extraordinarily important legislation. He has shown, through his tenacity, through his perseverance, through his sacrifice of personal life, really, this past year, a dedication which I think is symbolic of the staff, and many staffs of the U.S. Senate, and to him I am personally indebted, as are all members of the committee.

I also wish to thank Robert Wallace, who has served as consultant to the Government Operations Committee throughout our work on this bill. Mr. Wallace has just been made president of the Exchange National Bank of Chicago, and I know our chairman joins me, as he has commended Mr. Wallace on a number of occasions, in congratulating him on this very important new assignment and extending to him our best wishes. Certainly, no person out of private life could have contributed more substance on a more important piece of legislation of lasting value than in the present budget reform bill that is before the Senate.

I thank my distinguished colleague for yielding.

Mr. ERVIN. Mr. President, in addition to the Senators whom I have heretofore mentioned in connection with their contributions to this legislation, I would like to mention Senators JACKSON, RIBICOFF, and ALLEN, of the Government Operations Committee, and Senators CANNON, ROBERT C. BYRD, and COOK, of the Committee on Rules and Administration.

The Senator from Alabama (Mr. ALLEN) made a great contribution because he happened to have been a member of both the Government Operations Committee and the Committee on Rules and Administration, and he deserves the thanks of us all for his efforts.

CONTROLLING IMPOUNDMENTS

Mr. HUMPHREY. Mr. President, the Senate is indebted to the work performed by the senior Senator from North Carolina and his colleagues. Their efforts on the budget reform bill are to be commended.

I am particularly interested in the provisions of title X dealing with impoundment control. Does the Senator believe that the information submitted by the President, in the form of special messages and monthly reports, will be adequate for congressional review and action?

Mr. ERVIN. The Senator from Minnesota puts his finger on an essential aspect of impoundment control: the quality of reporting by the executive branch. He is author of the Federal Impoundment and Information Act of 1972. Ever since the passage of that act he has been active in monitoring the timeliness and substance of OMB impoundment reports. He has been disappointed with their quality. So have I, and criticism has come from many other quarters. When the Senate Committee on Government Operations reported out S. 373, the impoundment control bill, it raised a number of objections as to the incompleteness and lack of clarity on OMB impoundment reports.

I think I can assure the Senator that the budget reform bill contains incentives for better reporting. If the President wants our support for a proposed rescission or deferral, he will have to document his case and thoroughly set forth the reasons. If his reports are inadequate, he simply will not have the support of Congress.

Mr. HUMPHREY. To the extent that he needs our support, I agree that this bill contains incentives for better reporting. But there are three types of reports: two special messages—one for rescission and one for deferral—and a monthly report. I think the incentives are different for each. The incentive would be highest for a rescission special message, because there he needs the support of both Houses within 45 days. It is probably a little lower for a deferral special message, which allows an impoundment to continue unless disapproved by one House. There the burden is on Congress to overturn a proposal. I think the incentive is at its lowest ebb on the monthly reports. I am particularly concerned that those reports may come to resemble what we now receive on a quarterly basis.

But let me first ask a general question. Does the Senator agree that reporting must be of the highest quality when impoundments are of the policy variety, whether they appear in a rescission special message, a deferral special message, or a monthly report?

Mr. ERVIN. The Senator is correct. If funds are held in reserve for routine purposes—pursuant to the Antideficiency Act or in response to some other specific legislative authority—extensive reporting is not necessary. But the quality of reports for police impoundments must be of the highest order.

Mr. HUMPHREY. Does the Senator agree that while no precise definition exists for policy impoundment, we can agree upon certain general understandings?

Mr. ERVIN. The Senator is absolutely correct. When OMB first supplied us with voluntary impoundments reports, back in 1971 and 1972, they distinguished between routine and nonroutine impoundments. But that distinction was not used in implementing the Federal Impoundment and Information Act. Every action, whether routine or policy, was mixed together in one report.

I think the concept of a policy impoundment is reasonably clear. If the President proposed to terminate a program, that is certainly a policy action. He seeks to undo through impoundment what we have achieved through legislation. Policy is also involved when the President seeks to curtail a program as part of his anti-inflation efforts. Why did he single out that program among all others? That, too, is a policy action.

Mr. HUMPHREY. There is no doubt about either of those categories. I think policy impoundments also include situations where the administration seeks to restrict a program to the level requested in the President's budget. He then impounds any additional amounts provided by Congress. For example, in fiscal 1971 the President impounded all of the add-on money for public works. He proceeded to administer only public works projects that had been included in his budget, completely ignoring all of the extra funds and projects voted on by Congress. Moreover, in fiscal 1973 we had problems with continuing resolutions covering Labor-HEW programs. The President restricted health and education programs to the levels of his budget request, even though higher levels had been voted on by the House or Senate. Many of those impoundment actions reached the Federal courts, and in every single instance the courts held that the President should have administered the programs at the higher congressional levels. So this is another area of policy impoundment.

Mr. ERVIN. Those examples help to illustrate what we mean by policy impoundment. I think we can generalize by saying that a policy impoundment is an instrument used to pursue the administration's goals at the expense of those enacted by Congress.

Mr. HUMPHREY. That is it in a nutshell. A policy impoundment occurs when the administration opposes the scope or design of a program enacted and funded by Congress. Under those types of situations, and the ones we have described, the monthly reports and special messages must delineate with considerable detail the reasons for withholding budget authority.

Mr. ERVIN. The Senator is correct. We expect a full and complete disclosure of the administration's position for proposing a policy impoundment. No generalized codes will do. That is not an unreasonable request. I doubt if there are more than a few dozen policy impoundment actions a year. The reports and special messages should give them special treatment.

Mr. HUMPHREY. It makes no sense to have a Member plow through a report containing hundreds and hundreds of routine impoundments in order to locate a few significant items.

Mr. ERVIN. No; we should not have

to do that. Unless policy actions are highlighted and given individual attention, perhaps by being set aside in a separate section, reporting becomes deceptive and confusing.

Mr. HUMPHREY. A mediocre and incomplete handling of policy impoundments can be disguised or obscured by adding a multitude of detail on routine, insignificant actions. That type of puffed-up report is not useful to us.

Mr. ERVIN. I have found that to be the case. The quarterly impoundment reports now submitted to Congress have not been helpful for congressional action. The body of the report is limited to the technical concept of budgetary reserves, which is not what you requested in the Federal Impoundment and Information Act. The reports appear to be organized and structured for the convenience of executive officials rather than for the convenience of Congress. Commonsense and good-faith efforts would have produced a more useful report for us.

Mr. HUMPHREY. And for the public also. Impoundment reports must be comprehensible to them as well.

Mr. ERVIN. That is right. It is their money. The programs are being enacted and implemented for the public.

Mr. HUMPHREY. I am glad to hear that from the senior Senator from North Carolina. We are setting up a structure of decisionmaking on impoundment, to be shared by both branches. Good-faith efforts and openness are crucial for that kind of structure. If the Executive thinks funds should be rescinded or deferred, let him state the case publicly and openly. Let him argue his case and give reasons. If they are sound and persuasive, I am confident that Congress will support him. We do not want to waste public funds. But a full justification is his responsibility. We should not have to dig around, make calls to agencies, hold hearings, and wade through unfocused and confusing impoundment reports to find out why a program or activity is scheduled to be curtailed or terminated.

Let me ask a final question about the reports required by this budget reform bill. For either special message, the President must report—to the maximum extent practicable—the estimated fiscal, economic, and budgetary effect of the proposed rescission or deferral. The same requirement appears in the Federal Impoundment and Information Act. Is the Senator satisfied with the way that OMB has implemented that portion of the act?

Mr. ERVIN. Do you mean by the use of codes?

Mr. HUMPHREY. That is correct.

Mr. ERVIN. I do not think that the codes are responsive to the act. They are too generalized and obscure. For example, the most frequently used code, which is code I, reads as follows:

> Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

What is Congress or the public supposed to make of that? It says, in essence: "Go to the budget and try to find it there." None of the other codes used for estimated fiscal, economic, and budgetary effects are sufficiently useful or comprehensive to include in an impoundment report. Particularly when it comes to the policy impoundments, we expect specialized treatment for each action. They should state, with narrative and statistics, the estimated fiscal, economic, and budgetary effects for proposed recessions and deferrals.

Mr. HUMPHREY. I thank the Senator for that clarification.

Mr. ERVIN. Mr. President, I would like to add one further word. I had hoped this bill would contain a provision providing for the salary of the Director of the Congressional Budget Office equally between the Senate and the House. Representative RICHARD BOLLING, who has done yeoman work on this legislation in the House, had agreed on that being done, but, unfortunately, under the House rules, after the conference report had been approved by the conference, it was not possible to get that done.

The provision in this bill would provide that appropriation reports for this new Budget Commission and also for the Congressional Budget Office shall be made in the legislative appropriation. The present bill provides, in section 201, subsection (f), that until an appropriation is made, the operating funds be paid out of the Contingency Fund of the Senate.

The Senator from Maine (Mr. MUSKIE) yesterday engaged in a coloquy with the Senator from South Carolina (Mr. HOLLINGS), who always handles for the Appropriations Committee the Legislative Appropriation bill, in which the Senator from South Carolina promised that this matter would be handled in a supplemental bill.

For that reason, we can look forward to the time when the matter of finances can be satisfactorily adjusted between the Senate and the House, and at that time we can get an appropriation providing for this particular salary as between the two Houses.

One other member of the committee who did a great deal of work on this bill is the Senator from Georgia (Mr. NUNN), and I think he would like to make a few remarks at this time.

Mr. NUNN. Mr. President, I thank the distinguished Senator from North Carolina for allowing me time for a few brief comments on what I think is a very significant development in the presentation of this final conference report in the Senate.

First, I want to compliment the staff of the committees for their excellent work, both of the Government Operations Committee and the Rules Committee, which also considered this legislation after the Government Operations Committee approved this bill. I want to thank a young man who did a lot for me, on my personal staff, as we worked on this bill. He has been a member of the Government Operations Committee for some time, Mr. Nick Bizony, who was one of the most knowledgeable staff members, and certainly rendered considerable service to me on the committee.

Also, I want to commend the director of the staff of the Government Operations Committee, Mr. Bob Smith, who did so much to guide the efforts on the bill. He not only directed the staff generally in the Government Operations Committee, but also made it a top priority item and helped guide it through the Senate and the conference.

Mr. President, I am most gratified that today, after some 15 months or more of major efforts in both Houses, we will be casting the final vote on what I believe is one of the most significant pieces of legislation to come out of Congress in a good many years.

The efforts of the Subcommittee on Budget and Accounting in the Senate really, I do not think, can be overemphasized. The Senator from Montana (Mr. METCALF) did a yeoman's job in coordinating, in pushing, in reconciling the varying views so that the subcommittee could finally present *its bill* to the full Committee on Government Operations. There were many strong disagreements within the subcommittee, and the Senator from Montana (Mr. METCALF) himself took very strong positions, as did I and other Members. However, after the decision was made, he, as chairman of the subcommittee, was primarily responsible for reconciling the views and getting us back on track, keeping in mind that the overall objective was budget reform.

The Senator from Maine (Mr. MUSKIE) did outstanding work. I do not know of anyone who contributed more of his time, effort, and substance. A great deal of this legislation is the result of those efforts.

Also, I would like to say exactly the same thing regarding the Senator from Illinois (Mr. PERCY). He spent hundreds of long hours—he and his staff—in their efforts, and the overall goal was never lost sight of. So much of the substance of this legislation is directly a result of his input.

Also, the Senator from North Carolina's part in this endeavor cannot be overemphasized. Once the bill reached the full committee, we would never have been able to get it passed here on the floor, without his continuing leadership and effort. Without the lending of his great prestige, and his making it a top priority item for Congress, we would not have this historic legislation before us today. So his role will certainly be remembered.

Senator ERVIN, I contend, will be remembered for years to come not alone for his efforts in the investigation that has taken place in this country for the last 18 months, but I predict that, historically, this bill, which he has guided through the Senate, which he has commanded through conference, will go down as one of his foremost contributions to the United States of America and to this body. I do not think it will be forgotten in the annals of history, nor will his efforts in this regard.

The Senator from Kentucky (Mr. HUDDLESTON) also made great contributions, as did Senators BROCK, ROTH, and CHILES.

We have before us the conference report on H.R. 7130, perhaps better known here as S. 1541, now called the Congressional Budget and Impoundment Control Act of 1974. I feel that the conferees have done an excellent job, combining, in

most instances, the best features of the measures passed in each House, and presenting us with a meaningful, practical, and realistic mechanism for responsible exercise of the most basic congressional power: the power of the purse.

I am particularly pleased that the measure recommended by the conferees retains the prohibition which I proposed on the floor against spending, revenue and debt action until after adoption of the first concurrent budget resolution each year. We must have a comprehensive plan before we take action that would affect either the debt, the revenue or the spending of our Nation. Having this overall plan first is absolutely vital to the very concepts of budgetary control.

I am also pleased that the conferees retained the basic structure of the measure as passed by this Chamber with respect to control of what are often loosely called "trust fund" or "self-financing" programs. The report recommends, as the Senate bill provided, that certain safeguards of the budget control system shall be relaxed only with respect to programs that are truly 90 percent or more self-supporting. Some earlier versions of this legislation left a loophole in this area that I, for one, found most dangerous. My Senate colleagues agreed with me and adopted my floor amendment to close this loophole.

I do feel constrained not to leave the subject without pointing out a potential pitfall or two because I do not think that even this bill today which has, I think, the very best efforts of what we are able to put together now as the final product, is going to be enough to really come to grips with fiscal responsibility in this country.

I believe that this is the beginning. I believe that this is the foundation, a very good foundation; but I believe in the future we will have to build on this foundation. In my estimation, we will have to tighten to some degree some of the procedures as we move along to insure that our overall purposes are complied with.

I do think the conferees diluted to some extent several of the requirements that we had here in the Senate relating to the comprehensive nature of the budget resolution. But, I am glad that they did put in a provision which allows the budget committee to make the first concurrent resolution more comprehensive in the sound discretion of the committee. I believe that the committee, perhaps not the first year but as we move along, will use that sound discretion in making that resolution even more comprehensive than is absolutely mandated under the final report.

I also continue to believe, Mr. President, that at some point we are going to have to come to grips with the so-called triggering provision. I do not quarrel with those who feel that it is a step that goes beyond what we should do at this time. I, perhaps, am also of that opinion now, although I have consistently maintained that at some point we are going to have to have a triggering process which is necessary for full control. Hopefully, we will not lose sight of this and, particularly, I hope that the Budget Committee does not lose sight of this, as a possible option as we proceed, as we experiment, and as we try to develop a final process which will indeed be satisfactory in the overall fiscal discipline.

Despite one or two misgivings, however, I am generally optimistic about the product. It embodies a system which will spotlight our fiscal and economic actions and which clearly delineates our priority choices.

One thing that we have done throughout this entire bill and its development, those on the liberal side, those on the conservative side, and those in between have tried to create a neutral mechanism that does not reflect the political preferences toward spending of any particular philosophy, whether it be liberal or conservative. We have sought to develop a neutral mechanism on which this body can work its will each year. I am sure that the reflection and the final product of the spending each year will vary, depending on what the Senate chooses, whether it be a program geared more to domestic spending, to foreign spending or to military spending.

We have the best possible example of a neutral mechanism that we could presently devise here before us today, and I hope, the Senate will give final approval to this measure.

I believe that people of every persuasion who worked on this legislation, all Senators particularly with whom I am familiar, agree that it should be a neutral mechanism. No one here today contends it is going to in any way insure spending in one arena or another, whether it be in the national security area or whether it be in our domestic needs.

The American people who are concerned with continuing deficits, with rampant inflation, and with fiscal irresponsibility will now have a focal point on which they can make their voices be heard and on which their philosophy can be reflected.

I believe the system is workable. That is not to say that I believe it will work automatically. Like any rule or procedure that we impose on ourselves it is we here in the Senate and also in the House who must make it work.

Our task is far from complete, but I am confident that we will carry it through. The measure before us today gives us a long needed tool to help accomplish this budgetary discipline which is so important to our Nation.

Mr. MUSKIE. Mr. President, would the Senator yield?

Mr. NUNN. I will be glad to yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, I would like to take this opportunity to commend the distinguished junior Senator from Georgia for his contribution in the development of the bill that is before us.

He was a member of Senator METCALF's subcommittee. I was privileged to be a member as well. The distinguished Senator and I did not always agree in our votes on this measure as it developed in the subcommittee. But I must say that I was impressed with his ability to grasp the complexities of the problem, to deal with them, to develop viable ideas for resolving them and then, with the qualities of character and personality that enabled him to work amicably with those of us who disagreed with him. I think it was a very interesting exercise.

I was especially pleased on a personal basis with the column that appeared in this morning's Washington Post by Stephen S. Rosenfeld entitled "Senator Nunn's NATO Maneuver."

I think that Mr. Rosenfeld did an excellent job in capturing the essence of the distinguished Senator's abilities that he has demonstrated in the Committee on Armed Services and on the floor of the Senate.

I ask unanimous consent, Mr. President, that this article be included in the RECORD at this point with my comments.

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

SENATOR NUNN'S NATO MANEUVER

(By Stephen S. Rosenfeld)

Sam Nunn (D-Ga.), 35 years old, not 20 months a United States Senator, saved NATO the other day. His was as solid and deft a parliamentary performance in the national security area as the Congress has seen in years, belying the common notion that a legislator must have seniority or "power" to get something important done.

What Nunn did was to block—and rechannel—a campaign led by Senate Majority Leader Mike Mansfield (D-Mont.) to demobilize 125,000 men out of American ground forces overseas. This was the 1974 model of the now-traditional "Mansfield Amendment" to enact unilateral troop cuts in Europe.

Anticipating this campaign, Armed Services Chairman John C. Stennis (D-Miss.) last February sent the member he has called "last but not least" on his committee, on a study mission to Europe. Nunn, a great-nephew and once a staff aide of the late House Armed Services Chairman Carl Vinson (D-Ga.), occupies the Senate seat—and the Armed Services seat—of the late Richard Russell (D-Ga.). "We have military bases in Georgia," Nunn explains. "People in the South are much more tuned to a military and patriotic spirit than some of the other sections."

A lawyer and four-year state legislator, Nunn recalls putting in 100 hours preparing for his European trip—"getting through the first layer of propaganda." His report, "Policy, Troops and the NATO Alliance," though covering an oft-plowed field, nonetheless startled specialists with its freshness and command.

Nunn thinks the Mansfield Amendment approach could produce results—lowering the nuclear threshold, undermining the force-reduction talks—that the country wouldn't like. He concluded his report with a call for the administration and Congress to find together "a long-range NATO stance that we are willing to live with, politically, economically and militarily."

In pursuit of just such a joint long-term stance, Nunn then wrote three amendments to the basic military procurement bill.

Nunn had already, last year, joined with Sen. Henry Jackson (D-Wash.), an acknowledged expert at legislating policy by amendments, to sponsor an amendment requiring the NATO allies to pick up a greater share of the cost of maintaining U.S. troops in Europe or to face a reduction in U.S. troop commitments. That amendment, almost everyone agrees, has been extremely effective, where years of State Department entreaties had not.

The three new amendments were designed to provide a constructive alternative to Mansfield, one answering to the same world-weariness and the same felt need to update

American policy but doing so in a way that would not upset negotiations with the Russians or unduly alarm the Allies.

One amendment makes it the sense of Congress that NATO support units (the Alliance's notoriously long "tail") be cut by 20 per cent in two years, the men to be replaced—if the administration chooses—by combat soldiers ("teeth").

The second requires the Pentagon for the first time to justify the numbers and purposes of the outsized and unplanned U.S. force of 7000 "tactical" nuclear warheads in Europe. Sen. Stuart Symington (D-Mo.) had investigated this matter during the year but it took Nunn with his non-threatening Southern manner to move into it legislatively.

The third amendment compels the Pentagon to report on what it's doing to reduce the costs and the loss of combat effectiveness stemming from failure to standardize NATO equipment.

Politically, these amendments have a broad appeal, promising more military efficiency to defense conservatives and greater civilian control and lower costs to defense liberals. Ideologically, they are neutral. The Armed Services Committee endorsed them unanimously, though House conferees' approval remains uncertain.

In the Senate debate on the Mansfield Amendment the other day, Nunn, who is a pleasant-looking soft-spoken fellow with a drawl, stood right up to the Majority Leader. He was well prepared. He had a folksy Georgia story about a preacher ready for a change of pace. Quite firmly, he managed to steer the whole debate away from the controversial ground of whether in general the United States should be doing more or less, into the smoother area of how specifically we ought to proceed. And, in a word, he won.

When I talked with Nunn about this a few days later he was sure, but self-effacing, pleased with his success while intent on saying nothing that could give umbrage to his Senate brethren. He is not one for debates on great issues. He thinks national security debates can and should be waged on the basis of what is "effective and sensible." You must be armed with a good bit of background to get down to the quick," he added.

What will Nunn be looking into next? His chairman Stennis wants him to get into personnel, he said—it takes 57 per cent, by some counts 67 per cent, of the military budget. I found myself thinking: Go, Sam, we're watching.

Mr. MUSKIE. Mr. President, the Senator has now impressed me with respect to his work on the budget bill and with respect to his work in the Armed Services Committee, and I predict a promising future for him in the Senate.

Mr. NUNN. Mr. President, I thank my colleague and friend from Maine.

I will say many times during the course of this budgetary hearing, which took hundreds and hundreds of hours, and which received very little attention from either the public or the media for a long time, the Senator from Maine and I did disagree on occasion. Many times, however, I was persuaded by the fundamentally sound logic that my colleague from Maine displayed.

I will have to confess that sometimes I kept arguing even after I was convinced he was probably correct.

Mr. MUSKIE. It is a typical senatorial trait, I might say.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, may I say to the distinguished Senator from Maine and the distinguished Senator from Georgia that I had also intended to ask that the commentary which appeared in this morning's Washington Post entitled "Senator Nunn's NATO Maneuver," written by Stephen S. Rosenfeld, be printed in the RECORD, because I think it is a commendatory and worthwhile article, and I wish to join the distinguished Senator from Maine in all the kind words—and well deserved they were—which he had to say about the Senator from Georgia. I ask the Senator from Maine if he will allow me to have the privilege of joining with him in inserting this commentary in the RECORD.

Mr. MUSKIE. I am proud to have the Senator join me in that request.

Mr. NUNN. Mr. President, I thank the majority leader, and I really would like to say in reply that I believe the majority leader has done as much as anyone I know to point out many of the real, legitimate frustrations that we in America have with our NATO allies. I believe the majority leader's work in this regard has contributed significantly to real movement within the alliance to address many of these legitimate grievances. I believe the alliance is moving now, and I believe much of that movement can be attributed to the efforts of the majority leader in pointing these problems out. Although we did not agree on the conclusion, we did agree on many of the frustrations. I look forward to the opportunity to continue to work with the majority leader, the Senator from Maine, and many others to move toward correcting many of these frustrations we do have in dealing with our NATO allies, because I think NATO remains an important part of our national security as well as the security of the NATO countries.

Mr. MANSFIELD. There will be a continuing effort, I assure the Senator.

Mr. President, I ask unanimous consent that the vote on the conference report occur immediately after the vote on the Wheat Convention.

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

Mr. MANSFIELD. Have the yeas and nays been ordered?

THE PRESIDING OFFICER. The yeas and nays have been ordered.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from South Dakota (Mr. MCGOVERN), I yield 3 minutes to the Senator from Maine.

Mr. MUSKIE. Mr. President, I understand that while I was temporarily off the floor, there was some discussion about the makeup of the budget committees. I would like to endorse the view that the budget committees be as broadly based and representative as possible, and that we do not resort to the rule of seniority automatically to exclude from the committees younger members who have shown an interest in this legislation and who offer the qualities of character and ability to carry that responsibility.

I know that this was the sense of much of the discussion in the Committee on Government Operations as we considered the budget committees, and I simply wanted to make this point on the Senate floor as we come to the closing moments of deliberation on this measure so that the record may be clear.

I thank the distinguished majority whip for yielding to me.

Mr. PACKWOOD. Mr. President, today, by joining in the House of Representatives' overwhelming approval of the conference report on the Congressional Budget and Impoundment Control Act of 1974, the Senate will finally take the long-awaited step to inject congressional discipline into the budget making process. Finally, the Congress of the United States will have shown long-overdue initiative in fiscal responsibility. At last we are not merely reacting to intrusion or presidential encroachment, though lessons of the past have provided a compelling spur; instead we are methodically planning for the future. Congress is not delegating to the executive; we are not frantically parrying off advances from the White House. Rather, the legislative branch of the Government is constructively and positively reorganizing to deal with the hard decisions of fiscal policy that we as a body have shirked and shunted for too long.

Little more than 20 months ago the situation was reversed; then, the Senate was considering an increase in the public debt ceiling and placing a limitation on expenditures. More importantly, the bill also carried a provision which would have in effect granted the President an item veto over any appropriation.

Above and beyond any past vote, had this measure passed with its grant of fiscal discretion to the President it would have crippled Congress and given the Presidency unassailable power. Worse than the Tonkin Gulf Resolution, such a provision would have enabled the President to rule supreme, across-the-board, in foreign and domestic affairs.

Thankfully, this extraordinary power was not granted to the President. The time has come when Congress must seize the reins of leadership and place this Nation back on the path of fiscal responsibility. Congress will never lead the Nation if it casts only a negative, defensive shadow, preventing Executive dictatorship but at the same time avoiding legislative leadership. It is a limbo of avoidance detrimental to this country's best interests. For if the Congress has lost its responsibility and sense of direction, the public will eventually lose, too.

The Congressional Budget and Impoundment Control Act of 1974 reconstitutes Congress proper role in budget formulation By establishing a tight congressional budget timetable, by realining the fiscal year, by creating House and Senate budget committees, and by creating a specialized Congressional Budget Office, we are providing the essential means for an effective legislative budget. Such action removes Congress from the budget policy dark ages, where we have softened from disuse over the years, and quite possibly might edge the budget nearer the black, which we have not witnessed in many a year of hardened deficit spending.

And so, Mr. President, I enthusiastically support the conference report with

only one cautionary thought. This legislation provides the necessary tools for reassertion of congressional budget formulation, and as I said earlier the first step is open to us, but the avenue ahead is long and steep. We have bemoaned the abdication of congressional prerogatives to the Executive in the past, and now with the promise of budget reform we must stick to our guns and we must have the resolve to follow through. It is high time we stopped the mere mouthing of outrage at fiscal irresponsibility. We must bite the fiscal bullet and forge ahead.

Mr. TOWER. Mr. President, I want to express my support for the conference report on the budget reform bill. This legislation establishes some rational mechanisms for the consideration of performing our constitutional duty with respect to the appropriations process. By enacting a definite time frame to consider overall spending limitations, the Congress will be achieving the first step on the road back to respectability.

Our greatest fault in the eyes of the American people has been the haphazard way in which we implement and modify the budget requests of the President. I firmly believe that the low standing given to the Congress in the opinion polls is due primarily to this inability to act responsibly on the Federal budget.

The conference report establishes a May 15 deadline for the consideration of authorization legislation. Consideration of authorizing legislation after that date could only occur upon the approval by the Senate of a waiver from the rule, and in the House after the Rules Committee adopted an emergency waiver. On February 5, I introduced Senate Resolution 275 which would have established a May 31 cutoff date for the consideration of authorization legislation. This resolution was a product of strong interest by the Republican Policy Committee in budget reform.

Title X establishes a mechanism to deal with the question of impoundment. While I believe the President was forced to initiate impoundments due to our inability to recognize our responsibility in keeping spending down, the procedure in the conference report is a reasonable one and in light of the questionable legality of the impoundment action up to this time, title X should result in a more balanced and rational resolution of these problems.

Mr. President, I applaud the work of those committees and their members who have worked so diligently on this legislation. The bill will prove to be of immense value to the Appropriations Committees which have been forced to fulfill their responsibilities under the most difficult circumstances. As a cosponsor of the Senate version of this budget reform bill, I want to record my strong endorsement of this legislation. At the same time, we should all note that the legislation only establishes a procedural means to carry out our responsibilities. It will be up to each and every Member to work in a positive fashion to secure a policy of fiscal responsibility in the Congress.

Mr. HATFIELD. Mr. President, this legislation is a cornerstone in efforts to restore public trust and confidence in Congress. It probably is the most important bill we have passed during this Congress.

The low estimation of Congress by the public stems in large part from a recognition by people that Congress is too haphazard in its taxing and spending policies. Meaningful budget reform legislation should instill greater responsibility on Congress as a body to face up to our fiscal duties.

Provisions of the bill controlling the President's ability to impound appropriated funds also should help restore a better balance between the executive and legislative branches of Government.

I also want to pay tribute to the leadership role played by Oregon Congressman AL ULLMAN in shaping this legislation in the House of Representatives. I recall he was the chairman of the committee that studied this hydra-headed problem, and he really gave a push to the final direction to the bill now before us. As a member of the Senate Rules Committee, I was involved in our committee's deliberations on this bill. I want to pay tribute to the Senators who worked hard at this difficult task of shaping the bill, and whose work helps Congress today take such an important step as we are doing in passing the budget reform bill.

Mr. CANNON. Mr. President, the Senate considers today the conference report on H.R. 7130, the Congressional Budget and Impoundment Control Act of 1974. The conference bill before you represents a compromise between the Senate's Congressional Budget Act of 1974, which passed the Senate unanimously on March 22, 1974, and the House of Representatives Budget and Impoundment Act of 1973, which overwhelmingly passed the House on December 5, 1973. I am pleased to report to you that this compromise conference bill retains the flexible and workable framework for a congressional budget process which was hammered out during the Rules and Administration Committee's deliberations with the other standing committees of the Senate, under the able leadership of Senator ROBERT C. BYRD, chairman of the Rules Committee's Subcommittee on Standard Rules of the Senate. The conference bill further provides a redrafted anti-impoundment title which is acceptable to both the Senate and House managers of the conference. Senator SAM ERVIN, who as chairman of the Senate Committee on Government Operations, has labored long and fruitfully on the whole issue of congressional budget reform, is to be commended again for his eloquent articulation of the sense of the Senate concerning the troublesome issue of Presidential impoundment funds for statutorily authorized Federal, State, and local programs.

Mr. President, I urge support on the part of all Members of the Senate for the passage of this important act. The people of the United States are presently looking to their elected representatives in the Congress for national direction and for more effective control of the Federal budget and the programs funded by that budget—programs that affect every aspect of their, and our, daily lives. Upon passage of this conference bill, and its implementation over the next 2 years, the Congress will have a new opportunity to more effectively assert its vital constitutional role in directing the expenditures of our national resources toward a sound national economy, in providing a healthy and controlled rate of national growth, in curbing the inflation which robs us all of our hard-earned resources, in insuring a restoration of good employment levels, and, of great concern during the past several years, in the formulation of a Federal budget, balanced both to the needs of the people of this country, and to the proper level of Federal revenues. The accomplishment of these tasks will require the sincere commitment of each of us to the budget control report being considered today.

Mr. President, as chairman of the Senate Committee on Rules and Administration, I take great pride in the role played by that committee and its staff in the legislative development of this crucial bill. In addition, the Senators, Representatives, and staffs throughout the committees of both Houses are to be congratulated for the diligent and cooperative efforts which they displayed in bringing this measure to the point of enactment.

This has been a fine example of the Congress working at its best; and to be a successful step forward in the congressional control of the Federal budget process, more cooperative efforts of this magnitude will be required during the working out of the provisions in the congressional Budget and Impoundment Control Act of 1974.

Mr. PERCY. Mr. President, the senior Senator from Ohio (Mr. TAFT), who is necessarily absent, has contributed importantly to the budget reform bill now before us. He has requested that I submit a statement for him. Accordingly, I ask unanimous consent to have his statement printed in the RECORD.

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

STATEMENT BY SENATOR TAFT

It gives me great pleasure to have before us for debate the conference report on the Congressional Budget and Impoundment Control Act of 1974. I believe that this legislation conceivably could become the most significant bill to be debated and passed by the 93d Congress. It is potentially one of the most important bills to come before us in years.

At this point I would like to express my appreciation to the conferees for carrying out their promise to reconsider section 606 of the Senate bill, in connection with my amendment to retain the off-budget status of the Federal Financing Bank. I note that this amendment in effect has been accepted. This assures that the Bank will carry out its designated function which will save the taxpayers many millions of dollars of interest expense.

The need for budget control legislation has long been obvious. No properly run business in the Nation considers each proposed expenditure piecemeal, independently of a careful assessment of total expenditure demands and revenues available. No properly run business with varying investment concerns fails to assess whether its investment in each concern relative to the rest reflects the priorities it deems most beneficial for its in-

terests. Yet, Congress has continued to operate our Government, in which our taxpayers have far more money invested than in any corporation, in a manner which allows expenditures to be agreed upon without consideration of either their effect upon the total budget picture or their relationship to Congress sense of national priorities.

