will have been involved. It was some misguided guys over at CREEP, isn't it?

Z. Oh, The Post called too. Asked if a guy called Liddy works here. His name was spotted by a Pan Am pilot on some unidentified flying object that also had an American flag on it.

H. This is a problem.

P. Oh, uh—oh, ah—well—(Door closes.)

P. Now we have to take a look at our options. Let me say this—

D. You might put it on a national security grounds basis.

P. National security. Liddy had to press the button for national security . . .

D. Then the question is, why didn't you do it?

P. Because, I was busy with—what?

D. Watergate.

D. I think we could get by on that.

P. That is true. With the Watergate cover-up unraveling I didn't have time to—

P. Congratulations, John. The way you have handled all this, it seems to me, has been very skillful.

D. Nothing is going to come crashing down on us to our surprise.

P. Well, shall we head for the bomb shelter?

H. Right.

P. Somebody get Bebe.

H. Sure.

HALF A LOAF OF HOUSING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, the housing legislation passed by the House of Representatives would give low- and middle-income families only a half of loaf when they hunger for, and need, a whole loaf. Housing in America is a national disgrace. In both urban and rural areas, there is a shortage of decent housing. That which is available is often beyond the reach of the pocketbook.

The House version of the housing bill, now awaiting action by Senate-House conferees, does contain some important provisions. Nonetheless, it represents an unfortunate knuckling under to the administration from fear of a possible Presidential veto. Congress should have the courage to enact legislation it can be proud of and to fight to override a White House veto.

I would like to include at this point in the RECORD a New York Times editorial on this housing legislation:

THE COST OF A HOUSING ACT

The good news in housing legislation is that for the first time since 1968 there will probably be some comprehensive community development. The bad news is that unless the House conferees and Administration officials approach the Senate-House conference with a good deal of flexibility, the final product is apt to hurt many of the cities that have worked hardest at solving the great urban problems.

The Housing Act of 1968 in the Johnson Administration set major housing goals for the nation: 26 million housing units—six million of them for the poor—were to be built in a decade. Between 1969 and 1973, housing starts averaged over two million per year, and 1.5 million of those eight million units were designated for low-income families. Despite this record, the present Administration declared the subsidized housing programs for poor and moderate income families to be failures and in January 1973 froze new Federal commitments to them.

Last March, the Senate passed an omnibus housing bill which the Administration promptly threatened to veto. Subsequently, the House labored to produce a bill which the President would accept and, in doing so, developed a package differing markedly from the Senate bill.

Both bills adopt the block grant approach to community development, favored both by the Administration and by city executives, who want administrative procedures simplified. But, while the Senate bill sets forth well-defined priorities for the expenditure of community development funds, the Administration opposes them and they have been sharply limited in the House bill.

In addition, there is a vast difference in the fund distribution schemes adopted by the two houses. The Senate bases allotments on the average funding a community received in the period from 1968 through 1972.

The net effect of the House distribution formula would be to reduce dramatically—in some cases by as much as 50 to 60 per cent—the community development funds available to the vast majority of the cities that had been most deeply involved in community development activities in the past. Suburban areas and Southwestern cities which have demonstrated only a limited need for or minimal interest in community development programs would benefit.

Finally, the House in a major break with the past has scrapped the principal housing subsidy programs in favor of a leased housing and direct subsidy program. Opponents of this approach argue that it would drive the poor, unprotected, into an open market with little increase in the housing available to them. The result, it is argued, would be a small increase in housing for the poor but a substantial increase in what they pay for it.

Proponents of the House bill call it a "small city bill" and an achievable compromise. They acknowledge that it edges the Federal Government away from the leadership role it has taken in confronting the most urgent concerns and in alleviating the problems of the urban poor. They argue that the political realities of the Administration's attitudes, increased non-urban representation in Congress and growing problems in suburbia must be faced if legislation is to be achieved this year.

The price of achieving housing legislation this year may be high; but we think the cost which the House approach would extract from the cities and from the poor is far too high.

HOUSE OF REPRESENTATIVES—*Tuesday, July 9, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Serve the Lord with gladness; come before His presence with singing.—Psalms 100: 2.

O God, by whose mercy we are sustained and with whose power we are supported, we turn to Thee at the beginning of a new day seeking renewal for our weary souls, faith for our fearful hearts, and strength for our weak hands. Support us all the day long of this troublous life as we endeavor to do our work for the highest good of our beloved Republic.

May Thy spirit so move within our hearts that we may commit ourselves more fully to Thee in thought, in word, and in deed. Then may we go forth to serve this day doing our best and seeking the best for the best country in all the world.

"O Master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret; help me bear
The strain of toil, the fret of care."
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 that the Senate insists upon its amendments to the bill (H.R. 15074) entitled "An act to regulate certain political campaign finance practices in the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7130) entitled "An act 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 impoundment of funds by the executive branch, and for other purposes."

THE LATE MRS. CHARLES H. WILSON

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, it is my sad duty to announce the passing on July 5 of Mrs. Betty Wilson, the wife of our Congressman, the gentleman from California (Mr. CHARLES H. WILSON).

Mrs. Wilson died at the National Institute of Health in Bethesda, Md., from cancer. She died after surgery had raised the hopes of all for her ultimate recovery and for a remission of the cancer.

She has been a strong partner to her husband, an effective voice in her community, a woman deeply dedicated to a family. She leaves a very fine family behind. She has four sons; Dr. Stephen Wilson; Donald, Kenneth, and Bill Wilson, and two sisters, Mrs. John Steward and Mrs. Philip Fleeman.

Services for Mrs. Wilson will be held in Inglewood, Calif.

I know that all my colleagues join in expressing our sympathy to the family,

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having suffered the loss of their mother, and to her husband.

GENERAL LEAVE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the passing of Mrs. Charles H. Wilson.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JIMMY CONNORS WINS WIMBLEDON CHAMPIONSHIP

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Saturday, Jimmy Connors of the United States became the new men's singles champion at the All-England Tennis Championships at Wimbledon.

We can all be proud of Jim's victory as an American one, but I am particularly pleased because Jim was born and raised, with a racket in his hand, in my district.

I have known Jim's family for many years, and I have watched with interest and pleasure as he rose in the tennis world. It required a great deal of dedication and hard work, especially in those early years, but now the greatest ambition has been fulfilled. With his victory at Wimbledon, Jim has reached the summit of tennis success.

At only 21 years of age, Jim is certain to reappear in the Wimbledon finals many more times before he ends his career. But this first championship marks his ascendance to the ranks of the tennis great.

I am honored to know Jim and his family, and on behalf of the people of my district I wish to congratulate him on his outstanding play at Wimbledon.

MIA'S IN SOUTHEAST ASIA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I have just returned from Southeast Asia, where I spent my full time working on the missing in action and those Americans who have been killed in Southeast Asia but whose bodies have not been recovered from the Communist zones.

I am sending to each Member of the House a complete report, and I would hope that the Members would take only a few minutes to read this report, which might help updating Members on this sad and frustrating situation.

Also, Mr. Speaker, on July 16, I have asked for a special order, which has been granted, to talk about the missing in action in Southeast Asia. I would hope that my colleagues will participate in this special order.

RECOMMITTAL OF CONFERENCE REPORT ON H.R. 11873 TO COMMITTEE OF CONFERENCE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the conference report on the bill H.R. 11873 to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, be recommitted to the committee of conference.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPEAL WINTER DAYLIGHT SAVING TIME

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, I want to call the attention of the Members of the House to a report issued by the Department of Transportation at the end of last month concerning the results of the experiment in year-round daylight saving time.

As the Members know, when this Congress passed the law, the Department of Transportation was due to report at the end of June 1974 and June 1975. Its report shows that there is very little—actually less than 1 percent—of fuel savings which has resulted from year-round daylight saving time. The Department strongly recommends that daylight saving time only be included for 8 months of the year, and not have winter daylight saving time.

Mr. Speaker, I am a cosponsor along with several other Members of the House in a bill to repeal winter daylight saving time. I appeal to the Commerce Committee to hold hearings to repeal this mistake. We have made a mistake, and we ought to be willing to admit it and correct it.

Mr. Speaker, all the arguments I expressed in opposition to year-round daylight saving time several months ago, unfortunately, have come true. Small children have been endangered; family schedules have been disrupted; the mobility of our elderly has been restricted, all with no accompanying social or economic value.

I hope very much that this body, before it adjourns, before the winter season takes hold again, will repeal this winter daylight saving time.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 365]

Andrews, N. Dak.	Grasso	Pepper
Archer	Gray	Powell, Ohio
Badillo	Green, Pa.	Price, Tex.
Bafalis	Griffiths	Pritchard
Biaggi	Gunter	Quillen
Bingham	Hammer-schmidt	Reid
Blatnik	Hansen, Idaho	Robison, N.Y.
Brasco	Hansen, Wash.	Roncalio, Wyo.
Breaux	Harrington	Rooney, N.Y.
Buchanan	Hays	Rostenkowski
Burke, Calif.	Hébert	Roybal
Carey, N.Y.	Helstoski	Schroeder
Chappell	Hillis	Shipley
Chisholm	Holifield	Skubitz
Clark	Hosmer	Slack
Clay	Jones, Tenn.	Stark
Collier	Kyros	Steele
Conyers	McEwen	Stokes
Culver	McKay	Thompson, N.J.
Davis, Ga.	McKinney	Tiernan
Dellums	McSpadden	Waggonner
Dennis	Macdonald	Walsh
Dorn	Melcher	Wilson, Charles H., Calif.
Evins, Tenn.	Mills	Wydler
Foley	Mink	Young, Alaska
Forsythe	Minshall, Ohio	Young, Fla.
Giaimo	Murphy, Ill.	
Gibbons	Nix	

The SPEAKER. On this rollcall 352 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SCHOOL FARE SUBSIDY

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13608) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44–214a), as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

With the following committee amendment:

Page 1, after line 9, insert the following:

SEC. 2. Notwithstanding any other provision of law, or any rule of law, nothing in this Act (including the amendment made by this Act) shall be construed as limiting the authority of the Council of the District of Columbia to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

The committee amendment was agreed to.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the sole purpose of H.R. 13608, as set forth in House Report 93-1173, is to extend the present subsidy for the transportation of school children in the District of Columbia, established by an Act of Congress approved October 18, 1968 (Public Law 90-605, 82 Stat. 1187; D.C. Code, Title 44, Sec. 214a), which will expire in August of this year, for a period of 3 years or to August 1977.

The present reduced fare for school children is 10 cents, and the regular adult fare is 40 cents; the difference (30 cents) is the amount of the subsidy per pupil presently paid the Washington Metropolitan Transportation Authority under the 1968 Act.

BACKGROUND

For many years, transit companies operating in the District of Columbia were required by law to carry school children at a fare not exceeding one-half the established adult fare. The regulatory Commission (the Washington Metropolitan Area Transit Commission) having jurisdiction over such carriers in the city is responsible for determining the amount of such reduced fares for schoolchildren. This reduced rate has never been sufficient to cover the cost of carrying the schoolchildren, and up until a few years ago, the Commission was compelled to set the adult fare at a level which was high enough to cover the entire cost of the carrier's operation, including the cost of transportation of schoolchildren in excess of the receipts from their reduced fares. Thus, the economic effect was that the adult bus-riding public had to make up the uncovered costs resulting from the reduced fares for the transportation of the schoolchildren.

1968 AMENDMENT

In 1968, the Congress enacted Public Law 90-605 (82 Stat. 1187; D.C. Code, Title 44, Sec. 214a), which made it possible for the cost of carrying schoolchildren in the District to be borne by the community as a whole.

Under the provisions of the 1968 Act, the Washington Metropolitan Area Transit Commission is required to certify to the Commissioner of the District of Columbia for each calendar month, with respect to each bus company transporting schoolchildren in the city, an amount representing the difference between the total of all reduced fares paid to such carrier by schoolchildren and the amount which would have been paid if such fares had been at the lowest adult fare set by the Commission for regular route transportation. Upon receipt of such certification, the Commissioner of the District of Columbia is required to pay each carrier the amount so certified by the Transit Commission.

At the time of enactment of this law, approved on October 18, 1968, the reduced fare for schoolchildren was 10 cents, and has remained at that level to the present time. The lowest adult fare in 1968 was 25 cents, and since that time, as stated, has increased to the present level of 40 cents.

COMMITTEE INTENT

It is the intent of this Committee that for the purposes of this act the term "lowest adult fare" as used in the act is deemed to be the standard, established, regular adult fare, which is to be used in applying the formula set forth in the act for adjustment and payment of the school fare subsidy.

This adult fare is not to be confused with the special citizens' reduced fare (25 cents) established by act of the Council and for part-time use on the local buses, in other than regular weekly commuting hours.

COMMITTEE AMENDMENT

The Committee amendment makes it explicitly clear that the act does not limit the authority of the District of Columbia Council, after January 2, 1975, to legislate respecting any matter covered by this act.

SCHOOL FARE SUBSIDY PAID, 1971-74

The following table, submitted to the Committee by the District of Columbia Government, shows the amount of this subsidy paid to the carriers affected, during the last three fiscal years. It will be seen from these figures that whereas a total of 11,385,845 school passenger rides were subsidized during the first year, at a certified subsidy amount of $3,424,643, during the third such year, ending in June of 1974, it is estimated that 11,736,757 school passenger rides will have been certified, at a total subsidy cost of $3,521,027.10. This increase in the cost shown is attributable to the increase in the number of school passenger rides.

SCHOOL TRANSIT AUTHORITY

Year and month	Rides	Subsidy
1971:		
July	407,421	$122,424.55
August	335,550	100,773.15
September	824,677	248,214.70
October	1,085,998	326,811.95
November	1,142,201	343,653.65
December	943,268	283,796.95
1972:		
January	1,114,016	335,170.75
February	1,176,372	353,866.65
March	1,363,138	409,980.20
April	984,552	296,056.85
May	1,320,088	396,937.70
June	688,564	206,956.75
Total fiscal year 1972	11,385,845	3,424,643.85
1973:		
July	557,240	167,333.65
August	474,582	142,467.30
September	718,199	216,016.90
October	1,205,322	362,471.55
November	1,212,323	364,575.95
December	887,993	267,052.65
January	1,180,617	355,103.80
February	1,085,692	325,792.60
March	1,262,869	378,860.70
April	933,694	280,108.20
May	1,173,567	352,070.10
June	599,238	179,771.30
Total fiscal year 1973	11,291,336	3,391,624.8
1974:		
July	593,591	178,077.30
August	468,181	140,454.30
September	932,606	279,781.80
October	1,272,018	381,605.40
November	1,230,185	369,055.50
December	816,437	244,931.10
January	1,262,172	378,651.60
February	1,158,871	347,661.30
March	1,296,197	388,859.10
April	[1] 933,694	$280,108.20
May	[1] 1,173,567	352,070.10
June [1]	[1] 599,238	179,771.40
Total fiscal year 1974	11,736,757	3,521,027.10

[1] Estimate—based on 1973 passenger figures for month.

Source: District of Columbia government figures.

HEARING

At a public hearing on H.R. 13608 by the full Committee on the District of Columbia on March 22, 1974, the extension of the school fare subsidy was supported by Members of Congress, and by representatives on behalf of the Washington Metropolitan Area Transit Authority; the District of Columbia government; the Washington Metropolitan Area Transit Commission; and the Board of Education of the District of Columbia.

No statements were presented or filed in opposition to the extension of the school fare subsidy.

COSTS

According to estimates of the District of Columbia government, the costs to the District for the school fare subsidies provided in the reported bill are as follows:

[In Millions]

Fiscal year:	
1975	$3.8
1976	3.8
1977	3.7

VOTE

The bill, H.R. 13608, as amended, was ordered favorably reported to the House by voice vote of the committee on July 1, 1974, a quorum being present.

CONCLUSION

The spokesman for the Washington Metropolitan Area Transit Authority expressed at the hearing that subsidizing the cost of transporting schoolchildren to and from school is a legitimate expenditure of funds on the part of local government.

The committee heartily agrees with this opinion, as well as that of the Transit Commission's representative at an earlier hearing on similar legislation:

Philosophically, we at the Commission believe that the 1968 law places the burden of providing transportation for school children where it properly belongs, on the community at large rather than on only those members of the community who happen to ride the bus. Speaking from the standpoint of the practical result, we can report that the shift of that burden has resulted in substantial benefit to the city's bus riders and to the city itself.

DEPARTMENTAL REPORTS

The report of the District Government in support of the objective of H.R. 13608, together with draft of proposed amendments, follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 23, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 13608, a bill "To amend the Act of August 9, 1955, relating to school fare subsidy for

transportation of schoolchildren within the District of Columbia."

H.R. 13608 would extend for an additional three-year period, to August 1977, the subsidy to common carriers providing reduced fares for the transportation of schoolchildren to and from public, parochial, or like elementary and secondary schools in the District of Columbia. The subsidy authorization expires August 1974.

Under existing law (Act of August 9, 1955, as amended; D.C. Code sec. 44–214(a)), the Washington Metropolitan Area Transit Commission, which succeeded to the jurisdiction of the Public Service Commission over mass transit carriers, is responsible for fixing the rate of fare for transportation by bus of schoolchildren going to and from public, parochial, or like schools in the District of Columbia at not more than one-half of the regular cash fare, and to establish rules and regulations governing the use thereof. The reduced fare for schoolchildren is presently established at ten cents for one-way transportation in lieu of the regular adult fare of forty cents. The District Government is required to fund the difference between the total of all reduced bus fares paid to the carrier for schoolchildren and the amount which would have been paid to the carrier at the lowest regular adult fare.

Extension of the subsidy for transportation of schoolchildren is a recognition of the fact that such transportation is a public responsibility and the cost should be shared by all taxpayers, not just those who ride the buses. Consequently, the District Government supports the objective of H.R. 13608.

We would, however, suggest that the Committee give consideration to certain additional amendments to existing law which are contained in a substitute draft bill attached to this report and explained in the following paragraphs.

The draft bill would transfer the authority to set the reduced fare rate for schoolchildren from the Washington Metropolitan Area Transit Commission to the District of Columbia Council and would authorize the Council to establish rules and regulations governing the administration of the school fare subsidy program. This change is consistent with the District of Columbia Self-Government and Governmental Reorganization Act and with the fact that the District Government pays for the costs of the subsidy out of its revenues. It is especially appropriate at this time because the Transit Commission is no longer actively involved in the mass transit ratemaking process. The bill also does not provide a maximum or minimum limit on the school fare rate, thus enabling the Council to effectively control the amount of the subsidy.

Additionally, the proposed draft bill would eliminate the role of the Transit Commission as certifying agent with respect to the amount of the monthly subsidy payment. With the acquisition of the former privately-owned D.C. Transit and WMA Transit Company bus lines by the Washington Metropolitan Area Transit Authority, a government agency, and the subsequent reduction in the Transit Commission's staff, it does not now appear necessary that the Transit Commission continue to exercise this function. These proposals have the support of the Transit Commission.

The draft bill also would delete the present age limitation of eighteen upon the use of school fare tickets and allow all students to utilize the reduced fare plan for so long as they remain in attendance at an elementary or secondary school. There appears to be no compelling reason why students, regardless of age, who are regularly attending elementary and secondary schools should not be permitted to travel at a reduced fare, at least until they cease their enrollment or graduate from the twelfth grade. This proposed amendment may further serve as an inducement to encourage students to remain in school until such time as they complete all academic requirements. It is intended that this proposal would be limited to schoolchildren pursuing a regular elementary and secondary school program and would not be available to adults or students enrolled in colleges or proprietary schools.

While H.R. 13608 authorizes only a three-year extension of the subsidy, the draft bill contains no limitation as to time. With transfer to the Council of the authority to set the reduced fare rate and to establish rules and regulations for administration of the subsidy program, there appears to be no further reason to limit the authorization to a three-year period.

The draft bill further contains amendments which would permit subway as well as bus transportation; allow the orderly conclusion of the functions and authorities of the Transit Commission and Transit Authority under present law; eliminate certain obsolete legal references in the present statute; and provides an effective date of September 1, 1974 to enable the rate to be timely set by the Council.

The actual cost to the District of Columbia Government for schoolchildren's bus fares in fiscal year 1973 was $3,391,000, and for fiscal year 1974, $4,112,300 has been budgeted for this purpose. With regard to the anticipated costs involved in a three-year extension of the existing law, the District Government is requesting $3,812,300 in its fiscal year 1975 budget estimates and, assuming a constant fare structure, it is expected that the cost to the District for fiscal years 1976 and 1977 will also be $3,812,300 each year.

It is anticipated that the amendments contained in the proposed draft bill may increase the foregoing cost estimates. Because of the unavailability of data indicating the number of students of the age of eighteen and over who are in regular attendance at public and private schools, we are unable to provide an estimate of additional costs that may result from elimination of the age limitation. In addition, any change in the reduced fare for schoolchildren or in the adult fare will affect the cost of the subsidy program.