The legislation before us would provide a structure for alleviating these problems. For the first time, it would provide a regular congressional framework for debating national priorities, rather than only the merits of individual proposals. It would also provide a procedure for consideration of overall revenue and expenditure levels and to some extent, the relationship of individual proposals to these levels and the priorities agreed upon.

I welcome in particular the bill's new controls on "backdoor spending," such as contract authority and "mandatory entitlement" bills. During the past 5 fiscal years, Congress has cut the administration's appropriations requests by about $30 billion. However, during this same period, Congress approved in bills other than appropriation bills—or "backdoor spending"—amounts in excess of $30 billion more than the administration's budget estimates.

I would be remiss if I did not mention my doubts about the mechanics of this bill. The proposed timetable for considering the budget is strict and I remain concerned about the early deadline for reporting of all legislation continuing authorizations, as well as the expectation that all revenue, entitlement and "controllable" appropriations bills could be enacted in even the lengthened time period agreed upon by the conferees. The time periods between receipt by the Congressional Office on the Budget, of information from all authorizing committees; its report to Congress on the budget; and reporting of a resolution proposing appropriate budget levels by the budget committees, remain very short, while the period allowed near the end of the fiscal year for budget reconciliation measures may prove so short that it is unrealistic.

This bill is nevertheless a major first step toward more responsible congressional action on the budget. We must keep in mind, however, that it is only a first step. The intended effect of any procedures we set up, including these procedures, can be nullified or compromised, on any issue if the will is there to do so. Effective budget reform will follow this procedural reform only to the extent it is accompanied by increased "budget consciousness" by individual Congressmen and Senators, as reflected in the specific actions of future Congresses.

EMERGENCY FINANCING FOR LIVESTOCK PRODUCERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 920, S. 3679, that it be made the pending business until the hour of 1:30 p.m. today, and that following the two votes, the Senate return to the consideration of S. 3679 if necessary.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3679) to provide emergency financing for livestock producers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. On whose time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The third assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

How much time does the Senator yield himself?

Mr. CURTIS. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. CURTIS. Mr. President, I support the bill that will provide some financing for our farmers who have suffered great losses in the cattle industry. As I have said, let me say that I wholeheartedly support the bill now before the Senate.

As the Washington Post stated in a June 19 editorial:

The fundamental equilibrium of American agriculture has been destroyed and the business of breeding and raising cattle for the market, never a safe enterprise, has suddenly become spectacularly risky.

Mr. President, I have never thought the editorial writers of that newspaper to be particularly perceptive. However, this sentence I have just read expresses very succinctly the plight of livestock producers today.

The editorial points out that the wild swings in prices the past year have turned the cattle business, and, I might add, the entire livestock and poultry industry, "into an intolerably dangerous speculation."

The bill now pending, Mr. President, will allow the most efficient producers of livestock to remain in business until the supply-demand situation comes back into line and prices stabilize.

The loan guarantee program provided in this bill will allow private lenders to make long-term loans to livestock producers in order to allow them to recover from the disastrous losses sustained during recent months. These loans will be made at the market rate of interest and only to individuals who depend primarily upon the receipts from agricultural production for their livelihood.

Mr. President, I understand the concerns of those who fear that adoption of this legislation will set a precedent. I would share their concern were it not for the fact that Government actions precipitated the destruction of fundamental equilibrium of the livestock industry.

The imposition of the 90-day freeze on meat prices last summer was the beginning of the end for many producers and will mean the bankruptcy of many others unless the pending bill is adopted.

The biological cycle has been discussed previously and the effect that any reduction in the number of breeding animals will have on the long-range supply of beef, pork, poultry, milk and eggs. Credit must be available to allow producers to remain in business if we are to prevent shortages and higher prices in coming months.

Mr. President, I have always been an advocate of the free enterprise system and minimum Government interference in our economy. However, the Government did become involved in the economy in the form of price and wage controls. Under this circumstance, I do not believe it unreasonable for the Government to provide loan guarantees to those producers who have been driven to the wall as a result of this Government action.

Anyone who reads the newspapers or listens to radio and television has heard about the $100 to $200 per head losses on beef cattle sold in recent months. Testimony before the Committee on Agriculture and Forestry has revealed losses of more than $600,000 in the past 6 months on one family farming operation in Nebraska.

As one producer has stated:

To sum it all up, it seems to me that as a result of much adverse publicity and public misunderstanding of the economic problems of the cattle industry, the people who have taken the required risks will end up losing their investments as will the banks that have thus far so generously backed them. In the end the public will be the losers because no one will be willing to risk their monetary and personal effort resources against such high odds. Would you?

Mr. President, S. 3679 is one way that the Government can assist producers and consumers with very little risk that the taxpayer will be required to pay a dime for some assurance that a plentiful supply of beef, pork, dairy products, poultry and eggs will remain available.

Mr. President, let me stress again that the primary factor in creating the disastrous situation in the cattle industry was the placing of price ceilings on beef. It was a mistake to put the ceilings on. It was a greater mistake for the Cost of Living Council to stubbornly hang on and hang on and refuse to remove those ceilings at a time when everyone knowledgeable about agriculture had told them it was a mistake.

That is one of the basic problems. There are other factors which have contributed to the losses sustained by our cattlemen.

The pending bill, as I have stated, is so written that its benefits will go to the people who are primarily engaged in agriculture and who depend upon agriculture for their living. It is not a bill to bail out the Wall Street farmer or any other investor who has invested in a cattle feeding enterprise. It is not a proposal intended to do that. As a matter of fact, there is a twofold limit on the amount of the loan. The amount of the loan is geared to past operations. It cannot exceed that. There is also a dollar limit of $1 million. The bill I originally proposed had a limit of $250,000. I would have no objection if this bill were reduced to $500,000. It is not intended and will not bail out the nonfarmer investor in a feeding operation. And that is right.

A report has come to me that one feed-

ing operation in a State other than mine lost $44 million. That operation was financed by sophisticated and knowledgeable people of, no doubt, great wealth; but it is in the interest of everyone, consumers, cattle feeders, ranchers everywhere, that the ordinarily stable agricultural production of cattle will go on. Is it in the interests of banks and all businesses on Main Street that this bill be passed.

Mr. President, I ask unanimous consent that the following staff members of the Committee on Agriculture and Forestry be permitted the privilege of the floor during debate and any votes on S. 3679: Forest W. Reece, Jr., C. M. Mouser, Henry Casso, and Carl P. Rose.

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

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

Mr. CURTIS. I am happy to yield. How much time does the Senator desire?

Mr. YOUNG. Three minutes or 5 minutes.

Mr. CURTIS. Mr. President, I yield the Senator 5 minutes.

Mr. YOUNG. Mr. President, this is a very important piece of legislation for the cattle producers as well as the consumers. Cattlemen, especially the feeders, are in deep financial trouble, to the extent that many of them will be going out of business unless they can get some financial assistance such as this bill would provide.

Many will cut down their operations, anyway. They will have to, because they have lost so much money. These loans will tend to keep more of them in business and give some assurance to consumers that they will have better supplies available to them in the future than would otherwise be possible without any legislation at all. These loans are at regular commercial rates.

Mr. President, I commend the Senator from Nebraska for a very fine statement. I join him in what he has said about this bill. It is a very important piece of legislation.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from South Dakota (Mr. McGOVERN), the chairman of the subcommittee which held hearings, I yield 2 minutes to the Senator from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. Mr. President, first, I congratulate my colleague from South Dakota, the senior Senator (Mr. McGOVERN), for the leadership he has taken on this issue, which is so critical not only to the people of South Dakota but also to all people throughout the country. If we can do anything to preserve the domestic livestock industry by way of providing credit so that they do not go under in this very serious time, we will have done a service not only for the livestock people, not only for the people of South Dakota themselves, but also for all consumers throughout the United States of America.

Mr. President, the reason why that particular statement is applicable, and importantly so, is that if the livestock industry is allowed to go under because of a manipulation of prices, because of the serious defects in the market situation, in a year or two there may be a tremendous shortage of beef. If consumers think the prices of beef are high now, wait until there is a tremendous shortage, when people have culled their herds and have stopped producing beef. There will be a shortage. There will be a near monopoly situation, with just a few large feeders and packers controlling the situation, who will then charge as much as the traffic will bear, to say nothing of the increase in prices because of a shortage created as a result of what is happening in the livestock industry this year.

Mr. President, the majority of these people are small farmers and small ranchers. They do not deserve the economic treatment they are getting.

Therefore, I congratulate my senior colleague from South Dakota, the other members of the committee, and the people from agricultural States who have worked in this regard to try to preserve the livestock industry.

The PRESIDING OFFICER (Mr. MANSFIELD). The senior Senator from South Dakota is recognized.

(At this point, Mr. ABOUREZK assumed the Chair.)

Mr. McGOVERN. Mr. President, I yield myself 5 minutes.

For a long time now, those of us who have a deep interest in agriculture have been aware of the fact that the great livestock sector of our agricultural plant was badly hurt economically.

I think that beginning roughly last October the collapse of livestock prices affecting cattle, hogs, poultry, and nondairy products, has been one of the most painful and traumatic experiences that the livetock industry has known in many years.

The normal stability disappeared from this complex production and marketing operation due to a host of reasons.

These have been stated time and time again on the floor of this Senate. Suffice it to say, however, that the series of jolts hitting the livestock sector have prevented a return to normalcy.

As a result, producers of livestock are faced with imminent disaster.

I had the privilege of chairing the hearings on the legislation that is now pending before us.

Hearings were held during January by the comimttee in Iowa. In March, additional hearings were held in Washington. And finally on Monday, June 17, 1974, my subcommittee held an emergency hearing on a loan guarantee program for the hard-hit livestock sector of our agricultural economy.

Four bills were before the committee, all with the same objective. S. 3597 introduced by Senator CURTIS and others; S. 3605 introduced by Senator MONTOYA and others; S. 3606 introduced by myself, Senator ABOUREZK, and others; and S. 3624 by Senator DOLE.

During the course of our subcommittee hearings we listened to the reactions with respect to these four proposals, and to other suggestions that were made by knowledgeable people in the field. Then the committee drafted a composite bill which, I think, represents the best of these four measures to which I have referred.

During the course of the hearings, the committee heard dramatic testimony about the mounting losses experienced by all involved in producing livestock, dairy products, poultry, and eggs.

The subcommittee, therefore, resolved that immediate action be taken on the loan guarantee legislation pending before it. And on Wednesday, June 19, 1974, the full committee approved a bill, S. 3679, which is now before the Senate.

The bill being reported by the committee—

First. Establishes a temporary guaranteed loan program to assist bona fide farmers and ranchers—including operators of feedlots—who are primarily engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing beef cattle, dairy cattle, swine, chickens, turkeys, or the products thereof.

Second. Requires the Secretary of Agriculture to guarantee up to 90 percent of loans made by any Federal or State chartered lending agency or other approved lender. The guarantee would be applicable to new loans and loans made to refinance existing indebtedness where absolutely essential in order for the farmer or rancher to remain in business.

Third. Provides that the borrower must be unable to obtain financing in the absence of the guarantee authorized by the bill.

Fourth. Provides that guaranteed loans must be repayable in not more than 7 years, but may be renewed for not more than 5 additional years.

Fifth. Provides that the interest rate under guaranteed loans shall be a rate to be agreed upon by the lender and borrower.

There is no subsidized interest rate in this legislation. One witness after another who testified said that they were not interested in a subsidy; they were simply interested in a formula being established, under which they could get emergency credit. They are willing to pay the going interest rate to pay off their loans. I think this legislation is absolutely essential toward that end.

The authority to guarantee loans would expire 1 year from the date of enactment of the bill. However, the program could be extended for an additional 6 months if the Secretary determined that continued guarantees were necessary.

It is particularly important to note that this bill contains no subsidies of any kind.

It is a straight guaranteed loan program with interest charges set at competitive open market rates.

Guarantees are up to 90 percent of the total loan and interest charges are at such rates as agreed to by lenders and borrowers.

Loans are to be made to bona fide farmers and ranchers, including the operators of feed lots, who are primarily engaged in the production of livestock, poultry and the products thereof. It is not the intent of the committee to pro-

vide emergency credit to those who produce livestock as a hobby or as a tax shelter.

There are a number of young farmers, presently identified as part time, because they, and perhaps even their wives, work in towns whose aim is to build up an equity in farming to the point where it will be a full-time operation. Their present income from farming may be less than off-farm income, but their dream is to the future. And I personally believe that these industrious young farmers do quality as bona fide farmers and are eligible for guaranteed loans under the provisions of the bill.

These young people are part of the entire livestock industry now caught in a cost-price squeeze that threatens the economic viability of that industry.

The purpose of the committee bill is to provide credit to those farmers and ranchers who cannot get credit elsewhere and the committee bill clearly requires that a farmer or rancher who is able to get credit elsewhere does not qualify for assistance. The legislation requires only a certification by the borrowers and the lender with respect to credit elsewhere. It does not require additional proof.

Although the committee recognized the livestock industry has many large producers who have been driven to the wall financially because of the current economic crisis, it felt that there should be some limit on the amount of any loan to be guaranteed by the Federal Government. Therefore, the committee bill limits any loan to be guaranteed under the bill to the amount necessary for the producer to maintain his operation. In no case, however, shall any loan be guaranteed to a single borrower in excess of one million dollars. However, the committee expects that most of the loans to be guaranteed under the bill will be much smaller than this. The credit elsewhere requirement is expected to exclude most of the larger operators.

The central thrust and purpose of this legislation are to save from financial ruin and economic liquidation the family farmer, who is the backbone of this Nation's rural economy. It is the tremendous influx of desperate pleas from these family farmers in the form of calls, letters, and telegrams that has prompted the committee to act so expeditiously.

One of the most dramatic situations is evident for beef, where prices have fallen more than 25 percent since January. The cow-calf operator whose market is dependent upon the feeder has seen parallel or even greater price declines for their calves. And hog prices have fallen 43 percent since January.

Dairy, poultry, including turkeys, and egg producers are facing the same imminent threat of complete financial collapse that cattle and hog producers are facing. Since January, egg prices and broiler prices are down 37 percent and 13 percent respectively. Turkey prices in May were 24 percent below a year earlier and manufacturing milk prices are down by 10 percent just since March.

But, this is only one side of the vise now pressuring livestock producers. The other is increased production costs.

The price of corn, the major grain, is about 20 percent higher than a year ago, farmland prices increased by 21 percent in 1973, and interest rates have skyrocketed. And the total index of product costs is up by more than a fifth.

Testimony before the committee indicated that cattle feeders are now losing from $100 to $200 per head marketed; and hog feeders about $30 per head. Estimates for the poultry industry indicate egg producers are losing about 10 cents per dozen on eggs, broiler producers are suffering a 6-to-8-cent-per-pound loss and turkey producers are now facing losses of 10 to 12 cents per pound.

This devastating situation threatens the well-being of every farmer, every rural bank, every small businessman, and verily, the economy of the entire Nation.

Mr. President, on Monday last, a large part of the day was taken up by Senators outlining the emergency nature of the crisis facing the livestock industry.

Also, on Monday last, a letter to the President, initiated under the auspices of the majority leader, Senator MIKE MANSFIELD, and signed by 43 Senators of both parties, presented the facts of the case.

Mr. President, it is important to understand that this is a bill not simply designed to stabilize and assist the livestock industry, but also to assist the entire economy of the United States. If that important sector of our agricultural industry were to go under—and many of our producers now appear to be so situated—it would have a devastating effect on the whole agribusiness economy and indirectly upon the economy of the entire Nation.

The inevitable result of that is not only the depressing effects on the American economy but also the collapse of these meat producers followed in very short order by the disappearance of meat supplies, with consequent problems for the consumer in the form of much higher prices.

Mr. President, I think it is important particularly for those who are operating cattle ranches to understand that this problem is very close to them as well as to the feeders.

This is an emergency situation and I urge the Senate to approve this bill expeditiously.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report on the pending measure, the emergency livestock credit bill.

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

SHORT EXPLANATION

The bill being reported by the Committee—

(1) Establishes a temporary guaranteed loan program to assist bona fide farmers and ranchers—including operators of feedlots—who are primarily engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing beef cattle, dairy cattle, swine, chickens, turkeys, or the products thereof.

(2) Requires the Secretary of Agriculture to guarantee up to 90 percent of loans made by any Federal or State chartered lending agency or other approved lender. The guarantee would be applicable to (a) new loans and (b) loans made to refinance existing indebtedness where absolutely essential in order for the farmer or rancher to remain in business.

(3) Provides that the borrower must be unable to obtain financing in the absence of the guarantee authorized by the bill.

(4) Provides that guaranteed loans must be repayable in not more than seven years, but may be renewed for not more than five additional years.

(5) Provides that the interest rate under guaranteed loans shall be a rate to be agreed upon by the lender and borrower.

The authority to guarantee loans would expire one year from the date of enactment of the bill. However, the program could be extended for an additional six months if the Secretary determined that continued guarantees were necessary.

NEED FOR LEGISLATION

This bill is not designed to bail the livestock industry out of a loss situation at the expense of the government; nor is it designed to provide livestock, dairy, poultry, and egg producers with low interest loans backed by little or no security.

Rather, it is an attempt to bring back to that industry the financial stability so necessary to its survival.

The guaranteed loans provided by this bill will be at full market interest rates and borrowers will be required to demonstrate a lack of credit availability on the one hand and credit worthiness on the other.

As a matter of fact, the hearings held by the Committee are replete with assertions by livestock producers that they desire neither a handout nor a subsidy. They want only a source of immediate credit at going market interest rates in order to survive.

All segments of the American livestock industry are caught in a cost-price squeeze that threatens the economic viability of the industry. One of the most dramatic situations is evident for beef, where prices have fallen more than 25 percent since January. The cow-calf operator whose market is dependent upon the feeder has seen parallel or even greater price declines for their calves. And hog prices have fallen 43 percent since January.

Dairy, poultry (including turkeys), and egg producers are facing the same imminent threat of complete financial collapse that cattle and hog producers are facing. Since January, egg prices and broiler prices are down 37 percent and 13 percent respectively. Turkey prices in May were 24 percent below a year earlier and manufacturing milk prices are down by 10 percent just since March.

But, this is only one side of the vise now pressuring livestock producers. The other is increased production costs.

The price of corn, the major grain, is about 20 percent higher than a year ago, farmland prices increased by 21 percent in 1973, and interest rates have skyrocketed. And the total index of production costs is up by more than one-fifth.

Testimony before the Committee indicated that cattle feeders are now losing from $100 to $200 per head marketed; and hog feeders about $30 per head. Estimates for the poultry industry indicate egg producers are losing about 10 cents per dozen on eggs, broiler producers are suffering losses of about 6 cents per pound, and turkey producers are now facing losses of 10 to 12 cents per pound.

This situation cannot be easily dismissed as "normal" market adjustment. The factors that have contributed to the current crunch are as diverse as drought and the devaluation of the dollar.

Clear consumer preference for beef has been evident since the mid-50's. This has been demonstrated by expanded per capita beef consumption—86 percent more in 1972 than in 1962. Pork consumption has continued at a fairly constant rate. Poultry meat

consumption has expanded as increased efficiency of production brought broilers to the table at lower and lower prices.

The changing consumption patterns seemingly all culminated between 1969 and 1971. At this point, the historic price relationships between beef at retail and other meat broke. The traditional 10 to 20 cents per pound premium for beef over pork surged to a 34-cent-average in 1971 and continued at 30 cents in 1972. This fact alone caused a near depression for the pork industry in 1971. And broiler consumption stabilized. For the period 1970 to 1973, real disposable personal income rose at an increasing rate, expanding demand for all livestock products, especially beef. Concurrent expansion of food stamp programs also gave additional food buying power to the group with the highest marginal propensity of food demand, especially livestock products. The effect of this rising demand, in the face of fixed supplies in the short term, resulted in rising prices.

Beef is the dominant sector and consumers have demonstrated a clear preference for beef. Beginning in 1971 beef producers began accelerating expansion to meet the rising demand. However, efforts to expand livestock production and specifically beef production resulted in an initial decline in supply.

This problem is the result of producers holding heifers back for cow herd expansion rather than marketing them. The biological cycle for cattle—heifer retention to fed calf—is approximately three years. This expansion effort is only now becoming evident in larger supplies of feeder calves and subsequent supplies of slaughter cattle.

This entire effort had the misfortune of coinciding wth an unexpected surge in exports of grain and protein feeds. This surge in shipments along with expanding domestic use pulled grain stocks to critically low levels and precipitated skyrocketing commodity prices.

The unrelenting upward trend of prices in 1973 was partially offset by broad expansion in personal incomes that held real incomes at a fairly constant level. This permitted consumers to continue their bid for beef. And beef producers, in their efforts to expand, were forced to buy high priced feed and feeder cattle and to use increasing amounts of credit at higher and higher interest rates.

The same economic situation is also facing the Nation's dairy farmers. Because of rising production costs, dairymen have been reducing production or going out of business at an alarming rate. Milk production in the United States has fallen steadily since October 1972. In 1972, U.S. milk production totaled 119.9 billion pounds. Last year it was 115.6 billion pounds, and through the first five months of 1974 production is 2.6 percent under last year.

Faced with rising costs, the dairyman has seen his income deteriorate markedly in the last sixty days. The Minnesota-Wisconsin Price Series for milk, a basic measure of the prices paid for manufacturing milk in this major dairy area and the basic determinant of milk price levels in the Federal milk market orders, has dropped $1.22 per hundredweight since March. Prices for basic manufactured dairy products such as Cheddar cheese, butter, and nonfat dry milk has declined by 16 to 20 percent since early April.

Imports of both dry milk and cheese have also contributed materially to the existing problem. At the present time, the government is having to purchase cheese to stabilize this market.

Consumers will benefit in the long run if farmers are now assured that milk prices will not fall precipitously and remain at below cost of production levels for a prolonged period.

The signals of problems started appearing as poultry and dairy producers necessarily cut production as costs outstripped returns.

Hog producers still remembering the price break in 1971 and faced with high costs and an uncertain market, delayed expansion in spite of rising hog prices. Beef producers experienced repeated market disruptions, but the turning point was the downturn of feeding margins in September. Since that time, a loss position has persisted and for many producers has intensified.

The market has been further dampened by a turndown of real per capita personal disposable income in the fourth quarter of 1973 that has also continued. Finally, the world economy hit with the energy crisis has slumped, taking the edge off world demand for meat products. This has turned a world meat deficit into a relative surplus overnight.

The list of factors that have contributed to the U.S. livestock industry's problems is long and this adds to the complexity of the problem. With the advantage of hindsight, many of the problems could have been minimized but probably none could have been completely avoided. Appropriately, the intent of this Act is not to focus blame but rather to minimize consequences.

The current situation the livestock industry is in is somewhat similar to that experienced in 1951 and 1952. The beef experience at that time provides a historic reference of the impending problems.

In April of 1951, beef prices peaked at just over $30 per hundredweight. Prices then began a two and one-half year decline, reaching a low of $14.50 per hundredweight and, in November of 1953, a 52 percent decline. No real strengthening of the market was evident until 1957.

This long period of price declines set off a chain reaction that compounded the problem. First, the build-up of the cow herd that the high prices stimulated was reached just when prices reached their low. The liquidation of cattle in response to falling prices held farm prices down and in fact saw an almost eight percent decline in the cow herd. No increases in cow herd was evident until 1959 and it did not regain its 1954 levels again until 1963—nine years later.

Because of the long time period for beef production response, it is imperative that no inappropriate adjustments be made. The dairy cow cycle is about the same as for beef. The hog cycle is somewhat shorter as are the cycles for poultry. In every case, however, there is a lag between demand and supply response.

Today the situation is even more precarious than in the 1950's because of several structural changes that have developed over the past twenty years.

1. There are significantly fewer producers and feeders today so any loss of livestock enterprises has a larger impact.

2. The average equity position of agriculture is lower. In 1951, it was a little over 90 percent. Today, it is below 80 percent and many producers are in the 50 percent range. This fact, plus the higher cost of credit, puts producers in a much more vulnerable position.

3. Today there is almost no "beef reserve". In the past a large share of all cattle was marketed as lightweight or unfinished cattle. Today nearly all animals are fed-out, which maximizes per animal beef production. A large share of the 100 percent increase in beef production in the last two decades has been achieved in this manner. Therefore, the loss of animal numbers cannot be made up in 1974 as it could be done in the 1950's.

4. Finally, beef is much more important to American consumers today than it was in the past. In the early fifties beef accounted for about 45 percent of all meat consumed, whereas it accounts for 60 percent today.

We are now faced with the question of whether to intervene in the livestock market or to leave the industry to its plight. If the experience of the fifties is germane, the industry, left to its own plight, would undergo a sharp decline and a long period of trying to rebuild. In all likelihood the American consumer would not find beef in the same quantities as 1972 again until nearly the mid-80's. Other livestock products would follow a similar pattern. While immediate price relief might occur, the shortages that would develop would quickly turn this relief into distress.

In addition to the simple supply-demand equation of meat, it is worthy to note that the decline in livestock prices during the fifties caused a parallel decline in grain prices. Corn prices, for instance, fell nearly 40 percent over eight years and only began to rebound when livestock production began to pick up again.

Grain prices are unusually high today because of the low stocks. But if livestock feeding, which consumes about 5.3 billion bushels of grain a year, declines 20 percent and current crop projections are reached, serious surpluses could develop overnight. This would deal a crushing blow to grain farmers and could necessitate government purchases and storage.

The integrated nature of agriculture suggests that failure to maintain viability in one sector can cause collapse in others. This would in turn threaten the many industries directly related to agriculture as either suppliers or processors.

The welfare of rural communities is absolutely tied to agriculture and agribusiness. If these communities that already lag the Nation slip further behind, they may be lost forever. Finally, if this scenario occurs, it is clear that the impact will spread throughout the economy and could signal imminent economic disaster.

Clearly no responsible government would ever permit this to progress to culmination. Intervention would come at some point; but if we wait until the problem spreads, the cost will be greater and the risk of failure will be greater. The current bill is preventive, temporary, and at virtually no cost.

The preventive factors include the timeliness of stopping the problem before it becomes more serious. Also, it avoids the irresponsible action of negating the expansion efforts of livestock producers over the past three years. Producers and consumers would then be forced to again endure the pains of shortages and lags.

The bill is temporary in that it has a one-year life. There is a proviso for a six month extension if the Secretary of Agriculture deems it necessary. Feeder prices are down, and projected crop levels this year should moderate feed costs. But if producers aren't helped through the interim this will be of no importance.

The program will have virtually no costs in that it is not a subsidy, all the guaranteed loans will be secured, and it will use existing agencies to administer it. The benefits in the immediate time frame are continuity of livestock production. In the longer run, they are adequate supplies of quality livestock products at reasonable prices.

COMMITTEE CONSIDERATION

The Committee on Agriculture and Forestry has been concerned about the plight of livestock producers for some time. On January 16 and 17 the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices held hearings in Sioux City, Iowa, and Maquoketa, Iowa, on livestock feeding problems. At these hearings the Subcommittee heard dramatic testimony about the mounting losses that cattle feeders were beginning to experience. Again the Subcommittee held hearings on the farm and retail prices for beef in Washington on March 13 and 14.

Since January of this year the plight of livestock producers has steadily worsened. The prices of beef, pork, poultry, and eggs have continued to trend downward while feed costs have remained high and other costs of production have dramatically increased.

Livestock producers are basically at the mercy of free market fluctuations and do not have the benefit of a government price support program. Therefore, in spite of the Committee's awareness of problems in the livestock industry, there has been very little that the Committee could do to alleviate their problems. However, several Members of the Committee have forcefully urged the President to reimpose meat import quotas and quotas on dairy imports.

The continued disastrous condition of many segments of the livestock industry and the threat of wholesale bankruptcies in rural areas prompted emergency hearings of the Subcommittee on Agricultural Credit and Rural Electrification on June 17. After hearing the plight of the livestock industry, the Subcommittee resolved that immediate action must be taken on legislation pending before it. Four bills had been introduced to provide for emergency livestock loans. These are S. 3597, S. 3605, S. 3606, and S. 3624. The subcommittee combined the features of these bills in a proposed revised bill and it was considered by the full Committee in the Executive Session on June 19.

The Committee considered this legislation with an overwhelming sense of urgency, for the collapse of an entire industry is possible if immediate credit relief is not provided. However, the Committee considered carefully each point in the legislation and took special care that the new emergency credit program that is to be established would not be subject to misuse, abuse, and scandal.

The Committee felt strongly that emergency credit should be provided only to individuals who are bona fide farmers and ranchers, including operators of feedlots, who are primarily engaged in livestock production. The Committee agreed that the government should *not* provide emergency credit relief to those who invest in or produce livestock as a hobby or as a tax shelter. The Committee felt also that the credit to be provided under the bill should not be available to any individuals not actively engaged in the production of livestock prior to the enactment of the bill.

The purpose of the Committee bill is to provide credit to those farmers and ranchers who cannot get credit elsewhere and the Committee bill clearly requires that a farmer or rancher who is able to get credit elsewhere does not qualify for assistance. Although the Committee recognized the livestock industry has many large producers who have been driven to the wall financially because of the current economic crisis, it felt that there should be some limit on the amount of any loan to be guaranteed by the Federal Government. Therefore, the Committee bill limits any loan to be guaranteed under the bill to the amount necessary for the producer to maintain his operation. In no case, however, shall any loan be guaranteed to a single borrower in excess of one million dollars. However, the Committee expects that most of the loans to be guaranteed under the bill will be much smaller than this. The credit elsewhere requirement is expected to exclude most of the larger operators.

The central thrust and purpose of this legislation are to save from financial ruin and economic liquidation the family farmer, who is the backbone of this Nation's rural economy. It is the tremendous influx of desperate pleas from these family farmers in the form of calls, letters, and telegrams that has prompted the Committee to act so expeditiously.

The Committee hopes that the current financial emergency that exists in the livestock industry will be short-lived. If the causes of the current crisis are not eliminated, certainly a huge part of the productive capacity of this Nation will be eliminated and both producers and consumers will suffer for years to come. The Committee recognizes that this bill deals only with the symptoms of the current problem, and not with the causes. Since the Committee felt that the current emergency situation must and will be worked out within the next few months, it felt that emergency credit relief should not be available indefinitely. Therefore, the bill would limit to one year the period in which the Secretary of Agriculture can guarantee loans. The Secretary would have the power to extend the guarantee authority for an additional six months if he determines that such guarantees are necessary and if he notifies the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

Traditionally, livestock producers have been a fiercely independent group of people and they have never wanted to rely on government assistance and government subsidies. Even in their current dire straits, the livestock producers of this Nation do not want a subsidy. They merely want an extension of credit to allow them to remain in business until their prices improve. The Committee agreed with this sentiment, and the Committee bill provides that the interest to be charged on the loans guaranteed under the bill shall be a rate to be agreed upon by the lender and the borrower. However, the Committee expects that the interest rate will be lower than the current rates being charged by banks and other lending institutions. Under normal circumstances, the interest rate on a loan is a function of the supply and demand for funds and the risk involved. Under the Committee bill up to 90 percent of each loan involved would be guaranteed by the government. As a result, the lending institutions' risk will be significantly reduced and this reduction in risk should be reflected in lower interest rates.

The Committee bill would create no new bureaucracy and would involve a minimum of red tape. Under the Committee bill, the Secretary of Agriculture will rely primarily on local lending institutions to handle the paper work and make the proper determinations on credit applications. It is expected that the Secretary will administer this program through the Farmers Home Administration.

While Farmers Home Administration will have some discretion in approving loan applications, it must rely primarily on the judgment of banks, the institutions of the Farm Credit System, and other agricultural lenders that will be making the loans. Because these lenders will not have the benefit of a government guarantee on at least 10 percent of each loan, they may be expected to exercise good judgment. The Committee does not want the Farmers Home Administration to take an inordinate amount of time to issue regulations and it does not feel that an undue amount of paper work should be necessary. If this emergency credit bill is to have any benefit for America's livestock producers, it must be implemented immediately, with a minimum of bureaucratic redtape. Therefore, the Committee bill requires that the Secretary issue regulations to implement the Act not later than 10 days after its enactment.

The Chairman of the House Committee on Agriculture has indicated his willingness to move very quickly on emergency credit legislation that is passed by the Senate. In fact, the House Committee is currently holding hearings on the livestock situation. Therefore, the Committee believes that the Department of Agriculture should now begin work on regulations and procedures to implement the Committee bill. If the Department of Agriculture will take such steps at the present time, it can be in a position to start guaranteeing loans immediately for livestock producers when the President signs the bill.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the short title is the "Emergency Livestock Credit Act of 1974".

Section 2. Emergency guaranteed loan program

Section 2 requires the Secretary of Agriculture to provide financial assistance to bona fide farmers and ranchers, including operators of feedlots, who are primarily engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing beef cattle, dairy cattle, swine, chickens, turkeys, or the products thereof.

Subsection (*b*) provides that the Secretary shall provide such assistance by guaranteeing loans made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other approved lender.

Subsection (*c*) provides that no contract guaranteeing any such loans by an approved lender shall require the Secretary to participate in more than ninety per centum of any loss sustained thereon.

Section 3. Certifications for guaranteed loans

Section 3 requires certifications by the lender and the farmer or rancher applying for a guaranteed loan.

Subsection (*a*) requires that the lender certify that (1) he will be unable to provide credit to the borrower in the absence of the guarantee authorized by the bill; (2) the borrower is primarily engaged in agricultural production, and the financing to be furnished the farmer or rancher is to be used for purposes related to the breeding, raising, fattening, or marketing of livestock or livestock products; (3) the loan is for the purpose of maintaining the operations of the farmer or rancher; and (4) in the case of any loan to refinance a farmer or rancher, the loan and refinancing are absolutely essential in order for the farmer or rancher to remain in business.

Subsection (*b*) requires that the farmer or rancher certify that he will be unable to obtain financing in the absence of the guarantee authorized by this Act.

Section 3 also provides that the total loans guaranteed under the bill for any farmer or rancher shall not exceed $1,000,000.

Section 4. Security

Section 4 provides that guaranteed loans shall be secured by the personal obligation and available security of the farmer or rancher, and in the case of loans to corporations or other business organizations, by the personal obligation and available security of each person holding as much as ten per centum of the stock or other interest in the corporation or organization.

The loans shall be payable in not more than seven years, but may be renewed for not more than five additional years.

Guaranteed loans shall bear interest at a rate to be agreed upon by the lender and borrower.

Section 5. Outstanding loan guarantees

Section 5 provides that outstanding loan guarantees shall not exceed $3 billion at one time. Subject to the provisions of section 2(c) of this bill, the Secretary shall use the fund created by Section 309 of the Consolidated Farm and Rural Development Act to pay to the holder of any note in default, upon assignment of the note to the Secretary at the Secretary's request, the balance due on the loan.

Section 6. Limitation on guaranteed loans made by individual lenders

Section 6 prohibits the Secretary from guaranteeing loans made by a single lender

in excess of the highest amount of agricultural loans the lender had outstanding in the eighteen-month period prior to enactment of the bill. In the case of lenders who had no agricultural loans outstanding, the Secretary is prohibited from guaranteeing loans in excess of ten times the capital and surplus of such lender.

Section 7. Budget impact

Section 7 provides that guarantees shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

Section 8. Termination of program

Section 8 provides that the Secretary's authority to make guarantees shall expire one year from the date of enactment. However, the Secretary may extend the authority for an additional six months if he determines that adequate credit cannot be obtained without the guarantee and he notifies the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture at least 30 days prior to announcing such extension.

Section 9. Exemption from SEC regulation and assignability of guarantees

Subsection (a) provides that the provisions of the Consolidated Farm and Rural Development Act exempting securities based on or backed by loans guaranteed under such Act from Securities and Exchange Commission regulation are extended to loans guaranteed under the bill.

Subsection (b) provides that contracts of guarantee shall be fully assignable.

Section 10. Regulations

Section 10 authorizes the Secretary of Agriculture to issue such regulations as he deems necessary to carry out the bill. The regulations are to be issued not later than 10 days after the enactment of the bill.

EXECUTIVE COMMUNICATION

Statement of J. Phil Campbell, Under Secretary, U.S. Department of Agriculture—June 17, 1974

I welcome this opportunity to work with the Congress to find a solution to the distressed situation livestock producers are now facing. As this testimony is being presented, there is also a meeting at the White House that includes all segments of the cattle and food industry to discuss the problems of cattlemen. Hopefully, we can make progress today in better understanding and solving these problems which would benefit us all.

The bills now before the Congress would make more money available to the cattle industry through financial assistance from the Department of Agriculture. While the sponsors of these bills are properly concerned and are making a sincere effort to help an ailing industry, we are opposed to S. 3597, S. 3605, S. 3606, and S. 3624 as well as other similar bills which may be introduced. We believe that they offer only a partial short term solution to a very complex set of circumstances and would be more harmful than helpful to the cattle industry in the long run.

While all of the bills have the common purpose of providing financial assistance to livestock producers and feeders, the provisions of the bills contain considerable differences. Some of the similarities and differences are as follows:

(1) All of the bills would authorize the Secretary of Agriculture to guarantee loans to assist livestock producers and feeders to finance normal operation in connection with buying, raising, and selling livestock, at various interest rates, some of which require a Government subsidy. S. 3597 would also appear to authorize a direct loan program.

(2) With the exception of S. 3605, all would establish permanent assistance programs.

(3) Again with the exception of S. 3605, the bills amend the Consolidated Farm and Rural Development Act which is the basic authority of the Farmers Home Administration.

(4) There is no uniform requirement in all of the bills that an applicant be unable to obtain credit elsewhere at reasonable rates and terms.

(5) S. 3597 and S. 3624 limit the guarantee of any loan to 90 percent of any loss. S. 3605 limits any guarantee or commitment to guarantee to 90 percent of the outstanding principal amount of any loan.

(6) S. 3605 authorizes coverage of persons engaged in the "cattle-raising business"; S. 3606 authorizes coverage of livestock producing operations of cattle, hogs and pigs; and S. 3597 and S. 3624 authorize coverage of livestock operations without defining the term "livestock."

(7) All of the bills authorize financial assistance to individuals and S. 3606 would also permit such assistance to partnerships and family corporations.

With this as background, I would like to go into more detail about why we do not recommend enactment of these bills. We must keep in mind as we consider financial assistance to cattlemen that cattle feeders have experienced extreme swings in the economics of cattle feeding since early last year. A number of factors converged during the latter half of 1973 and so far this year to place cattle feeders, particularly those having cattle custom fed, in a financial squeeze. These factors include extended price controls on beef during 1973, prolonged feeding periods which led to the marketing of many over-fat cattle, transportation and labor problems, consumer resistance to higher retail meat prices, sharp rises in feed costs, high costs of feeder cattle until recently, and the general rise of other cost items associated with cattle feeding.

We see little chance of a return to a "normal" profit situation for most cattle feeders until sometime in the fall, but the worst may be over. Prices of feeder cattle have declined sharply and feed costs are expected to moderate some later this year if the crops turn out as large as now indicated. Moreover, the number of cattle currently on feed appears to be coming in line with demand.

Cattlemen are discouraged and some are asking for help in the form of low interest and Government guaranteed loans. But many others are strongly opposed to any such action that would nudge the Government toward a deeper involvement in the cattle business. This has always been the case. Most cattlemen have been very vocal about not wanting any outside help. They have preferred to solve their own problems.

And as many long time observers of the cattle industry know, anything that would artificially stimulate the number of cattle placed on feed, such as low interest loans, would only worsen and prolong the current situation. It is our opinion that the financial assistance offered in these bills would have that effect. The cattle inventory has been building for several years and the breeding herd is now large enough to provide substantially more cattle for the slaughter market during the next 2 or 3 years. The hard facts are that fed cattle weigh more than grass fed cattle. So if we move a larger than normal percentage of cattle through feedlots during the next year or so, we will be adding a large tonnage of beef to a market that will be absorbing large quantities of beef as the inventory adjustment takes place. This we believe is what current bills now before the Congress would do—add more beef to an already swollen market. In other words, what would appear to be a short run solution would actually darken the profit picture for cattlemen in the longer run.

There would also be a tendency for any low interest loan type program to become a permanent fixture in the cattle business and to become a crutch for the less efficient producers. While these bills restrict loans to only cattlemen or livestock producers, enactment would provide a precedent for other groups to request loan assistance.

Some of the low interest loan programs advocated in these bills could cost taxpayers as much as $300 million in interest subsidies. In the administration of such a loan program it would be virtually impossible to monitor the use of funds to prevent their use for capital expansion.

Mr. Chairman, this completes my statement. I will be glad to answer any questions you or the Committee may have.

COST ESTIMATES

All loans are to be guaranteed and therefore no direct costs to the Treasury are anticipated. But in the few cases where loan guarantees are exercised, the security backing the loan would make this cost nominal.

Some administrative costs will be incurred, but the Secretary of Agriculture is expected to hold these to a minimum.

Mr. HUMPHREY. Mr. President, I rise in support of S. 3679, a bill to provide emergency credit guarantees to American producers of beef and dairy cattle, swine, poultry, and turkeys.

The beef industry, which has been in trouble for some time, has seen the situation grow even worse in recent months. Losses for cattle have been running from $100 to $200 per head. Producers of swine have been losing about $30 per head. Losses to the cattle industry are estimated at $1.5 billion since last fall.

I have been meeting with constituents of mine who are solid citizens and good farmers. Some have been in the business for 30 years. For many of these people, bankruptcy is a serious possibility.

They face the threat of having their lifetime savings wiped out as well as, in many cases, the family farm. We also can assume that many of our young people will make a firm decision against going into agriculture.

Many farmers have talked to me or called my office about their complete discouragement over this crisis which is spreading to other areas of agriculture. This is why the bill was designed to include dairy cattle, swine, poultry, and turkeys as well as beef cattle.

The upper limit of this bill is $3 billion, and the purpose is to guarantee up to 90 percent of the value of the livestock loans. The Government would not actually make the loans, but it would provide guarantees with an upper limit of $1 million per borrower.

This act will enable lending agencies to continue to extend credits so that producers can remain in business. The benefits under the act would be limited to bona fide producers. This would mean basically producers who have been in the business for some time and make their livelihood from agriculture.

The length of the guarantee coverage under the bill would be 12 months with a renewal possible for up to 6 additional months.

The alternative of not acting would mean wholesale foreclosures on loans which are now secured by farms and farm property.

I was unhappy that the bill did not

provide for interest rates below the going commercial rates. This is one of the cost escalators which has helped put the industry in its present situation.

However, I reluctantly yielded on the grounds that subsidizing the interest rate would eat into the funds available for the guarantee side of the program.

This bill should not, incidentally, be viewed to be of minor sectional importance, since 30 of our States have a million head of cattle or more. It is a major segment of the agricultural economy, and the national economy will suffer dire consequences if we allow the industry to go under.

The consumer should also beware that, unless the problems of the industry are addressed now, the future is likely to feature fewer cattle and at much higher costs.

The prices in the supermarkets have come down very little, but the prices received by farmers have been coming down sharply in recent months.

The producers have already cut the number of cattle being fed, with feedlots at only 60 percent of capacity. The producers will need to be given some new signals if the American consumers wish to have reliable supplies of good meat in the future.

The livestock industry suffered from the price freeze of the fall of 1973. The increased costs of production, combined with falling cattle prices, have prevented the market from rebounding as had been expected.

This act is a necessary first step to keep the patient alive, but we have also got to remove the problems so that recovery is achieved.

I am encouraged that the administration announced the purchase of $100 million worth of beef and swine for the school lunch program. Additional purchases should be made to get some of the overweight cattle off the market.

The administration has also begun to recognize the problem of rising imports at a time when our exports have been cut off in a number of countries. I introduced a resolution, which the full Agriculture Committee supported, urging the administration to tackle this problem by voluntary agreements and a reimposition of quotas if the voluntary approach fails.

We also must recognize a problem that my constituents have pointed out. And that is the need for the Department of Agriculture to improve its reporting of the livestock market. This would be useful to both consumers and farmers in presenting a more accurate marketing picture than has been available.

Mr. President, we must not forget the need for subsequent action. While this bill is vital, other steps will be needed. I strongly urge that we proceed to pass this bill and without delay. We can do no less.

Mr. HRUSKA. Mr. President, the plight of the livestock industry in this country has grown increasingly critical. On Monday of this week a number of my colleagues in the Senate engaged in an extensive discussion of the seriousness of this problem. Newspaper articles and editorials in recent days have emphasized the proportions of the problem. Immediate action is needed to provide relief for the livestock industry.

This week the Senate Agriculture Committee has moved with commendable dispatch to find a solution. This is an excellent example of the ability of the Congress to respond to a potentially disastrous condition.

On Monday the committee held a hearing on several bills which would provide Government loan guarantees to help keep in business livestock feeders and producers who would otherwise face bankruptcy. After hearing testimony from Senators, Congressmen, bankers, and livestock growers themselves, the committee reported favorably a measure which is scheduled for a vote in this body on Monday.

In the other body of the Congress, prompt action has also been taken. Hearings this week in the House have explored the seriousness of the livestock problem generally, and on Tuesday the House Agriculture Committee will begin hearings on similar loan guarantee legislation. It is my hope that such legislation will be reported by the committee to the House with deliberate speed.

The Senate has also made additional efforts to provide relief for the livestock industry. Legislation to provide congressional authority to reimpose beef imports has been introduced. A resolution cosponsored by 43 Members of the Senate was passed, requesting the President to exercise his authority under the 1964 meat import quota law to reimpose quotas on meat imports. Hopefully, these actions will permit further avenues of relief for the livestock industry.

The expeditious handling of this legislation by the Agriculture Committee is much appreciated by this Senator, and I am sure by many of my colleagues in the Senate. The livestock industry is on the brink of financial ruin and prompt passage of this legislation by the Senate may serve to stave off complete disaster for this important segment of our agricultural economy.

Briefly, the legislation reported by the committee would authorize the Farmers Home Administration of the Department of Agriculture to guarantee 90 percent of loans to "bona fide" livestock raising, fattening, or marketing operations when usual sources of credit are not available. "Bona fide" operations would include beef, dairy, swine, and poultry and would limit the amount of such a loan guarantee to the levels of operation over the last 18 months of the business.

Interest rates on these loans would be established between the borrower and the lender with a limitation of $1 million for each operation which meets the "bona fide" test. This is to give the producer or feeder a quick source of credit to meet immediate financial needs. The loans can be for up to 7 years with an option for extension for another 5. The life of the loan program, however, is for only 1 year, with discretion in the Secretary of Agriculture to extend the program for 6 months if the situation warrants.

Mr. President, this is not a handout. It is not charity. It is simply a Government guarantee of loans to ranchers and feeders who have traditionally rejected direct subsidies and controls by the Federal Government. This legislation can provide the necessary credit to carry the livestock industry through one of its most critical periods of financial difficulty in years.

It is not a cure-all for the livestock industry. It is a positive step by the Congress and the Federal Government to provide to the industry the ability to continue its vital contribution to the economic and social well-being of this Nation. It will allow the livestock industry, and particularly the cattle industry, to carry out its mission: the capacity to produce an assured and ample supply of quality meat at reasonable prices.

Mr. President, this is in reality consumer legislation. Prices that will not assure a return to the farmer and rancher his cost of production plus a reasonable profit will have a disastrous effect; namely, a reduction in livestock supplies. Like other investors, farmers, and ranchers will neither venture nor long remain in a market activity with a built-in loss. A lower supply of cattle and other livestock in due time means a lower supply of meat. This translates into higher meat prices on the retail market, and that is bad news for the consumer. Lower supplies with a high demand means a higher retail price for the housewife to pay.

When the cattleman is unable to compete effectively in the domestic economy, and he is forced to reduce the size of his herds and his production, everyone is hurt. Feed grain suppliers, small businessmen in rural communities who support the agricultural industry, and finally, the consumer will ultimately feel the impact of lower production levels. This legislation can help to prevent such a result.

I recognize that many consumers become concerned by increases in the cost of meat. It is frequently suggested that the American housewife is prepared to cheat the cattle producer by paying less than a fair price for the meat she buys. I reject this notion completely. The American housewife no more wants to profit at the expense of the beef producer than she wants her husband to get less than a fair price for the product of his labor. No one has a right to call upon the cattleman to be forecd to sell his product under the cost of production.

Those who argue for the consumer and the possibility of increased prices ignore a simple fact. Cattlemen do not sell meat, they sell cattle. They deserve to receive a fair market price for their time and investments. Feed prices are up and other costs to the livestock grower and feeder have gone up with other prices. The livestock producer is not asking to be subsidized for his labors. He is simply trying to receive a fair market price and at the same time assure good quality meat in ample supplies for the American consumer.

Mr. President, this legislation, S. 3679, can provide the kind of relief which will enable the livestock industry to get back on its feet and fulfill its mission in the

American economy. I hope that this measure will receive wide approval in the Senate and in the House when it comes before that body.

MINNESOTA GROUP OFFERS RECOMMENDATIONS ON THE LIVESTOCK CRISIS

Mr. HUMPHREY. Mr. President, a group of my constituents recently completed a study on the crisis in our cattle and livestock industry. I have already shared this report with the members of Senate Agriculture and Forestry Committee.

The report makes a number of suggestions to deal with the present crisis. One major point, which has not been widely discussed in the Congress, is that much of the Department of Agriculture's reporting on cattle prices and cattle supplies has not been accurate.

My constituents do not believe the reports or predictions put forth by the USDA. In addition, newspaper reports do not offer the real prices that farmers receive for their cattle. We need to look for ways of improving the statistical reporting services of the USDA.

Mr. President, I request that this informative report be included in the RECORD.

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

AGRICULTURE AND LIVESTOCK ANALYSIS, SUMMARY, AND SUGGESTIONS

(Prepared by a group of farmer-feeders, finance officers, and other concerned citizens, June 10, 1974)

STATEMENT OF POSITION

The purpose of this paper is to further acquaint you with the seriousness of the problems facing the livestock industry today. The problam is not that of the livestock feeder alone. Within a short period of time it will extend to other industries such as packing houses and their labor force, the trucking industry, the grain farmer, and the finance industry to name just a few. Ultimately, it becomes the problem of the consumer, since the reduction in the number of livestock feeders will cause serious food shortages that will greatly increase the cost of food to the consumer. The overall impact on our economy is certainly difficult to predict, but it certainly will be serious.

The purpose of this paper is not to cry over the present low price of livestock, but to point out solutions that will help the livestock feeder to remain in business. The solutions were considered by a group of farmers, finance officers and other concerned citizens who realize the seriousness of the situation, not only for the rural midwestern areas, but for the entire nation.

How serious is the problem? Here are some reports recently published in the newspapers, or seen over the wire services:

A farmer from Nebraska was unable to sell a load of prime beef steers in the Sioux City terminal recently. The beef would normally be used as steaks and other prime cuts at the best restaurants. He was forced to sell the steers to a broker for $.30 a pound to be used for dogfood.

It was reported in the Minneapolis Tribune, through the State Commissioner of Agriculture, that a Luverne, Minnesota attorney was presently processing 12 bankruptcy cases involving livestock feeders.

It has been reported that some financial institutions have required severe culling of cow herds by cow-calf operators in order to reduce their obligation to the banks.

Many examples similar to the above could be cited, these just happen to be the most recent. How many situations similar to the above go unreported?

We have included as exhibits in this report, the dollar loss per head of livestock raised under the present market conditions. As you can see, the losses do not include any amounts for labor or cost of the facilities. As you will note, these are real cash losses and not just paper losses. The figures are based on industry averages published by the USDA or the agriculture oriented universities.

What has caused the farmer-feeder to over produce? Partly it is the fault of the feeder for holding his livestock off the market waiting for higher prices. This was justified, however, by the bullish reports issued by the U.S.D.A. livestock reporting services. These reports were inaccurate by substantial amounts and greatly confused farmer-feeders as to the direction of the markets. A report of the inaccuracies of the reporting systems is included in this report.

Another factor contributing to the over supply was the decrease in per capita consumption by the consumer. This was caused, in a large part, by the unwillingness of the wholesaler-retailer complex to lower the cost of meat in relation to the lower costs paid to farmers. This can be illustrated by the fact that in August the average price for retail choice beef was $1.44 per pound when the farmer was paid $.36 per pound. In May, the average retail price for choice beef was still $1.44 per pound and the farmer was paid $.33 per pound. A normal margin for the wholesaler-retailor would have required an average cost to the consumer of $1.13 per pound. The wholesaler-retailer complex has forced a decrease consumption in meat by failing to decrease the cost to the consumer.

Have the packing houses benefited from the above situations? Congress has begun investigation of excess profits earned by the oil companies during the present shortages. The packing houses' operating statements do not reflect a depression in the food processing industry. Published reports of meat packers indicate the following increases in net income per share for 1974:

	Per cent
Missouri Beef Packers	253.7
United Brands	139.4
Hormel & Co	107.7
Spencer Foods	104.3
Esmark, Inc. (Swift & Co.)	63.5

The packer, in effect, increased his margins by creating an oversupply by not decreasing wholesale-retail prices in the face of lower costs of purchases. The packer forced the decrease in consumption in order to increase his margins. The farmer congratulates the packer on his efficiency in increasing his profits by controlling the food economy. The small farmer in the rural midwest is not able to have the same control.

The farmer-feeder is in need of both short term and long term relief. He needs short term help to keep him in business and prevent a food shortage in a relatively short time. He needs long term help to stabilize the markets to prevent the disruptive fluctuation in markets seen in recent years. The stabilization will decrease the fluctuations in the livestock markets.

While the farmer-feeder needs relief, it is the consumer who would benefit most from this relief. If the present situation continues, cow-calf operators and hog farrowing feeder pig operations will be forced to liquidate the cow and sow herds to meet their obligations. The feeder will no longer be in the market to purchase his product. This would result in a shortage of meat in a short period of time.

In addition, the consumer has been greatly benefited by the large amount of livestock fed through tax shelters funds. (Estimated to be 40% of the cattle in the country.) The shelter funds have, for the most part, gone out of business for 1974 and subsequent years. This will eventually result in greater meat prices through the loss of the equity money to the cattle industry.

Who we are really protecting in trying to find solutions to the present crisis is the consumer. Unless a solution is found a reduction of meat prices will be followed by a substantially disproportionate increase in prices within a short period of time. The balance of this report involves those solutions considered most important by a diverse group of concerned citizens who understand and live with the problems of the farmer-feeder. We welcome any consideration Congress could give with the suggested solutions and similar suggestions other similar groups might suggest.

GOVERNMENT GUARANTEED LOANS

The livestock industry is one of the foundations upon which the American economy is built; if it breaks up, the economy as a whole will collapse. At this time, this breakup is a very real possibility.

Aid to the livestock feeders and the industry in general will do a great deal to revive the industry and avoid a catastrophic collapse. This aid to the industry will guarantee reasonably priced meat for the American consumer through a sufficient supply (see other papers).

This aid, we feel, should be in the form of guaranteed loans at 5½% interest made to farmer-feeders (those whose principle occupation is farming) on the basis of his individual financial need. These loans should be made through the farmers local lending institution, which knows his financial situation best; administered by the Federal Intermediate Credit Board; and guaranteed by the federal government, or in whatever manner is most feasible. All loans should be made on the basis of chattel mortgages or real estate mortgages.

The amount of each loan should be based on the amount the farmer needs to stay in business, and should not be a loan to finance his entire operation. The local lending institution, too, should assume a normal risk, and should only use the program to keep an efficient operation in business. Further, there should be a subsidy to make up the difference between the 5½% interest rate and the prevailing commercial interest rate for the banker. The payback on these loans should be governed by the local lending institution based on the feeder's annual profits, and renewed on an annual basis.

We strongly urge Congress to consider this proposal as a method to prevent wholesale bankruptcies in the livestock industry and to insure an adequate supply of meat at a reasonable price to the consumer.

STATISTICAL REPORTING SERVICE

The statistical reporting service of U.S.D.A. is one of the problem areas facing the meat producer as well as the American farmer today.

A case in point in the March 1, 1974 Hog Report which showed Hogs on Inventory in the weight bracket of 60 lb.-120 lb. to be 102% of a year ago and hogs under 60 lb. to be 98% of a year ago. We are currently slaughtering hogs at the rate of 113% of a year ago. Assuming the hogs in the 0 lb.-60 lb. bracket are now coming to market and that most of those in the 60 lb.-120 lb. bracket have been marketed it would indicate a discrepancy of 15%. Certainly an improvement can be made on a system producing this much error.

In the Cattle Report, according to the projected Government Reports, we should be killing 15–20% less beef than a year ago. Instead for the week of June 3–7 we killed 650,000 head, which would be 65,000 head more than a year ago, or 10% more. Every one of the cattle reports in the last two years has had a bigger deviation than the pre-

vious report. With cattle numbers increasing world wide, meat consumption dropping world wide, and these factors not readily available to the cattle producer, it is no wonder he is in trouble.

As an example of the recent deviations in the reporting systems as compared to prior years we site the following conditions:

(1) In the hog report from 1964–72 there was an average error of 1% with maximum error of 3.6% under and 6.9% over. From 1968–72, the reporting was not off by more than 0.5%. In 1972, we were under by 3.8% and it appears that we are now carrying a residual error from 1972.

(2) The U.S.D.A. has released a special report SRS–18 which gives the explanation of error and an explanation of the surveying and estimating procedures. We suggest you obtain and study a copy of this report. We don't feel the reasons given for errors in this report are valid. The U.S.D.A. is simply reacting to consumer pressures.

Much of the blame on meat prices has been put on the producer for carrying overweight cattle and hogs. Government reports indicated an improvement in prices which has not materialized. Instead we have had both increased numbers and heavier weights of livestock going to market which have seriously depressed the market price.

The problem caused to the producer is that, the meat packer and processors, along with the large grain companies through their private surveys have a more accurate reporting system than does U.S.D.A. This information from private sources is not available to the American producer and thus it tends to work against him if there are errors in the government reporting system. The purpose of the reporting system is to aid agriculture and agribusiness in making buying and selling decisions as well as planting intentions, and not to confuse him through incomplete and inaccurate reports.

We find it interesting that, in checking with the county A.S.C. office, the statistics available from the farmers when they certify their corn, wheat and feed grain acres are not used by the statistical reporting system in the county in which I reside. There is a difference of 10% using certified acres on the 73 crops against what U.S.D.A. reports we have produced in acres in 1973.

The net result of these errors has been a confused marketing system, with wide fluctuations in the market, such as has occurred in hogs, cattle, soybeans, and feed grains and which affect the meat producer. From a practical standpoint it is impossible for the farmer-producer to make marketing or buying decision with these statistics.

It appears our reporting service is not understanding enough of the world wide impact of the import-export situation, foreign crop conditions, monetary policies, import-export restrictions, and the realities of inflation in the domestic and foreign economies.

This inflationary spiral here and abroad has compounded the reporting services problem which we think they fail to take into consideration. Instead of an error margin of what might have been 1% 7–8 years ago it is now magnified by 2 or 3 times. As a result of higher land prices and higher overall production costs, (labor, fertilizer, chemicals, machinery, etc.) the margin of error has been magnified.

We believe we should ask for a congressional investigation of the statistical reporting service looking into the possibility of intentional alteration of figures to meet existing conditions. We also ask that the possibility of leaking of information prior to reports being released be investigated. In light of the present scandals in government, the Russian Wheat Deal, the Wild Soybean Market, the Embargo on Soybeans and other government actions, any leakage of this information is entirely possible and could result in substantial profits to insiders.

We support the present investigation of the commodity exchanges. We feel the exchanges should not be self-regulating, because of their effect on the nation and the economy as a whole.

COMMODITY LOANS

We propose that additional aid be given to help both livestock and grain producers in this manner:

A farmer producing corn, wheat, feed grains, and soybeans would be eligible for a loan on the commodity he produces at the current loan rate for that commodity at 4% interest for a period of three years. This commodity would not be subject to recall but would be held by the farmer until he fed it, sold it, or the three year period of time was up. The 3 year time period would begin at the date the loan was taken and expire when the loan was terminated or the commodity fed or sold. Interest would be paid annually.

We feel this proposal would bring a stabilizing effect into the market by not forcing the farmer to sell the grain during periods of price weakness. It would also give the cattle and hog feeder additional borrowing power at a more favorable interest rate.

We would hope that these proposals would bring some short term relief to the livestock feeder and long range stability to our livestock, feed grain and protein market situation.

IMPORT RESTRICTIONS

The catastrophic losses suffered by livestock feeders since September 1973 are being prolonged, endangering the financial underpinning of the entire feeding industry. Bans on beef and high import levies on pork have been major contributors to these serious losses.

Even greater harm will be inflicted if we are subjected to large scale diversion of shipments from origin countries. The most recent import figures available indicate that such diversion is taking place. Imports of beef and veal during March showed an increase of 36 million pounds (product weight) or 27.4% over 1973. Imports of pork increased 11.6 million pounds (product weight) or 40.2% over March, 1973.

The current discriminatory, nonreciprocal treatment being inflicted upon the United States by Japan, the E.C. countries, and Canada is a vivid example of the irreparable injury which results from the failure of the U.S. Government to retaliate against the adverse actions of other nations. The developments in the trade area, following on the heels of the price ceilings fiasco, leave feeders with the feeling of having been completely abandoned by their government.

We suggest that determined efforts be made to remove bans imposed by other importing countries. If these goals cannot be accomplished, we implore the government to reimpose U.S. import restrictions on beef, veal and mutton in consideration of the economic well being of the domestic cattle feeding industry.

CORN BELT CATTLE FEEDING

Example of 600 lb. steer purchased in November, 1973 and sold in June, 1974.

Cost of steer	$318.00
Feed costs:	
Corn	112.50
Silage	34.00
Protein	24.08
Hay	10.00
Total feed costs	180.58
Other costs:	
Veterinary medicine	$2.50
Interest	13.00
Death loss	6.36
Transportation, buying and selling	10.20
Total other costs	32.06
Total costs	530.64
Selling price (contracted June 7, 1974):	
June contract	35.50
Discounts from Chicago	(1.50)
	34.00
Times 1,050-pound steer	357.00
Loss/head	(173.64)

Total loss was based on out of pocket expenses—No return for labor or facilities cost. Based on figures obtained from U.S.D.A. bulletin dated May, 1974.

ECONOMICS OF CATTLE FEEDING

Typical example of 400 pound calf purchased in the fall of 1973 and appraised in June, 1974 at a weight of 700 pounds:

Purchase 400 pounds at 65 cents per pound	$260.00
200 days interest at 8 percent	11.00
	271.00
Appraised value of 750 pound steer in June 1974 at 32 cents per pound	240.00

As you can see, this steer will fall short of paying the note and interest by $31.00 even if only the first cost of the steer is borrowed. Based on the present cost of gains this steer would also have consumed $157.50 worth of feed that is a total loss.

Typical example of 750 pound yearling steer purchased in the fall of 1973 and sold in June, 1974:

Purchased 750 pound at 54 cents per pound	$450.00
180 days interest at 8 percent	16.00
	466.00
1.100 pound steer sold June, 1974 at $37	407.00

As you can see, this steer will fall short of paying the note and interest by $14.00 even if only the first cost of the steer is borrowed. Based on feed costs through this period this steer would have consumed $350.00 worth of feed that the farmer received absolutely nothing for.

If you were to steal a 350 pound calf and feed it until April, 1975 and hedge it on April futures:

350-pound calf	Free
750-pound gain at 50 cents per pound	$350.00
Sold 1,100 pound at $33	363.00

As you can see, you can just hold your money together if you start with a free calf.

FEED PIG FINISHER

Example of 40 LB. pig purchased in March and sold in August, 1974.

Cost	$32.00
Feed costs:	
Feed requirements	27.29
Protein supplement	9.87
Minerals, etc	1.68
Total feed costs	38.84

Operating costs:	
Interest	$0.73
Death loss	1.32
Selling and buying cost	1.80
Other operating costs	3.00
Total operating costs	6.85
Total	77.69
Selling price (Contracted June 7, 1974):	
August contract	24.30
Discount from Chicago price	(3.00)
Total	21.30
Times 225-pound hog	47.25
Loss/head	(30.44)

Complete farrow to finish will cost a farmer $20 to produce a 40 lb. feeder pig:

Costs	$65.69
Selling price	47.25
Loss	(19.44)

FEEDER PIG FINISHER

The following is an example of what would happen if a farmer were given a 40 lb. feeder pig using the costs shown in the previous example:

Cost of feeder pig	0
Feed costs	$38.84
Other operating costs	6.85
Total costs	45.69
Selling price	47.25
Profit/head	1.56

The above example again assumes no labor or facilities costs. As you can see, even if given the feeder pig the farmer will lose money.

Mr. HANSEN. Mr. President, I intend to vote for S. 3679, because I believe it is necessary not only to protect those cattle feeders and producers who face bankruptcy without a reasonable source of credit, but to protect as well the economies of rural communities dependent on this industry for survival, and to protect consumers nationwide who will lack a reasonably priced and abundant supply of meat in the future if more producers leave the business than have already.

It is my understanding this bill would permit loans to qualified hog and poultry producers, as well, and I recall having read in this morning's Washington Post that poultry producers are destroying millions of chickens and fertilized eggs because prices are so low there is no chance for a profit or to even break even by feeding the chicks.