We believe the amendments contained in the draft bill will materially improve the administration of the school fare subsidy program and urge their favorable consideration by the Congress. As the current statutory authorization for the subsidy will expire in August 1974, we urge early enactment of legislation to allow continuation of this important program.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

The report of the Washington Metropolitan Area Transit Authority, and proposed amendment, follows:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,
Washington, D.C., April 12, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for extending to us the opportunity to make recommendations and report on H.R. 13608.

We recognize that the public interest is served by a continuation through August 1977 of the long-standing policy of transportation of District of Columbia school children not over eighteen years of age at reduced fares.

WMATA is pleased to recommend approval of H.R. 13608; however, in the interest of clarity, we believe it is necessary to point out that the term "lowest adult fare" contained in the 1971 amendment (P.L. 92–90, 85 Stat. 315) should not be confused with the Metrobus "Golden Age" fare, which is also a reduced fare, of course. We feel that this clarification can be attained by striking the period after "1977" in the last line of H.R. 13608 and adding the following: and by providing that the term "lowest adult fare" as used in section 2 shall be construed as the standard adult fare in applying the formula for adjustment and payment of the fare subsidy.

Sincerely,

JACKSON GRAHAM.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill H.R. 13608, the purpose of which is to extend the present law with respect to subsidy for the transportation of schoolchildren in the District of Columbia for a period of 3 years, or until August 1977.

The present system for school fare subsidy for schoolchildren in the District up to the age of 18 years was enacted in 1968, as Public Law 90–605. Under this system, the D.C. Public Service Commission is required to fix a rate of fare for the transportation of schoolchildren within the District of Columbia at not more than one-half the cash fare established, from time to time, for regular route transportation within the city. Actually, this school fare has been maintained at 10 cents to the present time, although the regular route fare has increased from 25 to 40 cents, the present level. The law further requires that each month, the Washington Metropolitan Area Transit Commission shall certify to the Commissioner of the District of Columbia an amount which is the difference between the total of all the reduced fares for schoolchildren paid during that month and the amount which would have been paid if such fares had been paid at the lowest adult fare rate for regular route transportation. Upon receiving this certification, the D.C. Commissioner is required to pay the certified amount to the carrier providing the service, which at present of course is the Metro system.

At the present time, with the schoolchildren's fare set at 10 cents and the regular route fare at 40 cents, the actual subsidy for the transportation of schoolchildren amounts to 30 cents per ride. I am advised that the total cost of this subsidy for fiscal year 1973 was $3,392,000, and that the estimated cost for fiscal year 1974 is $4,112,000 and for fiscal year 1975 some $3,812,000.

Prior to 1968, when this present system for subsidy was established, the reduced rate fares for schoolchildren were set by the regulatory commission as at present; and since these reduced fares were never sufficient to defray the actual cost involved in transporting the school-

children, the commission had to establish the adult fare rates high enough to liquidate the total cost of the carrier's operation including the deficit resulting from the reduced fares for schoolchildren. Thus, the actual subsidy for the schoolchildren's transportation was borne by the adult bus-riding public.

In 1968, however, this obligation was quite properly placed upon the entire taxpaying community by the enactment of Public Law 90-605, to which I have referred. I supported this measure at that time, and also gave my support to the enactment of Public Law 97-90 in 1971, which extended this present subsidy system for 3 years to August 1974.

Mr. Speaker, this bill H.R. 13608 is indeed worthy of our approval, and I am pleased to recommend this proposed legislation to my colleagues for their favorable action at this time, to extend this subsidy for another 3-year period.

Mr. DIGGS. Mr. Speaker, I know of no objection to this particular measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what is the subsidy in other cities of comparable size?

Mr. DIGGS. We do not have any figures of comparability, I will say to the gentleman from Iowa.

Mr. GROSS. And enactment of this would result in a 10-cent fare for schoolchildren?

Mr. DIGGS. It would result in a continuation of the 10-cent fare if we authorize this legislation.

Mr. GROSS. The regular adult fare is what?

Mr. DIGGS. It is 40 cents.

Mr. GROSS. Anywhere in the District of Columbia?

Mr. DIGGS. That is correct.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the Senate bill (S. 3477) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and I ask for immediate consideration of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44-214a), as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

AMENDMENT OFFERED BY MR. DIGGS

Mr. DIGGS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIGGS: strike out all after the enacting clause of S. 3477 and insert in lieu thereof the text of H.R. 13608 as passed, as follows:

That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44-214a) as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

SEC. 2. Notwithstanding any other provision of law, or any rule of law nothing in this Act (including the amendment made by this Act) shall be construed as limiting the authority of the Council of the District of Columbia to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 13608, was laid on the table.

DISTRICT OF COLUMBIA MOTOR VEHICLE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 5686) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5686

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 "District of Columbia Motor Vehicle Act".

TITLE I—APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO CASES INVOLVING SUSPENSION OR REVOCATION OF OPERATORS' PERMITS AND OWNERS' REGISTRATIONS

SEC. 101. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 121), as amended (D.C. Code, sec. 40-420), is amended to read as follows:

"SEC. 4. HEARINGS BY COMMISSIONER.—(a) Any person aggrieved by any order or act of the Commissioner under the provisions of this Act shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the order or act was done in accordance with the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after such order or act.

"(b) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension. Such stay shall be allowed for such period as will enable the Commissioner to afford the petitioner due notice and an opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order shall become effective immediately."

SEC. 102. Section 13 of the District of Columbia Traffic Act, 1925 (43 Stat. 1125), as amended (D.C. Code, sec. 40-302), is amended to read as follows:

"SEC. 13. (a) As used in this section—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent.

"(2) The term 'license' means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of the District including: (A) any temporary license or instruction permit; (B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and (C) any nonresident's operating privilege as defined herein.

"(3) The term 'nonresident's operating privilege' means the privilege conferred upon a nonresident by the laws of the District pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

"(b) The Commissioner is hereby authorized to suspend or revoke without a preliminary hearing the operator's permit of any person for any reason which he may deem sufficient.

"(c) Whenever the operator's permit of any person is revoked or suspended, no new operator's permit shall be issued nor shall the operating privilege of any person be reinstated for at least six months after the revocation or suspension, except in the discretion of the Commissioner.

"(d) Whenever the Commissioner suspends or revokes the operator's permit of any person, the reasons therefor shall be set out in the order of suspension or revocation.

"(e) Any person denied an operator's permit or whose operator's permit has been suspended or revoked by the Commissioner, except where such revocation is mandatory under the provisions of this Act, shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner, and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the petitioner is entitled to an operator's permit or is subject to suspension or revocation of such operator's permit under the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after the person has been denied an operator's permit or an order of suspension or revocation has been issued.

"(f) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension or revocation except when such order has been issued revoking or suspending the operator's permit of any person on account of mental or physical incapacity, or following a conviction for an offense for which mandatory revocation of a motor vehicle operator's permit is required under this Act. Such stay shall be allowed for such period as will enable the Commissioner to afford petitioner due notice and opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order of suspension or revocation shall become effective immediately.

"(g) Any individual found guilty of oper-

ating a motor vehicle in the District during the period for which his motor vehicle operator's permit is revoked or suspended under this Act shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than thirty days nor more than one year, or both."

TITLE II—ISSUANCE OF SPECIAL IDENTIFICATION CARDS TO RESIDENTS OF THE DISTRICT OF COLUMBIA

SEC. 201. Section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1121), as amended (D.C. Code, sec. 40-301), is amended by adding at the end thereof the following new subsection:

"(f)(1) Upon request of any person who is a resident of the District of Columbia and who does not possess an operator's permit, the Commissioner shall issue a special identification card to such person.

"(2) Such special identification card shall be accepted as valid identification of the person to whom it is issued when the card is presented for the purpose of furnishing proof of the person's identification.

"(3) The fees for the issuance and renewal of the special identification card shall be established by the District of Columbia Council.

"(4) Such special identification card shall expire every two years, but may be renewed upon request and payment of the fee for renewal.

"(5) The special identification card issued under this subsection shall be similar in size, shape, and design to an operator's permit, but said card shall clearly state thereon that it does not authorize the person to whom it is issued to operate a motor vehicle.

"(6) Any person who shall use fraud or misrepresentation in the application for or for use of a special identification card issued under this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $300; or imprisoned for a period not exceeding ninety days, or both.

"(7) The District of Columbia Council is authorized to promulgate such regulations as it deems necessary for the effective implementation of this subsection."

SEC. 202. The amendments made by section 201 shall take effect ninety days after the enactment of this Act.

SEC. 203. The District of Columbia Traffic Act, 1925, is amended as follows:

(a) Paragraph (d) of section 2 of such Act (D.C. Code, sec. 40-602) is amended to read as follows: "(d) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent."

(b) Section 7 of such Act (D.C. Code, sec. 40-301) is amended by striking out "Commissioners or their designated agent" each place such words appear therein and inserting in lieu thereof "Commissioner."

TITLE III—ISSUANCE OF OPERATOR'S PERMITS TO POLICE OFFICERS AND FIREMEN OPERATING GOVERNMENT VEHICLES IN THE DISTRICT OF COLUMBIA

SEC. 301. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-301(a)), is amended by adding at the end thereof the following new paragraph:

"(7) Officers and members of any police force operating in the District of Columbia and of the Fire Department of the District shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in the performance of official duties, upon the presentation of a certificate from the Chief of such police force or the Fire Chief, or their designated agents, to the effect that such officer or member is assigned to operate a government vehicle and is qualified to operate such vehicle, and upon being examined by the Commissioner as to his knowledge of the traffic regulations of the District of Columbia."

TITLE IV—AMENDMENT OF REGISTRATION, TAG, AND TRANSFER REQUIREMENTS

SEC. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (50 Stat. 680; D.C. Code, sec. 40-102) is amended—

(1) by striking out "Commissioners of the District of Columbia" in subsection (b) and inserting in lieu thereof "District of Columbia Council";

(2) by striking out "Commissioners" in paragraph (1) of subsection (b) and inserting in lieu thereof "Council";

(3) by amending paragraph (2) of subsection (b) to read as follows:

"(2) of certificates of registration, and identification tags, without charge, for all motor vehicles and trailers owned by the United States or by the District of Columbia;";

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and by adding the following new paragraph (3):

"(3) annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers officially used by any duly accredited representative of a foreign government;"; (5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

(6) by striking out "Commissioners" in subsection (c) and inserting in lieu thereof "Council";

(7) by adding in subsection (d) immediately after the second sentence the following new sentence: "In the case of joint ownership, upon consent of all the joint owners, such transfer may be made in the manner prescribed above to any person formerly a party to the joint ownership.";

(8) by striking out "Commissioners of the District of Columbia are" in subsection (e) and inserting in lieu thereof "District of Columbia Council is";

(9) by striking out "Commissioners of the District of Columbia are", "Commissioners", and "Commissioners under rules and regulations prescribed by them" in the first sentence of subsection (f) and inserting in lieu thereof "District of Columbia Council is", "Council", and "Commissioner or his designated representative", respectively;

(10) by striking out "Commissioners" in the second sentence of such subsection (f) and inserting in lieu thereof "Commissioner"; and

(11) by striking out "Commissioners" in the third sentence of such subsection (f) and inserting in lieu thereof "Commissioner".

With the following committee amendments:

On page 5, strike out line 19 and all that follows down through line 15 on page 7.

On page 7, line 16, strike out "III" and insert in lieu thereof "II".

On page 7, line 20, strike out "301" and insert in lieu thereof "201".

On page 8, line 10, strike out "IV" and insert in lieu thereof "III".

On page 8, line 12, strike out "401" and insert in lieu thereof "301".

On page 9, insert a semicolon at the end of line 2.

On page 9, line 9, insert a semicolon immediately after "government;' ".

On page 9, beginning in line 9, strike out "(5) by striking out" and all that follows down through line 12, and insert in lieu thereof the following:

(5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

On page 9, insert a semicolon at the end of line 20.

On page 10, after line 11, insert the following:

TITLE IV—AMENDMENTS RELATING TO JUDGMENTS AND TRAFFIC REGULATIONS

SEC. 401. Section 47 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-463) is amended by inserting immediately before the period at the end of such section a comma and the following: "except that if the right to enforce such judgment by docketing and revival, or by revival, shall have expired without such docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated".

SEC. 402. The first sentence of subsection (h) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(h)) is amended to read as follows: "All regulations promulgated under the authority of this Act shall be published in accordance with the requirements of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), but no penalty shall be enforced for any violation of any such regulation which occurs within ten days after the date of such publication, except that whenever the District of Columbia Council deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation.".

Mr. GROSS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read, and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. DIGGS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purposes of the reported bill (H.R. 5686), as set forth in House Report 93-1174, are to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District of Columbia Traffic Act of 1925. The legislation seeks to eliminate some of the procedures which may be redundant and also to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen existing motor vehicle and traffic laws in the District of Columbia.

NEED FOR LEGISLATION

The Safety Responsibility Act and the Traffic Safety Act do not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The reported bill, H.R. 5686, requires that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing. The bill also relieves police officers and firemen of the necessity and expense of securing licenses to operate specialized

equipment and apparatus. Members of the Armed Forces are currently relieved of this responsibility. The yearly reregistration of Federal and District of Columbia government vehicles is not deemed to be necessary and costs time and money. This bill would abolish the annual registration. The difficulty in transferring title from a jointly owned motor vehicle would be lessened by this legislation.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

TITLE I

Title I of the bill amends the D.C. Motor Vehicle Safety Responsibility Act and the D.C. Traffic Act of 1925 to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations to permit effective application of the D.C. Administrative Procedure Act.

TITLE II

Title II of the bill authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

TITLE III

Title III of the bill amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles and the dropping of a name from a jointly owned vehicle would be permitted when license tags are transferred to a newly acquired vehicle.

TITLE IV

Title IV of the bill amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations.

HISTORY

Hearings on H.R. 5686 were held by the Subcommittee on Business, Commerce and Taxation on May 8, 1974. Witnesses included the Honorable GILBERT GUDE; representatives of the District government, National Retired Teachers Association, American Association of Retired Persons; and private citizens. No testimony was received or statements filed in opposition to the bill.

VOTE

The bill, H.R. 5686, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

CONCLUSION

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

COST

The D.C. government indicates that there will be no cost involved in the adoption of title I, approximately $9,500 loss of revenue involved in title II, and virtually no cost involved in the adoption of titles III and IV.

COMMITTEE AMENDMENTS

The committee amended the bill to strike the second title of the bill as referred to the committee. Since the hearing on this legislation, the City Council passed and the Mayor signed into law legislation which effectuated the legislative intent of the original second title relating to issuance of identification cards upon request to those residents of the District who do not possess a motor vehicle operator's permit. Therefore, this title was no longer necessary in H.R. 5686.

The major committee amendment, to title IV, amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents. The amendment permits the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law, the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances, the judgment creditor is no longer available to be paid the judgment or cannot be located. However, as a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor, and the number is ever increasing.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open, and thus will be more equitable to those who come within the purview of the motor vehicle Safety Responsibility Act.

Mr. STUCKEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 5686 is to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District of Columbia Traffic Act of 1925. The bill seeks to eliminate unnecessary procedures and to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen motor vehicle and traffic laws in the District of Columbia.

Title I provides for hearings in cases involving the suspension or revocation of operators' permits and owners' registration.

Title II authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

Title III amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles, and the dropping of a name from a jointly owned vehicle would be permitted when license tags are transferred to a newly acquired vehicle.

Title IV would permit the lifting of the suspension of a judgment debtor's license or registration when the judgment of which such action was based has expired. Title IV would also delete the present requirement that traffic regulations, when adopted, be printed in one or more daily newspapers.

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

DISTRICT GOVERNMENT REPORTS

The reports of the Mayor-Commissioner of the District government, dated May 7 and May 29, 1974, on H.R. 5686, follow:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 7, 1974.

Hon. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 5686, a bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes."

H.R. 5686 is identical to draft legislation submitted to the Congress by the District Government on February 7, 1973. Since our submission of this legislation, we have developed two additional proposals which should be included in the proposed "District of Columbia Motor Vehicle Act." These proposals, which we recommend be added to H.R. 5686 as a new Title V, are attached to this report.

The proposed Title V would amend existing law relating to the finality of court judgments arising out of motor vehicle accidents and the promulgation of traffic regulations. Section 502 of this proposed title would amend section 47 of the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment, has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases and thereby increase the operating efficiency of the Department of Motor Vehicles.

Section 502 of the proposed amendments would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District Government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. The proposed amendment, however, retains the ten-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

We urge favorable consideration of these proposed additional amendments to H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 29, 1974.

Hon. W. S. STUCKEY, Jr.,
Chairman, Subcommittee on Business, Commerce and Taxation, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. STUCKEY: At the hearing of May 8, 1974 on H.R. 5686, the proposed "District of Columbia Motor Vehicle Act", the District Government was requested to furnish your Subcommittee with certain cost estimates and other information relating to the various proposals contained in the bill.

First, you inquired as to the probable loss of revenue to the District of Columbia should the proposal in section 401(7) of the bill relating to the transfer of motor vehicle identification tags from joint to single ownership be approved. Although many motorists inquire each year as to the removal of a name from the title to a jointly-owned motor vehicle, less than a hundred persons actually apply for such transfers because of the inequitable cost and cumbersome procedures involved. If license tags could be transferred to a newly-acquired vehicle upon the payment of a $2.00 transfer fee, as authorized by the proposal, we anticipate approximately 250 such applications annually. In such cases the District would not collect a license fee of either $30 or $50, depending on the weight of the automobile. Based upon an average charge of $40, therefore, the annual revenue loss is estimated at $10,000, offset in part by the charging of a $200 transfer fee, for a total of $9,500. Both neighboring jurisdictions of Maryland and Virginia handle joint ownership transfers as proposed in H.R. 5686.

Second, you requested an estimate of the costs to the District of issuing identification cards to residents as proposed by Title II of H.R. 5686. The District's budget request for fiscal year 1975 includes an increase of $1,200 for implementation of the program. The added resources will be needed primarily for printing costs and supplies. The Department of Motor Vehicles has estimated that 2,500 identification cards will be issued during the next fiscal year at a cost of approximately 50 cents for each card. A total of 5,000 identification cards are expected to be issued in the first several years of program operation. The program costs will be recovered by the establishment and charging of a nominal fee to the applicant.

The cost to the District for the issuance of operators' permits pursuant to Title III of the bill would be minimal. The remaining proposals would entail no costs to the District Government.

Finally, inquiry was made as to the average amount of money involved in the approximately 6,000 dormant but outstanding judgments pending in the Department of Motor Vehicles. Under section 501 of Title V, as added to H.R. 5686 by the Subcommittee, these inactive cases would be terminated and removed from the files. A sampling of these judgments indicated a range from $30 to $50,000. Twenty-five percent were for amounts under $100 and another 25% were for amounts between $100 and $200. Judgments in the amount of over $500 account for 20% of the total and the remaining 30% were between $200 and $500.

I trust that this information will be useful to the Subcommittee in its further consideration of H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of H.R. 5686 would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act.

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency of the District government.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both acts providing for "review" procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

TITLE II

Title II would authorize the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40–301(a)(5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

TITLE III

Title III of H.R. 5686 would amend registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government–owned vehicles. The present annual reregistration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal and District-owned vehicles would be involved.

Title III would permit the dropping of a name from a jointly owned motor vehicle when the license tags are transferred to a newly acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owner(s) to have the automobile tags to a newly acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay only a $2 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, we believe that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40–102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District government.

TITLE IV

Title IV would amend existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations. Section 502 of this title would amend the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing the revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open. It is felt that this amendment would not only promote efficiency within the Department of Motor Vehicles, but also would be more equitable to those who come within the purview of the Safety Responsibility Act.

Section 502 of title IV would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. Title IV, however, retains the 10-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wish to express my support for the bill, H.R. 5686, the purpose of

which is to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, in several respects so as to improve the procedures prescribed therein and the administration of both acts.

Title I of this bill amends both of the acts referred to above, to provide that any person whose operator's permit or owner's registration has been suspended or revoked by order of the Commissioner of the District of Columbia shall have the right to file a petition for a hearing, within a period of 5 days after such an order of suspension or revocation has been issued. This privilege of a hearing also applies to a person who has been denied an operator's permit in the District of Columbia. This will serve to permit the application of the D.C. Administrative Procedure Act, which defines a contested case as one in which the legal rights of a person are required under law to be determined only after a hearing before the D.C. Commissioner or an agency of the D.C. government.

At present, neither the Safety Responsibility Act nor the Traffic Act requires a hearing in the case of suspension or revocation of driving privileges in the District, although the latter act does make such a hearing optional with the Commissioner. Thus, the language of title I of H.R. 5686 will provide for the first time a requirement under the law that any person whose right or privilege has been suspended under either or both of these acts must be afforded the opportunity of a hearing, at which time it will be the duty of the Commissioner to take testimony and examine into the facts of the case, to determine whether the person actually deserves to suffer the revocation or suspension which is the subject of the order issued.

Inasmuch as the privilege of operating a motor vehicle is extremely important today to most people, both for pleasure and as an adjunct to the conduct of business it is my opinion that this assurance of a right to a hearing in the event of an order of suspension or revocation of this privilege is a "must" in existing codes of law, in the District of Columbia and elsewhere.

As a protection to the public in these cases, however, the bill quite properly provides that this right of a hearing for suspension or revocation of driving privileges does not involve an automatic stay of an order of suspension or revocation when such order has been issued revoking or suspending the operator's permit on account of mental or physical incapacity or following a conviction for an offense for which mandatory revocation of the operator's permit is required under the law. In other cases, however, the filing of a petition for a hearing shall operate as a stay of the Commissioner's order.

Title II of the bill provides that officers and members of the D.C. Police and Fire Departments shall be issued, without charge, permits to operate government-owned vehicles while engaged in the performance of their official duties. Such permits shall be issued, however, only after the Chief of Police or the Fire Chief certifies that the officer or member is qualified to operate the vehicle to which he is assigned, and also after the Commissioner has examined the officer's or member's knowledge of the traffic regulations of the District of Columbia. Thus, ample protection of the public interest is assured, and the individuals involved will be spared the expense and difficulty of acquiring licenses to operate the specialized equipment and vehicles used in these services. This is identical to provisions existing in law applying to members of the armed services who operate official vehicles in the District of Columbia.

Title III of H.R. 5686 amends the registration, tag, and transfer operations of the D.C. Department of Motor Vehicles in several respects.

One of these amendments will eliminate the present requirement of annual registration of motor vehicles which are the property of the Federal or District of Columbia governments. The repeal of this meaningless requirement will conserve time and money for the District. I am advised that approximately 3,500 Government-owned vehicles will be affected by this provision.

This title also provides that a name may be dropped from a jointly owned motor vehicle in the District of Columbia, upon the consent of all the joint owners, when the license tags for the vehicle are transferred to a new vehicle. Under the present law, a spouse's or other joint owner's name may be added to the registration when tags are transferred to a new vehicle, but the deletion of such a joint owner's name is cumbersome and relatively expensive. Under the provision in this proposed legislation, this deletion may be accomplished by the payment of a fee of $2.00, and the owner may retain his old tag number. This represents a more equitable procedure, in the public interest, which is well worth the loss of revenue which will be involved.

Title IV provides a badly needed measure of reform in the matter of court judgments arising out of motor vehicle accidents in the District of Columbia.

The D.C. Motor Vehicle Safety Responsibility Act presently provides that the D.C. Commissioner, upon receipt of a certified copy of a judgment or a certificate of facts relative to such judgment, shall forthwith suspend the license and registration of the person against whom the judgment was rendered; or in the case of a nonresident motorist, his privilege of driving in the District shall be suspended.

The present law further provides that such suspension of license, registration, or nonresident's driving privilege shall remain in effect until any such judgment is satisfied and the person gives proof of financial responsibility as required.

The problem in this area is that in many instances, the judgment creditor in these cases disappears and cannot be located, or for other reasons is not available to be paid the judgment. As a result, the D.C. Department of Motor Vehicles has now amassed a backlog of nearly 6,000 cases in which a judgment has expired without docketing and revival by the judgment creditor, and I am informed that the number is constantly increasing.

Thus, under existing law, in 6,000 instances a judgment has expired without being "satisfied", and thus the persons involved in these cases are unable to have the suspension of their licenses or registrations lifted, or in the case of nonresidents their right to operate a vehicle in the District restored. I am advised that the amounts involved in these inactive judgment cases ranges from $30 to $50,000. Twenty-five percent, however, are for amounts less than $100, and another 25 percent between $100 and $200. Only 20 percent of the cases involve amounts greater than $500.

Title IV of the bill will correct this ridiculous inequity by providing that if the right to enforce such a judgment by docketing and revival, or by revival, shall have expired without such action being taken, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the D.C. Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated.

It is important to note that this amendment will in no way affect any creditor's right to recover whatever may be his due in a judgment case. It will serve only to restore a vehicle owner's right to drive in these circumstances where the judgment has expired but has not technically been "satisfied." It is my opinion that this is the way the law originally must have been intended to be administered, because the injustice involved in a person's right to drive not being restored under these circumstances is obvious. Also, I certainly object to any of my constituents, or other nonresidents of the District of Columbia, not being allowed to drive in the District under these circumstances.

Title IV of H.R. 5686 also repeals the present requirement that traffic regulations, upon adoption, must be printed in a daily newspaper of general circulation within the District. The D.C. government favors this provision, on the grounds that this expense to the city is no longer justified in view of the recent enactment of publication requirements in the D.C. Administrative Procedure Act. However, this amendment in H.R. 5686 retains the present grace period of 10 days within which no penalty will be imposed for violation of a new traffic regulation. Also, this amendment provides that whenever the D.C. Council deems it advisable to make immediately effective any new regulation relating to parking, diverting of vehicular traffic, or the closing of any street to traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the new regulation.

All the provisions of this bill, as amended and reported by our committee, are endorsed by the government of the District of Columbia. No objection to any of the provisions of this proposed legislation has been expressed from any source whatever, and I commend the bill to my colleagues at this time for their favorable action.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I have but one question concerning this bill. It provides a 5-day period in which one deprived of a license may appeal. Is that not correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. The person who loses an operator's license may appeal to the Commissioner; is that correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. What happens to the license in the meantime? May I assume that the license is revoked or suspended and the driver suspended during the 5-day period?

Mr. STUCKEY. That is correct, during the 5-day period.

Mr. NELSEN. Mr. Speaker, I urge my colleagues to vote favorably on H.R. 5686, to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, H.R. 13608, a bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia; and S. 3703, an act to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes.

The amendments to the motor vehicle laws of the District of Columbia have been urged upon the committee by the District of Columbia and other individuals testifying before the subcommittee.

The school subsidy bill merely extends the provisions of this law through 1977. The appropriations for the D.C. school fare subsidy and the funding for the local Criminal Justice Act, S. 3703, were passed by the House on Friday, June 29, 1974. This is the authorization for those two bills.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

AMENDMENT TO THE TITLE OFFERED BY MR. STUCKEY

Mr. STUCKEY. Mr. Speaker, I offer an amendment to the title.

The SPEAKER. The clerk will report the amendment.

The clerk reads as follows:

Amendment offered by Mr. STUCKEY: Amend the title so as to read: "A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, and for other purposes."

The amendment was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA CRIMINAL JUSTICE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the Senate bill (S. 3703) to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3703

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 "District of Columbia Criminal Justice Act".

SEC. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by adding at the end thereof the following new chapter:

"Chapter 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.

"11-2601. Plan for furnishing representation to indigents in criminal cases.
"11-2602. Appointment of counsel.
"11-2603. Duration and substitution of appointments.
"11-2604. Payment for representation.
"11-2605. Services other than counsel.
"11-2606. Receipt of other payments.
"11-2607. Preparation of budget.
"11-2608. Authorization of appropriations.

"§ 11-2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to any person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony, or misdemeanor, or other offense for which the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case which he faces loss of liberty, any law of the District of Columbia requires the appointment of counsel;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(A) Section 23-110 of the District of Columbia Code (remedies on motion attacking sentence),

"(B) Chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(C) Chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(D) Section 928 of the Act of March 3, 1901 (D.C. Code, sec. 24-302) (commitment of mentally ill person while serving sentence);

"(4) who is subject to proceedings pursuant to chapter 5, title 21, of the District of Columbia Code (hospitalization of the mentally ill);

"(5) who is a juvenile and alleged to be delinquent or in need of superivsion.

Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11-2602. Appointment of counsel

"Counsel furnishing representation under the plan shall in every case be selected from panels of attorneys designated and approved by the courts. In all cases where a person faces a loss of liberty and the Constitution or any other law requires the appointment of counsel, the court shall advise the defendant or respondent that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant or respondent waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant or respondent is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants or respondents having interests that cannot properly be represented by the same counsel, or when other good cause is shown. In all cases covered by this Act where the appointment of counsel is discretionary, the defendant or respondent shall be advised that counsel may be appointed to represent him if he is financially unable to obtain counsel, and the court shall in all such cases advise the defendant or respondent of the manner and procedures by which he may request the appointment of counsel.

"§ 11-2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11-2604. Payment for representation

"(1) HOURLY RATE.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of section 3006A(d)(1) of title 18, United States Code. Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by section 3006A(d)(2) of title 18, United States Code, in the corresponding kind of case or proceeding.

"(3) WAIVING MAXIMUM AMOUNTS.—Claims for compensation and reimbursement in excess of any maximum amount provided in subsection (2) of this section may be approved for extended or complex representation whenever such payment is necessary to provide fair compensation. Any such request for payment shall be submitted by the attorney for approval by the chief judge of the Superior Court upon recommendation of the presiding judge in the case or, in cases before the District of Columbia Court of Appeals, approval by the chief judge of the

Court of Appeals upon recommendations of the presiding judge in the case. A decision shall be made by the appropriate chief judge in the case of every claim filed under this subsection.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURT.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28, United States Code.

"§ 11-2605. Services other than counsel

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by section 3006A(e)(2) of title 18, United States Code, whichever is higher, and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by section 3006A(e)(3) of title 18, United States Code, whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the presiding judge in the case.

"§ 11-2606. Receipt of other payments

"(a) Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized pursuant to section 2605 of this title to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"(b) Any person compensated, or entitled to be compensated, for any services rendered under this chapter who shall seek, ask, demand, receive, or offer to receive, any money, goods, or services in return therefor from or on behalf of a defendant or respondent shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"§ 11-2607. Preparation of Budget

"The joint committee shall prepare and annually submit to the Commissioner of the District of Columbia, in conformity with section 11-1743 of this title, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601 of this title.

"§ 11-2608. Authorization of appropriations

"There are hereby authorized to be appropriated to the District of Columbia such funds as may be necessary for the administration of this chapter for fiscal years 1975 and 1976. When so specified in appropriation Acts, such appropriations shall remain available until expended.

SEC. 3. (a) Paragraph (1) of section 3006A, title 18, United States Code, as amended, is amended to read:

"(1) APPLICABILITY IN THE DISTRICT OF COLUMBIA. The provisions of this Act, other than subsection (h) of section 1, shall apply in the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. The provisions of this Act shall not apply to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.".

SEC. 4. This Act shall take effect upon the date of its enactment. Any person appointed on or after July 1, 1974, but prior to the commencing date of the plan referred to in section 11-2601 of the District of Columbia Code (as added by section 2 of this Act), by a judge of the Superior Court or the District of Columbia Court of Appeals to furnish to any person in the District of Columbia, who is financially unable to obtain adequate representation, that representation and those services referred to in such section 11-2601, may be compensated and reimbursed for such representation and services rendered, including expenses incurred therewith, upon filing a claim for payment. Payment shall not be allowed in excess of the amounts authorized in accordance with those sections added to the District of Columbia Code by such section 2.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "District of Columbia Criminal Justice Act".

SEC. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by the addition of the following new sections:

"Chapter 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.

"11-2601. Plan for furnishing representation to indigents in criminal cases.
"11-2602. Appointment of counsel.
"11-2603. Duration and substitution of appointments.
"11-2604. Payment for representation.
"11-2605. Services other than counsel.
"11-2606. Receipt of other payments.
"11-2607. Preparation of budget.
"11-2608. Authorization of appropriations.

"§ 11-2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to a person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony or misdemeanor and the United States Attorney prosecutes, or with juvenile delinquency by the commission of an act which if committed by an adult, would be prosecuted by the United States Attorney;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(a) section 110 of title 23 of the District of Columbia Code (remedies on motion attacking sentence),

"(b) chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(c) chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(d) section 928 of the Act of March 3, 1901 (D.C. Code, sec. 24-302) (commitment of mentally ill person while serving sentence), or

"(4) for whom the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any local law requires the appointment of counsel. Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11-2602. Appointment of counsel

"Counsel furnishing representation under the plan shall be selected from panels of attorneys designated or approved by the courts. In every criminal case in which a person may be appointed counsel under this chapter the court shall advise the defendant that he is entitled to be represented by counsel and that counsel will be appointed for him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"§ 11-2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may

appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11-2604. Payment for representation

"(1) HOURLY RATE.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of title 18, United States Code, section 3006A(d). Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by title 18, United States Code, section 3006A(d)(2) in the corresponding kind of case or proceeding.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in subsection (2) of this section may be made for extended or complex representation whenever the Superior Court in which the representation was rendered, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the District of Columbia Court of Appeals.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APELLATE COURT.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by 1915(a) of title 28 of the United States Code.

"§ 11-2605. Services other than counsel

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by title 18, United States Code, section 3006A(e)(2) whichever is higher, and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by title 18, United States Code, section 3006A(e)(3), whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the District of Columbia Court of Appeals.

"§ 11-2606. Receipt of other payments

"Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized by section 2605 to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"§ 11-2607. Preparation of budget

"(a) The Joint Committee shall annually prepare and submit to the Commissioner of the District of Columbia, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, its estimate of the amount needed for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601(b) of this title.

"(b) In making its computation of such estimate, the Joint Committee shall—

"(1) issue and follow definitional standards with respect to financial inability to obtain adequate legal representation;

"(2) estimate the respective percentage of indigent defendant cases which can be effectively handled by the Public Defender Service, private attorneys, and qualified law students participating in clinical programs under attorney supervision;

"(3) take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in such courts and the proportion which such number bears to the estimated number of such cases in the District of Columbia courts for the particular fiscal year;

"(4) shall not request an amount to be paid private attorneys for representation pursuant to section 2601 of this title in excess of the estimated appropriation for the prosecution of those persons thus represented.

"§ 11-2608. Authorization of appropriations

"There are authorized to be appropriated for each fiscal year, out of any moneys in the Treasury credited to the District of Columbia, such sums as are necessary to carry out the purposes of his chapter. Unless otherwise specified in appropriations Acts, such appropriations shall remain available until expended. Disbursements from such appropriations to persons entitled to payments, pursuant to orders of the courts, under this Act, shall be made by the executive officer of said courts, subject to the supervision of the fiscal officer of the District of Columbia.".

"§ 11-2609. Authority of Council

"Section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to this chapter."

SEC. 3. Section 3006A(1) of title 18 of the United States Code is repealed.

SEC. 4. This Act shall take effect at the end of thirty days following enactment.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill (S. 3703), as set forth in House Report 93-1172, is to provide a plan to insure that persons charged with crimes in the District of Columbia, who are financially unable to obtain an adequate defense in the courts of the District of Columbia are provided with legal representation. The bill establishes a plan for furnishing such representation and a mechanism for appointment and compensation of counsel.

BACKGROUND

In previous years payments for lawyers representing indigent defendants under a court appointment were reimbursed through the plan established by the Criminal Justice Act (18 U.S.C. 3006A). That Act was specifically applicable to the District of Columbia. Since the Court Reform and Criminal Procedure Act of 1970 (84 Stat. 473) with its transfer of local criminal jurisdiction from the United States District Court to the local District of Columbia Court system, it has been the position of the Administrative Office of the United States Courts and the Judicial Conference of the United States to transfer the responsibility for the indigent defenders program to that local court system. The Administrative Office of the United States Courts took the position in Committee hearings held on the need for funds for the Criminal Justice Act, that it was willing to fund the program until the end of the 1974 fiscal year. At that point the program would have to be included in the District of Columbia budget for fiscal 1975. The District of Columbia Government agreed to this proposal. Accordingly, authorizing legislation (H.R. 14376 and S. 3703) was required to legitimate the transfer.

NEED FOR LEGISLATION

The United States Supreme Court in its 1972 decision, in the case of *Argersinger* v. *Hamlin* (407 U.S. 25), required that counsel be appointed in any case where there exists the possibility of the deprivation of liberty. With the full implementation of the District of Columbia Court Reform and Criminal Procedure Act however, the Administrative Office of the United States Courts, the United States Judicial Conference, and the Chief Justice of the United States have taken the position that the Superior Court of the District of Columbia

and the District of Columbia Court of Appeals are not the rightful beneficiaries of the Criminal Justice Act of 1964 (18 U.S.C. 3006A), which has, up until now, been the source of funds for reimbursement of counsel appearing before the local D.C. courts.

In March of this year the available funds were exhausted from which counsel for indigent defendants could be paid. As a result, the D.C. Superior Court Trial Lawyers Association announced that they would be unable to accept appointments to defend an indigent unless there was some assurance of compensation. The D.C. courts, responding in the best way that they could, asked for volunteers, and decided that they would order the private bar to provide counsel for defense if volunteers were insufficient. Such a system, however, is an emergency system and cannot be expected to work or be relied upon in the long run. The reported legislation is intended to provide authorization for a viable, local, indigent-defender in the District of Columbia.

The Constitution, as interpreted by the Supreme Court, requires that every defendant in a criminal or juvenile delinquent proceeding be represented by counsel. If counsel is not available, the court will ultimately have to discontinue the conduct of criminal and juvenile delinquent proceedings. Whether this action would mean that all individuals affected would be held in confinement until counsel were found or, as appears more likely, that they would be released pending solution of this problem—both alternatives are highly unpalatable. This legislation seeks to prevent the necessity of dealing with either of those possibilities.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

The bill creates a new chapter 26, Title II of the District of Columbia Code to provide for representation of indigents in criminal cases in the District of Columbia courts. It creates a plan for the furnishing of legal representation to indigents in cases where they are subject to the possibility of loss of liberty or where Federal or local law requires such representation. Counsel furnishing representation under the plan shall be selected from panels designated or approved by the courts. Counsel is to be provided for the duration of the complete judicial process with compensation to be fixed approximately parallel to that of the Federal Criminal Justice Act (18 U.S.C. 3006A). The bill also provides for compensation for ancillary services necessitated by the defense. The bill specifically provides for qualified law students to be included in its coverage in the light of Mr. Justice Powell's concurring opinion in the Argersinger case wherein he cited the availability of such student-in-court programs as being an excellent resource to tap.

The budget estimate for the program will be submitted by the Joint Committee on Judicial Administration.

The legislation repeals the applicability of the Federal Criminal Justice Act (18 U.S.C. 3006A) to the District of Columbia. The District of Columbia Council is given the authority to make modifications in only this chapter of title II.

HISTORY

Hearings on the proposed legislation (H.R. 14374 and H.R. 14376) were held by the Subcommittee on the Judiciary on June 13, 1974. Testimony in support of the legislation was presented by representatives of the Administrative Office of the United States Courts, the Chief Judges of the District of Columbia Court of Appeals, and the District of Columbia Superior Court, the District of Columbia Corporation Council, the Director of the Public Defender Service, and by representatives of the District of Columbia Unified Bar, the District of Columbia Bar Association, and the Washington Bar Association. No testimony was given nor statements filed in opposition to the objective of providing counsel for indigent defendants.

The subcommittee reported the bill, H.R. 14376, as amended, on June 24, 1974.

H.R. 14374 provides for a complete overhaul of the system by which indigent defendants are provided legal representation. On the other hand, the reported bill, S. 3703 (companion to H.R. 14376) merely provides the authorization for a continuation of the current system under the auspices of the Joint Committee on Judicial Administration. The Subcommittee agreed to S. 3703 as a temporary measure to provide legislative authorization for the pending appropriation item in the D.C. budget providing funds urgently required to continue the counsel program. The Full Committee concurred in this recommendation and ordered, reported S. 3703 in lieu of H.R. 14376.

VOTE

The bill, S. 3703, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

COST

The District of Columbia estimates the cost of this program for fiscal year 1975 will be $2.3 million, and approximately such an amount is included in the D.C. appropriation bill which recently passed the House. The Committee anticipates similar amounts for the ensuing fiscal years.

CONCLUSION

By this legislation, the Committee has endeavored to insure that indigent persons in the District of Columbia will receive adequate legal representation in the courts as is guaranteed by the Constitution.

It is important to note that the representation of indigents is a crucial part of the criminal justice system, and it is the view of this Committee that budgetary priorities should be effectively arranged to underscore the necessity for defender services to all indigents in the District and to insure that they are adequately funded. Failure to do so may well have a deleterious effect on the criminal justice system in the District of Columbia, to the detriment of the community as a whole.

JUDICIAL RECOMMENDATIONS ON THE LEGISLATION

The recommendations of the Joint Committee on Judicial Administration in the District of Columbia, as presented to the Committee by Judge Gerard D. Reilly, Chief Judge of the District of Columbia Court of Appeals, in transmitting the proposed legislation which became H.R. 15376, follows:

DISTRICT OF COLUMBIA COURT OF APPEALS,
Washington, D.C., April 19, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am herewith transmitting for the consideration of the House Committee on the District of Columbia proposed legislation which would establish a plan for providing representation of defendants who are financially unable to retain defense counsel in criminal cases in the courts of the District. This draft bill has been prepared by the Joint Committee on Judicial Administration in the District of Columbia, established by D.C. Code 1973, § 11-1701. If enacted, it would repeal the provision in the Criminal Justice Act which makes that statute applicable to cases in the District of Columbia courts (*i.e.*, subsection (1) of 18 U.S.C. 3006A) and create in lieu thereof a similar act covering only the District of Columbia Court of Appeals and the Superior Court. Such legislation would provide statutory authorization for a requested appropriation of $2,300,000, now pending before the House Appropriations Committee, as an item included in the Mayor-Commissioner's budget estimate for fiscal year 1975.