Mr. President, I attended the hearings held last week on this legislation, and I would point out that the purpose and objective of this bill is to help producers and feeders of cattle, hogs and poultry to stay in existence long enough to rescue themselves from one of the most disastrous periods in memory. Credit is the lifeblood of most any business or industry in this country, and this is no less the case with livestock producers. Because producers of cattle, hogs, and poultry have been steadily losing money in recent months—cattlemen have been losing from $150 to $200 per animal sold—their working capital or liquid margin has been destroyed. In many cases, they will be unable to purchase replacement animals, and many are finding it necessary to refinance real estate holdings in an effort to reduce short-term debt. These producers know conditions will improve in the future. The need now is to help insure adequate sources of credit to permit these operators to weather this crisis period.

To demonstrate the seriousness of the present situation as it relates specifically to cattle feeders and producers, Mr. President, I ask that a letter from D. L. Hovendick, president of the Federal Intermediate Credit Bank of Omaha, to Senator CARL CURTIS, be printed in the RECORD at the conclusion of my remarks. This institution serves eight States in which livestock production is a major industry, including Wyoming. The letter explains in some detail the situation now faced by cattle feeders and producers with respect to credit to continue operating.

I ask, as well, Mr. President, that a series of letters from Wyoming constituents which outline in very personal terms the situation faced by the livestock industry be included at the end of my remarks. These represent only a tiny percentage of the letters I have received, but they are representative of what people are saying.

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

NEWCASTLE, WYO.,
June 5, 1974.

HON. CLIFFORD HANSEN,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SIR: You being a rancher most of your life, I feel sure you are doing everything in your power to protect the rancher interests. However, I think the time has come that we must impress upon the minds of all our Congressmen that the small rancher and perhaps bigger operators too are in real trouble.

The cattle market taking such a drastic drop and all our expenses going up, we are just not going to be able to meet our obligations.

Example: Our leases on all Public Lands increasing in price every year and our cattle market dropping to nearly half.

Fuel oil for our houses increased from 16 cents a gallon to 38½ cents. I think you should be trying to do something about this as well as propane.

Of course gasoline has raised considerable which is very essential to the ranching business today.

Feed costs are very high, all repairs and materials that we must have to get by on have more than tripled in some cases.

I could mention many more things, but with all the same increase in cost.

How can we, the small operator with 125 cows meet our obligations.

It seems to me, if something isn't done very soon, we are going to be looking for jobs. What kind of a job does a 55 to 60 year old rancher find here in Wyoming.

I am also concerned about bills in the making to do away with grazing on Public Lands in Western States. Nearly all ranchers depend on Public Lands and without them cannot exist.

I am told that beef imports are playing a considerable part on our cattle market. If so, let's do something about it before it is too late.

PINE BLUFFS, WYO.,
June 6, 1974.

Senator C. P. HANSEN,
Washington, D.C.

SIR: Farmers and ranchers are not beggars. We can pretty much take the ups and downs of our business without complaining but when we pay 70 cents a pound for a calf and after feeding it for six months have to sell it for 32 cents a pound, none of us can stay in business very long at that rate. Why isn't something being done about this import of beef?

You are a rancher, how do you keep in business?

All we want is a fair profit so we don't lose this land that has been in our family for several generations.

A personal reply would be appreciated.

THE WISROTH RANCH CO.,
ROSE WISROTH,
Secretary.

June 7, 1974.

HON. CLIFFORD P. HANSEN,
U.S. Senator,
New Senate Office Building,
Washington. D.C.

DEAR SENATOR HANSEN: I heard on the news last night that you had sent a telegram to the White House requesting that beef import controls be reinstituted. I want you to know that I fully support your position on this matter.

Without fear of overstating the case, I can tell you that our area of Wyoming has slipped over the brink of economic disaster. Fat cattle prices have, as you know, been depressed for an extended period of time and feeders in Platte County have lost significant sums of money. Now feeder cattle prices are hovering around the 30 cent mark on 600 to 700 pound steers and livestock of that classification have recently sold for as low as 29 cents. This in and of itself would be great cause for concern for all segments of the livestock industry and for those in our trade area who are not in the livestock industry but who depend upon healthy livestock economy for their businesses. However, at the present time, we find not only a depressed cattle market, but also doubling and tripling of the cost of fertilizers, fuel, baling wire and other necessities for livestock production.

In the past, during periods of depressed cattle prices, it has been necessary for ranchers to borrow heavily from local lending institutions for operating capital. This year of course our lending institutions are approaching their maximum lending capacity and those funds that are available are bearing interest at from 10 to 11 percent. With the interest rate so high, I am afraid that many operators will be unable to service the debt they will have to incur in order to stay in business.

As if the combination of these factors were not enough, I am afraid that the most severe drouth in recent memory which we are currently experiencing will simply nail the lid on the coffin of the livestock producer.

I know you are aware of the desperate plight of the livestock industry, but I felt constrained to express myself and to request that your efforts be continued on behalf of our livestock industry.

Debby joins with me in sending our warm best regards to you and Martha.

With kindest wishes, I am,

Very truly yours,

RAYMOND B. HUNKINS.

VETERAN, WYO.,
June 1, 1974.

Senator CLIFF HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: I am very distressed over cattle prices. The warmed-up feeder cattle I am selling now weigh out at twice the weight that they went into the corral with last fall. After feeding them for 200 days with high priced feed, they are selling at almost the same price per head that they cost last fall.

It is very depressing to work for a year and have nothing to show for your work.

Almost everything I buy is up in price. For example: My baler twine cost me $125.00 last year. This year the same amount of twine cost over $400.00. Repairs for tractors and machinery are the same.

I am not the only feeder that feels this way, nearly everybody I talk to that is in the cattle business is feeling the same gloom as I.

I would like to say that if the price of cattle continues down the feeders in the U.S. will not be in business much longer. Maybe the public and the President would rather buy foreign meat. If that is the case then it is just as well that we do away with the cattle feeding industry in the U.S. One thing is for sure, we can't go on like this. Either there has to be some way to control importing of meat or make imports our basic source of meat for the U.S.

Personally I feel the U.S. has a lot to lose if it loses its meat producing industry in this country.

Sincerely,

GERALD E. STRICKER.

FEDERAL INTERMEDIATE CREDIT BANK OF OMAHA,
Omaha, Nebr., June 15, 1974.

Hon. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CURTIS: In response to your request, we offer the following comments about the impact of this prolonged decline in cattle prices on livestock feeders, and its further impact on the rancher and other related segments of the agricultural industry.

The Federal Intermediate Credit Bank of Omaha supplies loan funds and supervises the lending activities of the 40 Production Credit Associations located in the states of Nebraska, South Dakota, Iowa, and Wyoming. On May 31, 1974, these 40 PCAs had over 19,000 loans, for a total volume of $990 million. Some Associations are very heavily involved in livestock operations, such as cattle growing and feeding, and hog raising. Approximately 80% of this volume involves some type of livestock production.

All cattle feeders have been losing and are continuing to lose large sums, $150 to $200 or more, per head of cattle sold. In desperation, some feeders held cattle too long, making them too heavy, and of course are now having difficulty marketing them. Until recently, the drop in fat cattle prices had not seriously affected the general farmer-feeder who was also producing some hogs, as the profit on the hogs was helping offset the losses on any cattle that were sold. Now that hog prices have dropped well below the break-even point, these general farmer-feeders, who many consider to be the backbone of agriculture, are rapidly losing equity.

Because the cattle feeder has lost tremendous sums of money, his working capital or liquid margin has been depleted. He is unwilling, and in many instances, financially unable to purchase replacements. This affects those who have been backgrounding or growing cattle. Those operators are discovering their cattle are now worth only their cost last fall. They are receiving nothing for the feed and labor put into the cattle.

For example, a 416 pound steer calf purchased last October at a cost of $273 ($65 cwt.), now at 667 pounds is worth $240 ($36 cwt.). This operator's loss on his initial investment is $33 per head. This per-head loss is increased by an estimated feed cost of $90 per head and $19 interest on the purchase price, for a total per-head loss of $142. This operator now must decide whether to sell and take his loss, or speculate that prices will go up and feed out the cattle. If fed out, based upon October futures prices for fat cattle, the per-head loss will increase to $196 per head.

Many cattle feeding operations have suffered losses to the extent that they will be required to make major adjustments in their operations, if indeed it is possible for them to continue in business. For a large number of them, the adjustment will consist of handling a drastically reduced number of cattle. Others will find it necessary to refinance their real estate in an effort to obtain funds to reduce their short-term debts. For many operators, the build-up in short-term debts is such that they cannot be reduced sufficiently by refinancing land. In these instances, they will need to sell all or part of their land. Some operators will find they have no choice but to go out of business. If very many need to sell land, this will have an adverse effect on land values, just as lower grain and livestock prices will also contribute to a reduction in real estate values.

The impact of this severe drop in cattle prices is first being felt in the cattle feeding areas. However, this fall the impact of lower fat cattle prices will be felt by operators in the range areas when their calves or yearlings will sell at prices expected to be about half the price they received in the fall of 1973. With these lower prices the range operator will be in the same financial bind as that presently hurting the cattle feeder.

Also involved in the total program is the uncertainty of fall grain prices. Corn price estimates range from a low of $1.45 to approximately $2.00 per bushel. At current prices of production inputs, corn farmers feel they need at least $1.75 to break even. If corn prices are below this level, the farmer-feeder will be losing money on the grain he produces as well as on the hogs and cattle he is feeding, unless livestock prices improve.

Present prices are creating a very disastrous situation for agriculture in the Midwest. The situation is so serious that some financial institutions will suffer losses. Much more distressing is the fact that when a situation is this serious a large number of farmer-feeders are going out of business.

We surveyed eleven Production Credit Associations located in areas where cattle feeding is the major agricultural enterprise. They estimated 77% of their member-borrowers are livestock operators. One-third of their livestock loans are believed to be in serious trouble. We think the survey results could be representative of all livestock loans.

At least 5% of the livestock operators have suffered such large losses that they have no choice but to quit. They will need to sell all of their assets to repay their debts. Individuals handling the largest number of cattle have suffered the largest losses and some will not be able to continue. Their lack of production will reduce the supply of fat cattle for slaughter. The amount of losses, if any, that might accrue to the Associations was not estimated.

These eleven Associations estimated that 25% of the feeders will need to drastically reduce the number of cattle handled. Generally these cutbacks will be by those who handled a large number of cattle. These cutbacks will also adversely affect the amount of grain-fattened beef available to the consumer.

Approximately 12% will need to refinance their real estate to transfer the carryover of short-term operating debt to a long-term basis. Some short-term lenders have expressed a concern that the livestock men will not have a debt-to-asset ratio which will be acceptable to real estate lenders, so this type of credit may not be available to them.

The survey indicated 9% of the livestock operators will need to sell all or part of their assets, either chattel or real estate, to reduce debts so they can continue to operate.

We feel that every effort needs to be made at all levels of government to initiate whatever action is possible to stop the continued decline in live cattle and hog prices, and get them started on an upward trend and stop the losses. These actions would surely include the curtailment of beef imports into the United States and obtaining necessary clearances to permit the export of cattle to Canada.

We understand there have been several pieces of legislation introduced into both houses of Congress which would establish guaranteed loan programs. We are not familiar with these programs and how they would operate. They could have some merit if they make it possible for agricultural credit institutions to continue with operators who have suffered serious losses and whose financial position has deteriorated to the point where the institution would not be able to extend them credit without some assurance that the credit institution's ability to serve other deserving members of the agricultural community would not be jeopardized.

The basic problem remains. The consumer must learn that meat is a good buy at prices which will permit a fair return to the producer of the animal, the farmer raising the grain which fattens the animal, and the feeder who finishes the animal for slaughter. Based upon our information, the ranchers feel they need a minimum of 40¢ per pound for their calves to break even and the corn grower will need approximately $1.75 to $2.00 per bushel for his corn. The animal will have to bring at least $45 per cwt. when sold for slaughter to just break even. This means that the price level to the consumer will need to be higher than it is at the present time. And, I will emphasize that, compared with the prices of the other things consumers buy, meat is currently underpriced.

As we all know, the situation is very serious. Immediate action is needed to alleviate or minimize the problems.

Yours very truly,

D. L. HOVENDICK,
President.

Mr. HANSEN. Mr. President, I hope the Senate will see fit to approve this legislation, and that the House of Representatives will act as expeditiously as has the Senate on a proposal to insure sources of credit.

Mr. TALMADGE. Mr. President, the legislation before us today is vital for the livestock industry and our economy in general. I have been gravely concerned about the plight of the livestock industry for some time. I conferred with the President about this crisis several weeks ago and with his chief economic advisor, Kenneth Rush, a week ago. In addition, I have been in constant contact with Secretary of Agriculture Butz on this crisis.

On June 12, the chairman of the House Agriculture Committee, Congressman POAGE, and I issued a joint statement to call attention to the disastrous plight of the livestock industry and the danger of wholesale bankruptcies in rural areas. In addition, we promised that the House and Senate Committees on Agriculture would do everything we could to expedite passage of remedial legislation. I am pleased that the Senate Committee on Agriculture and Forestry has kept this pledge and I know that the House Agriculture Committee will do the same.

The Committee on Agriculture and Forestry, which I have the honor to chair, developed this emergency legislation in record time after considering four similar bills that had been referred to it. We received extensive testimony about the problems and needs of the Nation's livestock producers in hearings this past Monday. I am pleased that the bill the Agriculture Committee has so expeditiously adopted combines the best

features of other bills and focuses directly upon the problems that exist in the livestock industry today.

Mr. President, in numerous statements over the past few weeks, many Members of Congress have very clearly documented the economic crisis that livestock producers are facing at this time. Of special note is the letter the majority leader and I and 41 other Senators sent to the President that clearly stated the sense of the Senate.

Also, the Committee on Agriculture and Forestry unanimously adopted, on June 19, a resolution calling on the President to exercise his authority under the law to restrain meat and dairy imports, many of which are subsidized, are flooding the market and are a primary cause of the current distressed situation in the livestock and dairy industry. Mr. President, I ask unanimous consent that the resolution of the Committee on Agriculture and Forestry and the joint statement of Congressman POAGE and I be printed at this point in my remarks.

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

RESOLUTION

Whereas a strong and viable livestock and dairy industry is essential to the well-being of the Nation's economy, and

Whereas skyrocketing production costs and plummeting farm prices have placed producers of dairy products and livestock in a precarious economic position, and

Whereas the livestock and dairy producers of the United States face disrupted domestic markets caused in part by abnormal import competition, and

Whereas the President's suspension of meat and dairy quotas has led to an increase in competing imports injurious to the American agricultural economy, and

Whereas this situation threatens the long run interest and welfare of the producers and consumers of this Nation: Now, therefore, be it

Resolved, that it is the sense of the Committee on Agriculture and Forestry that the President is requested to seek every means possible to provide appropriate relief for the livestock and dairy producers in the United States from import competition, some at subsidy rates, by taking the following actions:

(1) Continue to consult with nations exporting meat products to the United States and seek to achieve, by July 1, 1974, voluntary agreements to restrain exports of meats to the United States, and

(2) If such voluntary agreements are not reached by July 1, 1974, immediately reinstate the level of quantitative restrictions which are equal to the adjusted base quantity estimate for the current calendar year pursuant to Section 2(b)(1) of the Act of August 22, 1964 (19 U.S.C. 1202 note), and

(3) With the concurrence of the Secretary of Agriculture, issue a Proclamation stating that import quotas on butter, butter oil, cheddar cheese, and nonfat dry milk, as authorized under Section 22 of the Agricultural Adjustment Act of 1933 (7 U.S.C. 624), will not be increased above the levels prevailing as of June 1, 1971, and

(4) Report to the Committee on Agriculture and Forestry on the progress achieved in attaining the objectives of this Resolution within 30 days of its adoption.

JOINT STATEMENT OF CHAIRMAN TALMADGE AND CHAIRMAN POAGE

In this time of runaway inflation, exorbitant interest rates, and shortages of some materials, many small businessmen are experiencing hard times. However, the livestock producer in the United States is experiencing an economic squeeze that is without parallel since the great depression.

In the past six months, the price of fed cattle has dropped over 20 percent—falling from $47 a hundredweight in January to around $36 this week. Hog prices have fallen even more—from about $40 a hundredweight to under $22, a drop of 45 percent.

Cattle feeders are losing from $100 to $200 a head. Hog producers are being forced to liquidate their herds.

Livestock producers are caught in the inexorable squeeze between high production costs and lower prices for their product. Clearly the smaller cattle and hog producers cannot continue to sustain such losses.

Already there have been a number of bankruptcies in the livestock industry. If this trend continues, we will see wholesale bankruptcies in the livestock producing areas of this nation. When these bankruptcies occur, the economy of rural communities and entire States will suffer.

Moreover, this damage will not be temporary. It will have a lasting and detrimental impact on the structure of our farm economy. While there are currently many big livestock producers who have the financial resources to withstand such situations, there are thousands and thousands of smaller producers—family farmers—who do not have the capital and resources to withstand the economic crisis which is currently upon them.

When they are forced to the wall, their assets will be sold, at fire sale prices.

We don't believe that the concentration of hog and cattle production in the hands of a few large corporations will mean lower prices for consumers in the long run.

Moreover, the cost-price squeeze currently being experienced by cattle and hog producers has also spread into the poultry and egg industry and into the dairy industry. Turkeys were selling for 24 percent less this May than a year ago, broilers were 13 percent less, and eggs at about 37 percent less than in January of this year.

If price declines for livestock on the farm level were reflected in lower retail meat prices, we might take some comfort from the situation. But it is clear that consumers are not getting the full benefit of the break in livestock prices.

Of course, it is the responsibility and the desire of the Committees in Congress which represent agricultural producers, and which write farm legislation, to do whatever is possible to alleviate the current crisis.

To their credit, livestock producers are a fiercely independent breed. They have never wanted government assistance or government controls. However, we are currently receiving thousands of complaints from livestock producers who can no longer cope with the economic catastrophe which has befallen them.

Several bills have been introduced and referred to the House and Senate Committees which would provide emergency credit relief for livestock producers.

It is the desire of our Committees to do anything within our power to assist our livestock producers. However, if we are to move quickly and if we are to achieve a solution that will be helpful to the livestock producers and to the nation, we will need the support and the solidarity of the national organizations representing these producers.

Therefore, we call on farm organizations and their leaders to unite in a common effort to suggest the legislative relief which might be necessary.

When this is done, we, the Committees responsible for agricultural legislation, will do everything we can to secure prompt passage of emergency legislation.

In addition, we call on the food retailers of the nation to cut meat prices and once again feature meat as weekend specials. We feel that when the consumer is given the full price break that the drop in farm livestock prices justifies, he will purchase more meat.

Further, we call on the Secretary of Agriculture to assert the leadership of his office and to marshall his farm experts to come forward to the Committees on Agriculture with positive solutions which will alleviate the current crisis.

We do not have any pat solutions to the current crisis. We are looking for answers. Therefore, it behooves all of us, the leaders of the livestock industry, food retailers, the Secretary of Agriculture and the Congress to work together toward positive solutions which will prevent the liquidation of the livestock industry as we know it.

Mr. TALMADGE. Mr. President, as my colleagues have done an admirable job in relating the plight of the livestock industry and since Mr. MCGOVERN's opening statement has adequately delineated their needs and the provisions of the bill, I should like to at this time limit my remarks to what the situation means to the broader economy.

First, agriculture is an integrated economic entity, livestock producers are the largest customers for crop producers. Over 5 billion bushels of grain each year are purchased and used by the livestock industry. If the livestock industry falls into decline, this economic fall will be reflected throughout agriculture. Prices for grains would plummet, and with the record crops we expect to harvest this year, we would shortly face grain surpluses that could exceed any past levels.

If agriculture loses its economic viability, the impact would be passed forward and backward to agricultural processors and suppliers. This would include machinery dealers, feed manufacturers, chemical companies, and especially the lending institutions.

The economic viability of rural communities is absolutely dependent upon the economic viability of agriculture. If agriculture slumps, the impact on our rural people will be devastating. A large share of the employment and economic activity of rural America is directly involved in the supply or service activities for agriculture. But even those not directly involved such as retail stores would be affected as economic activity fell.

The impact of a massive agricultural turndown would spread throughout the economy. The loss of business of a local machinery dealer translates into a loss of employment at a machinery manufacturer. Falling rural incomes result in falling demand for all goods and services whether it be TV's or automobiles or baling wire.

Chronic losses for agricultural producers would mean a turndown in production. Already, we are seeing herd and flock liquidations. Although this results in a shortrun increase in supply that would give consumers a quick burst of price relief, in a matter of months shortages of livestock products would develop. In turn, higher prices would result. And livestock products and meat would become luxury items.

Our working people, elderly and poor people would be forced out of the market. This would occur just when supplies

are reaching such levels that they could more fully supply the needs of our people. It comes at a time when we are all concerned with the inadequate nutritional levels of a very large share of the American people.

In the past few years, we have made efforts to improve the nutritional well-being of our people. Unfortunately, inflation has destroyed these efforts, but we are now faced with an even more pervasive problem—the loss of production and supply.

As we consider this question, we must also be aware that there is necessarily a long time lag in regaining production levels in livestock production. The cattle declines that occurred after the 1951–52 market break were not recouped until 10 years later.

If we do not respond to the plight of the livestock industry today, we will undo the expansion efforts by the industry over the past 3 or 4 years. In addition, we would make the achievement of adequate nutrition an even more remote goal.

As responsible men, we must look forward and consider all the consequences that could result if we do not act. This program attempts to assure that all American people can expect adequate livestock products at reasonable prices. It insures that wholesale bankruptcies will not occur in the short run. It gives us time to more fully assess all the problems and to find the appropriate measures needed to fully alleviate them.

This bill is in the special interest of the American people.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, when does the vote on the pending measure come up?

The PRESIDING OFFICER. Under the previous order, at the hour of 3:20 p.m. on Monday.

Mr. McGOVERN. I yield 2 minutes to the Senator from Iowa (Mr. CLARK).

Mr. CLARK. Mr. President, I simply want to join with the other members of the committee and with the distinguished chairman, the Senator from South Dakota, in supporting this legislation.

It is only one step that is needed, but it is the most important step. It is a temporary measure, an emergency temporary measure, as the Senator from Nebraska has said. It is very, very important to all of the States that raise cattle and, indeed, to all the consumers as well.

So I am pleased to join with the Senator from South Dakota and the members of the Committee on Agriculture and Forestry in supporting this legislation.

Mr. CURTIS. Mr. President, I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, a great deal has been said in the Senate recently about the severe financial conditions in the livestock industry. In addition, there has been a great deal of talk in the administration and the press. I am glad to see that today the Senate is taking prompt action on this situation to protect the livestock industry and consumers.

It is gratifying to me that the bill we are considering today includes several of the provisions included in the Livestock Producer and Consumer Protection Act of 1974, which I introduced on June 11. The most important provision is that the loans guaranteed under this program will be at commercial market rates, as requested in most of the testimony in hearings on this bill on June 17. There is no subsidized rate. Cattlemen and other livestock producers do not want a handout from the Federal Government. They are not looking for subsidies and they do not need some grandiose, expensive Federal relief program.

This bill is intended to protect livestock producers from economic disaster and to protect consumers from exorbitant meat prices in coming months and years due to a potential loss of our meat producing capacity. This bill is not intended to bail the livestock industry out of a loss situation at the expense of the Government. However, livestock producers do need protection from financial disaster. This bill would provide that protection.

At the same time, consumers do not want subsidized meat paid for with tax dollars. They do need protection from exorbitant meat prices and they need a steady and reliable supply of meat. This bill would help achieve those objectives.

DEPRESSION LEVEL PRICES

Mr. President, the livestock producers in Kansas—and this includes cattlemen, hog farmers, poultry men, dairy farmers and all livestock producers—are on the verge of bankruptcy. The cattle industry alone in Kansas is a $2 billion industry, the largest moneymaking industry in Kansas. It has taken fantastic losses, estimated as high as $600 million. Some cattlemen have already been forced out of business.

In my possession, I have a number of closeout sheets from a typical feedlot in Kansas, indicating the expenses, weight, gains and financial losses on a number of pens fed at this feedlot. The losses on these cattle range from $106 per head to $211 per head. I have carefully noted that the lots of cattle, indicated in these closeout sheets, are not unusual cases, but very normal examples of the cattle feeding industry. These cattle were brought into the feedlot at a normal rate level of about 700 pounds and fattened to a weight of approximately 1,100 pounds, at which time they were sold. The total cost of gain ranged from 44 cents to 56 cents per pound, with the average cost of gain ranging in the normal neighborhood of 50–51 cents per pound.

It is obvious that with losses of this magnitude, cattle feedlots cannot be long expected to stay in business. And when feedlots go out of business, stockers, and then cow-calf operators also begin to experience depressed markets. Similar situations exist for the hog, poultry, and dairy industries.

So it is understandable why I and other Senators have met with the President, the Secretary of Agriculture and numerous other administration officials about the plight of the livestock industry. It is also clear that we have a need to restrict meat imports and take other measures to improve the livestock market. It is appropriate that we consider this legislation today to protect the livestock industry, and the future supply of meat for consumers, from economic disaster.

EARLIER EXAMPLE

Mr. President, we saw conditions in the early 1950's somewhat similar to the present situation. I believe that, based on our experience during that period, the action we are considering today is necessary and thoroughly justified.

Between 1951 and 1953, the prices on beef declined 52 percent. The production of beef and other meat declined sharply in that period. Following that decline, we see that there was no appreciable increase in the size of cowherds again until 1959.

In other words, a sharp decline in our meat producing capacity will result in a long recovery period before we can obtain a comparable level of production.

Without the protection of the measure we are considering today, the livestock industry clearly faces a sharp decline in its output. The expectation is that American consumers would not find beef in the same quantities of the peak year of 1972 until nearly the mid-1980's. Other types of meat could be expected to follow a similar pattern.

And the road back to the present level of production could be expected to be even more expensive. Inflation is an ongoing process, as we all know. The prices cattlemen would have to pay to rebulid their cowherds and feeding facilities would be even more costly than what they have paid in the past. The price of beef would then be more expensive than what we can expect if the present production level can be maintained.

OTHER BUSINESSES AFFECTED

The overall agriculture industry is closely integrated in the present day. If the livestock industry is permitted to go into a substantial recession, we can expect a similar situation to occur in the many industries directly related to agriculture. This particularly pertains to the meat processors and retailers who depend directly upon the livestock industry for their livelihood.

In addition, the grain producers would face an extreme profit squeeze. The collapse of the livestock industry would result in a sharp drop in feed grain prices. Farmers who have paid increasingly higher prices for fertilizer, equipment, and other essential materials would be faced with prices which could only provide an economic loss. This development would, in all likelihood, necessitate Government purchases and storage, another obligation on the Federal budget.

NUMEROUS SAFEGUARDS

Mr. President, there have been numerous safeguards written into this bill to prevent abuses or excessive dependence upon it. At my suggestion, the Agricul-

ture Committee included a loan limitation of $1 million. While this sum may sound like a large amount of money to many people, it should be kept in mind that $1 million will only purchase from 2,000 to 2,500 cattle at normal market prices of $400 to $500 per head. It is my opinion, and the feeling of the committee, that this limitation of $1 million will prevent over-dependence upon this act and prevent the Government from being in a potential situation where a loan failure might necessitate large Federal repayment.

This program will be available only to bona fide farmers and ranchers. I wholeheartedly support the concept, as embodied in this bill, that protection should not be available to those who speculate in the livestock market or use it for a tax shelter. As clearly stated in the bill, credit will be available only to those "who are primarily in agricultural production for the purpose of breeding, raising, fattening, or marketing livestock or livestock products."

It is clearly stated in the bill that the borrower must be unable to obtain financing through the normal channels before he will be eligible for a loan guarantee under this program. Guarantees on loans made to refinance existing indebtedness will be made only where absolutely essential for the farmer or rancher to remain in business.

There has been concern that this program could turn into a permanent program which would permit the Government to expand its interference in the livestock industry. To prevent such perpetual extension, a specific limit was provided in the bill that this program would expire in 1 year from the date of enactment, with the possible extension for an additional 6 months under certain conditions.

It has been the committee's stated intention that the program would be carried out under the Farmers Home Administration so that no new bureaucracy would be created. The bill is so designed as to involve a minimum of redtape. A provision requires that the Secretary of Agriculture shall issue regulations to implement the act not later than 10 days after its enactment.

MINIMUM EXPENSE TO GOVERNMENT

This program should cost the Federal Government virtually nothing. The requirement that loans guaranteed under this program must be adequately secure has been clearly spelled out. A repayment period of 7 years with possible renewal of up to 5 years would provide cattlemen a fair period to repay their debts. The tradition of livestock producers being what it is, I would expect that the Government should have extremely low financial obligations because of this program.

Finally, there is a $3 billion limitation on the total amount of loan guarantees outstanding at one time. In a multi-billion-dollar industry. I do not believe that this amount is in any way excessive.

Mr. President, I believe that this bill is necessary to protect consumers and livestock producers alike. I urge every Senator to support this bill.

I commend the distinguished Senator from South Dakota, the distinguished Senator from Nebraska, and the members of the committee for bringing this legislation to the floor.

I think Congress can respond when there is great difficulty, and certainly the livestock industry in America, especially in my State of Kansas, is having a great deal of difficulty at this time.

It is my view that with the four bills considered by the subcommittee, the subcommittee and the full committee have passed a very reasonable measure. It touches on the very dire problem facing the industry. It is a very tightly drawn concept. It is drawn for the protection of the bona fide livestock producer, the bona fide feeder, and those other bona fide operators in the industry, and I certainly strongly endorse the bill.

I recognize in my own State that there is some concern about this bill. Some cattlemen do not want anything from the Government.

My answer is that in the first place there is no subsidized interest rate being provided for the livestock producer and in the long run if there is not some relief given, the consumer will be the one who suffers.

Mr. President, I urge passage of the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, all I want to do is echo what my associates from the cattle States, the beef producing States have had to say this afternoon. I want to commend the Committee on Agriculure and Forestry for facing up to this problem—which concerns, primarily, the feed lot operators in our States—holding hearings Monday, reporting out a bill Wednesday, and having it considered today.

Mr. President, I suggest the absence of a quorum so that if anyone is in opposition to this bill they can have a chance to show up.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

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

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION—PROTOCOLS FOR THE EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT—1971

The PRESIDING OFFICER (Mr. ABOUREZK). Mr. President, under the previous order, the Senate will now go into executive session and proceed to vote on executive C, 93d Congress, second Session, the Protocols for the Extension of the International Wheat Agreement, 1971.

The question is, Will the Senate advise and consent to the resolution of ratification on executive C, 93d Congress, Second session, the Protocols for the Extension of the International Wheat Agreement, 1971? 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 Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that the Senator from New Hampshire (Mr. COTTON) is absent due to illness.

I further announce that, if present and voting, the Senator from Kentucky (Mr. COOK) would vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 271 Ex.]

YEAS—75

Abourezk	Hansen	Muskie
Aiken	Hart	Nelson
Allen	Hartke	Nunn
Bayh	Haskell	Packwood
Beall	Hatfield	Pastore
Bible	Hathaway	Pearson
Biden	Helms	Pell
Burdick	Hollings	Percy
Byrd, Harry F., Jr.	Hruska	Proxmire
Byrd, Robert C.	Hughes	Randolph
Cannon	Humphrey	Ribicoff
Case	Jackson	Roth
Chiles	Javits	Schweiker
Church	Kennedy	Scott, Hugh
Clark	Long	Scott, William L.
Cranston	Magnuson	Stennis
Curtis	Mansfield	Stevenson
Dole	Mathias	Symington
Domenici	McClellan	Talmadge
Eagleton	McGee	Thurmond
Ervin	McGovern	Tower
Fannin	McIntyre	Tunney
Fong	Metcalf	Williams
Fulbright	Metzenbaum	Young
Goldwater	Mondale	
	Montoya	

NAYS—0

NOT VOTING—25

Baker	Cotton	McClure
Bartlett	Dominick	Moss
Bellmon	Eastland	Sparkman
Bennett	Gravel	Stafford
Bentsen	Griffin	Stevens
Brock	Gurney	Taft
Brooke	Huddleston	Weicker
Buckley	Inouye	
Cook	Johnston	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The Senate resumed consideration of legislative business.

CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the conference report on H.R. 7130 the budget reform bill.

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 Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. MOSS), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that the Senator from New Hampshire (Mr. COTTON) is absent due to illness.

I further announce that, if present and voting, the Senator from Tennessee (Mr. BROCK) and the Senator from Kentucky (Mr. COOK) would each vote "yea."

The result was announced—yeas 75, nays 0, as follows:

[No. 272 Leg.]

YEAS—75

Abourezk	Hansen	Muskie
Aiken	Hart	Nelson
Allen	Hartke	Nunn
Bayh	Haskell	Packwood
Beall	Hatfield	Pastore
Bible	Hathaway	Pearson
Biden	Helms	Pell
Burdick	Hollings	Percy
Byrd, Harry F., Jr.	Hruska	Proxmire
Byrd, Robert C.	Hughes	Randolph
Cannon	Humphrey	Ribicoff
Case	Jackson	Roth
Chiles	Javits	Schweiker
Church	Kennedy	Scott, Hugh
Clark	Long	Scott, William L.
Cranston	Magnuson	Stennis
Curtis	Mansfield	Stevenson
Dole	Mathias	Symington
Domenici	McClellan	Talmadge
Eagleton	McGee	Thurmond
Ervin	McGovern	Tower
Fannin	McIntyre	Tunney
Fong	Metcalf	Williams
Fulbright	Metzenbaum	Young
Goldwater	Mondale	
	Montoya	

NAYS—0

NOT VOTING—25

Baker	Cotton	McClure
Bartlett	Dominick	Moss
Bellmon	Eastland	Sparkman
Bennett	Gravel	Stafford
Bentsen	Griffin	Stevens
Brock	Gurney	Taft
Brooke	Huddleston	Weicker
Buckley	Inouye	
Cook	Johnston	

So the conference report was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. ERVIN and Mr. ROBERT C. BYRD moved to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, the Senate will now proceed to the consideration of S. 3679, which the clerk will report.

Mr. MANSFIELD. Mr. President, what has happened is understandable, because we have reached third reading now and it was not anticipated that we would.

I seek recognition.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from South Dakota (Mr. ABOUREZK).

ISRAELI BOMBING RAIDS ON LEBANON

Mr. ABOUREZK. Mr. President, I rise to take note, first of all, of the disengagement agreements negotiated by Secretary of State Kissinger with Syria, Israel, and Egypt.

In spite of the mood resulting from the negotiation, and the feeling of peace that was generated by those disengagement agreements, I am extremely saddened to note that the government of Israel has seen fit to conduct daily bombing raids on civilians in southern Lebanon, in the farming areas and, indeed, in the refugee camps where the military communiques which emanate from Israel say that the bombing raids are designed to kill suspected terrorists.

Mr. President, in my opinion, if that policy is to be accepted as a rational policy by the people of the world, then we could easily justify the bombing of Los Angeles because there are suspected Symbionese Liberation Army members living in Los Angeles. The same could be true of New York City or San Francisco.

My point is this: If we in the United States are to furnish Phantom jets, bombs, napalm, firebombs, and money to fuel the planes when they do the bombing and the killing in southern Lebanon, then we must be held accountable for the deaths that will result from what I consider to be official Israeli Government terrorist activities—no less terrorist in nature than an act of three or four individual Arabs who kill civilians in Israel.

Mr. President, this raises one important question: Where are the doves in the United States today who cried and who agonized over the killing in Vietnam, the killing that was carried out in the very same manner as it is being done now in southern Lebanon? Where are these people today who protested that same kind of killing in Indochina?

The answer is obvious, Mr. President; they are deathly silent and, in some cases, those very same doves are cheering on the Israelis in their bombing raids that result in the slaughter of so many innocent people.

Mr. FULBRIGHT. Mr. President, will the Senator from South Dakota yield?

Mr. ABOUREZK. I yield.

Mr. FULBRIGHT. I join the Senator. I think these tactics are inexcusable. I deeply regret that they are being done with armaments supplied by this country as a result of a vote in this body.

The Senator is well aware—we all are— of the enormous assistance we have given to Israel, in the hope that it would bring about peace. We have all been applauding in recent weeks the activities of Secretary of State Kissinger in trying to bring about peace there. I thought it was almost universally approved. Now this action does, indeed, threaten the maintenance of that peace. Already, of course, the press reports the reaction in Syria where Secretary of State Kissinger and the President were only a short time ago.

One cannot help believing that there may be some ulterior purpose beyond just the announced purpose of attacking

the terrorists. One wonders whether they do want to bring peace there, which cannot possibly lead to the stopping of the terrorists on both sides, including the Palestinians. There is no doubt, of course—and I do not approve of the raids by Palestinian terrorists on villages in Israel, but this is certainly not the appropriate time to respond to that, not only not appropriate in a humane sense, but it is not designed to achieve the purpose, which is to retaliate against those who perpetrated the original raids. There is no reason to believe that those same terrorists who made attacks on Maalot are in these particular places. There is nothing to justify that.

Mr. ABOUREZK. If I may interrupt the Senator briefly, it is ridiculous for the Government of Israel to justify the raids on civilian villages and refugee camps by saying that they are bombing terrorists who committed crimes in Maalot, because the terrorists in Maalot died at Maalot.

Mr. FULBRIGHT. Yes, that is true.

Mr. ABOUREZK. They do not live any more. There is no way to kill them twice.

Mr. FULBRIGHT. It is quite an unjustifiable way to react to that kind of terrorism in that case. It endangers the maintenance of the very tentative peace that has been brought about—now only just for a few days, really.

I deeply regret it and I think our Government should protest it in most vigorous terms.

Mr. ABOUREZK. Our Government should not only protest it, but also should shut off any American tax money for military aid to Israel.

I opposed that appropriation last year, as the Senator knows, because it was easy to foresee the terrible potential for abuse of power we were providing with those armaments.

Mr. FULBRIGHT. I agree. I do not think it promotes peace to continue piling arms into the Middle East, or into Southeast Asia, for that matter. As the Senator knows, I contested that in both places and, as the Senator knows, I did not vote for it. I think the Senator remembers that.

Mr. ABOUREZK. I do remember, and I thank the distinguished Senator from Arkansas for his comments.

I want to conclude by saying that 2 days before the terrorist incident in the village of Maalot in northern Israel, the village in southern Lebanon where my parents were born, the Kfeir, was bombed by Israeli Phantom jets, fueled by American bombs and American money. There were four civilians killed in that village. One was a 6-month-old baby, a 5-year-old child, an 8-year-old child, and the mother of one of the children.

Now that was 2 days before the incident at Maalot.

What that was retaliation for, I do not know. I do know this, that at the time of the Maalot incident, the Government of Israel had 24 hours or longer to negotiate for the lives of those people who were in the school building at Maalot.

They chose not to negotiate for their lives. They made the attack rather than negotiate which resulted in the death of so many people. The Government of Lebanon had no chance to negotiate for the lives of the people who were killed 2 days before Maalot, nor for the lives of people who have been killed since then. That number has ranged into the hundreds; 40 civilians were killed yesterday alone in southern Lebanon, in the refugee camps. And there is something to be said for the imbalance of press coverage in the Middle East. Had 40 civilians been killed in Israel, each national network would have been indignant with lead news stories, and justifiably so. But as we have seen, when Arab civilians die at the hands of the Israel Government, the majority of the American press reacts by calmly reading Israeli military communiques as though they were impartial eyewitness accounts of the attacks. What does it take to bring the realization that an Arab life is equal to an Israeli life? When our media representatives realize their responsibility, perhaps the Government of Israel will not feel that it can escape criticism for its inhuman and barbaric actions.

I have been through one or two of those camps in Lebanon. The number of people in the camps ranges from 15,000 to 20,000, the great majority of them women, children, and old men.

The guerrillas generally do not hang around in the refugee camps, though occasionally they do. But those are guerrillas. They are not necessarily terrorists. Who the terrorists are, I do not know. I do not think anybody knows until such time as an act of terrorism is committed.

It is unfortunate and regrettable that they see fit to resort to that kind of terrorism. But it is as unfortunate and as regrettable that a government, the Government of Israel, will sit down to make a cold decision to burn crops of the Lebanese farmers with fire bombs, and to bomb villages where neither guerrillas nor terrorists are living; and to bomb refugee camps where, even if there are terrorists, there is certain knowledge of the death of hundreds of women, children, and old people.

I yield back the remainder of my time.

Mr. HANSEN. Mr. President, will the Senator from South Dakota yield?

Mr. ABOUREZK. I yield the floor.

Mr. HANSEN. Mr. President, I am certain that the distinguished Senator from South Dakota is far more familiar with the situation in the Middle East than I am, but I would just like to say that it does occur to the Senator from Wyoming that, despite our protested evenhandedness, America has not been as fair as I think our country should be.

I think we have ignored the Palestinian refugee problem for all too long. These people have lived in camps over there for more than a generation. My heart goes out to them.

Mr. President, I think that for reasons that are not clear to me, all too little is said about the more than 1 million persons who were uprooted and who have never been permanently settled anyplace but just kept hostage at camps where they have had no chance to aspire to the traditional role of family life, which ought to be afforded every human being.

I am deeply concerned with the seeming indifference that all too many of us display toward the plight of these people. I must say that before we can expect that real peace will come to the Middle East, that is a problem which has to be addressed, which has to be faced realistically, and a solution must be brought about.

Mr. President, I share the deep dismay which has been expressed by the Senator from South Dakota in connection with the action that has been taken. Certainly, there is plenty of blame to go around, whenever terrorism characterizes the activities of any group of people. But to think that the action that was taken is an appropriate response for earlier acts of violence seems to me to fail completely to understand the plight of these poor Palestinian refugees.

I hope we can become aware of their right to aspirations as humans; that we can become more sensitive to the ways in which their problems can be resolved, and that America will take the lead in trying to see that that problem is disposed of in a manner that will square with the conscience of humanity.

I thank my colleague from South Dakota.

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

Mr. HANSEN. I yield.

Mr. ABOUREZK. Mr. President, I thank the Senator from Wyoming for his comments.

I think it is well past time when the United States of America and its people consider that the way to stop the fighting, to stop the terrorism, and all the other violence in the Middle East, is to deal with the Palestinian people as a refugee people. Until such time as they are allowed to find some home, following their dispersal by Israel in 1948, there will not be peace in the Middle East, nor in the world.

As you know, the United States is in danger of being drawn into that situation with each commitment we make to involve ourselves in the Middle East conflict.

Mr. President, I would like to say one more thing with regard to the refugees, themselves. Last year, at the same time that this body voted $2.2 billion in military aid to Israel, another $50 million was added by way of an amendment to resettle Soviet Jews into Israel. They were not even going to stop off in this country on their way. That was just a direct contribution to resettle Soviet Jews in Israel.

At the same time that that happened, I offered an amendment to increase our contribution to the UNRWA Palestinian refugee fund controlled by the United Nations, which was accepted here in the Senate but which was knocked out in the conference committee. As a result of the shortage of funds for the United Nations Refugee Works Agency, the Palestinian refugees are going to find some of their schools closed down, and some of their food rations cut short.

With the additional daily bombings, the daily pounding of American bombs in the refugee camps themselves, the problems will be multiplied many times

over—the problems of food, the problems of health care. Their problems are serious enough now, without the addition of this kind of devastation.

I thank the Senator for his remarks.

Mr. HANSEN. I yield the floor.

FOREIGN ASSISTANCE DISASTER ACT OF 1974—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on H.R. 12412, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12412) to amend the Foreign Assistance Act of 1961 to authorize an appropriation to provide disaster relief, rehabilitation, and reconstruction assistance to Pakistan, Nicaragua, and the Sahelian nations of Africa, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 20, 1974, at p. 20211.)

Mr. SPARKMAN. Mr. President, I can summarize very briefly the House-Senate compromise contained in this conference report. The bill is intended to authorize appropriations for disaster relief in three areas: Pakistan, Nicaragua, and drought-stricken Africa. For this purpose, the House had allowed $115 million and the Senate $150 million. In conference, Mr. President, the House receded, allowing the full $150 million. It will be spent as follows: $50 million for Pakistan, $15 million for Nicaragua, and $85 million for drought-stricken Africa. The only change from the Senate version is that the $10 million earmarked by the Senate for Ethiopia has been changed from not less than $10 million to not more than $10 million.

In addition to the authorization of appropriations, Mr. President, the conference report contains a provision from the House-passed version requiring the Secretary of State to notify Congress 30 days prior to the entry into force of any proposed modification of a debt owed to the United States by any foreign government by way of the Foreign Assistance Act of 1961. The Senate conferees found this a useful requirement, because it will allow Congress to review proposed debt modifications which often involve large sums of money.

Mr. President, I believe that conferees from both Houses found this a very satisfactory conference, and I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 14832) to provide for a temporary increase in the public debt limit.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. HELMS). The pending question is the amendment of the Senator from Montana to the amendment of the Senator from Alabama.

Mr. ROBERT C. BYRD. I thank the Chair.

UNANIMOUS-CONSENT AGREEMENT ON RENEGOTIATION ACT OF 1951, H.R. 14833

Mr. ROBERT C. BYRD. Mr. President, at such time as the bill H.R. 14833, an act to extend the Renegotiation Act of 1951 for 18 months, is called up and made the pending business before the Senate, I ask unanimous consent that there be a limitation thereon of 3 hours, 1 hour to be under the control of Mr. PROXMIRE, and the remaining time to be equally divided between Mr. LONG and Mr. BENNETT; that time on any amendment be limited to 30 minutes, with the exception of an amendment by Mr. TAFT, on which there be a 1-hour limitation; that time on any debatable motion or appeal be limited to 20 minutes, and that the agreement be in the usual form, with the understanding that the Taft amendment, although not germane, will be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CONTINUING RESOLUTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the continuing resolution is called up and made the pending business before the Senate, there be a limitation thereon of 1 hour, to be divided between Mr. MCCLELLAN and Mr. YOUNG, and that there be a limitation on any amendment, debatable motion, or appeal of 30 minutes, 30 minutes to be divided and controlled in accordance with the usual form, and that the agreement be in the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of H.J. Res. 1062, making continuing appropriations for the fiscal year 1975, and for other purposes, debate on any amendment, debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: Provided, That in the event the manager of the resolution is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee:

Ordered further, That on the question of the final passage of the said resolution, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from North Dakota (Mr. YOUNG): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD, PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR CONSIDERATION OF CONTINUING RESOLUTION ON MONDAY, JUNE 24, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders or their designees be recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes; that there then be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 5 minutes each; and that at the conclusion of such period for the transaction of routine morning business the Senate proceed to the consideration of the continuing resolution.

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

Mr. ROBERT C. BYRD. Mr. President, I yield the floor, and 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 ROLLCALL VOTES TO OCCUR AFTER 3:20 P.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if any rollcall votes should be ordered on the continuing resolution on Monday, or on any other matter prior to the hour of 3:20 p.m., that such vote not occur until after the vote on the Allen amendment, which already has been scheduled.

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

Mr. ROBERT C. BYRD. This would mean no rollcall votes would occur prior to the hour of 3:20 p.m. Monday.

ORDER FOR RECOGNITION OF SENATOR HANSEN AND SENATOR TOWER ON TUESDAY, JUNE 25, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, after the two leaders or their designees have been recognized under the standing order, Mr. HANSEN and Mr. TOWER be recognized in that order, each for not to exceed 15 minutes.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 14832) to provide for a temporary increase in the public debt limit.

Mr. LONG. Mr. President, I wish to say a few words just to make my position clear with regard to the Kennedy amendment on which the Senate will be voting on Monday.

As I said before, and I repeat, I would like to see a tax cut of a nature that would relieve some of the ravages of inflation among the working poor and the lower income people in particular. These people for the most part are not in a position to defend themselves against the rapid increase in the cost of living.

There is one aspect of the Kennedy amendment which was first generated by the Committee on Finance, of which I have the honor to be chairman, the so-called low income tax credit, or work bonus, and that is in my judgment a very meritorious piece of legislation.

That aspect of it has been passed by the Senate twice. It seeks to assure the working poor that some of the taxes being collected on their meager incomes by social security taxes, and other taxes, would be reimbursed to them. It tends to increase the income of the working poor by about 10 percent and it phases out at the earning figure of $5,600 for a worker who has dependent children in his family.

That proposal, Mr. President, is a matter that is not, certainly, my idea; it was the joint thinking of the Committee on Finance when we worked in the welfare reform area, and we felt then that what we should try to do is make work more attractive to the poor than welfare.

Mr. President, I feel this Nation can afford that tax relief, no matter how large the deficit is. That item would cost less than $1 billion. The latest estimate I saw in that respect is around $700 million. In times of rising prices and inflation I think that the simple element of tax and social justice is most appropriate. I am aware of the fact that there are many people in the low income tax brackets who also have major deficits in their finances.

While we are indexing the cost of living for those who are drawing benefits in organized labor, and a great union like the United Automobile Workers has it written into their contract that wages will increase with the cost of living, while we have provided for automatic cost-of-living increases for social security beneficiaries, while we try to keep up with inflation with respect to our Government employees, and generally organized labor and farsighted employers try to do as much for their employees, nevertheless, Mr. President, there are just a lot of people who, because of factors beyond their reach, are not in anywise able to protect themselves from the increase in the cost of living that has been going on.

Mr. President, some people benefit from inflation. Not everybody suffers. There are a lot of people who benefit very greatly—for example, those who use large amounts of borrowed money in the course of their business benefit from the fact that they will repay the borrowed money with cheaper dollars which will be easier to come by. Students of economics know a great number of others who likewise benefit from inflation. But many others suffer, and we should look at those who suffer the most from inflation and we should try to give them some relief.

So, Mr. President, even though the Government has deficits, I think we would be justified in providing tax relief in certain areas where it is particularly needed.

I am not wedded to a particular tax reduction. I am not wedded to a $6 billion tax cut, or any other figure. I just feel it would be appropriate at this time to provide some tax relief for those who are getting the worst of it with the high degree of inflation going on.

That, however, does not mean I am going to vote for the tax decreases in the Kennedy amendment. In fact, to me, it means just the opposite because the amendment provides that we will repeal the depletion allowance for oil and gas.

I cannot help but notice that the amendment would place little, or no, additional tax on the fantastic profits made by major oil companies in foreign lands. We have heard about the windfall profits. Most of them have come from foreign oil. The reason the public has suffered from the greatest increase in the cost of living in a 9-month period has been due to the cost of energy. Why is that? It is because this Nation imprudently, in my judgment, has had policies in effect that made it more profitable for people to find and produce oil overseas than to find and produce it here. It was that economic policy that resulted in our drilling rigs and investment capital being used to drill and produce more oil in foreign countries and in areas bordering along those foreign lands than in producing it here, in the Gulf of Mexico, the Atlantic, and the Pacific.

The logical way to overcome that shortsighted policy is to make it more attractive to search for energy here, and less attractive to try to find and produce energy overseas.

What would the Kennedy amendment do about that? The best I can make out, it would make it even less attractive to find the energy here and, relatively speaking, make it more attractive to find it over there.

Most of us who have some knowledge about this subject believe that if we repealed the depletion allowance completely for some of these major companies doing business in the Near East and elsewhere, it would not raise their tax liability at all, because the foreign tax credits that they are going to accumulate under the laws of those various lands and under the Internal Revenue Code and its regulations exceed any taxes that they would owe, quite apart from the depletion allowance, even if they had no depletion allowance at all.

What does the amendment do about that? Zero. Just absolutely nothing.

So, on the profits being made in the foreign lands, the tax advantages would continue to be such that there would be no additional taxes. There would be a tremendous tax increase on the person who was trying to produce it here.

Mr. President, this Nation is still fabricating drilling platforms and drilling rigs to be placed on the bottom of the North Sea to produce oil for England and European nations generally. They are being fabricated here and sent there to be put in place to find oil over there. In time of need, we cannot rely on one barrel of that oil. It will go to Europe.

We are still fabricating that equipment and even sending highly competent American working people to the Near East and elsewhere to help drill oil wells and find energy for those lands. Why do they do that? Because the economics, including the tax structures, are such that it is more desirable to produce oil over there than it is to produce it here. That is an utterly ridiculous situation, and yet the Kennedy amendment would make it worse.

Furthermore, it will come as a surprise to some Senators, and I presume the sponsors of the Kennedy amendment, to know that in the last 15 years more than half of the 20,000 independent producers of oil in this Nation have been driven to the wall. They have been put out of business. They no longer produce oil.

The testimony before the Senate Finance Committee was that if we adopted this amendment, the 10,000 remaining in that business will be cut in half again in 5 years, so that we will then have less than 5,000 independent producers of oil.

We ought to be striving to bring people back into the oil business, not drive them out. We ought to be striving to bring back into the business some of the 10,000 who got out of the business, because of our tax and other policies, rather than reduce in half the number of people who are left in that business.

So it would be a very unwise thing, and it woud tend to make this Nation more dependent upon foreign oil, rather than less dependent. It would defeat Project Independence. It would upset our desire to become self-sufficient in energy. So did the 1969 Reform Act, which also increased taxes on that industry just as an increase is being sought in this amendment.

That is not all. The proposal would also repeal the ADR, the asset depreciation range, and make it less attractive to buy and install modern equipment in new plants in this country.

The Secretary of the Treasury testified on that subject. He pointed out something that I have felt for a long time—and I have the facts to support it beyond any reasonable doubt—that when Congress passed the Tax Reform

Act of 1969 repealing the investment tax credit and reducing the depletion allowance, among other tax reform provisions and even though that bill also reduced taxes by a net $2½ billion in the long run, thereby actually putting $2½ billion a year extra into circulation, within 1 year after that bill was enacted this Nation was in a recession.

In my judgment, because there were disadvantages in building new plants, in making new investments, in putting people to work, this Nation found itself in a recession by the middle of the following year—1970—so serious a recession that the President called on us in August 1971, to restore the investment tax credit and to provide new incentives that would encourage business to make new investments and put people back to work.

Mr. President, the effect of those tax increases gained the Government no revenue whatever, and the reason they gained the Government no revenue, is that they put people out of work. They reduced Government income because people were not working and not making income; people were becoming tax eaters on the unemployment insurance rolls rather than taxpayers—rather than as self-reliant, proud, hardworking people. That reduced the income of the Government.

So there was a so-called tax increase—up to $3 billion a year from repeal of the investment tax credit—which totally defeated itself. There was a tax increase, one might say, that was supposed to bring us $3 billion in revenue, and instead may have cost us $6 billion or more because it headed this Nation into a recession.

Mr. President, if one wants to move in the direction of tax equity on the theory that on a given amount of income everybody ought to pay the same amount of tax, the most indefensible provision in the whole tax code is the investment tax credit. That is a 7-percent tax credit for an expense that does not exist. In other words, if one buys a piece of equipment, he gets a 7-percent tax credit on what it cost him to buy it; and then he is able to take depreciation on 100 percent of the cost of that piece of machinery, nevertheless.

Why would we do that? We do that because we want to give somebody an incentive to buy new plant and equipment.

I am somewhat amused that the sponsors of the Kennedy amendment, moving to improve tax equity by selective tax increases, did not propose to repeal the investment tax credit. That is the biggest and most unconscionable departure from this principle of equity in taxation that has been put on the tax books in years; and it would increase tax revenue more than any other item in that tax increase package. Why do they not move to repeal that? Perhaps a number of reasons might occur to them. One reason might be that the investment tax credit was proposed by John F. Kennedy, the late President, the brother of the sponsor of the present Kennedy amendment.

While one could argue that the investment credit departs drastically from the principle of tax equity, he cannot question its effectiveness in stimulating economic growth.

So when it was repealed, we found that the repeal of that one item with its incentive to provide more jobs put the Nation into a recession. It was then felt that this provision should be restored to encourage the kind of economic growth that it has stimulated before and, indeed, did stimulate again.

The same thing is true, Mr. President, although perhaps to a lesser degree, with regard to the accelerated depreciation which is implicit in the ADR.

In my judgment, Mr. President, repealing that provision will cause people to delay making new investments; it will retard business growth; it will reduce employment.

Mr. President, let me read what the Secretary of the Treasury, Mr. William Simon, said about this subject when discussing it before the Senate Finance Committee.

Speaking of the recession that occurred after the 1969 tax reform law went into effect, he said:

> In considerable part, this condition of the economy could be attributed to the overall effects of the Tax Reform Act of 1969 which had repealed the 7 percent investment credit and otherwise increased the tax burden on business capital while reducing taxes on personal income. Just as Secretary Kennedy warned this committee, the House-passed bill was imbalanced in its effect on consumption and saving, and we are still suffering the consequences.

In response to the need to stimulate business investment, the administration proposed two steps in 1971: a radically new depreciation procedure designed to reduce uncertainty faced by investors, and reinstitution of the investment credit. The RECORD shows these were successful:

> Unemployment declined steadily to a rate well below 5 percent before the decline was interrupted by the energy crisis last winter.
>
> Investment increased by 9 percent in 1972 and 13 percent in 1973.
>
> Industrial production increased by nearly 19 percent in 2 years, and capacity utilization rose substantially, by 10 percent.

Mr. President, furthermore, the Secretary of the Treasury points out that greater investments are still needed. I would like to quote further from his statement:

> Just to stand still and employ no more workers or produce no more goods and services than presently, U.S. industry will have to invest more in order to achieve the required reduction in air- and water-polluting emissions.
>
> Although currency revaluation has appreciably improved the competitive position of U.S. industry, the fact remains that, as compared with its major foreign competitors, U.S. industry is less modern.

Mr. President, did we ever think that we would hear a U.S. Secretary of Treasury testifying that American industry is less modern than industry of foreign nations?

I always thought this was a nation that led them all; that we were more modern and up to date with our plant and machinery, and more productive than other nations throughout the world.

Yet, Mr. President, today we are falling behind, because we do not provide as much incentive for our industries to stay modern as the other modern industrial nations around the world whom we thought we taught. Apparently they learned their lessons well, and they moved ahead of us.

Mr. President, it is for that reason that I cannot vote for a proposal which would roll back the production of energy in this country; nor can I vote for a proposal that will have the effect of increasing the price of gasoline at the pump by 3½ cents a gallon, as the testimony before the Senate Finance Committee indicates.

The price of gas is high enough already, and everybody knows that if you raise the tax, that increases the cost, just as much higher wages for labor increases the cost, of doing business, and it will have to be passed on to the consumer.

The Secretary of the Treasury so testified, and so did everybody else who appeared on this subject. How can we raise the tax, assuming the industry is making about what we think they ought to make, without raising the price of the product?

The evidence I have indicates that for a gallon of gas retailing at about 60 cents, there is a 2-cent profit in that gallon of gas to the company that produces that gallon of gas. That company is plowing back 4 cents to try to find more oil and gas to produce more energy. Now then, they would not be able to put back twice what they are making if they were not making anything. They would not even be able to borrow the money.

Therefore, if we raise the tax by eliminating the depletion allowance, they will have to raise the price; otherwise they cannot stay in business.

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

Mr. LONG. Yes, I yield to the Senator.

Mr. KENNEDY. The economics of depletion is a difficult issue, and I think there is probably no one better qualified than the two Senators, the Senator from Louisiana and the Senator from Wyoming, to explain the economic factors of the oil industry.

I heard the argument that if we eliminate the oil depletion allowances, we will have an increase in the cost of gasoline to the consumer. I am sure the Senator from Louisiana gets asked, as I get asked, about the extraordinary increases in the profits of the major oil companies over the past year. Those figures have all been made a part of the RECORD.

But the American people are wondering why it is that the major oil companies are using those profits to buy up companies in other industries. We read earlier this week that Mobil Oil Co. is trying to buy Montgomery Ward. Now, Montgomery Ward is an old familiar store to those of us in New England. But it is not in the oil business. It is a general department store.

Mr. LONG. If the Senator will let me answer the question——

Mr. KENNEDY. Let me just continue for a moment. Mobil proposes to spend $400 million, not for research, not for finding new energy sources, but to buy Montgomery Ward.

Then only a few months ago, we read that Gulf Oil Co. was considering buying the Ringling Bros Circus. It would appear that Gulf is taking tax dollars paid by the American taxpayer through the depletion allowance, and is going to the circus.

I think it is extremely difficult for the American people to understand why the oil companies are using their fantastic profits to purchase other companies, rather than going out and exploring for oil. How is owning a circus or a department store going to give America the energy independence the country needs.

Mr. LONG. I am glad the Senator asked the question. I am glad to educate him on that subject. Because it is more profitable in the real estate business and in the Montgomery Ward business than it is drilling for oil.

The Gulf Oil Co. had an advertisement in the paper a while back—I hope the Senator read it; I saw it and read it—a full page in the Washington Post, where they explained that it is true they made a lot of additional money on their foreign oil, because the value of the oil they had in inventary obviously went up when the price of oil went up, because the Arabs raised their price.

But within this country, within the United States, if you are looking at their oil-producing operations during this year—with all these high profits one hears discussed here—they made less money in producing oil than they made the year before. I am talking about the oil they produced within the United States.

Mr. KENNEDY. Will the Senator yield?

Mr. LONG. They were making less; if you take out their petrochemical operations, which is a big operation for that company, just look at what they are making on oil selling at the controlled price, which is about $5.25 for old oil. Including the $10 they get for such new oil as they can find, they average about $7 a barrel for the crude oil produced here right now, and that price must be averaged with the price for natural gas to find the real price for energy produced from oil and gas. Because natural gas is selling for a much lower price in terms of energy, the average equivalent price is only $4 a barrel for oil and gas produced in this country, compared with $10 a barrel for foreign oil.

On domestic oil and gas, Mr. President, they are making less profit this year, even with all the tremendous increase in foreign profits, than they did the year before, and that was not a particularly good year. They are also plowing back more than twice as much in trying to find more energy in this country than they did the year before. Why are they not investing more than that? Because it is not all that profitable.

The Senator's amendment would not touch all that, the greater profitability of foreign oil, where these companies are making all this money. It costs 15 cents a barrel to produce a lot of that oil; they are selling it for $10 a barrel. Even after the foreign government takes out $7 a barrel, that still leaves an awfully large profit—$3 a barrel for something that cost you 15 cents a barrel to produce.

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

Mr. LONG. I yield.

Mr. KENNEDY. Do they not get a depletion allowance on the foreign oil?

Mr. LONG. Yes, and I would favor eliminating the depletion allowance on that foreign oil. But here in this country, during the last 15 years, half of the 20,000 independent producers have been put out of business, because they could not compete with that foreign oil the way it was. So the 20,000 independents have been reduced to 10,000. I hope the Senator will read these hearings. These people came in and testified that if we take away their depletion allowance, as suggested here, the 10,000 will go down to 5,000 in a hurry.

We need those producers, and I say to the Senator, if he wants to raise revenue from the oil industry, he ought to be raising it on that foreign oil. It is still so much more profitable than oil produced here that we still have our rigs manufactured in Morgan City, La., and hauled over to the North Sea, Nigeria, and Saudi Arabia. They are still sending our best welders and oil rig men over there, because it is more profitable for them to work there than here.

To increase taxes on the oil industry, I would favor taxing this exportation of jobs abroad, rather than putting the independent people out of business here in the United States. I say to the Senator, we have put half of them out of business already; why kill the other half?

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

Mr. LONG. I yield to the Senator from Wyoming.

Mr. HANSEN. If I could respond briefly to the question of the Senator from Massachusetts——

Mr. KENNEDY. Mr. President, could I restate the question for the Senator from Wyoming?

Mr. HANSEN. Yes, I am happy to yield for that purpose.

Mr. KENNEDY. It has been sharpened somewhat by the response of the Senator from Louisiana.

I asked him why the oil companies are moving into the department store business and into the circus business. He says, well, that is where the profits are.

The consumers want to know why they ought to be subsidizing these major oil companies to drill for oil, and then find they are using the profits instead to go out and buy Montgomery Ward and the Ringling Bros. Circus. Millions of ordinary taxpayers are subsidizing the oil companies to the tune of billions of dollars a year, through the oil depletion allowance. The justification for the depletion allowance was to give the companies an incentive to go out and find new resources. The people cannot understand what is happening.

I am all for the small independents. I am all for the wildcatters and the independent operators; and if they are at such a competitive disadvantage in finding resources and reserves, because of the practices of the major oil companies, then I am for doing something about that. That may very well be the case. But after listening to the distinguished Senator from Louisiana, I wonder how he justifies giving the depletion allowance to the major oil companies, in view of the fact that they are getting into areas which have absolutely nothing to do with research and exploration. How can he justify the fact that with the highest profits in oil history, the American taxpayer has to subsidize the oil companies to buy department stores and circuses. That subsidy is coming out of the average taxpayer's pocket. That subsidy has to be made up some way, and the way it is being made up is from the pockets of millions of ordinary citizens.

Mr. LONG. Mr. President, those high profits the Senator is talking about are being realized out of oil produced in foreign lands. It is not all that profitable here. In fact, the reason why it was so unprofitable that when the oil was cut off from the Near East, we almost suffered a calamity, was that this country because of its tax policies, was exporting its energy industry. Every year the capacity of the American industry to produce was going down, at what looked like about a 45 degree angle on the chart. When the Arabs put the boycott on and world prices went up, new oil production in the country was permitted to have the same prices the Arabs were getting for the oil that slipped through the blockade. That turned it around, and now we have had a 40 percent increase in drilling. That is not near enough. We need a 100 percent increase in drilling. We increased drilling by one-half just to get back to where we were 15 years ago. We should increase it at the rate of 100 percent, but we have managed only 40 percent. Anyone in the oil business is scared that they will lose the depletion allowance, and that the independents would be driven out of business. They say repeal of the depletion allowance means that half of them will be out of business in the next 5 years. Even the Secretary of the Treasury who put our money into it at one time—and he understands the problems of the oil industry a lot more than the average layman does—tells us that this would hurt the independents here a great deal more than it would hurt the major companies.