The need for this legislation is compelling for the whole system of criminal justice in this jurisdiction is threatened with breakdown as a result of the exhaustion of funds appropriated for the current fiscal year to pay counsel for representing indigent defendants in our courts. Since early March, Chief Judge Greene and I have had to resort to a makeshift plan for drafting lawyers. We are rapidly approaching a day when these efforts will be unavailing, as the staff of the Public Defender Service and experienced private trial counsel are already burdened with an excessive number of assignments. In the meantime, the Federal Judicial Conference has remained adamant in its position against including in its budget estimate any proposal for supplemental appropriations to meet the obligations incurred by our courts for appointments of private counsel in the fiscal years 1973 and 1974.

Continuation of this situation into the next fiscal year would be intolerable. Consequently, in order to expedite passage of an authorization bill the enclosed draft proposes no change in the structure of operation of the Public Defender Service. In other words, the Joint Committee at the present time is making no recommendations for amendments to Chapter 22, Title 2, of the D.C. Code, as the pending D.C. budget estimate for the Service has already been formulated on the basis of this existing statutory framework.

Accordingly, the revised legislative proposal of the Joint Committee simply fills the gap created by the absence of any federal budget estimate for the payment of fees of private counsel, transcripts and other expenses. It follows the same scales of compensation prescribed by the Federal Criminal Justice Act, but by repealing the subsection of that statute making it applicable to the District of Columbia courts and authorizing direct appropriations for this purpose to the District government, it precludes the raising of possible points of order to the 1975 budget estimate.

We recognize, of course, that the proposed bill is something of a stopgap measure, for some revisions of the laws relating to the Public Defender Service should eventually be considered by Congress. At present, however, there are so many conflicting views as to what should be done in this respect, par-

ticularly as the Federal Judicial Conference for this circuit last month authorized appointment of a committee to study the matter, we believe that to include in the authorization bill controversial proposals on this subject might result in postponing until the next fiscal year passage of this much needed legislation.

My colleagues and I shall be available at any time should the Committee decide to set the matter down for hearing.

Faithfully yours,

GERARD D. REILLY,
Chairman, Joint Committee on Judicial Administration in the District of Columbia.

SECTION-BY-SECTION ANALYSIS

SECTION 11–2601. PLAN FOR FURNISHING REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

This section provides a plan for furnishing representation to indigents in criminal cases. The Joint Committee on Judicial Administration of the local courts is required to place into operation in the District of Columbia a plan for furnishing representation to persons in the District of Columbia who are financially unable to obtain adequate representation when they are charged with crimes and for whom the Sixth Amendment of the Constitution requires the appointment of Counsel; or for whom, in a case in which he faces loss of liberty, the local law requires the appointment of counsel.

Representation must be provided to indigents in all felony or misdemeanor cases where the United States Attorney prosecutes or would prosecute were the defendant not a juvenile, and in all cases of indigent persons under arrest where representation is required by law. Representation must also be provided for persons charged with violation of parole or probation, or in custody as a material witness cases or seeking collateral relief. Those classes of collateral relief include remedies on a motion attacking sentence, extradition, habeas corpus and commitment of mentally ill persons while serving sentence. Case representation under the plan includes counsel, investigative, experts and other services, if necessary.

The plan is required to include a provision for private attorneys, attorneys provided by the Public Defender Service, and attorneys and qualified students who are participating in clinical programs.

SECTION 11–2602. APPOINTMENT OF COUNSEL

This section provides a plan for selecting counsel from panels of attorneys designated or approved by the courts. Every defendant in every criminal case must be advised that he is entitled to be represented by counsel, and counsel shall be appointed for him if he is financially unable to afford it. Such appointment may be made retroactive to include representation provided prior to appointment under the plan. Separate counsel may be appointed when appropriate. This is to ensure that when cases of codefendants should be served for reasons of law that there will be compensation available for separate counsel.

SECTION 11–2603. DURATION AND SUBSTITUTION OF APPOINTMENTS

This section provides that persons for whom counsel is appointed shall be represented at every stage of the proceedings from initial appearance before the court through appeals, including ancillary matters appropriate to the proceeding. It further provides that the court may terminate the appointment of counsel should the individual become financially able to provide it. The court is given the discretion in the interest of justice to substitute one appointed counsel for another at any point in the proceedings.

SECTION 11–2604. PAYMENT FOR REPRESENTATION

This section provides for a payment schedule to be established by the Joint Committee on Judicial Administration, not to exceed the hourly scale established under the Federal Criminal Justice Act, title 18 of the United States Code, section 3006A(d). Attorneys shall be reimbursed for expenses reasonably incurred. This section further provides for maximum amounts to be paid to attorneys, not to exceed the maximum amounts established under the Federal Criminal Justice Act, title 18 of the United States Code, section 3006A(d)(2), unless special circumstances warrant a waiver of the limit. Currently, these maximum amounts are $1,000 for a felony case and $400 for misdemeanors. It also provides a procedure for filing claims for compensation and reimbursement by affidavit. New trials are deemed to be new cases for compensation purposes. Representation in the District of Columbia Court of Appeals will be provided without prepayment of fees and cost.

SECTION 11–2605. SERVICES OTHER THAN COUNSEL

This section provides compensation for services other than legal counsel. Counsel for a person who is financially unable to obtain investigative, expert or other services necessary for adequate defense may request such services in an ex parte application. The court may then, if it finds such services to be necessary, authorize counsel to obtain such services. Counsel appointed under this section may obtain, subject to later review, investigative, expert or other services, excluding the preparation of reporter's transcript, without prior authorization, if necessary for adequate defense. There is a maximum amount schedule established with a waiver if necessary.

SECTION 11–2606. RECEIPT OF OTHER PAYMENTS

Whenever the courts find funds are available for payment for counsel services from a third party, it may direct that such funds be paid to the appointed attorney, or to any person or organization authorized to render investigative, expert or other services or deposited in the Treasury as reimbursement for the appropriation of such funds.

SECTION 11–2607. PREPARATION OF BUDGET

This section requires the Joint Committee on Judicial Administration to annually prepare and submit to the Commissioner of the District of Columbia its estimate of the amount needed for furnishing representation by private attorneys for persons entitled to representation under this act. The Joint Committee is required to establish definitional standards for indigency to qualify for the program and to take into account the number of indigent cases which can be handled by the Public Defender Service, private attorneys, and by law students, and to take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in those courts. The request shall not exceed the appropriation for the prosecution of those represented.

SECTION 11–2608

The District of Columbia Self-Government and Governmental Reorganization Act prohibits the D.C. Council from modifying any provisions of Title 11 of the D.C. Code. This section, as amended, would give the Council the authorization to change any part of chapter 26 of Title 11 relating to a plan providing for the representation of indigent defendents. It does not permit any other change to be made in any other section of the chapter or of Title 11.

SECTION 11–2609. AUTHORIZATION OF APPROPRIATIONS

The appropriation language authorizes funds to be appropriated out of any money in the Treasury to the credit of the District of Columbia in such sums as may be necessary for the administration of this plan. Such appropriations remain available until expended.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the legislation which you have before you is vitally needed to assure that the residents of the District of Columbia are able to secure adequate counsel for their defense when charged with a crime in which a prison sentence is a possibility. A requirement for the provision of counsel is mandatory in every jurisdiction by reason of the Supreme Court's decision in *Argersinger* v. *Hamlin* (407 U.S. 25 (1972)) rendered in 1972.

The District of Columbia government, at the request of the local court requested $2.3 million of which the Committee on Appropriations recommended that $2.1 million be made available. Without the authorization of this bill, however, it is not possible for the funds to be expended.

In previous years, funds were provided to the local courts through the plan of the Federal Criminal Justice Act which is administered by the Administrative Office of the U.S. Courts. With the enactment of the 1970 Court Reorganization Act, and the concomitant transfer of local criminal jurisdiction from the U.S. district court to the newly created Superior Court, which is a local court, both the Administrative Office and the Judicial Conference of the United States determined that the responsibility for continued funding logically rested with the local jurisdiction, in this case, the District of Columbia.

To aid an orderly transfer, the Administrative Office continued to seek and permit the use of funds through fiscal year 1974 if the District government would agree to take over the responsibility in 1975. This proposal was accepted and the bill which is before you today is the result of that understanding and of action by your Committee on the District of Columbia.

Thus, while this is new authorization for the District of Columbia government,

it is not really a new program as a program to provide counsel has been in operation under the auspices of the Federal Criminal Justice Act as administered by the Administrative Office. Both the House and Senate Appropriations Subcommittees for State, Justice, Commerce, and Judiciary, as recently as in this Congress, have emphasized that they believe this to be an activity which should be included in the District of Columbia government's budgetary process as opposed to the prior practice of including it in the Federal judiciary's budget.

The District of Columbia Public Defender Service does provide a substantial portion of the defense offered to indigents; but, it is able to only provide approximately 30 to 40 percent of the needed service. The remainder is provided by the private bar which is reimbursed by CJA moneys. While the Service is currently providing less assistance than it is authorized to provide, the legal community made no expression that the mix should be substantially changed at this time. Rather, it was felt that the better course of action would be to provide the simple authorization of this bill. The city would then be able to provide funds for the defense while examining and enacting an appropriate scheme which would provide a better system of defense utilizing both the private bar and the defender service.

Your committee, after extensive testimony and discussion, believes that this scheme should be placed into operation by the Council within the next 12 to 18 months. While neither the bill nor the committee report carries any directive to the city government, the city is urged to immediately consider a scheme of defense which is similar to the more comprehensive bill which was passed over by your committee. This bill is briefly discussed in the report and is known as H.R. 14374.

The urgency which confronted your committee did not allow for the adequate consideration of the city government's proposal and thus the committee preferred the bill recommended by the Joint Committee on Judicial Administration in the District of Columbia.

There are several important aspects of the bill which I would like to call to your attention. As it is currently written, the bill provides definite ceilings on the amounts which may be paid for any undertaking unless waived and certified, as to need, by the Superior Court in which representation was rendered and approved by the chief judge. These maximum amounts are the same as are provided in the Federal courts: $1,000 for a felony case and $400 for a misdemeanor. I would only parenthetically note that Justice Powell felt that these rates on which the maximums are derived are now by normal American standards—$20 an hour for out-of-court work and $30 an hour for in-court work. Additionally, I want to call to your attention the fact that the local courts have imposed strict limits on the amounts which an attorney may earn from representing indigents. The maximum annual amount is $18,000.

I would also like to note that your committee paid special attention to the concurring opinion laid down by Mr. Justice Brennan in the Argersinger case (407 U.S. 25, 40) where in observation of the discussion of legal resources raised in the Court's opinion he said that "law students as well as practicing attorneys may provide an important source of representation for the indigents." The bill and the report contain language which authorizes the plan and budget to include a provision for qualified students participating in clinical legal education programs as well as provisions for private counsel and the defender service.

Your committee is ever cognizant of the need to assure continuity and sensible program coordination. To that end, your committee voted to enable the District of Columbia government to make changes in the requested CJA funds to assure that the request is consistent with the needs and resources of the defender service. Additionally, your committee determined that it would be appropriate that the city government be given authority to amend this aspect of the code providing indigent defense.

It is impractical to believe that either the private bar or an organized public defender service can provide all of the defense needs in this city. Your committee continues to believe that the process of providing for the defense of indigents is one which must be met by both the public and private sectors through organized defender services, public compensation of the private bar, and free services by the private bar.

That belief stems from strong practical and philosophical considerations which dictate that the public sector can provide better service when challenged in its legal excellence by private practitioners who can also be challenged by the public defender.

Furthermore, your committee does not believe that it is practical to just to look to the private bar without provisions of compensation. In the District of Columbia, more than 15,000 cases are annually prosecuted in which there is a need for provided counsel. While the rolls of the District of Columbia Unified Bar carry some 14,000 lawyers, fewer than 1,000 of them have had any extensive trial experience which would permit them to be considered competent to represent an indigent charged with a crime. Thus, a very small number of lawyers would have to bear the burden of representing these 15,000 persons.

Additionally, it is useful to remember that many firms do provide pro bono services in other areas aside from criminal defense. We would not want these services lost to us by deciding that the efforts which they represent are to be channeled solely into the defense of indigents however important that is.

For these reasons, I urge this body to approve the bill before you today.

Mr. NELSEN. Mr. Speaker, this bill, in codifying section 11–2609 entitled "The Authority of the Council," provides an exemption to section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 that prohibits the Council of the District of Columbia from amending any of the provisions of title 11 of the District of Columbia Code.

During the debate on the District of Columbia home rule legislation, the House, in my opinion, made it quite clear that Congress, and Congress only, was to amend title 11 of the District of Columbia Code having to do with the organization and jurisdiction of the courts of the District of Columbia, and that provision remained intact throughout the conference on the home rule legislation.

I do not want this bill in any way construed as opening the door to the Council of the District of Columbia that will take office January 2, 1975, to amend other provisions of title 11. I have gone along with this provision because I believe that provisions of the local Criminal Justice Act, which are incorporated in S. 3703, may be in need of amendment within the next 2 years. I would have preferred to see the matter come back to Congress, but, on the other hand, this is a matter that could be handled by the locally elected Council, since it basically does not go to the organization and jurisdiction of the courts, in my view. My preference would have been to place this bill in another title of the District of Columbia Code, possibly title 13. Then there would have been no question but that the locally elected Council could amend that title at will.

I do want to make it abundantly clear that our action here is not in any way to be construed as giving any additional authority to the Council of the District of Columbia to otherwise amend, change, repeal, or otherwise act with respect to title 11 of the District of Columbia Code. I strongly recommend that, if, as, and when the Council of the District of Columbia acts on this matter, they remove the Criminal Justice Act from title 11 of the District of Columbia Code.

In the event this matter were to go to conference with the Senate, I believe that I would support a provision that would take the provisions of this bill out of title 11 of the D.C. Code and place them in some other title that the District of Columbia Self-Government and Governmental Reorganization Act otherwise permits the Council of the District of Columbia to amend and that does not prohibit the locally elected Council from acting such as the provisions contained in section 602(a)(4) of the Self-Government Act.

And I wish to insert this statement on behalf of Congressman WILLIAM H. HARSHA:

I wish to take this opportunity to endorse and support the comments of the Ranking Minority Members of the House District Committee, Congressman Ancher Nelsen, as they relate to S. 3703.

The District of Columbia Self-Government and Governmental Reorganization Act of 1973 as passed by the House prohibited the locally elected Council, which will take office January 2, 1975, the Council of the District of Columbia, from amending, repealing, or otherwise enacting laws as they might affect Titles 11, 22, 23, and 24 of the D.C. Code. The Conference adopted a provision that would prohibit the locally elected Council from acting to repeal, amend, or otherwise act on provisions in Title 11, having to do

with the organization and jurisdiction of the local courts. The Conference, however, did expand on the authority of the local Council as it affects Titles 22, 23, and 24. The Conference Committee agreed to transfer authority to the locally elected Council to make changes in Titles 22, 23, and 24 of the District of Columbia Code, effective January 2, 1977. After that date, changes in Titles 22, 23, and 24 by the Council would be subject to a Congressional veto by either House of Congress within 30 legislative days. *The expedited procedure provided in section 604 shall apply to changes in Titles 22, 23 and 24.*

I wish to take this opportunity to make it quite clear that the provisions in this bill, S. 3703, permitting the District Council to act to amend or repeal Chapter 26 of Title 11 is in no way to be construed as authorizing any other provision in Title 11 which will be amended, repealed or otherwise acted upon by the locally elected Council after January 2, 1975. As Congressman Nelsen has suggested, I would in turn strongly suggest that when, as and if the Congress does act to repeal or otherwise amend the provisions of this enactment that they remove it from Title 11 of the D.C. Code.

AMENDMENT OFFERED BY MR. FAUNTROY TO THE COMMITTEE AMENDMENT

Mr. FAUNTROY. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY to the committee amendment: On page 11, immediately preceding line 14, add a new section heading as follows:

"§ 11-2609. Authority of Council"

The SPEAKER. The question is on the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY) to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I would like to know what is meant by "indigent"; whether this is meant to describe someone who cannot pay or who will not pay for legal services.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, the answer to the question, of course, is that this refers to these people who are unable to pay.

Mr. GROSS. But what is the real definition? Does it mean they have absolutely no money? What is the test of an "indigent" in this case?

Mr. FAUNTROY. Mr. Speaker, under the procedure set up by the courts, that determination is made by the coordinator of the criminal justice administration in the city.

Mr. GROSS. By whom?

Mr. FAUNTROY. By the coordinator of the local CJA program.

Mr. GROSS. What is the "CJA program"?

Mr. FAUNTROY. CJA, the Criminal Justice Act program.

Mr. GROSS. So someone in that program determines who is an indigent; who does not have money or who does have money; who can pay or who cannot pay for legal services; is that correct?

Mr. FAUNTROY. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I will ask the gentleman this further question: What was the average number of indigent cases for the last 5 years in the District of Columbia?

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield further, I am not able to supply the average figure for the last 5 years. I have previously quoted the number handled last year, and that figure is 15,000.

Mr. GROSS. Fifteen thousand indigent cases?

Mr. FAUNTROY. Yes, requiring either total or partial compensation.

Mr. GROSS. This bill provides for $2.3 million; is that correct?

Mr. FAUNTROY. That is correct.

Mr. GROSS. For the payment of attorneys?

Mr. FAUNTROY. That is right. It authorizes that much. However, the House has already approved the report of the Committee on Appropriations which sets it at $2.1 million.

Mr. GROSS. The House Committee on Appropriations made available for this purpose last year how much?

Mr. FAUNTROY. This year. This action has already been taken, and without this authorization that appropriation could not be spent, really.

May I add that in that connection——

Mr. GROSS. What was spent last year for legal services for so-called indigents?

Mr. FAUNTROY. $1.1 million, according to the report from the superior court. This in light of the fact that as of March of this year we had to discontinue our aid to indigents because the available funds had been exhausted, and since March those services have been provided on a volunteer basis.

Mr. GROSS. Did the gentleman say the Committee on Appropriations has already approved the same amount of money as last year?

Mr. FAUNTROY. No. It has approved $2.1 million.

Mr. GROSS. $2.1 million? Nearly double.

Mr. FAUNTROY. Yes.

Mr. GROSS. As compared to what last year?

Mr. FAUNTROY. As compared to $1.1 million appropriated last year, which funds as I said, were dispensed by March. And, for example, that amount was only 14 percent of the amount available for the Federal courts in the District of Columbia. The superior courts handle with those funds fully one-third——

Mr. GROSS. How do other cities handle indigent legal representation, does the gentleman know?

Mr. FAUNTROY. I am not able to say how all cities do it, but I do know that many cities handle it through an appropriation from local funds. As a matter of fact, the judgment here by the committee of conference is inasmuch as these are local courts, these are superior courts, that they should not be covered totally by CJ funds.

Mr. GROSS. The gentleman does not know what Cleveland, Ohio—a city of comparable size—does?

Mr. FAUNTROY. No.

Mr. GROSS. It is hard to believe that neither in the hearings nor other committee consideration of the bill, there was no attempt to learn what other cities do with respect to legal services in the trials of indigents?

Mr. FAUNTROY. I am sure they did, but I do not recall them at the moment.

The SPEAKER. The time of the gentleman has expired.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The time of the passage of the bill.

Mr. MILLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 120, not voting 72, as follows:

[Roll No. 366]

YEAS—242

Abzug	Conyers	Gubser
Adams	Corman	Gude
Addabbo	Cotter	Haley
Anderson, Calif.	Coughlin	Hamilton
	Cronin	Hanley
Anderson, Ill.	Daniels, Dominick V.	Harsha
Andrews, N.C.		Hastings
Annunzio	Danielson	Hawkins
Ashley	Davis, S.C.	Hechler, W. Va.
Aspin	de la Garza	Heckler, Mass.
Barrett	Delaney	Heinz
Bell	Dellenback	Hicks
Bennett	Dellums	Hogan
Bergland	Dennis	Holtzman
Biester	Dent	Horton
Blatnik	Derwinski	Howard
Boggs	Diggs	Hungate
Boland	Dingell	Hutchinson
Bolling	Donohue	Johnson, Calif.
Brademas	Drinan	Johnson, Pa.
Breckinridge	Dulski	Jones, Ala.
Brooks	du Pont	Jones, Okla.
Broomfield	Eckhardt	Jordan
Brotzman	Edwards, Ala.	Karth
Brown, Calif.	Edwards, Calif.	Kastenmeier
Brown, Mich.	Eilberg	Kazen
Brown, Ohio	Erlenborn	Kluczynski
Broyhill, N.C.	Esch	Koch
Broyhill, Va.	Evans, Colo.	Kyros
Burgener	Fascell	Leggett
Burke, Calif.	Findley	Lehman
Burke, Mass.	Flood	Litton
Burton, John	Fountain	Long, La.
Burton, Phillip	Fraser	Long, Md.
Butler	Frelinghuysen	Luken
Carney, Ohio	Frenzel	McClory
Carter	Frey	McCloskey
Casey, Tex.	Fulton	McCormack
Cederberg	Fuqua	McDade
Chisholm	Gaydos	McFall
Clark	Gibbons	McKinney
Cleveland	Gonzalez	McSpadden
Cohen	Gray	Madden
Collins, Ill.	Green, Oreg.	Mahon
Conable	Griffiths	Mallary
Conte	Grover	Mann

Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Natcher
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Perkins
Peyser
Pickle
Pike
Preyer
Price, Ill.
Quie
Railsback
Rangel
Regula
Reuss
Rhodes
Riegle
Rinaldo
Rodino
Roe
Rogers
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Sebelius
Seiberling
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—120

Abdnor
Alexander
Arends
Armstrong
Ashbrook
Baker
Bauman
Beard
Bevill
Blackburn
Bowen
Bray
Brinkley
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Chamberlain
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Denholm
Devine
Dickinson
Downing
Duncan
Eshleman
Fish
Fisher
Flowers
Flynt
Froehlich
Gettys
Ginn
Goldwater
Goodling
Gross
Guyer
Hanrahan
Hays
Hébert
Henderson
Hinshaw
Holt
Huber
Hudnut
Hunt
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Kemp
Ketchum
King
Lagomarsino
Landgrebe
Landrum
Latta
Lent
Lott
Lujan
McCollister
Madigan
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
Parris
Poage
Powell, Ohio
Price, Tex.
Randall
Rarick
Roberts
Robinson, Va.
Roncallo, N.Y.
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schneebeli
Shoup
Shuster
Sikes
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Towell, Nev.
Veysey
Ware
Whitten
Winn
Wylie
Young, S.C.