But the point is that the big profits are in foreign oil. Up in New York they are charging $10 a barrel, and if they could get it, they would be charging more than $20. We have oil that we sell for $5.25. We are selling gas a lot cheaper than that. The price of gas works out to be about 25 cents per thousand cubic feet, at least down in my State. It should be $1—which then compares with about $6 for oil.

Mr. HANSEN. Mr. President, I believe the distinguished Senator from Massachusetts (Mr. KENNEDY) has raised a valid question and one that deserves answering if I could. I say to my distinguished colleague from Louisiana, let me try to answer it. The Senator from Massachusetts says, let us look at the big picture. That is right. We should look at the big picture.

These are the facts:

When people talk about profits in the oil business, because the newspapers have chosen to ignore some very important

elements of the facts, the average person does not know the facts. First of all, what has happened here is that we have had a devaluation of the dollar. That accounts for the significant increase in the profitability of many oil operations—the devaluation of the dollar.

The second fact is that the Arabs put an oil export boycott into effect. At the same time they put that boycott on, we had a rise in prices because they got together as a cartel that controlled two-thirds of the total world oil production and reserves. This had nothing to do with any decision on the part of the oil companies but was a unilateral decision on the part of the oil exporting countries, particularly the Arab oil exporting countires. They said, "We are going to raise the price." Everyone knows that the profits are absolutely out of sight—or they think they are.

Occidental had an increase in profitability compared to the return on investment in 1973 over 1972 of 718 percent.

The distinguished Senator from Washington (Mr. JACKSON) stood on this floor and said that those profits were perfectly obscene. He said they were unconscionable, that they are unconscionable and we should stop them. Of course we should.

What he did not say—what he failed to say—was that in 1971, Occidental did not make any money. It lost money. It went in the hole. I repeat, it went in the hole.

What happened in 1972? Occidental did not decide they were going to pay no dividends, because they wanted to keep selling their stock—just like everyone else does. So, what did they do? They said, "We will pay a rate of return of one and three-tenths percent." They did have a better year in 1973. They decided to pay a better rate of return. They paid about 9 percent. If we divide out the fractions that follow the one and three-tenths percent of the 9 percent, we will find that there was an increase in profits of 718 percent.

But, no one said—I repeat, no one said—that a nine percent return on investment was a very good investment.

What happened? Occidental's stocks along with Exxon, Texaco, Mobil, Gulf, all dropped on the New York Stock Exchange.

So I ask, Mr. President, if this is such a great business, if these profits are so much out of sight, why is it that the discerning American investor did not buy some of these stocks?

He did not buy them because in the Congress of the United States proposals were being made to all kinds of punitive action against the oil companies.

They were going to repeal the oil depletion allowance. They were going to knock out the foreign tax credits. They were going to knock out the intangible drilling cost accounting procedures. They were going to require that one-half of Federal land owned had to be bid for on a royalty basis. They called for horizontal divestiture of all oil companies for anyone in the oil business who was contributing to the coal business, or was doing any research on solar energy. They called for a vertical divestiture so that if they were interested in more than one of the businesses producing transportation by pipeline, refining, or the retailing of oil, they had to get rid of all of it.

They introduced proposals to put the Government into the oil business. The junior Senator from Illinois said that we will put the Federal Government into the business so that we will have a way to measure what is a reasonable return on profits. Then they further proposed to charter all integrated oil companies. Maybe everyone knows what that means and perhaps some do not. I know that the Senators from Louisiana and Massachusetts know what it means. It means that on every one of the integrated oil company operations they would have a representative of the public sitting in on the board of trustees just to see that everyone stayed on, just so the public interest was represented.

Those are the sort of proposals they had in mind.

They did not stop there, though, they had more in mind.

They said, "We will force the oil companies to make public disclosure of all the information they have, although it may have nothing to do with the overall public interest. We will require every oil company to disclose every bit of confidential information it has."

Another proposal would extend FPC price regulation to crude oil as well as intrastate gas in addition to interstate gas which is already regulated.

And, of course, there are still those who want to roll back the price of crude oil and repeal the stripper well exemption for marginal wells and apply a so-called windfall profits tax to the price of crude oil.

So, Mr. President, what my good friend from Massachusetts, my cherished friend, asked is: Why did Gulf and Mobil talk about diversifying their investments?

All I can say is, if I owned a single share of oil stock—which I do not—I would sure want to be getting out of that business, because if only half the bills proposed on the floor of the Senate are enacted, it would turn out to be the poorest investment anyone could make.

Mr. President, and the Occidental obscene profits—as Senator JACKSON characterized them—of 718 percent. Unconscionable? Of course it was—until we start comparing that fact to the amount of the 9 percent return on the investment.

The Washington Post and the New York Times thought that this was clearly not in the best interests of the public. They had great headlines saying, in effect, look at the unconscionable profits—9 percent for Occidental.

However, they did not point out to the American people that the Washington Post that very same year had profits in excess of 14 percent.

The New York Times did not say to the American people, "We have had profits in excess of 14 percent." They never mentioned that. They did not say that.

Mr. President, if we really want to be a wise investor, then get out of the oil business and invest, instead, in CBS because when CBS was blasting the oil companies day after day, morning after morning, and night after night, they did not say that CBS at the same time had had a return of 18.5 percent.

Then, further, if we really want to look—as the Senator from Massachusetts said we should, and I agree with him—at which has been happening in foreign countries, I would say that we are darn lucky, we are very fortunate as Americans that we have American investments abroad.

Because you know what happened, Mr. President? Two things happened: When the Arabs put on the oil boycott, we also had some of the same questions we find current here day after day, we find they were also operating in other parts of the world—in Nigeria, in Venezuela, in Indonesia—and when the Arabs stopped the oil from flowing to America last fall, when they put their boycott on, these American companies, without violating any trust or any of the laws of the lands under which they were operating in the Middle East, were able at the same time to divert oil that would have been going and was going to other sources to the United States, and we got through last winter in pretty good shape.

We got through in pretty good shape because the oil kept flowing, despite the fact that the distinguished Senator from Washington (Mr. JACKSON) said, "We are going to freeze to death, almost." He was saying that last winter. We did not quite freeze to death. Despite the fact that we could not buy any woolen underwear, because the coyotes had eaten most of the sheep in the West, we were still able to get through the winter. He made dire predictions about how we were going to have to ration gasoline or that we could not get through the winter. We did not ration gasoline.

We got through the winter. Most of the people kept their jobs. Most of the factories kept running.

All I can say to my good friend, the Senator from Louisiana, and my cherished friend, the Senator from Massachusetts, is that I am glad American dollars were invested in Saudi Arabia, in Nigeria, in Venezuela, in Canada, in Indonesia, and a lot of other places around the world, including the North Sea. I say to the distinguished chairman of the Finance Committee that that was how we were able to get through the winter in as good shape as we did.

Though I do not have any reason at all to suspect that a word of what the Senator and I may say here now will ever see print in any of the big metropolitan eastern newspapers, it still is a fact that the oil business is not the best business in the world if one wants to make a profit.

It is still a fact that, despite the fact that they have said the profits of the oil industry are unconscionable, these profits do not start to equal the return on investments in the Washington Post and the New York Times.

I thank the Senator.

Mr. LONG. Mr. President, I would like to make another point. The Senator from Wyoming asked about the company buying Montgomery Ward. I believe it will

be found that the major companies are anticipating either the repeal or a drastic reduction of the depletion allowance. That being the case, they are looking to where they can put their money and claim tax advantages that they will lose when they lose the depletion allowance.

For one thing, some of us suspect that they are moving to try to acquire as many of their own filling stations as they can, rather than lease them or do business with independent filling station operators, so they can take depreciation on those holdings.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. LONG. I yield.

Mr. KENNEDY. In effect, the Senator is saying the majors are going to take over the small independents. That ought to be a real concern to the American people.

Here are the major oil grants, going out, buying up the small independents, driving the small businessmen out of business. Many of these independent firms have been in the same family for two or three generations.

Mr. LONG. Mr. President, I am glad the Senator has some concern about the small independents. I wish he had the same concern about the small independent oil producer.

Mr. KENNEDY. I certainly do.

Mr. LONG. I am concerned about both of them.

Mr. KENNEDY. Mr. President, as a matter of fact, I have enjoyed the warm and good support of the small independents.

Mr. President, will the Senator yield further?

Mr. LONG. I yield.

Mr. KENNEDY. It is interesting to listen to the explanation of how the people in my part of the country are being served by the production of domestic oil in the United States and how the major domestic oil companies are a friend of the New Englanders. It was only a few years ago that the major oil companies had an oil import quota system which kept New Englanders from purchasing cheap foreign oil. We had to buy it in the United States, at a higher price, but the major oil companies insisted that the quota had to be kept on. So we were forced to pay astronomical prices for oil.

The Senator from Wyoming talks about people not losing their jobs. I would like to take him up to Fitchburg and Leominster and other cities in Massachusetts and introduce him to the thousands of people in the plastics industry who lost their jobs because of the oil crisis.

Mr. HANSEN. Mr. President, will the Senator yield on that point?

Mr. LONG. Mr. President, I decline to yield further. I have the floor, and I should like to respond.

The Senator has spoken about the quota system. I was never under the impression that a major company asked for that system. I am one of those who worked for it, and the late John Kennedy helped us to implement the quota system because he thought it was good for the country, as did I.

My thought was this: If we do not have an industry in this country that is able to produce essential requirements for fuel, we are going to regret it. We in Louisiana were not in a position to compete with foreign oil. In Louisiana, where we produce more oil, for a State of its size, than any other State in the Union, we were not able to compete with wells that produced 6,000 barrels a day and up. The best we could find at that time was, perhaps, a well which might produce 400 barrels a day at full capacity.

They have wells there which produce as much as 400,000 barrels a day. If we have one that produces 400 to 500 barrels a day, we think we are doing very well. I understand that one or two wells have been found in the Gulf that might produce as much as 3,000 barrels a day. The average well in this country produces 14 barrels a day, and the average well in the Near East produces approximately 6,000 barrels a day. So, relatively speaking, their average well produces about 500 times as much as the average well in the United States. Their production cost is less than 25 cents. On new oil found in this country, our production cost runs around $5.

So this industry, which produces the essential requirements of energy for the United States, cannot begin to compete on a strictly head-on competitive basis with the wells in the Near East.

We need an energy industry, because we always face the possibility of a recurrence of the situation that occurred when the Arabs tried to shut off supplies during the Suez crisis and when they did during the past winter.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. LONG. I will yield in a moment.

In order to have a domestic industry, not only the people of New England but also the people of Louisiana were paying approximately $1.25 a barrel more than they would have paid if we could have persuaded the Arabs to produce it and sell it to us at the level of profit they were making at that time and the level of Government take they had at that time. So all of us in the country are paying more for our energy.

That was done in order to have an industry that could see us through any emergency that might strike us, that could see us through thick and thin—an industry that could keep them honest over there, could make them keep their price at a reasonable level. What happened in this industry was a decline in domestic oil exploration to the point where the industry could not begin to take care of America's needs. The Arabs put an embargo on us when we sided with Israel against them in the Arab-Israeli war. What little oil we could get sold for as much as $20 a barrel. I feel sorry for the people in New England who are paying those prices.

But we did try to help, and we have been selling the oil we produce in our part of the country for $5.25 under a Government control program—for which I voted as a Senator from an oil-producing State—while they were producing it, shipping it here, and charging $20 and more a barrel. Even when one allows a price of $10 for newly discovered oil, the average price we pay for energy, including what we pay for gas, which is being regulated at a low price by the Federal Power Commission, as though gas producers were generating plants rather than oil producers, works out to $4 a barrel—compared to the $20 a barrel we were paying for imported oil.

That is the advantage of having a strong domestic industry. Regardless of what the price may have been, the point is that, when needed it, it was there.

Mr. KENNEDY. Will the Senator yield?

Mr. LONG. Yes.

Mr. KENNEDY. This is an interesting argument. It is exactly the same argument we have heard for years and years. The fact is that Georgia does not need that much home heating oil, nor do they need it in North Carolina or South Carolina, or Louisiana, or many other Southern States. How much home heating oil do they use in Arizona?

The fact is that New England has 6 percent of the population, and we use 25 percent of the home heating oil. So in order that we may have an oil industry in the Nation, the people in New England, the Northeast, and the North Atlantic States have had to pay a special price for it.

We need a national defense. We have aircraft carriers, we have missiles, we have bombers. But we do not have New England paying for a disproportionate share. They pay the same share the people of Louisiana pay.

If it is a national policy to protect a national interest with regard to national security, the burden should be borne even-handedly throughout the Nation. It should not be placed on those who happen to come from a particular area of the country which has extreme cold in the winter. Yet that was what was done with the oil import policy. That is why it was so inequitable.

Mr. LONG. Mr. President, the debates in this body in 1840 were just as heated as they are now, perhaps more so, because some Southern States were raising the devil about the fact that they were producing cotton and farm products, and whatnot, and buying manufactured goods from New England at prices protected by high tariff rates to protect American industry and American manufacturers.

But if we are going to have an industry that can provide our energy requirements—and I am not talking about oil—if we are going to have an industry to keep the American people warm in the wintertime and provide them with gasoline for their automobiles and fuel for their generating plants, for their air-conditioning, and in the other comforts, and, by all means, fuel to see us through a war if we are forced to fight one, and fuel to go to the aid of our allies in the event they find themselves in distress, then it is going to cost us more to produce that energy here than it is going to cost the people in Saudia Arabia, because they produce at 25 cents a barrel.

We can find new oil at about $5 a barrel. It is going to cost us $7 or $8 a barrel to bring in new coal and shale oil; and if we do not bring in new coal and

shale oil, we will never be self-sufficient in this country.

If we can make a big breakthrough in atomic power, then we can forget the oil and gas. We will not need it, and we can sell it on the world marketplace.

One more point with regard to the oil industry—all during the time we had those restrictions, there was no restriction on residual fuel oil, which, of course, could be imported without any limitation whatever.

Quite apart from the need to provide the Nation with its energy requirements and to build a nation that is self-sufficient, the Senator further proposes to eliminate the faster depreciation write-offs allowed by ADR on plant and equipment, thereby encouraging investments in automating their plants and equipment.

Mr. President, I am amazed to find that the United States, which I always thought had the most modern plants in the world, is becoming a second-rate power and that it is not as modern as some of the nations with which we are competing, such as West Germany, Japan, and others. We should do whatever is necessary to keep our Nation self-sufficient.

I think John Kennedy was right when he persuaded me to go along with the tremendous new incentive for new plants and equipment—the investment tax credit. It was against my better judgment, but I do not regret it now. One cannot find anything in the tax code that departs from tax equity as much as that did. That is a 7-percent tax credit for an expense that is also deductible. The investor can write off the entire cost of equipment through depreciation—in addition to the 7-percent tax credit. I helped to put that law on the statute books. Looking back upon it, I am glad I did because it stimulated the economy and it helped to keep this country prosperous.

It helped the Senator's late brother, President John Kennedy, and President Lyndon Johnson, over a period of 8 years to maintain better economic conditions than before. It was a fantastic achievement. That provision encouraged our businessmen to modernize our plants and become more productive.

Mr. KENNEDY. There is nothing in the amendment we have submitted that affects the investment tax credit. The only thing it affects in this respect is accelerated depreciation. We draw a distinction, and economists draw a distinction, between the two different programs.

I agree that under President Kennedy, the investment tax credit had an important impact in terms of stimulating the economy. It is a measure I continue to support, although I think its beneficial impact can be sharpened.

I reject the Senator's attempt to lump a loophole like ADR with the investment tax credit. Our amendment affects only ADR. It does not touch the investment credit.

Mr. LONG. But if the Senator is talking about tax equity one can better defend accelerated depreciation than the investment tax credit. But the tax laws we have written do not proceed on that basis. It depends on how one made his money and what he did with it.

Mr. KENNEDY. That is true, and the ordinary taxpayer winds up paying too much, because others pay too little.

Mr. LONG. The Senator might say that, but he does not want to reflect on his brother and my dear friend, President John Kennedy, who helped to make it that way by proposing the investment tax credit. It did help to make this a more prosperous country, as I said before.

We have many provisions in the tax laws that fall into this category. If one gives to a charity, there is a tax deduction; if one puts money into a foundation, the foundation does not pay taxes on the income from that money, within certain limits; if one invests in equipment used in his business, he gets an investment tax credit.

How much tax one is going to pay depends on what one does with his money.

I have heard some people argue that taxes should be based entirely on the Government's need for revenue, and not to achieve any other purpose. The late George Humphrey, the former Secretary of the Treasury, made that argument when he first became Secretary of the Treasury under the late President Eisenhower. They did not stay with that for a year. They found that if the country is going to be prosperous, we must have laws that encourage people to invest their money in ways that put people to work; we must have investment in jobs and equipment in order to keep the country prosperous.

They learned from recession. We had three recessions in that 8-year period. Then, we provided the investment tax incentive, and in the next 8 years while John Kennedy and Lyndon Johnson served as Presidents of the United States, there was not a single recession.

That being the case, I would be one of the first to say that the policies of both President Johnson and President Kennedy were designed to maintain full employment and full prosperity and give every person a chance to work. The Nation being a nation of free enterprise, we should encourage business to expand, to modernize, and to make a profit.

So we have tax laws which do have incentives for people to earn money in ways in which we would like people to earn it, and to spend it in ways we would like them to spend it. I do not think we are ever going to see a President depart from that principle. Even though tax equity, or the principle that people with the same income pay equal taxes, should be pursued, it does not take precedence over the need for the Nation to be prosperous, over the need for the Nation to be strong, and over the need for the Nation to be able to defend itself.

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

Mr. LONG. I yield.

Mr. KENNEDY. With regard to the latter statement, there is very little that I could disagree with, with this exception: Just because we have many legitimate incentives in the tax laws, it does not mean we have to give our blanket acceptance to the entire Internal Revenue Code. There are far too many loopholes that exist within it today. That is what this debate is about.

I think we can achieve the purpose of an expanding economy with full employment, without 402 Americans making over $100,000 but paying not 1 cent in taxes, which was the case in 1972.

I do not think those two objectives are inconsistent. We can close the loopholes, and we can also have an expanding economy and full employment. I do not think those purposes are inconsistent.

All we are trying to do by this amendment is to deal with the four of the most notorious loopholes in the tax laws. The Senator from Louisiana is familiar with the way wealthy taxpayers use these loopholes to avoid their responsibility to their country to pay their taxes.

Mr. LONG. Is the Senator familiar with the testimony in the hearings on the tax proposals that the Senator has before the Senate at this time?

Mr. KENNEDY. Yes. I am also familiar with some of the statements that were made in other hearings. For example, as Prof. Robert Eisner, of Northwestern University, who spent many years studying asset depreciation, told the House Ways and Means Committee earlier this year, with respect to ADR:

> There is little evidence that "liberalization" of depreciation allowances of this type will have much effect on investment.

He went on to note that:

> If the objective were to increase investment spending, economic analysis makes clear that a far more effective device, dollar for dollar of tax loss to the Treasury, would be some form of direct investment subsidy or tax credit.

As the Chairman knows, an investment tax credit to stimulate capital investment was also adopted as part of the Revenue Act of 1971, providing ample tax relief and investment incentives for corporations. There is no need for ADR. It is simply a tax bonus for companies to do what they are already doing.

Mr. LONG. The Senator has not answered my question. The question can be answered with a simple "yes" or "no."

Mr. KENNEDY. The Senator was about to read some parts of his hearings to me; I thought I would read some parts of other hearings to him.

Mr. LONG. Trying to anticipate the amendments he offered here, the Senator was kind enough to provide me with what he thought would be appropriate. He has offered some of them before. So I arranged for some committee hearings, to give people an opportunity to testify, so that we would have some idea about what proposals would be appropriate.

Throughout these hearings we find the statement repeated that the Senator wants to tax some rich person who made a lot of money but paid no taxes. But if that is the Senator's purpose, the amendment he has offered here is not going to do it. For example, if the Senator will look at page 7 of the hearings, there is a table in which the Secretary of the Treasury summarized his suggestions, which include a proposal to determine a minimum taxable income for each tax-

payer—which I myself have proposed on occasions—inadequate though it may be.

The Senator will notice that in the table the Secretary states that 69 out of 92 taxpayers making $200,000, would be required to pay a tax under his proposal. And under the Senator's proposal, only 12 of them would pay tax.

In fact, the Secretary said of the Senator's proposal that it would tax a lot of middle-income people who are paying their fair share of taxes already. He also said that the Senator's tax is just an additional tax on many people who are already paying their fair share.

The Senator talks about 400 people. According to his analysis, when they took out 92 of the tax returns of high income persons who paid no tax and analyzed them, the Secretary's proposal would tax 69 of them, while the Senator's proposal would tax only 12. So if the Senator is firing at a target, he is missing the bull's eye by a long way.

Even in the area of minimum income tax, the Senator could come nearer the target.

I think with time and a better study, we could draft a proposal that is better than the proposal of the Secretary of the Treasury. That, however, takes time and work, and the cooperation of staff and those who understand how business works and the intricacies of investment decisions for reducing taxes.

Only 12 of the 92 who made $200,000 and paid no taxes were caught by the Senator's amendment. I would like something better than that. It seems to me that if the Senator is going to miss 80 out of those 92, he is way off the target.

Mr. KENNEDY. Mr. President, I think we ought to have the talks the Senator mentioned available in the RECORD, and I ask unanimous consent that it may be printed in the RECORD. It purports to compare various minimum tax proposals. The last column refers to my proposal to reform the minimum tax. "MTI/LAL" refers to the Treasury's so-called minimum taxable income—limitation on artificial accounting losses proposal.

	Treasury's MTI/LAL	Present minimum tax	Proposed [1] amended minimum tax
Revenue gain from individuals (billions)	$1.15	$0.2	$0.7.
Average tax increase for high income, low tax individuals above $100,000 AGI.	$33,000	$9.400	$11,000.
Effect on 92 taxpayers in 1972 who had AGI of $200,000 or more but paid no tax.	69 out of 92 required to pay tax (average tax of $61,600).	No effect	Only 12 out of 92 required to pay tax (average tax of $9,700).
Effect on "tax shelters" in oil, real estate, etc., which are a major source of the high income, low tax problem.	Eliminates tax shelters	No significant effect	No significant effect.
Rates of tax	Regular graduated rates from 14 to 70 percent.	Flat rate of 10 percent	Flat rate of 10 percent.

[1] Would also raise about $800,000,000 to $900,000,000 from corporations (an additional $300,000,000 to $400,000,000 over present law) if percentage depletion is not repealed but would raise much smaller amounts if percentage depletion is repealed. The Treasury would retain the present minimum tax on corporations.

Mr. KENNEDY. Mr. President, those figures are not reliable. That is a phony and misleading table. The Treasury proposal is not comparable to the other columns. You can compare MTI and the minimum tax, but you cannot compare MTI combined with LAL with the minimum tax. If that is the best the Treasury can do, we ought to pass my minimum tax reform today.

I have got my own proposal for LAL, a much simpler proposal to get at the problem of syndicated tax shelters, which are at the heart of these artificial accounting losses. It would raise about a billion extra dollars, but I do not add that into the minimum tax.

I do not think Congress is ever going to buy MTI or LAL. They are too complex. They do cause a nightmare of accounting and paperwork and excessive bookkeeping. The House tried something like MTI in 1969, but the Senate dropped it quickly in favor of the present minimum tax. That is what I am trying to build on.

Mr. LONG. Furthermore, if the Senator will read——

Mr. KENNEDY. Will the Senator yield?

Mr. LONG. I yield.

Mr. KENNEDY. I would like to see the MTI figures without the LAL figures. I think we would have more comparable figures then. We will have the Treasury Department give them to us for Monday. Then I think we can discuss them.

Mr. LONG. Further, if the Senator will read the testimony of the witnesses for the Independent Petroleum Association of America—I know the Senator has to depart because of a commitment—starting on page 85, he will find that they say that beyond a doubt half of them are going to be put out of business.

Mr. KENNEDY. Is that the oil industry spokesmen defending their loopholes?

Mr. LONG. These are independent producers. Some do not produce more than 20 barrels a day. These are witnesses testifying for themselves. These are independent petroleum producers. They represent 10,000 producers. They were once 20,000, but half of them were put out of business in the last 15 years. I think the Senator wants them to stay in business just as much as I do, because the Nation needs the energy they can produce. I hope the Senator will review that testimony, because I am sure the Senator from Minnesota (Mr. MONDALE), who is a cosponsor of the amendment, was tremendously impressed by their testimony. I do not mean that he is going to vote for their position, but he was impressed when he heard them, because he so told me.

Mr. KENNEDY. I thank the Senator.

Mr. LONG. Mr. President, to conclude, my reaction is that I will not vote for the tax increases proposed in that amendment. I will seek to vote—when I have the opportunity—for the tax cuts. I hope we might even be willing to try to prevail on our friends in the House of Representatives, if we are able to go to conference, even though we may have to vote for a smaller tax cut. But I do not think, Mr. President, that at a time when we are in the doldrums anyway, at a time when the economy needs a shot in the arm, when we ought to give more encouragement for people to spend, we ought to be scaring business by acting as if we are going to tax the eyeballs off them.

That is why, as the Senator from Wyoming (Mr. HANSEN) pointed out, people have gained the impression that, even though the oil industry is making more money than the average for a change, they should put even more money into finding oil because they are in danger of being nationalized or being taxed out of business—in danger of being treated very badly indeed by their Government because some thought their profit was exorbitant.

I agree with the Senator from Wyoming. As he knows, some of the oil people lost money during the year we had in mind. When the Arabs put the boycott on, foreign oil was shut off. The people of this Nation did not have enough energy, and the price of oil went up. I suppose any poor soul who lost money in 1972, and because of the shortages from the Arab boycott made money in 1973, ought to be put under the gun, like my Uncle Dave.

My uncle Dave stayed in the oil business as long as he could. He was one of the 10,000 independents who left the oil business, because he went broke. When the price of oil went up, uncle Dave went out, if he could find an old rig and some secondhand pipe somewhere, to try to find some oil. My uncle Dave might have made a few dollars in 1973 and, according to the theory of the Jackson proposal, by comparing what one made one year with what one made the other year, since he made zero or less than zero in the previous year, one should say uncle Dave is a robber baron because he might have managed to make $5 or $6 thousand in 1973. That is how ridiculous it is to make these comparisons and say that he made too much based on last year's profit. Many of us know that much of that profit was because the companies were on a first-in, first-out inventory basis.

I know that the average person hearing this has no idea what I am talking about. I think if I were talking to the Chamber of Commerce in New Orleans on ladies' night, when the businessmen have their very highly educated, intelligent wives sitting right beside them, none of the men and none of the women would understand.

Determining inventory on a first-in, first-out basis means, in the case of an oil company, that when a barrel of oil is sold, whether at the end of the pipeline, refinery, or filling station, as the case may be, that barrel is taken to be the earliest barrel bought by the seller. So, on a first-in, first-out basis, if the company has oil on hand which it bought at a dollar and sold at $10, it must report a $9 profit even though it costs $10 to replace that barrel.

If the company is doing business on a

last-in, first-out basis, on the other hand, which is permitted under our tax laws—most businesses do keep inventories on a last-in, first-out basis. It could then say that the barrel it sold at the filling station was the same barrel bought from the Arabs yesterday for $10 a barrel, rather than a $1 barrel of oil. So the reported profit would be marginal.

Mr. President, nobody bothers to explain that. I have not read one word of first-in, first-out and last-in, first-out in any newspaper in the country.

Mr. President, when I came to the Senate, I learned it was a good idea to tell the truth around here. We do business with very smart, intelligent people, and if we have a way of going around and telling people things that are not true, after a while they get our number; and when one man gets your number, he has a way of telling his colleagues, "Do not trust that fellow; do not rely upon that man because anything he tells you might be true and then again it might not."

If one has a way of telling people the truth, it tends to work to his advantage because there are smart men up here, and when they know how one does business and know what his traits are, if they find him to be a person who plays squarely with them, they will so report to their colleagues.

I have been in business too long, Mr. President, too long in politics—I was born in politics as a way of life because my father was running for public office the day I was born—to, after 26 years of service in this body, to hope to stay in office or to get ahead by relying upon public misunderstanding of a problem or basing my position upon public ignorance.

I know that most people in this country have the impression that the energy shortage we have experienced is something the oil companies just dreamed up for their own special advantage—to raise the price of oil.

That does not happen to be true. But if the people want to think that, they are going to think that. There is no particular point in arguing very much about it.

I know that my duty toward my constituents and toward those same people is to help make this Nation the master of its own destiny and to help this Nation become self-sufficient in energy and everything else that is essential to national survival. So I am going to do what I think is best for the country even though some of my very best friends and some of my constituents might not understand it.

I think they have the right to expect it of me. If I have a chance to study and know the facts and be here, and hold the hearings and hear the witnesses and get to the bottom of these things, then I ought to vote based on my understanding rather than to vote based on somebody's misunderstanding of the same problem.

Mr. President, I repeat that it is not just a misunderstanding about the oil depletion allowance that is wrong about the amendment. In my judgment, the Senator is badly in error with regard to depreciation. I think that the ADR should not be repealed at this time.

If we had runaway inflation, if we had an overloaded economy, if we had all the people in the Nation employed, and we had such tremendous pressure on our resources that we wanted to cut back on new orders and discourage people from buying new equipment, that would be different. But in the situation we have at this moment, it is all to our advantage to encourage people to put new equipment on order to modernize their plants and to put people to work at good, modern machinery that America needs. For those reasons, it would be bad for the country to repeal the ADR at this time.

I will have more to say later on about the Senator's so-called minimum tax proposal. Basically, what that does is to approach the middle income people who might have a capital gain in their income tax return and treat them as though they were avoiding tax, when they are already paying their share of taxes—by putting an additional tax on them.

The whole theory of the minimum income tax when we voted it in the beginning was that it was to be imposed on people who made a lot of money and yet paid no income tax.

The Senator from Massachusetts wants to disregard the income taxes that the taxpayer has paid, and to levy an additional tax on top of the income taxes already paid. That does not make any sense to me, Mr. President. It never occurred to me that the minimum income tax was to be an additional tax on middle income people in addition to heavy taxes that they may be paying already. I predict if that amendment should become law, the people of the country are not going to thank us at all for levying an additional tax on those among them who are already paying their fair share.

So I do not think that those tax increases should be approved. I am confident that the House will send us its so-called tax reform bill covering some of the same areas. We can improve on it. We always do. If we have a chance to study their work, I am sure we can make a contribution both in the committee and on the floor. Senators can make suggestions that would probably have merit and should be voted to improve our tax structure.

But a tax increase of $6 billion—aimed at business—a great deal of it falling upon energy, just at a time when we are trying to produce more energy, and a great deal of it falling on the manufacturing industry, when we are trying to increase production—can do nothing but set the Nation back, turning the economic dislocations we are suffering from at the moment into a recession or even a depression. That would be very poorly advised.

Furthermore, we have to contend with another factor: There are some people who do not want to load irrelevant amendments on this debt limit bill.

It is essential that the debt limit bill should be passed and signed before the Government is placed in such distress that it cannot pay its legal obligations. It would be a disgrace for this, the richest Nation on Earth, to refuse to pay its debts—to refuse so much as to pay the mail carriers—on the basis of the ridiculous argument that this richest Nation in all the history of mankind, cannot afford to pay its debts. For this country to act like the richest man in town refusing to pay his honest debts to his own people in and around the town, on the theory that Congress passed a law to declare itself bankrupt, is ridiculous

Mr. President, I do not think much of anyone who hires someone to work for him and then refuses to pay the poor soul, or says, "I will pay you if you will settle for less," or of someone who hires a contractor and forces the poor fellow to go to court, pay legal expenses, and settle for less than what was honestly owed him, in order to get his money or a part of it. I think very little of a man who would do business that way. That is not the way for Uncle Sam to do business.

I shudder to think how people around the world would look at Uncle Sam, with a foreign aid program unprecedented in history, troops stationed all around the world, and the highest standard of living in all history, declaring himself bankrupt and unable to pay its debts.