NOT VOTING—72

Andrews, N. Dak.
Archer
Badillo
Bafalis
Biaggi
Bingham
Brasco
Breaux
Buchanan
Carey, N.Y.
Chappell
Clausen, Don H.
Clay
Collier
Culver
Davis, Ga.
Dorn
Evins, Tenn.
Foley
Ford
Forsythe
Giaimo
Gilman
Grasso
Green, Pa.
Gunter
Hammer-schmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Helstoski
Hillis
Holifield
Hosmer
Jones, Tenn.
Kuykendall
McEwen
McKay
Macdonald
Mills
Mink
Murphy, Ill.
Nedzi
Nix
Passman
Pepper
Pettis
Podell
Pritchard
Quillen
Rees
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Roybal
Schroeder
Shipley
Skubitz
Stark
Steele
Stokes
Tiernan
Traxler
Waggonner
Wiggins
Wilson, Charles H., Calif.
Wydler
Young, Alaska
Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gunter.
Mr. Rostenkowski with Mr. Helstoski.
Mr. Chappell with Mr. Reid.
Mr. Giaimo with Mr. Collier.
Mrs. Grasso with Mr. Hanna.
Mr. Green of Pennsylvania with Mr. Forsythe.
Mr. Macdonald with Mr. Gilman.
Mr. Nix with Mrs. Hansen of Washington.
Mr. Roybal with Mr. Andrews of North Dakota.
Mr. Waggonner with Mr. Dorn.
Mr. Charles H. Wilson of California with Mr. Hansen of Idaho.
Mr. Murphy of Illinois with Mr. Hammerschmidt.
Mr. Bingham with Mr. Don H. Clausen.
Mr. Brasco with Mr. Hillis.
Mr. Davis of Georgia with Mr. Archer.
Mr. Breaux with Mr. Hosmer.
Mr. Evins of Tennessee with Mr. McKay.
Mr. Badillo with Mrs. Schroeder.
Mr. Ford with Mr. Bafalis.
Mr. Jones of Tennessee with Mr. McEwen.
Mr. Holifield with Mr. Mills.
Mr. Harrington with Mr. Kuykendall.
Mr. Rees with Mr. Quillen.
Mr. Podell with Mr. Pritchard.
Mr. Roncalio of Wyoming with Mr. Buchanan.
Mr. Shipley with Mr. Pettis.
Mr. Stark with Mr. Robison of New York.
Mr. Stokes with Mr. Culver.
Mr. Tiernan with Mr. Skubitz.
Mr. Pepper with Mr. Traxler.
Mr. Passman with Mr. Wiggins.
Mr. Nedzi with Mr. Young of Florida.
Mrs. Mink with Mr. Wydler.
Mr. Biaggi with Mr. Young of Alaska.
Mr. Carey of New York with Mr. Steele.
Mr. Clay with Mr. Foley.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2893, NATIONAL CANCER ACT AMENDMENTS OF 1974

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2893) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 24, 1974).

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before us now is on S. 2893, the National Cancer Act Amendments of 1974. This bill provides a 3-year extension through 1977 of our national cancer program. It originally passed the House on May 2, 1974, by a vote of 390 yeas to 1 nay and the Senate on March 26 by a vote of 89 yeas to 0 nays. The two bills which passed were very close to identical and I can report to you that we have succeeded in working out a very reasonable set of compromises in the conference. The House bill originally authorized $2.765 billion. The Senate bill authorized $2.786 billion, only $21 million more. This small difference we split.

The conference report is otherwise similar to the House bill except for the following changes. The Senate bill called for a large new program of Pap tests and we compromised with the Senate by requiring in the conference report appropriate trials of such programs since we were not aware of answers to questions concerning how, how often, and for whom these programs should be conducted. The Senate bill required that the Senate advise and consent on the Director of NIH and the conference adopted this provision for directors appointed after enactment of this act since officers of the Department of comparable rank are also subject to Senate advice and consent. The Senate bill contained a provision which was not included in the House similar to the expiring provision in section 601 of the Medical Facilities Construction and Modernization Amendments of 1970, and the conference report adopted a compromise position by removing the expiration date from such section 601.

Finally, the Senate bill required the establishment of a permanent Presidential Biomedical Research Panel which was not called for in the House bill. The conference report again contains a compromise which establishes such a Panel with a life of only 18 months and a mandate that the Panel study during its life policy issues concerning the NIH and make recommendations on them to us.

You all know of the importance of the cancer program and I think you are all aware that the House and Senate bills were quite close in their original provisions. This is a good conference report which will allow this vital program to continue, and I urge its adoption.

Mr. CARTER. Mr. Speaker, I just wish to say that I strongly support this conference report. I think it is much needed.

The particular subject which means so much to me and other members of the committee is the finding of the cause, prevention and cure of cancer in its various forms. In the past 10 years, we have seen great progress made in this direction. Victims of this insidious disease now stand a much greater chance of survival. From 70 to 90 percent of the victims of Hodgkin's disease are now cured.

One eminent physician, whose specialty is in the field of leukemia, has been able to secure remissions in 50 of 100 youngsters attacked by lymphatic leu-

kemia. Mr. Speaker, only 10 years ago few if any of these children would have survived as long as 2 months.

I submit that the cost may be considered by some to be heavy—over $600 million per year. But actually, this is a small price to pay for the good which has been accomplished. This cost per year is approximately one-half of the cost of a Trident submarine. I support construction of this submarine, but I support even more strongly the attack which has been launched against cancer.

Already, great gains have been made for the sake of those who are suffering from this dread disease. Let us not be penurious—neither would I ask that we be wasteful. We must persevere, we must authorize and appropriate every cent which can be used to conquer cancer.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I urge the adoption of this report. It is a good one, and it will help in the fight against cancer.

Mr. Speaker, I rise in support of the conference agreement on the National Cancer Amendments of 1974. This measure is essential to the continued progress of the assault on cancer, the second leading cause of death in the United States today.

This legislation would do two things: It would revise and extend the programs under the National Cancer Act for 3 years, and it would establish a Biomedical Research Panel to advise the President on policy issues respecting biomedical and behavioral research conducted and supported by the National Institutes of Health and the National Institute of Mental Health.

Title I of the conference agreement would revise and extend the cancer program, and it is virtually identical to H.R. 13053, which passed the House by a vote of 390 to 1 on May 2, 1974. The only substantive addition is a provision which would permanently prohibit the impoundment of appropriated health moneys.

Title II of the agreement would establish the President's Biomedical Research Panel. The Senate-passed bill would have mandated the establishment of a permanent five-man panel which would monitor the development and execution of biomedical and behavioral research programs of the NIH and NIMH to insure the continued excellence of Federally sponsored research. The House bill contained no such provision, although the committee report expressed serious concern about the dramatic shift in balance among NIH programs, particularly in the support of certain categorical disease areas at the expense of others. The compromise would provide for a seven-man panel to review, assess, identify and make recommendations to the President and the Congress on policy issues concerning the organization and operation of biomedical and behavioral research conducted and supported under the programs of the NIH and the NIMH. The Panel would terminate 18 months after the appointment of its members.

Mr. Speaker, since the passage of the original Cancer Act in 1971, we have made great progress in the control of cancer. We are beginning to unlock the mysteries behind this dread disease. I urge the wholehearted support of every member of this body for this program.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2830, NATIONAL DIABETES MELLITUS RESEARCH AND EDUCATION ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2830), an act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 25, 1974.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before us today is on S. 2830, the National Diabetes Mellitus Research and Education Act of 1974. This legislation would provide new support for research on diabetes. The bill originally passed the House on March 19 by a vote of 380 yeas to 6 nays and the Senate by a voice vote. The original House bill authorized a total of $22.5 million and the original Senate bill authorizes a total of $62.5 million. This compromise authorizes $40 million, which is a little closer to the House figure than the Senate.

The conference report generally reflects the House bill except that the following changes were made. Both bills call for the preparation of a diabetes plan by a national commission with the House bill allowing 7 months for the preparation of the plan and the Senate bill 9 months. These provisions follow the House bill except that the Commission is allowed the Senate's 9 months in which to prepare the plan. Requirements for the plan were added to the House provision from the Senate bill including a requirement for a balance of basic and applied research, a requirement that the plan speak to diseases related to diabetes and a requirement that the plan give attention to disseminating knowledge of diabetes. The Senate bill required a new program of diabetes prevention and control which was not contained in the House bill. As a compromise the conference report adds diabetes to the diseases for which existing disease control programs are responsible. The Senate bill required the establishment of an Interagency Technical Committee on Diabetes to coordinate Federal diabetes activities and the conference report adds this coordination function to the responsibilities of a diabetes coordinating committee which was contained in each bill.

Finally, the Senate bill required the establishment of an Associate Director for Diabetes in the National Institute of Arthritis, Metabolism, and Digestive Diseases, a provision not contained in the House bill. The conference report authorizes but does not require the establishment of such a position.

This is important legislation which has had overwhelming support in the Congress, and I can assure you that the conference report which you have before you is a reasonable compromise between the House and Senate bills. I urge your support for it.

Mr. CARTER. Mr. Speaker, I strongly support the conference report.

It is essential that we focus greater attention on this particular disease which affects so many of our people. Expanded research, training of professional people in diagnosis and treatment, and dissemination of information will provide meaningful and constructive advances in this area of great concern.

I am particularly interested in section 435(a) since this was an amendment offered to establish 15 diabetic centers throughout the United States to study the causation, detection and treatment of diabetes. I feel that it will be extremely helpful in training physicians and allied health personnel in the problems of diabetes.

I strongly support the legislation.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am happy to yield to the distinguished gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am grateful to the distinguished gentleman from Kentucky, both for the leadership he has exhibited on this bill and for his yielding of time to me.

There is one question that I would like to ask of the distinguished gentleman from Kentucky and the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS). In the report of the managers, item No. 6, the diabetes plan on page 9 of the statement of the managers indicates that the requirement in the House amendment that the plan contain proposed Federal, State, and local programs for the screening and detection of diabetes and continuing counseling and education of doctors and diabetics—and their relative—was deleted by action of the conference. I wonder if it is possible to get an explanation as to why that particular

item was deleted. Perhaps as importantly, what is the intent of the conferees insofar as attempting to insure that that concept of training medical personnel as well as families is done appropriately within the framework of this legislation?

Mr. CARTER. May I say to the distinguished gentleman from Wisconsin that I was not a member of the group of conferees, and I do not know why that was stricken. I regret it very much.

I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. In the conference report we decided the two terms were redundant, and combined them in one. It had the same meaning and carried out the same purposes, and that is the reason that was done.

Mr. STEIGER. of Wisconsin. Am I correct, then, that the distinguished chairman of the Committee on Interstate and Foreign Commerce states that the intent of the conference is to provide that this kind of training, both for medical doctors and families, as well as training and detection, will be authorized and carried forward?

Mr. STAGGERS. The gentleman is correct in his assumption.

Mr. STEIGER of Wisconsin. Mr. Speaker, I must say that this bill has been a long time in coming. I am deeply grateful to the committee for the fact that they were willing to put the time in, bring the bill to the floor, and take it up with the other body. This is a great day for all of us who feel so deeply about the need to expand and enhance our capability in fighting diabetes.

Mr. CARTER. Mr. Speaker, I appreciate the remarks of the distinguished gentleman from Wisconsin. I know of his interest since he himself is a victim of this insidious disease, as are some other Members on this floor at the present time.

It is hoped that through this legislation we will do much to help in detection, determination of cause, and treatment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Iowa.

Mr. GROSS. Why did this go from $22.5 million up to $40 million?

Did we not just pass a bill dealing with cancer wherein there is an authorization for the expenditure of $2.5 billion?

Mr. CARTER. This is a different section of the bill to which the gentleman has referred.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I will be happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman is quite correct. We did pass a cancer research bill. This is the conference report on the diabetes research bill which we have brought up now.

I think the gentleman has answered the question that was asked. This is, I would say, a compromise between what the Senate had provided in its bill, which was $62.5 million, and what we had provided, the figure of $22.5 million. This figure we are speaking of here is closer to the House bill than it is to the Senate appropriation. We had a conference, and that is the reason for the difference in the amounts of money.

Actually, I am not so sure but what the other body is nearer to the fact than we are, and that $62 million is closer to what is really needed. We started out with a smaller figure, and we were willing to compromise. We are ready to compromise in every conference; that is the reason for having a conference.

Mr. GROSS. Mr. Speaker, if the gentleman from Kentucky will yield further, the Senate authorized $45 million, not $62 million. According to the report, they authorized $45 million. We brought the House figure up from $22 million to the conference figure of $40 million.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield further, I am afraid the gentleman from Iowa has been reading from the lower part of the page, the section on "Diabetes research and training centers." If the gentleman will look just immediately above that section, he will find it says, "Diabetes prevention and control program, and it contains the figure of $17.5 million, which is added on to come up to the $62 million.

Mr. Speaker, that is the reason for the compromise.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge support of this conference report.

Mr. Speaker, I rise in support of the conference agreement on the National Diabetes Mellitus Research and Education Act, which would amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

This measure would establish a 17-member National Commission on Diabetes to formulate a long-range plan to combat diabetes mellitus and submit a proposed budget and final report to the Congress within 9 months after its establishment. It would also provide funding for diabetes research and training centers, located geographically on the basis of population density and in environments with proven research capabilities. The Secretary of Health, Education, and Welfare may establish a new position of Associate Director for Diabetes within the National Institute of Arthritis, Metabolism, and Digestive Diseases who would be responsible for programs with regard to diabetes mellitus within the Institute.

Mr. Speaker, the needs for persons with diabetes in the United States are not being met at the present time. Diabetes affects directly approximately 10 million Americans and is the fifth leading cause of death from disease today. Our lack of knowledge and our inability to prevent or satisfactorily treat the disease itself or the complications thereof emphatically underscore the crucial importance of an expanded research program on and related to diabetes. The Commission which would be established by this measure would be charged with presenting a plan with specific recommendations for the use and organization of national resources to combat diabetes.

Mr. Speaker, I urge the unanimous support of this body for this important measure.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I thank the gentleman for yielding.

I am as much interested in economy as the gentleman from Iowa (Mr. GROSS). But let me say there are many, many ways to save money that are meritorious and sometimes it happens we should spend money in the broader sense of investing in better health for our people.

As to the priorities in Federal expenditures, I suppose national defense should be given top consideration—but near the top of everyone's list of priorities should be expenditures for medical research. Diabetes mellitus is a dread killer disease.

The last matter the House considered was the conference report on the National Cancer Act. We all know how important it is to improve the national cancer program. Diabetes is just as serious and an equally dread disease. We never think how deadly it is until it attacks some relative or close friend. Before the victim realizes it, he is in a stage of diabetes that is incurable.

There is much that can be done to control diabetes if we have the money to research the cures and the money to educate those who are victims or potential victims. The time is past that we can rely on voluntary contributions of the United Fund or any other voluntary contributions to control diabetes. It cannot be done by these agencies alone.

Mr. Speaker, I am going to ask for a roll call vote on this conference report so that we may see which of the Members believe that medical research belongs at the very top of our priorities.

Finally, Mr. Speaker, diabetes mellitus is a major health problem that affects as many as 10 million Americans directly and as many as 50 million Americans indirectly. It has been established that there is a tendency to develop diabetes mellitus and to pass it on to one's children or grandchildren or both. Diabetes is a family of diseases that has an impact on all of the biological systems of the human body.

It may be difficult for the casual observer to appreciate and understand the facts that diabetes is the fifth leading cause of death from disease and is the second leading cause of blindness.

There should be no mistake about it that diabetes significantly decreases life expectancy. There is a respectable body of evidence that shows that the prevalence of diabetes has increased within the past decade.

What this measure is about is to im-

prove the understanding among our citizens of the nature of the impact of diabetes and to provide for better methods of diagnosis and treatment. The establishment of reasonable diabetes research and training centers throughout the country is essential for the development of information and therapies to deal with diabetes.

Mr. Speaker, overall the conference report which accompanies S. 2830 should be adopted without a dissenting vote. Early detection, proper control, patient education, and research are some objectives of Federal expenditures which should enjoy the highest priority.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wish to say that I want to compliment not only the committee, but I want to compliment the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Michigan (Mr. VANDER JAGT). I wish to thank them for their interest in this bill and for proposing it to the committee. I wish also to thank all those Members who have worked on this committee in fighting against this disease. This is a disease which we have neglected too long during the history of our Nation. I think it is time we pay more attention to the prevention of diabetes.

Mr. Speaker, I urge the conference report be adopted, and I ask for a unanimous vote in the affirmative.

Mr. HEINZ. Mr. Speaker, I rise to urge my House colleagues to give their strongest support to S. 2830, "The National Diabetes Mellitus Research and Education Act."

This bill is the final version of H.R. 8194, which I cosponsored on May 29, 1973. It is the product of more than a year's work, first in the Public Health and Environment Subcommittee, then in conference committee. As a member of the House Health Subcommittee, I am proud of my part in shaping this legislation.

With as many as 10 million Americans afflicted with this disease, a strong, well-coordinated national research effort on diabetes is overdue. For too long, this disease has been given short shrift by the leadership of the National Institute of Health. Incredibly, 325,000 new cases of diabetes are diagnosed each year. But, despite the fact that this disease is now known to be an underlying or contributing cause of other illnesses such as heart disease, stroke and kidney disease, and is the second leading cause of blindness, only one-half of 1 percent of the NIH budget has been earmarked for diabetes research. This totals a mere $1.25 per diabetic per year.

The enactment of this legislation, however, will allow us to change this shocking misallocation of health research resources. "The National Diabetes Mellitus Research and Education Act" will establish under the NIH Director a new National Commission on Diabetes. This "blue ribbon Commission" would be charged with formulating a coordinated, comprehensive research plan designed to combat this complex disease. Furthermore, the measure provides for the establishment of new centers for diabetes research and training. These centers shall also provide information services and training programs to physicians and allied health personnel in advanced methods of diagnosing and treating diabetes.

I salute the members of the Public Health and Environment Subcommittee for taking the initiative to develop this badly needed legislation. In addition, however, sincere congratulations and thanks must go to a fine gentleman from my own State of Pennsylvania, Carl Stenzler.

Mr. Stenzler is, in many ways, a unique man. As chairman of the Pennsylvania Commonwealth Committee on Diabetes and Blindness, and as a diabetic for nearly 50 years, he has been in a good position to attest to the need for a national research effort to eradicate this disease. And from this position, Mr. Stenzler has generated a first-class, citizen lobby for a National Diabetes Research Act. So, while I am proud today of my role in this legislation and I compliment the Health Subcommittee on its work on S. 2830, my strongest commendation and congratulations go to Carl Stenzler. Without his determination, his long hours and his perseverance in spearheading the national effort to combat diabetes, I doubt that the House of Representatives would be voting today on this important legislative initiative.

Mr. Speaker, as a salute to Carl Stenzler, I would like to include in the RECORD at this point an article which details the hard work that Mr. Stenzler invests in his battle against diabetes. While he is a diabetic and has been for half a century, his battle is not a selfish, personal one. Rather, he fights for those of the younger generations who face the threat of living their entire lives with this complex and often deadly disease.

I urge all Members to carefully read this April 20, 1974, Philadelphia Inquirer article about Carl Stenzler—the one man who has made a difference. I am certain that the House will then overwhelmingly approve S. 2830, "The National Diabetes Mellitus Research and Education Act."

The article follows:

DIABETIC SHAKES UP SACRED COW, WINS CONCESSIONS

(By William Vance)

WASHINGTON.—Because he is alive at age 60, has all his limbs and can see with the aid of glasses, Carl Stenzler refers to himself as "sort of a freak."

Like about 8 million other Americans, only about half of whom know it, Stenzler is a diabetic.

Unlike most, he has lived with the disease 50 years. By his own reading of the medical odds, Stenzler figures he should have said good-by to this world 15 or 20 years ago.

Or, if not death, then blindness, a stroke, gangrene and subsequent amputations, or any of the other relentless and lethal companions of this common but still mysterious and incurable disease should have touched him.

Stenzler, who lives in Elkins Park, a Philadelphia suburb, showed up in Washington this week to talk about the awful odds of diabetes and to raise a little hell with the Federal health bureaucracy for not paying more attention to it.

He came with an impressive array of medical talent—some of the physicians he has recruited as chairman of Pennsylvania's Commonwealth Committee on Diabetes and Blindness—and a few others, all experts in fields related to the disease.

CONCERNED LAYMAN

Stenzler is not a doctor. He is a former clothing manufacturer who describes himself on the committee roster simply as "concerned layman."

In that job, handed to him two years ago by Gov. Milton Shapp, Stenzler has put together what amounts to a national diabetes lobby.

This week that lobby did something that almost nobody ever does. Armed with more statistics than anyone could digest at one sitting, Stenzler and his allies confronted one of the government's most sacred cows—the National Institutes of Health—and challenged its policies and priorities for combatting diabetes.

Before it was over, the cow blinked.

Stenzler's complaint is that NIH, a $1.8 billion-a-year health conglomerate that spearheads Federal medical research, is investing pathetically small sums in diabetes research—contrary to the intent of Congress—and has failed to coordinate the effort among its myraid institutes.

MEDICAL MUSCLE

The complaint is generally shared by the team Stenzler called together for the lobbying blitz at the sprawling NIH complex in Bethseda, Md.

Among them are Dr. Robert F. Bradley, medical director of Boston's Joslin Clinic; Dr. Richard A. Field, senior scientist of the Retina Foundation and associate professor of medicine at Harvard Medical School; Dr. Addison Scoville Jr., president of the American Diabetes Association; Dr. Christian R. Klimt, professor at University of Maryland School of Medicine and coordinator of a university group diabetes program; Dr. Irving Kessler, of the department of epidemiology; Dr. Arnall Patz, professor of ophthalmology at Johns Hopkins university.

It was an overwhelming show of medical muscle, and Dr. Robert Stone, director of NIH, and officials of four NIH institutes did more listening than talking.

OUTKILLS CANCER

Stenzler has devoured mountains of information about diabetes. He buttressed his arguments with awesome statistics which even some doctors had missed. Examples:

Diabetes kills 200,000 more people each year than does cancer.

Between one-fourth and one-third of all deaths officialy attributed to heart disease are caused by diabetes.

The life span of a diabetic is one-third shorter than that of a nondiabetic. The average lifespan after onset of the disease is about 18 years.

The number of known diabetics doubled between 1960 and 1970, and the rate of diabetes is increasing about 10 percent a year.

Diabetes will blind about 685,000 of today's diagnosed diabetics. Most of them will not be able to learn braille because diabetic neuropathy destroys sensitivity in the fingertips.

NIH officials, unaccustomed to being cross-examined, reacted sharply to assertions that they had ignored a Congressional mandate

to devote "a significant portion" of increased appropriations to diabetes research.

GROSSLY INADEQUATE

"Get your facts straight," snapped Dr. Ronald Lamont-Havers, deputy director of the National Institute of Arthritis, Metabolism and Digestive Diseases, which has primary responsibility for diabetes.

The agency increased its spending from $7.9 million to $10.9 million this year, he said.

"Grossly inadequate," Stenzler retorted, pointing out that more than $1 million of the increase came with the release of impounded funds, and the rest from an $18.6 million budget increase.

After more than an hour of talking, Stenzler and his medical lobby had won a few tentative concessions.

Dr. Theodore Cooper, head of the Heart and Lung Institute, acknowledged that he probably had erred in not giving diabetes more recognition. Only a fraction of that agency's $303 million budget goes into grants for vascular-diabetes research.

"You're dissatisfied with the amount of money, and I'm dissatisfied," said Cooper. "We're with you, Carl. We want to team up with you, but we have to have good applications, good ideas. I won't fund crap—I want to make that very clear to you."

A MODEST SUCCESS

They shook hands on it, and Stenzler told his companions later that he felt the mission was a modest success if for no other reason than getting some fresh air into the rarified atmosphere of the NIH.

"We've got them talking to each other, and that's important," he said. "I think they're aware, for the first time that someone is looking over their shoulders and that they're going to be held accountable."

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken.

Mr. RANDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 4, not voting 74, as follows:

[Roll No. 367]

YEAS—356

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Arends
Armstrong
Ashbrook
Aspin
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Railsback
Randall
Rangel
Rarick
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Traxler
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Collins, Tex.
Crane
Landgrebe
Symms

NOT VOTING—74

Andrews, N. Dak.
Archer
Ashley
Badillo
Bafalis
Biaggi
Bingham
Brasco
Breaux
Buchanan
Carey, N.Y.
Carney, Ohio
Chappell
Clausen, Don H.
Clay
Collier
Culver
Davis, Ga.
Diggs
Dorn
Evins, Tenn.
Foley
Forsythe
Giaimo
Grasso
Gray
Green, Pa.
Gunter
Hammer-schmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hawkins
Helstoski
Hillis
Holifield
Hosmer
Jones, Tenn.
Lott
McEwen
McFall
McKay
Macdonald
Mills
Mink
Mitchell, Md.
Murphy, Ill.
Nix
Pepper
Pritchard
Quillen
Rees
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Roybal
Schroeder
Shipley
Sikes
Skubitz
Stark
Steele
Stokes
Stuckey
Tiernan
Udall
Waggonner
Wilson, Charles H., Calif.
Wydler
Young, Alaska
Young, Fla.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Helstoski.
Mr. Rooney of New York with Mr. McFall.
Mr. Chappell with Mr. Reid.
Mr. Giaimo with Mr. Andrews of North Dakota.
Mrs. Grasso with Mr. Hanna.
Mr. Green of Pennsylvania with Mr. Biaggi.
Mr. Carey of New York with Mr. Mitchell of Maryland.
Mr. Macdonald with Mr. Gunter.
Mr. Nix with Mrs. Hansen of Washington.
Mr. Roybal with Mr. Pritchard.
Mr. Charles H. Wilson of California with Mr. McEwen.
Mr. Waggonner with Mr. Dorn.
Mr. Murphy of Illinois with Mr. Lott.
Mr. Bingham with Mr. Hammerschmidt.
Mr. Brasco with Mr. Forsythe.
Mr. Davis of Georgia with Mr. Archer.
Mr. Breaux with Mr. Hosmer.
Mr. Evins of Tennessee with Mr. McKay.
Mr. Badillo with Mr. Gray.
Mr. Jones of Tennessee with Mr. Robison of New York.
Mr. Holifield with Mr. Mills.
Mr. Harrington with Mr. Quillen.
Mr. Rees with Mr. Hillis.
Mr. Roncalio of Wyoming with Mr. Bafalis.
Mr. Shipley with Mr. Skubitz.
Mr. Stark with Mr. Collier.
Mr. Stokes with Mr. Hawkins.
Mr. Tiernan with Mr. Buchanan.
Mr. Pepper with Mr. Hansen of Idaho.
Mr. Diggs with Mr. Culver.
Mr. Ashley with Mr. Steele.
Mrs. Mink with Mr. Don H. Clausen.
Mrs. Schroeder with Mr. Sikes.
Mr. Clay with Mr. Foley.
Mr. Carney of Ohio with Mr. Udall.
Mr. Stuckey with Mr. Young of Florida.
Mr. Wydler with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two conference reports just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE RETIREMENT OF ADM. TOM MOORER

(Mr. NICHOLS asked and was given permission to address the House for 1

minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, last week, my wife Carolyn and I attended the retirement ceremonies for Adm. Tom Moorer, a great Alabamian and an outstanding American.

This was one of the most impressive and moving ceremonies I have ever attended and I only wish that every Member of this body could have attended.

Over the many years, Alabama has had more than her fair share of great military officers in all the branches of the armed services but never before has an Alabama officer attained the highest position offered in the military, Chairman of the Joint Chiefs of Staff. I personally will miss Tom Moorer for he has not only been a good friend but a trusted adviser and counsel.

For the reading of those Representatives unable to attend this stirring and inspiring ceremony, I am submitting for the RECORD of this House a copy of an article from the July 3 edition of the Birmingham News about the retirement ceremony. In addition I am including the statements made at the ceremonies by Secretary of Defense Schlesinger, Vice President FORD, a copy of a personal letter to Admiral Moorer from President Nixon and the remarks by Admiral Moorer. I do hope that all of my colleagues will take an opportunity to read these fine statements about a man who has dedicated his life to the protection of American freedom and liberty.

[From the Birmingham News, July 3, 1974]

RETIRING ADMIRAL MOORER LAUDED BY FORD AT SPECIAL REVIEW

(By James Free)

WASHINGTON.—Admiral Thomas H. Moorer, whose four years service as chairman of the Joint Chiefs of Staff makes him the highest-ranking military officer ever produced by the State of Alabama, has been retired after 41 years of active duty, with the thanks of top officials of a grateful nation.

Vice President Gerald Ford told a gathering of several thousand at a special retirement review at nearby Andrews Air Force Base Tuesday afternoon that he had made a point of being present. "I deeply desired to pay tribute to Tom Moorer as a personal friend", said Ford, himself a former reserve officer in the Navy.

Secretary of Defense James R. Schlesinger said that Moorer has earned the admiration of thousands of service men who served under him, the esteem of his colleagues in the Department of Defense and the gratitude of the American people.

And Secretary Schlesinger read a personal letter to Moorer from his commander-in-chief, President Richard M. Nixon.

Nixon wrote that "since the early days of the Republic Americans have been blessed with leaders of stature, men dedicated to the principle of service and freedom . . . Your place among such leaders is assured.

"Your example of courage and unswerving devotion to duty will long serve as an inspiration to all who would share the responsibilities of national and military leadership."

At the bottom of the typewritten letter, the President added in his own handwriting: "In a personal sense, I want you to know how much I have appreciated your courage and loyal support in some pretty tough situations".

"Mrs. Nixon joins me," the President concluded, "in expressing our affection for your lovely wife."

The colorful "special joint service retirement review" was held at midday in giant hanger number one at Andrews AFB. Temporary stands for invited guests—from the military services, from the government, representatives of foreign nations, the Congress, and friends of the Moorers—were set up on one side. Units from all the armed services, led by the Army Band, marched in and lined up on the other side.

Moorer, in Navy summer white dress uniform, entered to the accompaniment of a 19-gun salute. He walked down the line of assembled troops on a final inspection before the speaking program began.

Prior to his own remarks, Secretary of Defense Schlesinger presented Moorer with the only oak leaf cluster ever awarded with the Department of Defense Distinguished Service Medal. And along with it, Schlesinger pinned on Distinguished Service Medals from both the Army and the Air Force.

All of these were for extraordinary service and occomplishments as Chairman of the Joint Chiefs of Staff during what President Nixon referred to as "some pretty tough situations."

Vice President Ford said that Moorer has "added strength, dignity and feasibility to the military services . . . he deserves an accolade of 'well done' for accomplishments during difficult and terrible times."

These "times" included the final years of the Vietnam War, drastic reduction in U.S. armed services, the end of selective service and the start of the all-volunteer forces.

Moorer's remarks were, to a large extent, addressed to his associates in uniform. But he did have three points of emphasis to the people generally. One was the "will and determination of the American people that stands out in times of stress such as the Japanese attack on Pearl Harbor. This will" the Alabamian said, "must not waver."

Then, observing that "while we all hope and strive for a relief from the burden of maintaining a strong defense posture, let us not forget that wars result from weakness and not from strength."

Thirdly, Moorer commented that somehow the question of whether the United States really has civilian control of its armed forces continues to be raised. "I have never seen, I have never heard, any member of the armed services that does not believe completely and fully in civilian control," he said.

The Moorers will remain in the Washington area for the time being, with one of his first retirement chores being to put in order the official papers of his years as Chairman of the Joint Chiefs and earlier as Chief of Naval Operations. Later, they plan to make their permanent home in Alabama.

REMARKS AT ADM. THOMAS MOORER'S RETIREMENT CEREMONY, ANDREWS AIR FORCE BASE, TUESDAY, JULY 2, 1974

Secretary of Defense Schlesinger: Mr. Vice President, Secretary Clements, Admiral Moorer, Secretaries of the Military Departments, Members of the Joint Chiefs of Staff, distinguished guests, we come together here today to represent both the components of the Department of Defense and the American people. In an expression of gratitude to a man who has devoted more than 45 years of his life to the service of his country. Admiral Tom Moorer's naval career has run a course from a "plank owner" aboard the cruiser USS NEW ORLEANS in 1934, where he served in the gunnery and engineering departments from the day of her commissioning to the highest military office in the land which he now prepares to relinquish.

His career has included service aboard cruisers and aboard aircraft carriers, in fighter squadrons, in patrol squadrons, and in sea plane tenders. He has commanded bombing squadrons and carrier divisions. And for the past two years he has been holder of the Navy's Gray Eagle Trophy as the naval aviator with the longest flying service. He is the only naval officer ever to serve as commander-in-chief of the Atlantic and the Pacific fleets.

Admiral Moorer's service includes action in key events in our recent history. He was at Pearl Harbor on the 7th of December, 1941. As a matter of historic record, he piloted the first PBY to become airborne after that attack. His service in combat almost took a very different and tragic turn soon afterwards. For two months later, while piloting a patrol plane near Darwin, Australia, he was attacked by Japanese aircraft and his own patrol plane was shot down. The odds were not with him that day. The ship which rescued him was sunk by enemy action that very same day.

Admiral Moorer, two Presidents and five Secretaries of Defense, have sought and valued your wise counsel.

In the two terms as Chairman of the Joint Chiefs of Staff and as Chief of Naval Operations, you have played a steady role in the continuing effort to maintain the military strength of the United States as second to none.

Your lifetime of distinguished service has earned for you the admiration of those who follow in your footsteps, the esteem of your colleagues and the gratitude of your nation. I am personally most appreciative for the loyal support and assistance you have so generously provided to me and to Bill Clements during the past twelve months. We all recognize that you will continue to take an active interest in matters of national security and we are sure that there will be occasions when your wealth of experience and wisdom will be called upon by your Government.

I can recall a Navy slogan of some years past that read: "United States Navy—Mark of a Man." It seems appropriate to recall that slogan today as Admiral Moorer leaves active duty. I salute you, Admiral Moorer, as a great officer and statesman. You have earned forever your country's respect, its confidence and its gratitude. As Secretary of Defense, and as an American, I can only say, "Thank you."

Tom, I have a personal letter for you from the President. I would like to read a portion of that letter at this time.

"Dear Tom:

"On the occasion of your retirement from the Navy, I welcome this opportunity to express to you my profound gratitude for your distinguished service to our Nation. Since the earliest beginnings of our republic, Americans have been blessed with leaders of stature, men dedicated to the principles of service and to freedom. Your place amongst such eminent leaders is assured. Your personal examples of courage and unswerving devotion to duty will long serve as an inspiration to all who would share the responsibilities of national and military leadership.

"In a personal sense, I want you to know how much I have appreciated your courageous and loyal support in some pretty tough situations. It is therefore, with a special sense of gratitude, that I extend to you now on behalf of your many friends and colleagues and a thankful Nation my warm and heartfelt wishes for every success and happiness in the years ahead.

"Sincerely,

"RICHARD NIXON."

And now, ladies and gentlemen, I have the very great pleasure in presenting to you on this occasion the Vice President of the United States.

REMARKS BY VICE PRESIDENT FORD

Vice President Ford: Secretary Schlesinger, Secretary Clements, Admiral Moorer, distinguished members of the Department of Defense civilian and military, friends and guests of Admiral Moorer. It's a very great

personal privilege and a very high honor for me to have the opportunity to participate in this retirement ceremony. I can say that because I deeply desired the opportunity to pay tribute to a personal friend, Admiral Moorer. I also wanted to pay proper tribute and respect to a man for 41 years who has added strength, and dignity and stability to the military services of the United States.

Obviously, all of us who are here wanted to pay tribute to a person whose military career, his service in the Navy, has been exemplary. One's reading of this career should certainly indicate that Admiral Moorer, from the beginning to today, has done nothing but the best and deserves the highest Navy accolade of "well done."

It has been mentioned that Admiral Moorer has served in positions of great responsibility during some very difficult and very perilous times. The Secretary of Defense has indicated that he is the only person who has ever commanded both the Atlantic and the Pacific fleets. I think it might be worthwhile to mention that Admiral Moorer was in a position of highest responsibility in the military at the time the decision was made in the war in Vietnam to Vietnamize forces in South Vietnam, a job that was most difficult to accomplish and a difficult assignment under the circumstances that prevailed at that time. I congratulate you, Admiral Moorer, for giving the leadership in this very hard and serious responsibility.

It should also be mentioned that Admiral Moorer was our top military officer at the time the decision was made to move from Selective Service to an All Volunteer military force. Again, it called for tremendous leadership, tremendous guidance, because we were going from an era of almost 25 or 30 years to a period with somewhat uncharted seas. But Admiral Moorer, as he has always done, took on the task, gave it the leadership and guidance that has made it a success.

Probably the highest accolade that can come to Admiral Moorer is the fact that in recent weeks those in the military in not one, but several poles, have been recognized by the American people as that segment of our society that is most highly thought of. A career that was admired the most by a majority of the American people. It is my judgment that Admiral Moorer's example, his record, everything he has done has convinced the American people that he and those in the military deserve this accolade and these plaudits.

And, Tom, let me conclude by saying those of us who have known you will miss you as the leader among the military. Those of us who have known you as a friend will miss your wise counsel and sound advice. We wish you the very best and hope and trust that after you have had a deserved rest you will somehow come back and give us additional advice and counsel in the difficult days ahead. Congratulations and Godspeed.

REMARKS BY ADMIRAL MOORER

Admiral Moorer: Mr. Vice President, Secretary Schlesinger, Secretary Clements, members of the Joint Chiefs of Staff, very distinguished guests and in particular the dedicated men and women of the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard in the United States forces deployed around this globe. As has been said before it's been some time since I took the oath of office and donned my first uniform. And certainly in my wildest dreams I did not anticipate at that time that I would pass a major milestone in my career that is this retirement in the presence of the Vice President, the Secretary of Defense, the Deputy Secretary of Defense as well as so many national leaders in all branches of our Government that are warm friends as well. For this I am highly honored and I am deeply grateful. And, Mr. Vice President, I would ask you please to convey to the President my warm appreciation for those very generous words that were read by Dr. Schlesinger.

As has been said in 19 February 1942, I faced in combat what proved to be a major crisis in my life. I vowed at that time if the good Lord permitted me to survive that I would never look back but would in the future face each major problem as if it was an anticlimax to what had gone before. This I have done through three difficult wars and during many difficult times in our Nation's history. And with clear conscience I can say that I always supported the things I thought were right and I opposed the things that I thought were wrong as viewed in terms of what I thought was best for the people of the United States rather than what was best for me. I apologize to no one, as to the positions I have taken on the critical issues of the times. And as the years have sped by, while participating in meetings of the National Security Council, discussions with the President, working closely with seven Secretaries of Defense, meeting hundreds of times with the Joint Chiefs of Staff and testifying before the Congress frequently, I have had a very unique opportunity to observe the crisis management as well as the less time-sensitive but nevertheless far reaching decisions made in our Government.

I must emphasize that the men and women in our Government are dedicated; they are hard-working; they are competent. The people of the country must realize that the problems that are faced at this level are extremely difficult and they do not always have a clear cut yes-and-no answer. Certainly I have enjoyed this experience, and so today as I pass from the real world of rapid decisions and am now planning to enjoy the dream world of sometimes biased and often uninformed opinion, I would like to pass on some observations and conclusions that I have formed in the process.

First, I would like to emphasize the extreme importance of the will and determination of the American people—the will and determination that is perceived by a potential adversary. It is this perception by others that forms the basis for our deterrence and our defense. The Japanese attacked Pearl Harbor because they had reason to believe that our will was weak.

The North Vietnamese, unfortunately assisted by many in our own country, continually sought to break down the will of the American people. This is something which must be watched very carefully and our will must not waiver.

Secondly, while we all hope and strive for a relief from the burden of maintaining a strong defense posture, let us not forget that wars result from weakness and not from strength. To those who charge the United States with provocation as we earnestly endeavored to maintain a strategic balance and they suggest instead that we unilaterally disarm so that others will follow suit, I say that they are charting a course that our country cannot afford to follow. The people of America simply will not accept a position of military inferiority. What is needed here in ths effort is mutual, not unilateral restraint.