We have on the books an act of Congress stating that we will go no further into debt, even if we have to refuse to pay our own employees. To the fellow carrying the mail and to people around the world, think what a silly, foolhardy thing that would be, and how we would be held up in scorn throughout the entire world. We might get away with it in some foreign lands, because the people do not get a chance to vote on us. But as to those people who would be responsible for this Nation having to refuse to pay its honest debts when they fall due, when it reaches the point that the local Government employees in their hometowns—the post office employees, including those carrying the mail—do not get paid, they are going to find out who is responsible for the situation, and will vote against them at the first opportunity.

But that has nothing to do with trying to force the President to sign something he thinks is bad law. If we are able to amend this bill and send it to the President in time for him to veto the bill, if that be his decision, and send it back and give us a chance to override it, then I would be in favor of voting for tax cuts, if we can limit amendments to tax cuts. But beyond that point, Mr. President, if it reaches the point where a foolhardy result would occur, one which meant that the Nation would refuse to pay its obligations, I do not think a tax cut is worth it. I think we ought to put the tax cut on some other bill, and let that bill take its chances. If the House sees fit to pass it and send it to the President, with no chance of harm to this country occurring whether we do or do not override the veto, well and good. But I do not think the opportunity to pass tax cuts justifies bringing the Nation to a halt, or making the Nation look ridiculous in the eyes of the world.

Mr. NELSON. Mr. President, this week a group of my colleagues and myself will offer a series of amendments to H.R. 14832, the Debt Ceiling Act, attempting to achieve some reform and justice in our tax system. Our tax laws are a public scandal. The Tax Reform Act of 1969

was a hopeful step in achieving reform, but since then Congress has reverted—particularly in the Revenue Act of 1971—to the ancient habit of benefiting through the tax code powerful corporations and wealthy individuals at the expense of the many. It should always be remembered that tax provisions benefiting certain parties automatically increases the tax burden for everyone else. For this reason, tax preferences must be examined closely to determine if they achieve, in a manner justifying their cost, their stated goal.

Too many tax provisions fail to meet this standard, resulting in our tax system being a transfer or reverse wealthful system from those least able to pay to those less in need. This is why, in the words of Prof. Stanley Surrey:

> Tax reform is really a moral issue. It is not just a technical exercise to be engaged in by skilled experts. It is an effort to restore fundamental morality to a tax system by ending both its unfairness and the cynical immoral way the tax game is played today by those with money and knowledgeable advisors.

Congress will not be able to achieve this year the massive and comprehensive revision of our tax laws so clearly necessary. This should, however, not deter Congress from making a downpayment on its obligation to achieve real reform. Given the will, Congress can achieve substantial tax reform this year by enacting, at the very least, the four tax reform measures:

First. Repeal of percentage depletion;

Second. Strengthening the minimum tax;

Third. Repeal of Domestic International Sales Corporation—DISC; and

Fourth. Repeal of Asset Depreciation Range—ADR.

Which will be offered to the Debt Ceiling Act.

Despite the compelling need and justification for tax reform, some argue that not only are these measures unwise, but even to offer them as amendments to the Debt Ceiling Act is improper. Such an argument values procedure over justice and makes procedure an excuse for injustice. During the recently held Senate Finance Committee hearings on these proposals, Secretary of Treasury Simon stressed that changes in the tax code should be achieved only by what might be termed proper legislative process. The Treasury's argument might be more convincing if Treasury had been more consistent. Let us look at past Treasury's concern for proper procedure.

One reform that we will offer is to repeal ADR but ADR was given birth by a Saturday press release from San Clemente. Only the quick, legal actions of a keen-eyed, public-interest lawyer forced the administration to place the proposal in the Federal Register, and to hold public hearings as required by law. These hearings and the revelation that the Treasury's top tax expert had advised the White House that such a major change in the tax law—costing over $40 billion in a decade—could only be achieved by legislation compelling the administration to send their ADR proposal to Congress where it was substantially modified. The Treasury would have us believe that what the administration tried to do by press release, Senators can not undo by amendment on the Senate floor.

Let us not kid ourselves or the public. The issue is not proper procedure, but proper tax policy. Those who stress procedure wish to avoid considering the inequities and injustices in the present law. The amendments to be offered attempt to change unsound tax decisions, which myself and many other Senators have consistently opposed, and which have been subject to extensive congressional testimony and debate. These are old issues and old battles, and I am pleased to once again join the battle for tax reform.

A few months ago there was some discussion of the need to cut taxes by over $6 billion to stimulate a declining economy. This proposal was unsound because the present economic decline is not primarily due to inadequate aggregate demand, but to inadequate supply in certain key parts of the economy and the consequences of rampant inflation. In today's excessive demand, shortage-plagued economy, a tax cut would be a disaster.

This week we are discussing not tax cuts to stimulate the economy, but a reallocation of the tax burdens by combining tax reform with tax reduction. Unfortunately, the proposed relief exceeds the reform by about $2.5 billion. The fact that the proposals are still financially unbalanced concerns me, and if we are successful in achieving the four tax reform proposals, the Senate should adopt other measures either to eliminate additional revenues or to reduce the amount of the tax reduction. If the comprehensive tax package is adopted, I will offer an amendment providing for a permanent change to a $205 tax credit which will save over a billion dollars and another amendment raising more than $500 million, which will end the abuse by the oil companies of the foreign tax credit. These two amendments will result in the tax reform/tax reduction package revenue loss, being virtually zero. These amendments, in combination with the four tax reform measures, will result in a balanced tax reform/tax reduction bill and no loss of Federal revenues.

PERCENTAGE DEPLETION ALLOWANCE

On January 29 of this year, I offered an amendment to recommit the National Energy Emergency Act of 1973 to conference because, in part, it contained an excess profits tax on the oil industry which in fact was not an excess profits tax, but a totally unworkable and unconstitutional procedure guaranteeing the average taxpayer, if he wishes, a long and fruitless lawsuit. At that time, however, I stated my conviction that the high oil prices compel Congress to end some of the existing tax preferences granted the oil industry, and now is the time to end windfall profits of the oil industry. The first step of a more rational tax policy for the oil industry is to repeal the percentage depletion allowance.

This tax preference, costing the American taxpayer over $1.5 billion per year, has failed totally to encourage domestic production, as it was originally intended to do. If it is not eliminated, its cost will skyrocket to $2.2 billion for domestic oil alone, and still not create any increase in production. Numerous economic studies have questioned the effectiveness of the oil depletion allowance. For example, a 1969 Treasury Department study showed that, although $1.4 billion Federal revenues were then being lost, the allowance had little influence on exploration.

There are many reasons why the percentage depletion is not an effective device to encourage exploration. First and foremost, as the percentage depletion is now written, it is an incentive for oil men to pump from existing wells, rather than an incentive to explore for new sources of petroleum. It stimulates overdrilling of existing fields and puts wildcatting and new exploration at an investment disadvantage. Second, land owners with oil royalties receive a percentage depletion even though they do no drilling and take no risks. Third, depletion allowances can be claimed for income for producing wells abroad which do not necessarily insure a source of oil for the United States, secure or otherwise. Fourth, percentage depletion, because of the net income limitation, is of doubtful significance to marginal wells, because it is far more valuable to productive rather than marginal wells. Finally, it discourages capital expenditures on cheapter, more abundant energy sources such as coal liquefaction.

For these reasons, repeal of the percentage depletion allowance is a wise tax and energy policy.

Defenders of percentage depletion should be asked to explain why, since it has existed from 1926 to the present, domestic exploration peaked in 1956 and present domestic supply is inadequate to meet our needs. Also, it would be helpful if they explained how a provision which was necessary when oil was selling for $3.50 or less a barrel is just as necessary when oil is selling for at least $5.25 a barrel and in some cases, around $10.

MINIMUM TAX

Congress in 1969 established a minimum tax providing for a flat 10-percent tax rate on income that had escaped entirely being subject to tax. Congress enacted the minimum tax preference income because, regardless of the individual merit of the provision which established such preferences, it did not want them to be pyramided by wealthy individuals to allow them to escape liability entirely. The minimum tax, however, has not achieved its stated purpose. For example, 402 Americans with 1972 incomes in excess of $100,000 paid no Federal income tax for that year. Of the 402, there were 99 with incomes over $200,000, and 4 with incomes of more than $1 million.

The number of wealthy tax avoiders rose in 1972. The number had been declining in recent years—from 394 with incomes over $100,000 for 1970, to 276 for 1971—but now we are apparently back on the way to grand-scale tax avoidance. The 402 who paid no taxes at all are "only the tip of the iceberg." Thousands of other wealthy Americans end up paying just a few hundred dollars in taxes on their huge incomes.

The amendment which will be offered will lower the present automatic deduction of $30,000 to $10,000 and eliminate the deduction allowed for taxes paid on nonpreference income.

The basic rationale for the minimum tax is that it is needed because certain taxpayers have amassed certain items of income which are not included in their regular tax base. The minimum tax addresses itself not to individuals who have escaped taxes, but to large sources of preference income. These excluded items stand apart from, and in addition to, the items normally taxed. The reason the taxpayer is subjected to the minimum tax is that his effective tax is too low in relation to his real income due to the amount he received from tax preference items. To give him credit for the tax that he pays on his regular income defeats the purpose of the minimum tax. The tax on "regular" income is simply unrelated to the tax on excluded items of tax preference. It is illogical to establish a tax on the preferred income escaping taxation, and then allow a deduction for taxes paid on regular income.

DOMESTIC INTERNATIONAL SALES CORPORATION—DISC

DISC, enacted as part of the Revenue Act of 1971, is just a dismal tax loophole for corporations. It allows them, just by establishing a paper corporation and without increasing their exports, to defer indefinitely one-half of their taxes on those exports. This loophole gets bigger with every passing day. Every time the U.S. Government negotiates a new trade or wheat arrangement with Russia, or our currency is devalued, the value of this loophole for large exporters increases.

As C. Fred Bergsten, senior fellow at the Brookings Institution, recently testified before the Senate Finance Committee:

> The DISC legislation has apparently done little to spur exports and has significantly reduced government revenues. In addition, there is no need for such selective export subsidies in a world of flexible exchange rates. And, even had it worked as planned, it would have no place in the current inflationary environment.

DISC adds to domestic inflation by draining resources away from our economy.

ASSETS DEPRECIATION RANGE

The ADR system permits a corporate taxpayer to depreciate capital assets within a range of up to 20 percent faster than the actual useful lives of these assets as defined by Treasury guidelines on useful lives in 1971.

By adopting ADR as a part of the Revenue Act of 1971, we abandoned a concept which had been an integral part of the tax laws for 40 years; namely, that deductions for depreciation of capital assets must be based on the actual useful life of the asset. Once we depart from this concept and allow tax depreciation to exceed economic depreciation, the owners of property producing taxable income are in effect receiving subsidy payments from the Treasury. There is no mathematical difference between giving an individual or business a direct handout and forgiving him a like amount in taxes due. ADR should be repealed.

During the last Presidential campaign, public concern compelled every major candidate to talk about tax reform. With such public interest, it was generally assumed that the 93d Congress, which began January 3, 1973, would make substantial progress in achieving tax justice. We are now in the second session of this Congress and nothing has been done and the few administrative proposals merely scratch the surface of the problem.

I believe that the present inequitable tax system is one of the forces eating away at the social cohesiveness and basic fabric of our society. Tax reform is as necessary for this country's health and welfare as education and medical legislation. Congressmen and Senators, as the selected guardians of the Nation's welfare, have a moral obligation to reform the tax structure to achieve tax justice.

TAX CUTS AND INFLATION

Mr. PERCY. Mr. President, as I have stated time and again since it was first proposed, I cannot in good conscience support a $6.6 billion tax cut in the face of rampant inflation.

Inflation is the No. 1 enemy that we face at home. It is our No. 1 domestic problem. It is probably the cause for more discontent among middle-income working Americans than anything else. When an enemy of that kind is eating at the very vitals of America, destroying confidence in the dollar, removing incentive, and certainly discouraging the American family that is attempting to live within its means, we in Congress have a responsibility to face up to this problem and not take any action that would exacerbate it.

The Consumer Price Index increased 1.1 percent during May, an annual rate of 13.2 percent. Even more foreboding, the wholesale price index increased by 1.3 percent in May, an annual rate of 15.6 percent.

These staggering increases lead me to believe that the fiscal year 1975 budget may already be too expansive. OMB's revised budget estimates for fiscal year 1975 now project a unified budget deficit of $11.5 billion, up from the $9.3 billion projected in February. Moreover, the new mortgage financing measures announced on May 10 by the administration could boost this deficit up to as much as $14.5 billion. A $6 billion tax cut would represent adding more than $20 billion of Federal debt to an inflationary level already of crisis proportion.

I believe the arguments raised in support of an expansionary tax cut must fall when viewed in the long-term context of the economy.

First, I cannot support the argument that a tax cut is needed to reverse the decline in growth which the Nation experienced during the beginning of this year. That decline was due largely to the energy crunch and the economic indicators project a steady recovery in the months ahead. A tax cut would not take hold until the very time when most economists see an upturn in real growth. Furthermore, as I have just pointed out, we are already operating at a potential fiscal year 1975 deficit of $14.5 billion, an expansionary increase of $11 billion from fiscal year 1974, when we had a deficit of $3.5 billion.

The signs for real economic growth during the rest of this year are good:

The first quarter decline in production was concentrated primarily in the automobile industry and other sectors directly affected by the energy crisis. April and May automobile production indicated a returning to normal levels, spurred in part by the shift in production capacity for smaller cars.

Despite the economic downturn, business fixed investment remained strong and the McGraw-Hill survey published in early May projects a 19.4 percent increase in new plant and equipment investment this year.

Consumer demand, although down in real terms for energy related items, was strong overall. Increased demand at this time would only exacerbate some already tight supply problems, particularly for basic raw materials, and further increase their prices.

Second, those sections of the economy in which there may be a need for economic stimulus will not be helped at all by a tax cut. Vigorous growth in residential construction and automobile sales requires lower interest rates and an easing of credit. The administration has recently taken steps to increase the availability of mortgage credit for middle-income families. However, Arthur Burns and the Federal Reserve have made it abundantly clear that there will be no overall easing of credit until inflation is brought under control.

Although some additional job opportunities would result from a tax cut, I continue to believe that direct relief, such as the additional public employment program spending proposed by the Senator from Massachusetts (Mr. KENNEDY), myself and others earlier this year is best. It is direct, nearly immediate, and provides for a significant return to the Federal Treasury on every dollar spent. Fortunately, unemployment has not taken the jump projected earlier this year. Should it do so, I remain willing to consider additional direct relief.

Third, we should not hold out the hope that reduced taxes will increase individual buying power when such buying power would soon be offset by the inflationary pressures created.

And what of those for whom the proposed tax cuts would provide no benefit? These include:

The unemployed—4.7 million people during this past month.

Those receiving Federal public assistance payments—an estimated 10.9 million this year.

Those living on supplementary security income payments—an estimated 5.4 million this year.

A large percentage of the 20 million living on social security and, in fact, any retiree with a retirement income of under $4,321.

In addition, although the proposal of the Senator from Massachusetts (Mr. KENNEDY) and others would provide some relief for the lowest-income workers through a tax credit for low-income workers with families, only $700 million of the total $6.6 billion tax cut package is allocated to these poorest families. And as is true of the proposed changes in the individual exemption, the more a family

earned, the more it would benefit from the credit—$5.9 billion of the revenue loss of this proposal would provide a tax cut that would result in increased income for even those in the very highest tax brackets. It would not benefit the poor, the unemployed, those who are retired.

Fourth, even if stimulative Federal spending were wise at this time, I believe we should give serious consideration to our national priorities, and how much money could best be spent. For example, the entire budget for the National Institutes of Health, which is leading the primary attack against crippling and fatal diseases that affect every American, was only $1.9 billion in fiscal year 1974. The budget for the entire Office of Education was $5.6 billion. Federal spending on the food stamp program was under $3 billion. Before we enact a tax cut which will reduce the taxes of the wealthiest individuals, we should make a judgment as to how this money could be used for the benefit of the greatest number of our citizens.

Finally, I realize that the tax cut proposal now pending before the Senate also provides for approximately $3.6 billion in tax increases. Although this is a step in the right direction in terms of the Federal budget, I have seen no indication that the sponsors of the amendment intend to withdraw their support for the $6.6 billion tax cut if the tax increase sections of their proposal fail to pass. In addition, as I noted earlier, one of the strong signs for real economic growth in the months ahead arises from business investment plans. Several of the tax increases proposed as amendments to this bill, such as repeal of the ADR, could have a significant negative effect on this encouraging sign.

In conclusion, I very much support tax reform. But let us not try to do it on a bill that must be enacted a week from now. And let us have a tax reform bill that maintains a balance in Federal revenues, that provides relief to all those who are in need of relief, and that is fully and carefully studied in terms of its impact on our capacity for real economic growth in the year and years ahead.

The Senate Finance Committee will soon have an opportunity to consider comprehensive tax reform legislation now being drafted by the House Ways and Means Committee. I urge the Finance Committee to act expeditiously on this matter which is rightfully of concern to all Americans. The full Senate will then have the time and the information with which to act on proposed amendments and to adopt a comprehensive bill with the best possible social and economic impact on this Nation as a whole.

Mr. President, I ask unanimous consent that three articles with bearing on this debate be printed in the RECORD at the conclusion of my remarks.

The first is a column by Joseph Alsop, published in the June 16 issue of the Washington Post, on the very present existence and danger of worldwide inflation. The second, an article by Assistant Secretary of the Treasury Edgar Fiedler published in the June 18 Washington Post, gives additional argument to the view that now is not the time to embark on an expensive fiscal policy. And the third is an article from the June 18 Wall Street Journal describing the Treasury Department's current effort to devise a balanced tax reform package of tax relief for low-income individuals, incentives for capacity short industries, and revenue raising measures.

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

ECONOMIC COMPLACENCY

(By Joseph Alsop)

Many years ago, when Tokyo was all but totally wiped out by earthquake and fire, it is said that the geisha houses did excellent business until they literally began to fall down. This city is like that today—except that geisha houses are a lot more fun than political fiddle-faddle, which is the Washington substitute.

To begin with, wholesale prices in May rose in a way that could logically produce an American annual inflation rate of above 15 per cent. To go on with, no one seems to have noticed it, but grossly inflationary wage settlements have become the general rule since all price and wage controls went out the window.

To give two examples, the plumbers and pipe fitters in San Francisco have set a pattern for the West Coast building trades by getting a wage increase of no less than 18.5 per cent in a single year. Then the airline pilots' contract with Delta Air Lines set another pattern, with an increase in one year of 17 per cent to 18 per cent which will give a senior Boeing 747 pilot an annual income of above $80,000!

If you go through the recent files of the Cost of Living Council, you can compile a list of comparable and nearly comparable cases as long as your arm. In short, acute wage inflation is now being added to all the other kinds of inflation afflicting the republic.

To be sure, there are some anti-inflationary factors, too. All prices of primary products are tending to decline, led by food prices. The beef producers, by now accustomed to selling steak by the carat instead of the pound, are therefore leading one of the fiercest raids on Congress that has been seen for a long time.

But despite such episodes, the Cost of Living Council counts upon a major drop in primary prices over the next three months, including some decline in the world oil price. All the same, it is wise to cross your fingers when you hear the head of the Cost of Living Council, Dr. John Dunlop, predicting the end of "double digit" American inflation by the end of this year. And even Dr. Dunlop thinks we must expect heavy continuing inflation for some years thereafter, at rates close to 7 per cent per annum.

This is the optimistic current forecast, it must be emphasized. But just consider the impact of the considerable spell of double digit inflation, followed by a really long spell at the rate of 6 to 7 per cent a year, with all its possibilities of further wage-price spiraling. You can see, then, why the able chairman of the Federal Reserve Board, Dr. Arthur Burns, has begun talking about danger "to the system itself."

The danger might be less if it were localized in this country. In fact, however, the United States is rather more fortunate than most of the other big financial-industrial nations in the non-Communist part of the world. With respect to inflation, the United States can even be regarded as very lucky indeed in comparison to Great Britain or France.

So one must begin with the phenomenon of worldwide inflation at shocking rates, which no one seems to know how to manage or to stop. And you must then add the fearful tremors that are now running through the non-Communist part of the world's fundamental financial system.

Here, the first epicenter was Italy. The bankruptcy of Italy, one of the major nations of Western Europe, was literally expected within a matter of weeks until a few days ago. Italy was then pulled back from the brink by a basketfull of half-measures and quarter-measures provided by the recent meeting of the International Monetary Fund.

The optimists now say: "Well, we needn't worry too much about Italy until the end of this year!" Nowadays, in other words, we are complacent about six months' grace for a major part of the world financial system. A few years ago, a comparable situation would have caused hysteria instead of complacency.

Almost the same holds true for Great Britain. On current account, the British trade deficit last month reached such enormous proportions that the Bank of England began talking publicly about a national situation of utmost gravity. Nowdays in Washington, however, the critical British situation is also regarded complacently because capital movements into London have largely covered the trade deficits thus far.

"Thus far, thus far!" These are the words of the moment, while the Watergate obsession causes the political fiddle-faddle to be interminably protracted. Although any fool ought to feel the earthquake tremors, our substitute for geisha houses goes on playing to standing room only.

FIEDLER SAYS ADMINISTRATION SHOULD HOLD LINE ON POLICIES

(By Edgar R. Fiedler)

The central issue of economic policy today is whether taxes should be cut to encourage consumer spending and thereby stimulate the economy. The idea appears to have started with the energy-induced setback in economic activity and rise in unemployment that took place around the turn of the year.

But the key fact about the weakness in the economy is that it has been focused so narrowly. The automobile industry has been affected, as have utilities and tourism and other fuel-related activities. Homebuilding has also been slower and, in response, the President has taken action to provide more funds for the mortgage markets.

Outside of those areas, however, signs of weakness have been scarce. The major problems faced by businessmen these days are not a lack of sales or new orders, but rather materials shortages and delivery delays.

Some proponents of a tax cut have argued that the full-capacity/shortage situation is behind us and that demand is now falling below our capacity to produce. They point to the Federal Reserve Board's index of capacity utilization for production of major materials, which declined by a couple of percentage points from the fourth quarter to the first quarter.

It is important, however, to analyze the composition of that index. Specifically, it includes petroleum refining and raw steel, both of which declined for special reasons. For the other major materials, the indications are that all production facilities continue to operate at virtually full capacity. So the drop in the utilization index cannot be taken as a sign that demand weakness has replaced materials shortages as the basic condition of the economy.

There are several additional pieces of evidence to support this view. One is the unfilled order backlogs of durable goods manufacturers, which continue to rise.

Another piece of evidence is the behavior of industrial purchasing agents, who are still making commitments farther ahead than they have done at any time in the past 20 years.

In this situation, if taxes were cut, the extra spending that would be generated

would not do much to boost production and employment. Instead, it would only mean more dollars chasing goods that are already in limited supply—which would simply mean more inflation.

And it is the problem of inflation that poses the other crucial question about the tax-cut proposal. I would argue that we are likely to see some decline in the inflation rate during the course of 1974 with or without a tax cut, as the worst of the food, fuel and decontrol price pressures gets behind us.

But this should not suggest that a reduction in taxes poses no inflationary threat. Even under favorable assumptions, prices are likely to be rising at something like a 6 per cent rate at year-end. That is an unacceptably high rate of inflation and, if taxes are cut now, even that degree of improvement would be seriously jeopardized.

Although unemployment may rise somewhat further in the months immediately ahead—for which the unemployment compensation system should be strengthened as the President has recommended—the economy should resume its normal condition of growth in the second half of the year. Accordingly, the risk of serious and prolonged unemployment is small but the risk of accelerating the underlying rate of inflation is substantial.

It is difficult to argue that in and of itself a cut of $5 billion—in the context of a $350 billion budget and a $1,400 billion economy—would add substantially to inflation.

But the $5 billion should not be viewed in and of itself. It should also be considered in terms of the signals it would give off. If taxes were cut, government departments and Congress would no longer feel as constrained as before to hold expenditures within limits.

Most important, the private sector of the economy, which now generally believes that the $11 billion budget deficit is already too inflationary, would get the clear signal that the federal government is basically unconcerned about prices.

In the past, the government's economic policy decisions in both the legislative and executive branches have almost always added too much budgetary stimulus to the economy, while ignoring the inflationary consequences.

To come down on that side of the equation again, i.e., to cut taxes now, would be a bad mistake.

ON LOW INCOME, SPUR BUSINESS INVESTING

(By James P. Gannon)

WASHINGTON.—The Treasury is trying to devise "a balanced package" of additional tax-revision proposals designed both to stimulate business investment and provide tax relief to lower-income individuals.

This was disclosed by Treasury Secretary William Simon in an interview, and was the first hint that the Nixon administration might soften its opposition to any personal income-tax cuts if such cuts were combined with tax-incentives for investment and with revenue-raising moves that would offset the effects of tax reductions. It also indicated a willingness on the Treasury chief's part to bargain with Congress to reach a politically palatable compromise encompassing both the personal tax cuts many congressional Democrats want and the investment incentives Mr. Simon favors.

The big stumbling block to any compromise on a "balanced package" such as Mr. Simon mentioned is the problem of finding ways to raise the revenue that would be lost through its combination of business and personal tax cuts. The administration remains opposed to most revenue-raising changes proposed by congressional liberals, and Mr. Simon couldn't say how he would raise added revenue.

The Treasury Secretary discussed the issue of tax-law changes only in general terms and declined to say when specific proposals would be made public. But he indicated that the tax-law changes he would like to see Congress pass are considerably more ambitious than the administration's limited list of revisions outlined last year by Mr. Simon's predecessor, George Shultz. Those proposals, which include various measures to simplify the income-tax system and tighten tax treatment of some classes of income, are "narrower in scope than what I'm talking about," Mr. Simon said.

Mr. Simon stressed his desire to come up with tax proposals to aid capacity-short industries, such as steel and paper makers, to "help them build the capacity that's needed." Past tax policy has "penalized investment" in favor of stimulating consumption, he said, which has contributed to current shortages of industrial materials.

DECLINED TO DISCUSS DETAILS

Mr. Simon declined to discuss possible Treasury investment-incentive tax proposals in detail, saying the department's specialists are still studying the matter. But he earlier indicated that accelerated depreciation—a very fast write-off of investment in new plants and equipment—is one of the ideas under Treasury consideration as a spur to capital spending to relieve shortages.

But the official said he recognized it might be politically impossible to push such industry tax advantages without considering congressional demands for tax cuts for individuals, especially lower-income groups. "If you are going to give incentives to business" to spur investment, he said, "then you obviously have to look at the lower-income side at the same time."

Thus, he said, the Treasury is trying to come up with "a balanced package" that would appeal to liberals pushing an income-tax cut for individuals while providing incentives for business investment. Congress probably would produce its own version of such a "balancing" if the Nixon administration proposed only the business-tax measures, Mr. Simon added.

His attitude on income-tax cuts for at least some individuals thus appeared to be more flexible than that taken by President Nixon and his economic advisers—even including Mr. Simon—in earlier public statements. While the Simon posture hardly indicates the administration is dropping its opposition to a general tax cut on the ground such a move would be inflationary, it indicated there is some room for bargaining with Congress.

MAY BE IN LEGISLATION

The Treasury chief wouldn't say when he would be ready to publicly propose the tax-law changes he has in mind. But he hinted many of them might find their way into the broad tax-revision legislation currently before the House Ways and Means Committee.

"We've got a tax-reform bill going through (Congress) now," he said, "and a lot of the things we're talking about may even be on this bill by the time it passes." He insisted the Treasury study of new proposals wasn't just an academic exercise. "I'm doing this with an eye to making specific recommendations," he said.

Mr. Simon acknowledged that the big problem with a tax package that included both business investment incentives and some type of personal tax relief would be its revenue drain on the Treasury. Any such bill presumably would cost the Treasury billions of dollars a year in lost revenue, which would have to be offset by compensating tax increases in other areas in order to meet the Nixon administration's test of fiscal responsibility.

The official wouldn't specify how he would propose to offset the revenue loss. But he indicated approval of another far-reaching tax change that he said might recapture some additional revenue—revising the tax treatment of capital gains.

TAX ON CAPITAL GAINS

The capital-gains tax, paid on the increase in the value of stocks, real estate or other assets between purchase and sale, currently is half the rate of ordinary income taxes, with a ceiling of 36½% for certain wealthy taxpayers. The capital-gains tax rate supplies to sale of an asset held for at least six months.

Mr. Simon spoke favorably of proposals to put the capital-gains tax on a sliding scale, so that the longer an asset is held, the lower the tax rate. This change, he said, would provide many people with an incentive to sell assets they have held many years. Increased sales of such "locked in" assets would provide added tax revenue, the Treasury official said, though he conceded it is impossible to estimate the amount.

Chairman Wilbur Mills (D., Ark.) of the House Ways and Means Committee has publicly called for overhaul of the capital-gains tax, including a sliding tax scale, in order to "free up" assets whose owners are reluctant to sell due to the potential tax liability.

Actually, it is far from certain that a broad tax bill will emerge from Congress this year. There is considerable doubt the Ways and Means Committee can complete an overall tax-revision bill in time to have it considered before any possible impeachment proceedings on the House floor.

Congressional observers say that if the Nixon administration reaches any accord on tax changes with key Capitol Hill tax legislators, a measure could be passed quickly. But, they add, the big deterrent to any such arrangement is finding ways to raise additional revenue to offset any tax cuts.

In the Senate yesterday, an effort to start considering various tax changes ran into an immediate roadblock that could prove deadly for this legislation. The move by Senate Democratic liberals to push proposed individual tax cuts as well as some tax increases for corporations and richer people apparently faces a filibuster led by Sen. James Allen (D., Ala.) and supported by Sen. Charles Percy (R., Ill.). The liberals are trying to tack these tax amendments onto a bill increasing the federal debt limit $19.3 billion, to $495 billion, through next March 31.

The tax amendments may have to be dropped from the debt bill because it will be difficult for Senate liberals to muster the needed two-thirds vote to break any filibuster. Senate leaders want to pass the debt-ceiling bill before Congress starts a 10-day recess June 28. The Treasury needs the higher debt limit to continue its borrowing operations beyond June 30.

Discussing the current economic situation, Mr. Simon said the nation's economy probably will show practically no growth in the current quarter. The change in the real gross national product, the economy's total output of goods and services adjusted for price increases, "is going to be awfully close" to zero in the current quarter, he added. It is impossible to say whether the change will be a slight rise or a slight decline from the first quarter, he said.

Real GNP dropped at a 6.3% annual rate in the first period, which felt the impact of fuel shortages. Even if real GNP drops a bit again in the current quarter, Mr. Simon said, the slump wouldn't qualify for the label "recession" because its main cause is the energy shortage rather than a general weakness in demand. According to the common definition, a recession is two consecutive quarters of declining real GNP, but the Nixon administration has rejected this definition ever since the President promised there wouldn't be any recession in 1974.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, in behalf of the Senator from Arkansas (Mr. FULBRIGHT) I submit a report of the committee of conference on H.R. 12799, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FANNIN). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12799) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 20, 1974, at p. H5331.)

Mr. ROBERT C. BYRD. Mr. President, in behalf of Mr. FULBRIGHT, I read the following statement:

"The major difference between the bills of the Senate and the House was in the time period to be covered by the authorization. The Senate had approved a 2-year authorization for the Arms Control and Disarmament Agency of $10.1 million in the fiscal year 1975 and $10.9 million in the fiscal year 1976. The House of Representatives had approved a single-year authorization for the fiscal year 1975 of the same amount approved by the Senate, $10.1 million. The Senate conferees receded. The amount agreed to was the sum requested by the executive branch for the fiscal year 1975.

In addition, the Senate bill included several minor technical amendments. The House conferees receded on these amendments.

At the same time, the committee of conference affirmed continued interest in strengthening the Agency and its effectiveness.

Mr. President, I move the adoption of the conference report."

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the conference report not be printed as a Senate report.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday the Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, after which, by unanimous consent, the senior Senator from Texas (Mr. TOWER) will be recognized for not to exceed 15 minutes.

There will then be a period of not to exceed 30 minutes for the transaction of routine morning business, with statements therein limited to 5 minutes each.

At the conclusion of morning business, the Senate will take up the continuing resolution under a time limitation. If any rollcall vote is ordered thereon, such rollcall vote will follow the vote on the Allen amendment, which has already been scheduled for an hour later in the day.

At 3:20 p.m. a rollcall vote is expected to occur on passage of S. 3679, the emergency livestock credit bill.

At 4 o'clock p.m., a rollcall vote will occur on the amendment by Senators KENNEDY, HUMPHREY, and other Senators to the Allen amendment.

Debate for 30 minutes may then occur, after which a rollcall vote will occur on the Allen amendment.

Following the rollcall vote on the Allen amendment, any other rollcall votes that are ordered prior to the hour of 3:20 p.m. on Monday will occur.