Thirdly, I'd like to speak just a word about civilian control—an issue which is continuously raised for reasons unknown to me. I have never seen, I have never heard any member of our armed services that does not believe completely and fully support civilian control. Nevertheless, one day I read that the Joint Chiefs of Staff are weak and are never consulted and the very next day I read that the Joint Chiefs of Staff control the country and are seeking to frustrate the policies of the Commander-in-Chief. I would like as I leave to assure the American people that both of these allegations are nonsense in its purest form. The men in uniform like the Constitution the way it is. And General George Brown, as he took over from me yesterday, expressed this point very clearly and very succinctly.

I would also like to talk briefly about the wonderful young men and women wearing the uniform of our country today, many of whom are destined to be the key military leaders of the future. We are now moving forward with considerable success towards the achievement of an all volunteer force. The Congress, the Secretary of Defense, the Military Services have all done everything possible to make this program a success. I view this program with hope and optimism but at the same time I do know this: the American people cannot have it both ways. They cannot on one hand demean and degrade the military Services as was so popular during Vietnam war and happily has now been reversed as mentioned by the Vice President. But they cannot do this and also take national security for granted. The young men and women in uniform must be recognized, they must be appreciated, they must be made to feel proud. The public must realize that while there are compensations in terms of personal and patriotic satisfaction, the man in uniform does not enjoy the full freedoms of our great democracy. The uniformed services are not democracies and they never will be. The man in uniform does what he is told, when he is told. In short, he gives up his freedoms so all of the other citizens in our country can have theirs. So recognition and appreciation and pride will go a long way towards insuring that we can avoid the legal demand as a means for raising manpower of our armed services.

So as I think of these many things, and several others, as I now retire from active duty, I would say that I certainly leave without regret but with gratitude in my heart. Gratitude first and foremost for having been born American. Gratitude that during this fleeting moment of history I have had the opportunity to play a small part at the highest levels of our Government.

Gratitude that I and my family have maintained our health over so many years. And gratitude above all for the host of staunch friends that I have made worldwide, in and out of Government.

Yesterday I turned over the Chairmanship of the Joint Chiefs of Staff to General George Brown, an old friend and an officer of superb qualifications for this challenging and interesting assignment. George, I wish you and our colleagues who form the corporate body of the Joint Chiefs of Staff all the best and I am confident of the future in your hands.

In closing, let me extend my best wishes to the thousands and thousands of sailors, airmen and soldiers, retired and on active duty, that I have worked with closely, both afloat and ashore for so many years. As a senior commander, I followed their performance, for instance, round by round and sortie by sortie from the Tonkin Gulf to the release of the POWs in January of last year. Eight and a half years of frustrating, inconclusive and restrained battles of confrontations that have appeared to have no end. The fact that morale and professionalism and performance did not sag under those adverse conditions, I think is a true mark of the top quality of the American fighting man.

So finally, if I may express my appreciation to the Joint Staff, who has supported me so well, I would pass on to my family and I would like to pay a well-deserved tribute to my wife and family who have made my life so worthwhile for so many years. It was four years that I said that my wife, Carrie, was the kind of a person that not only made me happy but I think made me successful. She

has never wavered as the demands of my assignments forced me to spend less and less time with our children during their formative years. She has never complained despite 26 moves to many, many different countries, often to inadequate housing and inadequate schools. She has proved for all to see that she is a great American, a lovely lady, a warm friend, an understanding and loving mother and a perfect wife. No man could ask for any more.

And so, Mr. Vice President, I want to say again how much I appreciate your presence and I would say to all, goodbye, good luck and Godspeed. Thank you.

THE PERSECUTION OF REPRESENTATIVE ANGELO RONCALLO OF NEW YORK

(Mr. GROVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROVER. Mr. Speaker, the Members of the House are deeply concerned over the abuses of process and violations of civil and constitutional rights of our colleague, Representative ANGELO RONCALLO which appear to have been perpetrated by highly placed officials of the Justice Department. An excellent investigative report in today's New York Times brings the matter into sharp focus and underscores the need for an in-depth but speedy inquiry so that those who have corrupted justice in persecuting our colleague will feel its proper measure.

The Times story follows:

JUDGE'S DOUBTS ON U.S. ATTORNEY'S PROSECUTION OF RONCALLO ARE FOCUS OF INQUIRY ON DRUGGING OF AIDE

(By Fred Ferretti)

A Federal judge's recurring chastisement of the United States Attorney's office here on the grounds of faulty preparation and mishandling of the extortion case against Representative Angelo D. Roncallo last May has provided a focus for the three-way investigation into the drugging of Assistant States Attorney Peter R. Schlam, the Government prosecutor in the case.

The investigation, by the Justice Department, the Federal Bureau of Investigation and the House Judiciary Committee, is reported to be looking into the possibility that the prosecution panicked at the prospect of losing the case or having it thrown out of court, and thus seized upon the drugging of Mr. Schlam during the trial to charge that he had been the victim of foul play.

Representative Roncallo, an Oyster Bay Republican, was eventually acquitted of the extortion charges and demanded a Federal investigation of what he said was a political vendetta against him by the United States Attorney's office for the Eastern District and by its former acting chief, Edward J. Boyd 5th.

FOUL PLAY SUSPECTED

The Justice Department was called in to investigate the drugging of Mr. Schlam, who failed to appear in court on May 9 in the Roncallo trial. In his place, Assistant United States Attorney Thomas P. Puccio told Federal District Judge Edward R. Neaher that investigation had shown that, "as we all suspected," Mr. Schlam "never has taken any drugs." He also said that "the F.B.I. is now convinced, and we are all convinced, that the—his sickness—was the result of foul play."

However, there was a demurrer from the F.B.I. that speculated, according to sources in the Justice Department, that the drugs either were self-administered or had been administered by Mr. Schlam's father, Dr. Isaac Schlam, a Lindenhurst, L.I., physician. This was denied by Dr. Schlam.

Inconsistencies regarding the events of May 9 and 10—when Mr. Schlam was examined by his father and admitted to a Long Island hospital first as a drug-overdose case and then as an exhaustion case—arose and three investigations were begun. The House Judiciary Committee says its inquiry into the preindictment phase of the Roncallo matter is continuing.

The new United States Attorney for the Eastern District, David G. Trager, asked the Justice Department to investigate not only that aspect of the case, but also events leading to the drugging of Mr. Schlam. Then the F.B.I. said it had at last been asked to participate in the investigation. The F.B.I. had maintained all along, contrary to what Mr. Puccio said in court, that it had not conducted an investigation but had merely done some blood sampling of Mr. Schlam, who is still on Mr. Trager's staff.

Spokesmen for all the agencies say it will be some weeks before their inquiries are finished and their findings are released. In the meantime, Mr. Schlam has declined to respond to queries, as has Mr. Trager, who releases statements through his secretary.

Transcripts of sessions of the trial, which took place in Judge Neaher's chambers, show that the judge was highly critical of the Government's handling of the case.

On May 10 he said he had doubts about the Government's ability to put forth a convincing enough case on the question of extortion, saying: "There really may not be enough to enable a court to rule on the question."

JUDGE IS "ASTOUNDED"

On the same day, one day after Mr. Schlam had reportedly been drugged by foul play, Mr. Puccio suggested that Mr. Schlam's assistant, Robert Katzberg, who "spent quite a bit of time with Mr. Schlam," be "examined today and that tests be taken as far as he is concerned."

Judge Neaher exploded. "Wait a minute," he said. "They ought to at least consult with the court . . . I am a judge of the judicial branch and we have judicial business to conduct. I must say I am astounded by what you say."

Later he added: "I must say I have never seen a case so plagued with problems as this one."

Still later, Judge Neaher said: "I feel this case has been terribly mishandled by the U.S. Attorney's office." After Mr. Puccio argued with him, he said, "This case is either a case or it isn't a case," and added: "I just think it an incredible performance."

Continued arguments by Mr. Puccio brought this from Judge Neaher: "I tell you, this case will certainly go down in history as the most unusually conducted trial of a so-called 'important case' that anyone has ever seen or heard of."

In another aspect of the Roncallo case, the indictment of John W. Burke, Supervisor of Oyster Bay, was quashed by Judge Neaher in Brooklyn last June 24. Mr. Trager said he had not had enough evidence for a conviction. The indictment said Mr. Burke had made a false statement to a grand jury in denying that he had met in 1972 with Mr. Roncallo in East Norwich, L.I., along with two town officials.

Before the case even went to trial, Judge Neaher told the Government attorneys in April that the Government's subpoena was "badly worded" and that the Government had failed to provide any justification for the subpoena.

OTHER THEORIES INVESTIGATED

As the inquiries focus on what the judge deemed a poor case, reports from investigative sources are that the former Acting United States Attorney, Mr. Boyd, now an assistant to Mr. Trager, has been questioned by Justice Department investigators, as have Mr. Schlam and Mr. Puccio.

Judge Neaher's comments have increased in significance, investigative sources say, particularly in light of Representative Roncallo's charge that Mr. Boyd indicted him in a "web of deceit" because Nassau County Republicans refused to nominate Mr. Boyd for permanent appointment as the United States Attorney.

One theory advanced and being looked into, F.B.I. sources say, is whether the Schlam drugging was designed to take the heat off the Government's badly drawn-up case.

QUESTIONS REMAIN

The questions still to be answered are: Was Mr. Schlam's collapse a result of drugs—which were known to be in his apartment—or of exhaustion after taking of the drugs? Did he taken them himself, or did his father administer them? Or was he drugged by some unnamed conspirator? If the drugs were self-administered, why did the United States Attorney say in court that foul play was involved? If no foul play was involved, did the United States Attorney's office knowingly lie to Judg Neaher in open court?

A source in the Justice Department estimates that it will be another month before there will be answers. The House Judiciary Committee, already burdened with the Watergate investigation, has had to give the Roncallo inquiry to one staff member. A committee spokesman said it would be "some time" before it had conclusions on the case.

REES INTRODUCES LEGISLATION TO GIVE FEDERAL RESERVE JURISDICTION OVER ISSUANCE OF BANK HOLDING COMPANY NOTES

(Mr. REES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REES. Mr. Speaker, the Federal banking authorities and the SEC are apparently powerless to stop the major bank holding companies from conducting a massive raid on the Nation's savings markets—thereby siphoning off the funds which support lending to the businessman, the farmer, and the homebuyer, and banking customers seeking personal loans.

Over a billion dollars in super-rate, $1,000 minimum, note issues have been announced thus far by Citicorp, the parent of the First National City Bank, and the Chase Manhattan Corp., holding company for the bank of the same name. According to last Friday's Wall Street Journal, an additional $4 billion is "waiting in the wings" if these financing schemes succeed. These financings are an open invitation for nonbanking business—such as utilities or nationwide retailers to raise capital in the same fashion.

The Citicorp and Chase registration materials are pending at the SEC. The press reports that clearance is expected sometime this week. The securities are cleverly designed to skirt the rate control system and the present rules governing bank holding company activities. The issues carry a floating interest rate which will be readjusted every 6 months. The rate is set 1 percent above the average Treasury bill rates in spe-

cified periods. For the initial 6 months the rate will be 9.70 percent. Since the offerings are made by the holding companies and not the banks themselves, the rate control law is inoperative.

These securities will be sold in $1,000 amounts—following a first purchase of five notes—and are clearly targeted at the small savings account holder. Most significantly, the instruments may be cashed in at full value every 6 months on 30-day notice; this feature exposes the so-called long-term "notes"—15 years for Citicorp; 25 for Chase—as really 6-month savings certificates. Brokerage houses report that the Citicorp issue is already oversubscribed, due, no doubt, to the tremendous publicity these securities have received as well as their attractive terms.

The Federal Reserve has declared that these bank holding company financings are not "in the public interest at this time." In a letter to the SEC last week, Governor Mitchell stated:

> Given the present sensitive state of financial markets and the extent to which savings institutions are already under heavy pressure, the result of the present large offerings—and any other offerings like it, whether issued by bank holding companies or other corporations—can well be to divert the flow of savings from the residential mortgage market and to deprive homebuyers of needed mortgage financing.

However, the Fed concluded that it had "no grounds for objecting, under authority of the Bank Holding Company Act, to the terms of the proposed security issue"; nor could it subject the note issues to the reserve requirements for deposits unless the proceeds could be traced to the banks.

Reportedly, SEC Commissioner Loomis responded to the Fed's letter by saying that the Commission recognizes the ramifications of the bank holding company issues, but "we cannot prevent this registration statement from becoming effective if full and adequate disclosure is made."

This is not the first time that bank holding companies have attempted an end run around rate control and reserve requirements through securities issues. When our committee considered the rate control extension in 1969, we said in House Report 91-755:

> There is a loophole in regulation Q permitting large banks to obtain funds in excess of the ceiling through the bank holding company device. Under this device a bank holding company or its nonbanking subsidiary can issue short-term notes in the commercial paper market at prevailing rates which at the present time are more than 2½ percentage points higher than the regulation Q ceiling. The proceeds can then be channeled by the parent holding company to its subsidiary bank.

In enacting 12 U.S.C. 461(a), we gave the Federal Reserve authority to determine what type of obligations—whether issued by a bank or its holding company—were indeed deposits, at least for reserves purposes. The Fed subsequently defined "deposits" to include obligations of a holding company of 7 years or less, the proceeds of which are used in the banking business.

The present situation differs only slightly from 1969. These notes are supposedly long term—though the semiannual redemption at par feature, as noted above, makes their 15- and 25-year terms highly suspect. And the target audience this time is the retail savings market—not the sophisticated investors in commercial paper.

It may well be a disservice to the public to lure the small saver with these 9.70 percent $1,000 notes. The Treasury bill rate is highly volatile from week to week. Over the past 15 years it has bounced up and down in a range from 2 percent to this year's historic 9 percent. Hopefully, we will not again see the extraordinary rates that the Government had to pay in late April and early May, the averaging period used to determine the 9.70 percent figure. And, the way this formula works, if the rate takes a sudden dip just before the semiannual redemption dates, the 30-day notice provision means that the note holder is "locked in" for another 6 months. These notes, moreover, are not federally insured—though, to the unsophisticated, distinction between Citibank and Citicorp, and Chase Manhattan Corp., and Chase Manhattan Bank is a fine one—nor do they carry the full faith and credit of the United States as do the Treasury bills so prominently referred to in the prospectus. So, over time, the consumer saver might be better served by the generally 5 to 7¼ percent offered by thrift institutions.

More fundamentally, perhaps, is the profound impact which approval of these issues will have on the entire financial system. Bank holding companies already possess enormous financial power. The chairman of this committee recognizes their influence, and the oversight hearings scheduled for the end of July may more fully develop this growing concentration of economic resources.

Consider this data: In 1955, there were 117 bank holding companies, with deposits amounting to about 6 percent of all commercial bank deposits; by 1969, holding companies controlled 57 percent of all deposits in banks; by 1972—the latest year for which I have data—this figure had grown to 61.5 percent. Yet, in 1972, only 19.5 percent of the Nation's 13,927 commercial banks were part of holding companies.

These companies already possess tremendous market power. To permit them to gather in additional deposits under the guise of note issues could threaten the viability of thousands of competing commercial banks, mutual savings banks, and savings and loan associations.

If these funds are destined for the banks themselves, we are permitting a new class of banking institutions totally outside of Federal control and supervision. We would be creating a privileged class of superbanks, infinitely superior in their ability to raise funds from the public and capable of unrestrained expansion and growth.

If, as Citicorp and Chase Manhattan contend, the funds are to be used with their nonbank subsidiaries only, we are permitting capital to be siphoned away from the full range of investment activities of thousands of other commercial banks and the housing-related thrift institutions. These funds will then end up in a selected list of foreign and domestic subsidiaries which provide only limited lending and other services, such as travelers checks and leasing operations.

In my view, we cannot abdicate our responsibilities for orderly control of the banking system to these enterprising holding companies.

Therefore, I am introducing today a bill which would give the Board of Governors of the Federal Reserve clear authority to control the debt offerings of bank holding companies. The legislation is limited to issues with maturities of under 5 years. The language would clearly cover the Citicorp and Chase Manhattan securities, which are, in effect, 6 months in duration. Yet, holding companies, like other business concerns, would not be restrained from raising funds as they have traditionally done in the longer term capital markets.

Further, I would urge my colleagues to give immediate consideration to this legislation. We all know that we are operating under severe time limitations in processing legislation if it is to have any chance of final action in this Congress. Our hearings at the end of this month will explore more fully what may be needed to prevent a recurrence of these events. Hopefully, the hearings will also educate the Congress and the public on the performance of these companies under the Bank Holding Company Amendments of 1970, and lead to appropriate legislation controlling their concentration of economic power. However, if we delay, the damage from these first trend-setting issues will have already been done. As Governor Mitchell pointed out, the loss of $1 billion in deposits will divert funds from other banking and thrift institutions at this particularly difficult period when loans to individuals and businesses are already priced sky-high, and housing is in the depths of a depression.

We cannot risk further disruption in our banking system.

I would therefore ask your immediate support for my bill.

WASHINGTON POST DETAILS DESTRUCTIVE EFFECTS OF HIGH INTEREST RATES

The SPEAKER pro tempore (Mr. McFALL of California). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, the current high level of interest rates once again has thrown the housing market into a severe depression and today thousands of American families are priced out of a chance for decent homes.

The Washington Post, under the byline of James L. Rowe, Jr., is performing an outstanding public service by detailing the problems of the current high interest rate policies pursued by the Federal Reserve. Once again, we have a severe interest rate war underway and the thrift institutions are experiencing a sharp outflow of funds to the detriment of people seeking mortgages.

The problems have been heightened by recent moves by bank holding companies to issue floating interest rate notes—easily redeemable on short notice—at interest rates ranging to 9 percent and more. These notes are a thinly-disguised circumvention of regulation Q which was designed to provide some cushion for the homebuilding industry during the repeated high interest binges of the Federal Reserve.

For almost a decade the Nation has been faced with repeated cycles of high interest policies which have left the Nation with an ever-increasing backlog of needs for housing and community development. These policies have fostered higher and higher housing costs and builders have constructed more and more housing for the affluent—the only ones who can afford the high downpayments and the high monthly charges imposed by the high interest rates.

The result has been greater and greater gaps in housing for low- and moderate-income families. In fact, today, a $20,000 home will require about $40,000 in interest payments over the life of a 30-year mortgage—that is, the homebuyer must pay three times for the same home with two-thirds of the cost coming in the form of interest payments.

Mr. Speaker, here is the way that the Washington Post article by James Rowe puts the situation:

When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new home building before they batten down prices.

Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.

When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

Mr. Speaker, it is obvious that we are going to have to do something about this situation if we are serious about providing decent homes for all Americans on reasonable terms. The Congress cannot afford to allow these repeated boom and bust cycles in monetary policy. Too often in the past public officials have simply lamented the problem without taking definitive action to remedy the situation. Next week—July 16—the Banking and Currency Committee will be opening hearings on monetary policy and its effect on inflation and high interest rates and I am hopeful that these sessions will help point to some new solutions.

Mr. Speaker, I place in the RECORD a copy of the first in a series of articles by Jim Rowe entitled "Fund Crunch Hits Housing Once Again":

FUND CRUNCH HITS HOUSING ONCE AGAIN

(By James L. Rowe Jr.)

Interest rates have skyrocketed to record levels, mortgage funds are drying up and the home building industry is close to chaos.

While the situation seems more tense than usual, the current housing crunch is only the latest installment in a saga that has been played out four times in the last eight years.

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The Department of Housing and Urban Development estimates that the amount of money available for home loan mortgages fell to $14.8 billion in the first three months of the year from $15.5 billion during the last quarter of 1973. "It's safe to say it fell further during the second quarter," said HUD housing specialist Rudy Penner.

Scarce money first strikes at buyers and sellers of older or previously occupied homes. Before they break ground, new-home builders generally get guarantees from a savings and loan or bank that there will be money available for qualified buyers when the homes are built.

But buyers of older homes cannot go looking for financing until they have found the home they wish to purchase. Today, those buyers face not only high interest rates but financial institutions reluctant to make loans because they are husbanding their funds to make good on commitments made to builders months or even years before.

"We've pretty much been out of the market since last July," said Henry L. Bouscaren, senior vice president of National Permanent Federal Savings and Loan, the area's second biggest S&L.

Serious home buyers, when they can find an institution willing to lend them money, are often faced with interest rates of 9 or 9.5 per cent and down payment requirements of 25 or 30 per cent. It becomes even harder to find loans in states with usury laws that put ceilings on the amount of interest a home buyer may be charged.

Maryland just raised its usury ceiling from 8 to 10 per cent and the District of Columbia is contemplating a similar change.

In addition to scarce money and rapidly rising interest rates, home buyers are shying off because of rapidly rising prices both for previously occupied homes and for new homes.

It is mainly because of the financial obstacles that the homebuilding industry is in its worst shape for decades, according to the chief economist of the National Association of Home Builders, Michael Sumichrast.

One sign of this is the sharp increase in construction firm failures for the first four months of this year to 580 from 433 last year, according to Sumichrast. The impact of those failures totalled $150.8 million compared with $101.1 million in 1973.

Nationwide, builders have 449,000 unsold homes and, as long as prices and interest rates are high, they will have trouble whittling that number down.

Builders, who were starting units at an annual rate of 2.33 million in May 1973, slowed to a 1.45 million pace last month, according to Commerce Department figures. Moreover, building permits, an indication of future housing starts, tapered off to a 1.055 million annual rate in May, down substantially from 1.838 million in May 1973.

The dropoff reflects not only the high inventory of unsold homes, but the inability of savings and loans or other financial institutions to guarantee builders that they will finance purchase of the homes when completed.

The gyrations of home building add other innumerable costs to the economy that are hard to calculate. For example, when skilled laborers take nonconstruction jobs during bust periods, they are often lost to the permanent home-building labor force.

The ups and downs of the housing industry are caused in part by the same factors that produce other industries' good and bad periods. But the normal cycles of the industry are sharply magnified because the builders rely so heavily on financing from the savings and loan industry.

Savings and loan associations, whose assets are primarily tied up in long-term mortgages with fixed interest rates, find themselves ill-equipped to pay competitive rates on deposits during periods of rapidly rising interest rates.

When interest rates zoom, as is now the case, S&Ls have to hold off making new mortgage loans because of the trailoff—and sometimes net decline—in deposits.

According to the United States League of Savings Associations, S&Ls had a net decline in deposits of $204 million in April and a gain of $350 million in May. Early indications are that the S&Ls fell back into a net outflow situation in June.

So far this year, the gain in deposits is 30 per cent below last year's and mortgage loans made by those institutions are off by 20.4 per cent.

Mutual savings banks have lost even more deposits than savings and loan associations.

The Nixon administration has proposed a plan, based on a 1971 report of a Presidential commission, to solve the problems by substantially overhauling the nation's financial structure. But even if the administration's plan would work, it is a long way from fruition.

In the meantime, the effects of tight money on the mortgage market present economic policy makers with the dilemma of how to fight inflation by concentrating on high interest rates without simultaneously upsetting the critical and politically sensitive housing sector.

Arthur F. Burns, whose Federal Reserve Board is primarily responsible for pursuing higher interest rates to fight inflation, told reporters in a rare press conference last April that combatting rising prices is more important than the "fortunes of home building."

The government knows that it cannot sit by and do nothing: the housing lobby is too well organized for that.

The Federal Home Loan Bank Board, which regulates the savings and loan industry in much the same way the Federal Reserve system overseas the nation's banks, has been lending money to S&Ls to help replace the deposits they have lost.

In total, according to bank board chairman Thomas R. Bomar, the system has $17 billion in loans (called advances) outstanding to S&Ls.

The Nixon administration also has announced a special program designed to inject $10.3 billion in various ways to help ease the crunch.

Rick Sullivan, an official of Page Corp., an area builder, said his firm has been able to make use of some of that money promised by the administration. The program that Page, a subsidiary of U.S. Home Corp., uses is a $3 billion commitment by the Federal Home Loan Mortgage Corp. designed to permit home builders to "start houses with confidence."

The FHLMC guarantees that it will buy the mortgage from the S&L which makes the loan up to 12 months from the date the S&L makes its commitment to the home builder. In a sense, then, the savings and loan association acts as a broker.

Sullivan said that, while his sales are not suffering terribly, purchasers are averse to paying 10 per cent for a mortgage. Many savings and loan associations are making it tougher for potential home buyers to "qualify" for a loan, he added.

Sullivan said his company, which builds "starter homes" aimed at young couples, can utilize the special mortgage corporation program because nearly all the mortgages are under the $35,000 ceiling specified by the government. Page built the Cinnamon Tree complex of homes in Columbia, Md.

Other builders, selling more expensive homes, cannot be guaranteed the financing under that program because of the $35,000 limit. They are not beginning new projects.

Most projects, however, have guaranteed financing now, although new projects are having their difficulties. Purchasing a home that is already occupied is getting close to impossible.

Lack of financing has transformed many a would-be seller into a reluctant landlord, often renting his home to the very person who would buy it if mortgage money were available.

"When someone comes to me and tells me he wants to sell his house, the first thing I ask him is if he needs cash," said an official of Shannon and Luchs, a major area real estate firm. If he is moving into an apartment, "I suggest that he finance" the buyer himself.

The situation of a Washington professional who could get normal financing neither for the house he bought nor for the house he sold is illustrative. He became the "reluctant" financer of the couple which bought his house just as the retired chemist he purchased his new house from financed him.

He bought a $68,000 house in Northwest Washington and sold his $57,000 house on which he had $17,300 remaining to pay off on his mortgage. The chemist wanted a down payment of $15,000, a lower one than normal.

After cashing in $2,500 in mutual fund shares and taking out $3,000 in savings, the professional needed $9,500 for the down payment plus $17,300 to pay off his mortgage. He found a couple who put together enough between their savings and loans from their families to come up with nearly half of the $57,000 purchase price. He is financing the rest at 8 per cent interest, the legal limit in the District.

"It was hairy getting down to closing day," he said. "Trying to figure out all your money, to make sure you were getting enough. I had to learn a lot more about real estate financing than I ever wanted to know."

In some sense, he was luckier than most who try to finance their homes. He found a couple with more than $25,000 who was willing to buy a $57,000 house.

"Most people with $25,000 or $30,000 to put down are looking for a $100,000 or a $125,000 home," one real estate agent said. "It's a real scramble to find financing. It used to be if you sell one, you settled one. Now you may sell two, but only settle one because the other one cannot get financing. We're having to work a lot harder."

As a result, homes are remaining on the market for weeks or months, when, two years ago they would have been sold in several weeks.

"We tell 50 people a day that we can't make them a loan," said an official of another major S&L. "We won't make any commitments to home builders and we're scrambling for money to make sure we honor commitments we already made."

SOCIAL SECURITY: STILL A GOOD VALUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SCHNEEBELI) is recognized for 15 minutes.

Mr. SCHNEEBELI. Mr. Speaker, in recent months, a rash of adverse criticism, directed at our social security system, has appeared in public print. One series of articles in particular, distributed through New York Times special features, has drawn a great deal of attention, raising a number of questions about the present value and future viability of the system. At least one authority on the subject, former Health, Education, and Welfare Secretary Wilbur Cohen, has prepared answers to these questions, and his response already has been printed in the RECORD. However, another rebuttal paper has been called to my attention, and I feel it deserves as large an audience as possible.

It was prepared with reference to the newspaper series, but it also serves in a more general way as a reminder of what the social security system was designed to be, how it has worked for 3½ decades, and what its prospects are for the future.

The author of this paper is Dr. Richard E. Johnson, a professor of insurance and risk management at the University of Georgia. In addition to his academic experience, Dr. Johnson has served in sales, sales management, and field training capacities for a major insurance company and is both a certified life underwriter and certified property and casualty underwriter. He has written an excellent rebuttal to a number of charges made against the system, and I ask unanimous consent to have his paper printed in the RECORD at this point.

SOCIAL SECURITY: STILL A GOOD VALUE

(By Richard E. Johnson)

Newspaper readers around the country have recently been exposed to a series of articles condemning the social security program. These articles, written by a Chicago newspaper reporter, Warren Shore, are not only inaccurate and misleading, but an element of viciousness can almost be detected in the manner in which the reader is given isolated half-truths to the exclusion of all other pertinent information. One is prompted to question what motivated this bias.

For example, Mr. Shore writes of Jeff Alfred, who, at the age of 23, contributed $676 (matched by an equal amount by his employer) to the Social Security Administration as a tax on his earnings this year. He then comments that should Jeff die, less than $300 would be paid to his wife as the total settlement of his account. This seems inequitable, but let us look at another possible example of a young married couple. Bob Miller (age 23) is a successful salesman and earns $13,200 both this year and next. At the end of that period he is killed in an auto accident and leaves behind his wife, Mary, and twin children, age one.

It is possible for Mary and the children to receive social security benefits in excess of $1,844,715. This total benefit would only be paid to the Millers if the children were disabled during childhood and continued so until age 65. (An even greater benefit would be paid if they lived longer.)

It is assumed in this calculation that a yearly increase of 3% in benefits is made to offset increased inflation. Thus, for a contribution of slightly over $1,500, Bob's family profited to the extent of $1.8 million. Even if neither child had been disabled, a benefit of $819 per month would have been paid immediately and this monthly benefit would have been increased as the cost of living increased. The mother would have received this until the children were 18 and they would have received almost this amount had they continued their education until age 22, the total benefit paid being about $280,000.

No one will defend the first part of this example as being reasonable or typical—twins being disabled for life. It is, however, just as typical as many of the examples used by Shore in his series. Jeff Alfred's widow would have had to have been childless to have received the benefit stated by Mr. Shore.

Although this is possible, it does not represent the average family being covered by the Social Security Act. Instead of looking at either the "less than $300 pay-off" or the $1,800,000 benefit," let us instead look at the total program and investigate its purpose and what it has done for our society.

In the early 1930s many schemes were developed to solve the crisis of the depression. One of the most popular movements was known as the Townsend Plan. This plan guaranteed $200 per month for all citizens 60 years of age or older. The only obligation on the part of the recipient was to promise not to work and also to spend his $200 within 30 days.

It was assumed that this great influx of dollars into our stagnant economy would lift us up by our bootstraps and solve our economic problems. The requirement that the retiree not work supposedly would guarantee work for many younger people who could not find employment.

Although the Townsend Plan never became law, the Social Security Act did become law and benefits were paid to retirees prior to World War II. Initially only retirement benefits were to be paid and those only if the insured individual did not work in employment covered by social security.

The same philosophy fostered by the Townsend Act permeated the Social Security Act—"Create Jobs for the Young." As the program expanded and started providing survivor benefits to widows with children, the same philosophy was continued. If a mother with small children was widowed, her right to full benefits depended upon her terminating "covered" employment.

Even at this time, however, the benefits paid on the children's behalf were still continued regardless of whether the mother worked or not.

Today, almost 40 years later, the Social Security Administration follows the same pattern laid out initially—"If a parent is lost to a family, the surviving children need a full-time survivor parent as a guardian." If this is no longer the belief or attitude of the population, then the approach can be modified, but not without cost.

The present cost projections of the social security program (OASDHI) consider the fact that some participants will not claim their benefits, preferring to work rather than to receive a social security benefit.

If the "retirement test" were eliminated for all groups, retirees and survivors, the estimated increased cost would be about $4 billion. The ultimate result would be an increase in the social security payroll tax.

Perhaps this is the proper time to look

at the cost of the program. Mr. Shore, in his series, constantly compares the cost of commercial insurance with that provided under OASDHI. His major failing is that he constantly compares the cost or the tax for the whole social security program with the premium charged for isolated coverages by the commercial insurance industry.

Your author would be one of the last to criticize marketing methods used by the commercial insurance industry. Having been a part of it for 20 years and having made my living teaching the intricacies of the discipline for the last 10, I still find it a most viable and necessary component of our society. But, it cannot compete with a social insurance program. Social insurance is mandatory, there are no acquisition expenses in the form of sales commissions and underwriting expenses. Everyone must join the OASDHI system and their tax added to the employer's tax is automatically forwarded to the government.

Due to the great savings generated by the efficiencies mentioned above, social security cash benefits are administered for about 2 percent of the total tax income. Since the tax monies in the trust funds earn 5.6 percent interest per year, over 103 percent of all social security tax revenue is available for benefit payments.

An average of 98% of all social security tax revenue is actually paid out yearly in the form of benefits to its insureds or their dependents. The remaining 5 percent plus has been added to the trust fund in anticipation of further increases in the benefit formula.

For the individual to continue receiving these most favorable rates, the program must continue as a compulsory program. It cannot exist if voluntary choice of participation is extended the public. If free choice were implemented, two groups would discontinue the coverage—the wealthy and the very poor.

The wealthy would discontinue the coverage because they really do not need it and because of the slight redistribution effect of the program (slightly higher benefits per dollar of tax for the lower income). The poor would discontinue because they realize that our society will not let them starve and will take care of them via the welfare route.

Thus, the large group of middle income earners will not only pay for their own future security, but will also be obligated to pay most of the tab for the increased welfare costs.

How does the life insurance industry compare in terms of costs and benefits? On the average, about 85 percent of premium income is returned in the form of benefits. The balance is required for administration and acquisition costs. This is not a large charge in comparison with the rest of the insurance industry. For most segments of the industry, expenses vary between 25 and 45 percent of premium income. Thus, even though the life insurance industry is doing a great job in comparison to the rest of the insurance industry, the Social Security Administration is doing a phenomenal one, almost beyond belief for a governmental agency.

Perhaps one of the biggest problems confronting the individual is that of comparing costs and benefits of the social security program with those provided by the commercial insurance industry. The major benefits provided by the OASDHI program include:

Monthly retirement benefits to retired workers;

Monthly benefits to disabled workers;

Monthly benefits to husbands or wives of retired workers;

Monthly benefits to widows and widowers of covered workers;

Benefits to widowed mothers;

Benefits to disabled widows and widowers;

Benefits for children of retired workers;

Benefits to children of deceased workers;

Benefits to children of disabled workers;

Benefits to parents of workers; and

The entire Medicare benefit program.

Since these benefits are so varied and complex, no insurance company will offer all or duplicate benefits. But even when cost or price comparisons are made with similar contracts, there is no commercial insurance company that can compete, price wise, with the Social Security Administration. Perhaps an example is called for.

When Mr. Shore speaks of the term policy as being the equivalent of the survivor benefit being paid for children under the age of 18, he is incorrect.

When a 20-year term policy is purchased from a life insurance company to protect against premature death during the critical period while his children are young, he receives protection for that period. If, however, he had additional children later in life, the original contract is only good if it is renewable.

Even then, it will only be renewed at a substantially higher price. The Social Security Administration makes no demands upon the individual as to his age or the time in life when he has his children.

The only requirement is that children exist at the time of death, whether this be when he is 25 or 65. How does one compare the premiums charged for these "similar" coverages? It is almost impossible for anyone, let alone the interested insured.

It is now time to answer some of Mr. Shore's charges. In his first article, he comments on the increase in social security taxes during the past 20 years. He mentions an 800 percent increase in the social security tax, while benefits were increased only 300 percent. His figures are faulty. He is correct in that the total tax receipts did, in fact, increase by 800 percent; but, the benefits paid during this same period increased by almost 1,000 percent. Benefits actually increased more than contributions, not less, as his article stated.

Mr. Shore also states that the tax rate of the social security program has discouraged savings. He stressed the fact that in 1942 savings were at a very high level while only 3 years later, in 1945, savings had started to drop. He neglects to mention that in 1942 about the only thing available for sale was a tank or a battleship while in 1945 Germany had already surrendered.

It is very difficult to understand how he finds a causal relationship between the program as now constituted and lack of savings. Many people are not saving today because of a drop in value of the dollar due to inflation. It is not the fault of the social security program that the dollar has depreciated.

It is to the credit of the program that it guards against the failure of the dollar by virtue of its inflationary hedge. (A benefit that increases in value to maintain a relatively constant relationship in purchasing power.) There is no evidence to indicate that larger tax rates or salary bases have caused reduced savings by the individual.

If one income group has profited more than others by the Social Security Act, it is probably the "great middle class." This is the group which would suffer most if required to provide for their aged parents and relatives. As stated previously, it is no major burden for the wealthy, and for the poor it is impossible. The group in the middle would be forced again to provide for their own, and also for those who found it impossible.

When Mr. Shore criticizes the situation where the middle-aged worker must pay the bulk of his security cost during his working years, the question must be asked when does he expect the individual to pay these costs? If he waits until retirement, it is too late. Adequate preparation must be made in advance to guarantee that which our people have come to expect.

Mr. Shore also considers the plight of Mrs. Marion Poteka, whose husband died and, due to low earnings in his early years, had an average taxable income of only $6,600. He states that her benefit check for her two children and herself amounted to only $435 per month (incidentally, this is tax free). For this amount to have been correct, death would have had to occur prior to 1971.

To illustrate the advantages of the "inflation hedge" provided in the Act, the benefit would have been $522 in 1972 and about $580 today. This benefit will continue to increase as the cost of living increases.

Inasmuch as this income is tax free and inasmuch as there is no longer any expense involved in securing this income or in providing for deceased spouse, this should prove to be adequate income, assuming her husband took some steps to supplement it with other private insurance. The reduction in benefits as depicted in the article ($435 reduced to $220 when Mrs. Poteka went to work) is simply not true. If Mrs. Poteka works and earns the total $7,540 cited in the paper, she would still receive about $360 per month if death occurred prior to 1971 and about $480 if death occurred today.

For many years the insurance industry has tried to convince the public that a reasonable aim for retirement is one-half the gross income prior to retirement. It is assumed that the cost of going to work, living away from home, and paying income tax will take 25 to 35 percent of one's gross income. In addition, since a retiree no longer has the financial obligation of paying social security taxes, retirement insurance premiums or other preretirement expenses, this income level is usually deemed reasonable.

How is the Social Security Act meeting this challenge? Actually, the benefits promised are very close to that mark. A married insured who has earned an average of $8,000 per year which has been subject to social security taxation will be entitled to $558 per month or about $6,840 per year, probably more than this couple realized on the gross pay of $8,000 prior to retirement. Similarly, a married individual who averaged $6,000 under the Act would be paid $440 monthly or $5,388 per year. If either the retired worker or his spouse died, the survivor would continue to receive about $3,600 per year.

The beauty of the present program is that there is no need for the retiree to worry about inflation. Today an automatic provision of the Act increases benefits as the cost of living increases. No commercial insurance contract can provide that benefit. The closest approximation would be the variable annuity which is offered by some companies. This provides an inflation hedge if the value of common stock keeps pace with the cost of living.

In recent years there has been almost no correlation between the cost of living and the value of common stocks. The Social Security Act removes this worry from our retired citizens.

Primarily due to faulty assumptions and incorrect data, Mr. Shore comes to the conclusion that the program is bad and that it is even bankrupt. There is no way that anyone could consider the social security program bankrupt.

It is true that the trust funds do not have adequate funds on hand to pay all future obligations today, but then neither do most private pension plans. The trust funds contain in excess of 50 billion dollars, sufficient to pay aproximately one year's obligations. During that period they will collect sufficient revenue to pay the following year's benefits. This has been the basic technique over most of the history of the program.

Most people would be far more concerned over some governmental agency having 400 to

700 billion dollars to play with. Disregarding what this might have done to the economy (some suggest that even World War II would not have brought prosperity if burdened by a fully reserved social security trust) think what an enjoyable time our congressmen would have had in increasing the debt limit sufficiently to provide securities for the social security trust to invest in. Perhaps an excerpt from the 1971 Advisory Council on social security's report might make this clear. The advisory board, consisting of economists, businessmen, and at least one executive from a major life insurance company, stated in its report:

"The test of actuarial soundness for a social insurance system is whether the expected future income from contributions and interest or invested assets will be sufficient to meet anticipated expenditures for benefits and administrative costs over the valuation period. The concept of actuarial soundness as it applies to a compulsory social insurance system differs considerably from the concept as it applies to private insurance and private pension plans, although there are certain points of similarity, particularly with the latter. A private insurance company must have sufficient funds on hand so that it will be able to pay all existing obligations. Such funding, however, is not necessary for a national compulsory social insurance system and is frequently not provided for in private pension plans, which may or may not have funded all the liability for prior-service credits toward benefits.

"Because compulsory social insurance is assured of continuing income (new workers must come into the program), it does not have to build up the kind of reserves that are necessary at all times in an institution that cannot count on current income to meet current obligations. It is proper in a social insurance program to count both on receiving contributions from new entrants to the system and on paying benefits to future beneficiaries, as well as those now on the rolls."

Thus, social insurance need only maintain funds sufficient to serve as contingency reserves. The assets of the social security funds serve this purpose.

Throughout this paper, most of the space has been devoted to pointing out the errors and omissions in Mr. Shore's articles. It would be just as much in error for me not to admit the shortcomings of the Social Security Act as that for which I have criticized Mr. Shore. Nothing is ALL good or ALL bad. There are areas in the Social Security Act which need improvement and further study. It is true that the single person or the married couple without children receive far less in protection than the typical married couple with one or more children. By the same token, less benefit for dollar contributed is provided the married couples where both parties work and pay social security taxes.

The problem of having retirement benefits reduced if the retiree continues receiving earned income is also worthy of consideration. Of the 22 million people eligible to receive retirement benefits, only 6.4% are having any amount of their benefit withheld due to the earnings test. Although more people might work if the earnings test did not exist, it is reasonable to assume that the number would not exceed a total of 10%.

Although this does affect the people concerned, the resulting benefit for the other 90% and the effectiveness of accomplishing the basic aim of the program, that of taking older people out of the labor market, is not disputed.

The criticisms levied by Mr. Shore are not new. They have been with us in some fashion since the initial implementation of the Act. Committees are constantly studying the program, its projections, and possible changes. Recently, James B. Cardwell, Commissioner of Social Security, issued the report of the trustees of social security. This 1974 Trustee's Report shows a long-range actuarial deficit for the OASDI program of about 3% of taxable earnings over the next 75 years.

Much of this projected deficit is caused by a change in life style of many of our younger married couples, and the resulting decrease in birth rates for the Nation.

We are now approaching a "no-growth" birth rate and it is important to know what effect zero population growth might have on the future levels of social security income and outgo.

Although no major