Other measures may be called up during the week. I may say that next week is likely to be a busy week, with long daily sessions, and we expect—that being the final week before the Independence Day holiday—that rollcall votes are likely to occur daily, and a Saturday session is possible, keeping in mind that the continuing resolution and the debt limit bill should be passed before the Senate recesses. Should the debt limit bill not be passed by the close of business on Saturday, it would mean that the Senate would be in session on the following Monday.

Other measures which may be called up during the week, but not necessarily in the order shown and not necessarily confined to those which I shall enumerate, are as follows:

H.R. 14833, the Renegotiation Act Extension; S. 424, dealing with natural resource lands; Senate Resolution 67, which is a resolution to promote negotiations for a comprehensive test ban treaty, could be called up from the section of the calendar designated "Subjects on the Table"; S. 355, on drug abuse; S. 1566, providing for the normal flow of ocean commerce; S. 3164, real estate settlement services; S. 3511, dealing with mortgage credits; S. 3500, dealing with amateur athletics; H.R. 8660, to assist Federal employees in meeting tax obligations; H.R. 9281, retirement of law-enforcement personnel; H.R. 11537, conservation and rehabilitation programs; and S. 3096, loans to small business concerns.

Mr. President, let me note that the distinguished Senator from California (Mr. CRANSTON) has asked that that bill (S. 3096) await the arrival of the House bill dealing with the same subject.

Conference reports and calendar measures cleared for action may be called up at any time.

I invite special attention to the conference report dealing with legal services, which may be called up at any time, beginning with Wednesday of next week.

So, Mr. President, that about sums it up. As I say, there will be at least three rollcall votes on Monday, and very likely more.

Mr. LONG. Mr. President, can the Senator please advise me when the first rollcall vote will occur on Monday next?

Mr. ROBERT C. BYRD. The first rollcall vote on Monday will be at 3:20 p.m.

Mr. LONG. I thank the Senator.

Mr. ROBERT C. BYRD. I thank my friend from Louisiana.

Mr. LONG. What will be the pending business when we come in on Monday?

Mr. ROBERT C. BYRD. At the conclusion of routine morning business on Monday, the Senate will take up the continuing resolution.

Mr. LONG. About how long will that take?

Mr. ROBERT C. BYRD. There is a 1-hour limitation on that resolution. I doubt that it will require longer than that. With the Senate convening at noon, I should say we would get onto that resolution certainly by 12:45 p.m. or 1 p.m. If it should go up to 2 o'clock, that will allow somewhat less than an hour and 20 minutes before the first vote will occur—the vote on the emergency livestock bill.

Mr. LONG. I thank the Senator very much.

Mr. ROBERT C. BYRD. It might be, in the opinion of the leadership on Monday, that the leadership would want to call up some other bill which had been cleared for action in order best to utilize the time of the Senate before 3:20 p.m. when the vote on the livestock bill will occur, to be followed immediately by the vote on the Kennedy amendment. Perhaps there will be a little time in between. Then up to a half-hour for debate if necessary; then the vote on the Allen amendment and any other votes stacked up prior to 3:20 p.m. The Senate will then go back to the consideration of the debt limit bill.

ADJOURNMENT

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 12 noon on Monday next.

The motion was agreed to; and, at 4:03 p.m., the Senate adjourned until Monday, June 24, 1974, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 21, 1974:

DEPARTMENT OF THE TREASURY

Charles A. Cooper, of Florida, to be an Assistant Secretary of the Treasury, vice John Michael Hennessy, resigned.

U.S. COURT OF MILITARY APPEALS

William H. Erickson, of Colorado, to be a judge of the U.S. Court of Military Appeals for the remainder of the term expiring May 1, 1986, vice Robert M. Duncan.

FEDERAL HOME LOAN BANK BOARD

Thomas R. Bomar, of Virginia, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1978 (reappointment).

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenant commanders

Paul M. Duernberger
Carl R. Berman, Jr.

To be lieutenants

Gerald B. Mills	Richard D. Black
Joseph M. Kunches	George W. Jamerson
Robert E. Karlin	James D. Servais
Stephen H. Manzo	Jeffrey P. Calebaugh
Neil P. Gloier	Burl L. Wescott
Jon M. Barnhill	James L. Warner
Robert J. Schmidl	James H. Hartzell
Brent G. Harris	Michael R. McCaslin
Michael C. Meyer	Alan J. Pickrell

To be lieutenants (junior grade)

Gary J. Decker	Alan D. Kissam
Harold B. Arnold	Thomas E. DeFoor
Curtis M. Belden	Bruce M. Douglass
William A. Wert	William E. George
Timothy A. Kessenich	H. Bruce Thelen
Richard P. Floyd	Ronald C. Pate
Roger G. Hendershot	Robin D. Wells
Willis C. Blasingame	Charles L. Rives

To be ensign

David R. McKenzie

IN THE AIR FORCE

The following officer to be placed on the Retired List in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Timothy F. O'Keefe, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be placed on the Retired List in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Jay T. Robbins, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major general

Lt. Gen. Fred Kornet, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

The following-named officer for appointment as Chief, National Guard Bureau, under the provisions of title 10, United States Code, section 3015:

Maj. Gen. LaVern Erick Weber, [redacted], Army of the United States (major general, Army National Guard of the United States).

IN THE NAVY

Vice Adm. Philip A. Beshany, U.S. Navy, for appointment to the grade of vice admiral on the Retired List pursuant to title 10, United States Code, section 5233.

Vice Adm. Malcolm W. Cagle, U.S. Navy, for appointment to the grade of vice admiral on the Retired List pursuant to title 10, United States Code, section 5233.

Rear Adm. Frederick C. Turner, U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, appointment to the grade of vice admiral while so serving.

IN THE ARMY

The following-named officers for promotion in the Army of the United States under the provisions of Public Law 12–129:

ARMY PROMOTION LIST

To be colonel

Adams, Paul M. [redacted]

DENTAL CORPS

To be colonel

Buttner, Charles W. [redacted]
Qualman, Harold C. [redacted]

MEDICAL CORPS

To be colonel

Garcia, Luis F. [redacted]
Hall, Anthony P. [redacted]
Ward, George W. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

Boroski, Marvin R. [redacted]
Lasseter, Earle F. [redacted]
Millar, Roger M. [redacted]
Wilson, Norman S. [redacted]

MEDICAL CORPS

To be lieutenant colonel

Adams, John T. [redacted]
Conaway, Don L. [redacted]
Juan, Antonio J. [redacted]
Neufeld, John A. [redacted]
Vanway, Charles, [redacted]
Youngs, Brian L. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Trecartin, Edward G. [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Sakson, Donald A., [redacted]

The following-named officers for promotion in the Regular Army of the United States under the provisions of title 10, United States Code, sections 3284 and 3305:

ARMY PROMOTION LIST

To be colonel

Luebbert, William F., [redacted]
McCune, John R., [redacted]

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Allen, James L. [redacted]
Deitch, Raymond, [redacted]
Elmore, Louis N., Jr., [redacted]
Foley, William R., [redacted]
Harrover, James D., [redacted]
Macklin, Joseph D., [redacted]
Martina, John R., [redacted]
Merrick, Philip B., [redacted]
Moore, Robert O., [redacted]
Shugart, Henry G. [redacted]

MEDICAL CORPS

To be lieutenant colonel

Bartley, Joseph D., [redacted]
Valpey, Jack M., [redacted]

I nominate the following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Abernethy, Robert J., [redacted]
Abramson, Lawrence, [redacted]
Acinapura, Joseph N., [redacted]
Adams, John R., [redacted]
Adcock, Jerry A., [redacted]
Adderley, David L., [redacted]
Ailles, Craig R. [redacted]
Albertson, Tom L., [redacted]
Aldinger, Robert R., [redacted]
Alexander, Junius R., [redacted]
Alexander, Terry L., [redacted]
Alfredson, George H., [redacted]
Allard, John A., [redacted]
Allen, Alex L., [redacted]
Allen, James H., [redacted]
Allen, Kenneth D., [redacted]
Alley, James H., [redacted]
Allison, William T., [redacted]
Alpern, Stephen I., [redacted]
Alsop, Jackie R., [redacted]
Altorfer, William G., [redacted]
Anchor, Leonard J., [redacted]
Anckaitis, William, [redacted]
Anderson, Charles J., [redacted]
Anderson, David W., [redacted]
Anderson, James Y., [redacted]
Andrew, Edward L., [redacted]
Andrews, Anthony J., [redacted]
Anjier, Louis J., Jr., [redacted]
Anselm, Donald C. [redacted]
Apfel, Paul W., [redacted]
Arbogast, Alfred A., [redacted]
Armstrong, Alan P., [redacted]
Armstrong, Charles, [redacted]
Arnold, Billy R., [redacted]
Arnold, Wallace C., [redacted]
Arthur, James F., [redacted]
Atkins, George C., [redacted]
Atkinson, John H., II, [redacted]
Authier, Edward E., [redacted]
Avery, John, Jr., [redacted]
Babbitt, Leroy A., Jr., [redacted]
Bacon, Carlton E., [redacted]
Badzinski, Richard, [redacted]
Baena, George, [redacted]
Bains, William J., [redacted]
Baird, Norval E., [redacted]
Baird, Thomas H., [redacted]
Baker, Donald D., [redacted]
Baker, James L., [redacted]
Bakkeby, William M., [redacted]
Balda, Jerome F., [redacted]
Baldwin, Byron S., [redacted]
Baldwin, Max R., [redacted]
Balfanz, William F., [redacted]
Bangasser, Frederic, [redacted]
Banks, William J., [redacted]
Bankson, Peter R., [redacted]
Banning, Raymond D., [redacted]
Barbour, Donald A., [redacted]
Barker, Robert L., [redacted]
Barnett, James R., [redacted]
Barney, Daniel G., [redacted]
Barringer, Ronald W., [redacted]
Bartay, Tandy E., [redacted]
Bartels, Steven E., [redacted]
Bartlett, Henry D., [redacted]
Bavis, Robert J., III, [redacted]
Beal, Patrick G. [redacted]
Beal, William R., Jr., [redacted]
Beckett, Ronald L., [redacted]
Becking Ernest A., [redacted]
Bee, Arlen E., [redacted]
Beebe, Merrell S., [redacted]
Behrenhausen, Richard, [redacted]
Beinhacker, Neal D., [redacted]
Bender, Joseph F., [redacted]
Bender, Lynn A., [redacted]
Bennett, Clyde R., Jr., [redacted]
Bennett, James L., [redacted]
Bennis, John M., [redacted]
Benson, Roger R., [redacted]
Bent, Robert E., [redacted]
Benton, Hubert F., [redacted]
Bentz, William A., [redacted]
Benvenuto, James VI., [redacted]
Bergeron, Andrew L., [redacted]
Berinato, John J., [redacted]
Berkley, Clyde J., [redacted]
Berman, Jay M., [redacted]
Bernard, Robert K., [redacted]
Bernardi, Roger L., [redacted]
Bertocci, David I., [redacted]
Besemer, Ellsworth, [redacted]
Bevans, Nathan E., [redacted]
Beyer, Lawrence M., [redacted]
Biegel, Alfred E., [redacted]
Biemeck, John F., IV, [redacted]

Bierbaum, Carl R., xxx-xx-xxxx
Binkewicz, Joseph B., xxx-xx-xxxx
Biondi, Richard M., xxx-xx-xxxx
Bird, William W., xxx-xx-xxxx
Bisantz, Anthony E., xxx-xx-xxxx
Bittrich, Lowell D., xxx-xx-xxxx
Blackburn, John T., xxx-xx-xxxx
Blackwell, Joseph W., xxx-xx-xxxx
Blair, John D., IV, xxx-xx-xxxx
Blake, William B., xxx-xx-xxxx
Blanda, Frank T., xxx-xx-xxxx
Blanion, John R., xxx-xx-xxxx
Blesse, James S., xxx-xx-xxxx
Blount, Howard P., xxx-xx-xxxx
Blue, Charles L., xxx-xx-xxxx
Bock, John E., xxx-xx-xxxx
Bolton, Peter A., xxx-xx-xxxx
Bon, Virgil D., xxx-xx-xxxx
Bonfanti, Anthony J., xxx-xx-xxxx
Bonville, George P., xxx-xx-xxxx
Boone, George F., xxx-xx-xxxx
Bortel, James L., Jr., xxx-xx-xxxx
Bourland, James T., xxx-xx-xxxx
Bowe, Matthew A., Jr., xxx-xx-xxxx
Bowe, Robert M., xxx-xx-xxxx
Bowers, Billy J., xxx-xx-xxxx
Bowles, Norborn S., xxx-xx-xxxx
Box, Joe M., xxx-xx-xxxx
Boyd, Barclay A., xxx-xx-xxxx
Boyd, Quinton P., xxx-xx-xxxx
Boyd, Reese L., xxx-xx-xxxx
Boyd, William L., xxx-xx-xxxx
Boyer, Albert J., xxx-xx-xxxx
Boylan, Peter J., xxx-xx-xxxx
Bradford, William B., xxx-xx-xxxx
Bragg, Stacy C., xxx-xx-xxxx
Brandon, Eddie L., xxx-xx-xxxx
Brannon, John D., xxx-xx-xxxx
Branscome, Dexter A., xxx-xx-xxxx
Braxton, George H., xxx-xx-xxxx
Brayboy, James E., xxx-xx-xxxx
Breland, Marshall W., xxx-xx-xxxx
Brennan, Lawrence, xxx-xx-xxxx
Brennan, Richard P., xxx-xx-xxxx
Brewster, Horace B., xxx-xx-xxxx
Bridgman, Cain A., xxx-xx-xxxx
Briggs, Duncan D., xxx-xx-xxxx
Brinkley, Ulyus O., xxx-xx-xxxx
Britton, Johnnie W., xxx-xx-xxxx
Brooks, Delbert R., xxx-xx-xxxx
Brooks, Ronald E., xxx-xx-xxxx
Brost, Daryl F., xxx-xx-xxxx
Brown, Edward A., III, xxx-xx-xxxx
Brown, James P., xxx-xx-xxxx
Brown, Joseph Jr., xxx-xx-xxxx
Brown, Raymond A., xxx-xx-xxxx
Brown, Robert A., xxx-xx-xxxx
Brown, Roland P., xxx-xx-xxxx
Browning, Clifton J., xxx-xx-xxxx
Browning, Robert W., xxx-xx-xxxx
Broyles, Robert F., xxx-xx-xxxx
Brubach, Charles F., xxx-xx-xxxx
Brumblay, Robert H., xxx-xx-xxxx
Brummett, Henry U., xxx-xx-xxxx
Bruner, Edward F., xxx-xx-xxxx
Bryan, Joe S., xxx-xx-xxxx
Bryang, Wallace A., xxx-xx-xxxx
Buckles, Harvey I., xxx-xx-xxxx
Buckner, Richard A., xxx-xx-xxxx
Budge, Larry D., xxx-xx-xxxx
Buford, William C., xxx-xx-xxxx
Bullock, Robert E., xxx-xx-xxxx
Burch, Charles G., II, xxx-xx-xxxx
Burch, Edgar F., xxx-xx-xxxx
Burden, Ollie D., xxx-xx-xxxx
Burdick, Raymond C., xxx-xx-xxxx
Burgess, Douglas R., xxx-xx-xxxx
Burgess, Peter D., xxx-xx-xxxx
Burke, Paul F., xxx-xx-xxxx
Burkett, Jimmy D., xxx-xx-xxxx
Burlas, Joseph E., xxx-xx-xxxx
Burns, Robert A., xxx-xx-xxxx
Burton, Lance J., xxx-xx-xxxx
Burton, Martin C., xxx-xx-xxxx
Buschke, Thomas H., xxx-xx-xxxx
Busdiecker, Roy F., xxx-xx-xxxx
Butler, David H., xxx-xx-xxxx
Butler, Irvin S., xxx-xx-xxxx
Butterworth, Larry, xxx-xx-xxxx
Butts, Don E., xxx-xx-xxxx
Byrd, Johnnie P., xxx-xx-xxxx
Byrd, Joseph L., xxx-xx-xxxx
Byrne, Alan H., xxx-xx-xxxx
Byrnes, James P., xxx-xx-xxxx
Cabrinha, Joseph W., xxx-xx-xxxx
Cade, Ernest W., xxx-xx-xxxx
Cairns, Robert B., xxx-xx-xxxx
Caldwell, Robert C., xxx-xx-xxxx
Caldwell, Robert W., xxx-xx-xxxx
Calhoun, Richard W., xxx-xx-xxxx
Callahan, Joseph C., xxx-xx-xxxx
Callander, Robert D., xxx-xx-xxxx
Callender, William, xxx-xx-xxxx
Calverase, Francis, xxx-xx-xxxx
Campbell, Dale G., Jr., xxx-xx-xxxx
Campbell, Jerry F., xxx-xx-xxxx
Campbell, John G., xxx-xx-xxxx
Campbell, Verne D., xxx-xx-xxxx
Candler, Harry W., Jr., xxx-xx-xxxx
Cannon, David A., xxx-xx-xxxx
Cansler, Joe C., xxx-xx-xxxx
Carboni, John N., xxx-xx-xxxx
Carey, Carl D., xxx-xx-xxxx
Cargile, James P., xxx-xx-xxxx
Carlson, Gunnar C., xxx-xx-xxxx
Carlton, Terry M., xxx-xx-xxxx
Carney, Richard L., xxx-xx-xxxx
Carney, Roger F., xxx-xx-xxxx
Carr, Edward L., xxx-xx-xxxx
Carr, John M., xxx-xx-xxxx
Carr, Richard M., xxx-xx-xxxx
Carson, Robert A., xxx-xx-xxxx
Carter, Allen J., xxx-xx-xxxx
Carter, Lewis L., xxx-xx-xxxx
Carter, Norman D., xxx-xx-xxxx
Carter, Randall D., xxx-xx-xxxx
Carter, Robert A., xxx-xx-xxxx
Cary, Jack R., xxx-xx-xxxx
Case, James W., xxx-xx-xxxx
Castleman, Robert J., xxx-xx-xxxx
Castro, John P., xxx-xx-xxxx
Cates, William E., xxx-xx-xxxx
Cavezza, Carmen J., xxx-xx-xxxx
Chamberlain, Charles, xxx-xx-xxxx
Champagne, Shelton, xxx-xx-xxxx
Chancey, Jeff E., xxx-xx-xxxx
Chandler, Charles E., xxx-xx-xxxx
Chandler, William E., xxx-xx-xxxx
Chapman, James E., xxx-xx-xxxx
Chapman, Jimmy R., xxx-xx-xxxx
Chelberg, Robert D., xxx-xx-xxxx
Chen, William E., xxx-xx-xxxx
Chester, Michael Q., xxx-xx-xxxx
Child, John, xxx-xx-xxxx
Chism, J. W., xxx-xx-xxxx
Christensen, Don T., xxx-xx-xxxx
Christophersen, Frederick N., xxx-xx-xxxx
Ciccarelli, John E., xxx-xx-xxxx
Cisnerus, Marc A., xxx-xx-xxxx
Claassen, Walter E., xxx-xx-xxxx
Clanzy, Rufus F., xxx-xx-xxxx
Clark, Carl M., xxx-xx-xxxx
Clark, Daniel R., xxx-xx-xxxx
Clark, Herman J., xxx-xx-xxxx
Clarke, Gordon M., xxx-xx-xxxx
Clarke, Richard D., xxx-xx-xxxx
Clawson, Lucien B., xxx-xx-xxxx
Clement, Robert D., xxx-xx-xxxx
Clemons, George D., xxx-xx-xxxx
Clifton, Fred R., xxx-xx-xxxx
Cline, Corwyn M., xxx-xx-xxxx
Clough, Stanley M., xxx-xx-xxxx
Cochran, Alexander, xxx-xx-xxxx
Coby, Michael A., xxx-xx-xxxx
Cohen, Robert E., xxx-xx-xxxx
Cole, Warner B., xxx-xx-xxxx
Coleman, Gerald C., xxx-xx-xxxx
Coleman, James G., xxx-xx-xxxx
Collins, Francis C., xxx-xx-xxxx
Conley, Willard C., xxx-xx-xxxx
Conlin, Thomas J., xxx-xx-xxxx
Conner, Dan A., xxx-xx-xxxx
Connolly, James C., xxx-xx-xxxx
Conway, Peter, xxx-xx-xxxx
Cook, Clariss M., Jr., xxx-xx-xxxx
Cook, Rollie D., xxx-xx-xxxx
Cooke, Joseph D., xxx-xx-xxxx
Cooksey, James K., xxx-xx-xxxx
Cooper, Nelson, J., xxx-xx-xxxx
Copeland, Richard L., xxx-xx-xxxx
Copeland, William C., xxx-xx-xxxx
Corcoran, James R., xxx-xx-xxxx
Cornelson, John C., xxx-xx-xx...
Coseo, David P., xxx-xx-xxxx
Costa, Joseph, Jr., xxx-xx-xxxx
Custon, Morris L., xxx-xx-xxxx
Coulson, James E., xxx-xx-xxxx
Coulter, Holland B., xxx-xx-xxxx
Courson, Donnie C., xxx-xx-xxxx
Couvillion, Donald, xxx-xx-xxxx
Covington, Benjamin, xxx-xx-xxxx
Cowan, Bruce M., xxx-xx-xxxx
Cox, William W., xxx-xx-xxxx
Coyne, Richard J., xxx-xx-xxxx
Craft, Morris H., xxx-xx-xxxx
Craig, Norton W., xxx-xx-xxxx
Cranston, Robert L., xxx-xx-xxxx
Crawley, Joe B., xxx-xx-xxxx
Creighton, William, xxx-xx-xxxx
Cressler, Walter L., xxx-xx-xxxx
Crew, David E., xxx-xx-xxxx
Crews, Ephraim W., xxx-xx-xxxx
Crisler, Herbert T., xxx-xx-xxxx
Crittenden, John H., xxx-xx-xxxx
Croll, Gerald F., xxx-xx-xxxx
Crook, Louis M., xxx-xx-xxxx
Crowder, George D., xxx-xx-xxxx
Crowell, Norman T., xxx-xx-xxxx
Crowson, William L., xxx-xx-xxxx
Crowther, James I., xxx-xx-xxxx
Cromley, Dennis V., xxx-xx-xxxx
Crumley, Michael H., xxx-xx-xxxx
Crump, Harry F., xxx-xx-xxxx
Cuccard, Joseph T., xxx-xx-xxxx
Culley, Harold B., Jr., xxx-xx-xxxx
Cullom, Richard O., xxx-xx-xxxx
Cumings, Thayer, xxx-xx-xxxx
Cummings, Patrick W., xxx-xx-xxxx
Curcio, Anthony J., xxx-xx-xxxx
Cushman, James M., xxx-xx-xxxx
Custer, Bert H., xxx-xx-xxxx
Cuthbert, Thomas R., xxx-xx-xxxx
Cuttell, Dee E., xxx-xx-xxxx
Czecfut, Mark, xxx-xx-xxxx
Daignault, David W., xxx-xx-xxxx
Daily, Jerry R., xxx-xx-xxxx
Dalgleish, Grant B., xxx-xx-xxxx
Daily, Jerry R., xxx-xx-xxxx
Dalgleish, Grant B., xxx-xx-xxxx
Daniel, Walter B., xxx-xx-xxxx
Danner, Malcolm A., xxx-xx-xxxx
Danner, Robert F., xxx-xx-xxxx
Dascanio, John L., xxx-xx-xxxx
Dauber, Peter F., xxx-xx-xxxx
Davidson, James D., xxx-xx-xxxx
Davidson, Paul R., xxx-xx-xxxx
Davies, David C., xxx-xx-xxxx
Davis, Bruce D., xxx-xx-xxxx
Davis, David W., xxx-xx-xxxx
Davis, James R., xxx-xx-xxxx
Davis, Merrick, Jr., xxx-xx-xxxx
Davis, Norman J., xxx-xx-xxxx
Davis, Thomas J., xxx-xx-xxxx
Dearlove, James W., xxx-xx-xxxx
Deblois, Thomas A., xxx-xx-xxxx
Degner, Herbert L., xxx-xx-xxxx
Delfavero, Robert V., xxx-xx-xxxx
Demarest, David B., xxx-xx-xxxx
Denney, Steve H., xxx-xx-xxxx
Dennis, Harold B., xxx-xx-xxxx
Desantis, Edward, xxx-xx-xxxx
Desjardims, Robert, xxx-xx-xxxx
Devries, Paul T., xxx-xx-xxxx
Dewar, John D., xxx-xx-xxxx
Dewitt, Howard S., xxx-xx-xxxx
DiCaprio, Anthony, xxx-xx-xxxx
Dickinson, Curtis L., xxx-xx-xxxx
Dill, Paul H., xxx-xx-xxxx
Dillard, Walter S., xxx-xx-xxxx
Dluzyn, David A., xxx-xx-xxxx
Duak, Peter, xxx-xx-xxxx
Dobrzelecki, Eugene, xxx-xx-xxxx
Doff, Lawrence D., xxx-xx-xxxx
Doleman, Edgar C., xxx-xx-xxxx
Dombrowski, Philip, xxx-xx-xxxx
Dooley, John P., xxx-xx-xxxx
Dorr, John M., xxx-xx-xxxx
Dorrance, James M., xxx-xx-xxxx
Dow, Richard H., xxx-xx-xxxx
Dow, William A., xxx-xx-xxxx
Downer, George R., xxx-xx-xxxx
Downey, Arthur J., Jr., xxx-xx-xxxx

Doyle, William J., xxx-xx-xxxx
Dreska, John P., xxx-xx-xxxx
Driscoll, William J., xxx-xx-xxxx
Dubov, Bruce J., xxx-xx-xxxx
Duerre, Chester W., xxx-xx-xxxx
Duff, John A., xxx-xx-xxxx
Duncan, Garrett E., xxx-xx-xxxx
Duncan, Jerry G., xxx-xx-xxxx
Dunham, John M., xxx-xx-xxxx
Dunn, Carle E., xxx-xx-xxxx
Dunning, David G., xxx-xx-xxxx
Dunning, Robert M., xxx-xx-xxxx
Durel Francis M., II, xxx-xx-...
Durian, Ronald S., xxx-xx-xxxx
Dwinell, Richard E., xxx-xx-xxxx
Dwyer, William J., Jr., xxx-xx-xxxx
Dye, Joseph D., xxx-xx-xxxx
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WOMEN'S ARMY CORPS

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Madison, Amy J., xxx-xx-xxxx
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Whitt, Sandra S., xxx-xx-xxxx

ARMY NURSE CORPS

To be captain

Adams, Nancy R., xxx-xx-xxxx
Alexander, Gus N. xxx-xx-xxxx
Ankerson, Diane N., xxx-xx-xxxx
Ankrom, Linda E., xxx-xx-xxxx
Bobo, Sandra L., xxx-xx-xxxx
Bradley, John J., xxx-xx-xxxx
Canfield, Lawrence, xxx-xx-xxxx
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Reed, Edwin D., xxx-xx-xxxx
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ARMY MEDICAL SPECIALIST CORPS

To be captain

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Goodwin, William L., xxx-xx-xxxx
Hawkins, Mary F. xxx-xx-xxxx
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MEDICAL SERVICE CORPS

To be captain

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To be captain

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Elmore, James D., xxx-xx-xxxx
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Hardisty, Jerry F., xxx-xx-xxxx
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Zotler, Jon G., xxx-xx-xxxx

MEDICAL CORPS

To be captain

Albus, Robert A., xxx-xx-xxxx
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Deas, Bernard W., Jr., xxx-xx-xxxx
Diamond, Dalton E., xxx-xx-xxxx
Schweitzer, George, xxx-xx-xxxx
Winkel, Craig A., xxx-xx-xxxx

DENTAL CORPS

To be captain

Billingsley, Michael, xxx-xx-xxxx
O'Neal, Robert B., xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Beyeler, Matthew S., xxx-xx-xxxx
Lasater, Gary M., xxx-xx-xxxx
Pace, William T., xxx-xx-xxxx
Hunt, Kenneth D., xxx-xx-xxxx
Wockenfuss, Clark H., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be first lieutenant

Dellinger, William R., Sr., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3370 and 3383:

ARMY PROMOTION LIST

To be colonel

Bruce, Miles E., xxx-xx-xxxx
Lunger, Raymond R., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be colonel

Swartz, Isabelle J., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Carter, Fred M., xxx-xx-xxxx
Collins, Robert D., xxx-xx-xxxx
Edwards, Robert F., xxx-xx-xxxx
Franklin, Henry G., xxx-xx-xxxx
Gardner, Matthew L., xxx-xx-xxxx
Joye, John M., xxx-xx-xxxx
Landers, Jo., xxx-xx-xxxx
Lawson, Charles J., xxx-xx-xxxx
Lohrmann, Bruno T., xxx-xx-xxxx
Manning, James A., xxx-xx-xxxx
Matsukawa, Joe S., xxx-xx-xxxx
Matthews, Lewis E. J., xxx-xx-xxxx
McCall, Thomas S., xxx-xx-xxxx
McLemore, Bobbie F., xxx-xx-xxxx
Newbold, Kenneth R., xxx-xx-xxxx
Penhart, William J., xxx-xx-xxxx
Quinlan, Daniel, xxx-xx-xxxx
Rubenacker, Clarence, xxx-xx-xxxx
Williams, John P., xxx-xx-xxxx
Williamson, Garrett, xxx-xx-xxxx
Zobrist, Benedict K., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be lieutenant colonel

Cadwell, Louise M., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Bruckman, Joseph A., xxx-xx-xxxx
Shively, Harold H., Jr., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Cowan, Thomas L., xxx-xx-xxxx
Demmer, Richard A., xxx-xx-xxxx
Dingler, Walter J., xxx-xx-xxxx
Fanning, James G., xxx-xx-xxxx
Gallagher, Paul J., xxx-xx-xxxx
McGehee, Eugene W., xxx-xx-xxxx
Merritt, Henry C., xxx-xx-xxxx
Reiter, Richard A., xxx-xx-xxxx
Royal, John W., xxx-xx-xxxx
Van Dell, Mose, xxx-xx-xxxx

To be lieutenant colonel

Baugh, Edward L., xxx-xx-xxxx
DeGraw, Thomas J., xxx-xx-xxxx
Doyle, Harold D., xxx-xx-xxxx
Doyle, William J., xxx-xx-xxxx
Fitzgerald, Robert W., xxx-xx-xxxx
Frakes, Paul D., xxx-xx-xxxx
Freitag, Sidney G., xxx-xx-xxxx
Fuqua, Billie E., xxx-xx-xxxx
Fusco, George M., xxx-xx-xxxx
Griffin, Joseph W., xxx-xx-xxxx
Gwint, Ivan W., xxx-xx-xxxx
Hanson, David B., xxx-xx-xxxx
Haransky, Stanley J. Jr., xxx-xx-xxxx
Hartman, John C., xxx-xx-xxxx
Hummel, Don N., xxx-xx-xxxx
Jamieson, William M., Jr., xxx-xx-xxxx
Johnson, Leo P., xxx-xx-xxxx
Jointer, William B., xxx-xx-xxxx
Kemp, David G., xxx-xx-xxxx
Lavimoniere, Donald M., xxx-xx-xxxx
Lyle, Millard D., xxx-xx-xxxx
Mann, George E., xxx-xx-xxxx
Marquardt, Melvin H., Jr., xxx-xx-xxxx
Matthews, Bobby L., xxx-xx-xxxx
Mazzone, Thomas W., xxx-xx-xxxx
McLain, Francis R., xxx-xx-xxxx
Miller, Robert F., xxx-xx-xxxx
Mitchell, Don E., xxx-xx-xxxx
Morrow, David E., xxx-xx-xxxx
Navas-Davila, Luis S., xxx-xx-xxxx
Pointer, Frank M., xxx-xx-xxxx
Roberts, John L., xxx-xx-xxxx
Setzer, Benjamin R., xxx-xx-xxxx
Stallings, Leah W., xxx-xx-xxxx
Strukel, Jack, Jr., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Turner, Wendell R., Jr., xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 1974:

THE JUDICIARY

William H. Orrick, Jr., of California, to be U.S. district judge for the northern district of California.

Henry F. Werker, of New York, to be U.S. district judge for the southern district of New York.

HOUSE OF REPRESENTATIVES—*Friday, June 21, 1974*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With God nothing shall be impossible.—Luke 1:37.

O Thou in whom we live and move and have our being, come anew into our hearts and make us ready for the responsibilities of this day.

Remove from us the barriers of pride and prejudice. Take away the bitterness that blights our being, the resentments which ruin our reasoning, and the discouragements which dispirits our dispositions. In all our trials and troubles grant unto us the wisdom which saves us from false choices and leads us in the ways of truth and honor.

Guide Thou our Nation and the nations of the world into the paths of justice and good will and establish among us the peace which is the fruit of righteousness. In Thy light may we see light and in Thy straight paths we may not stumble.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced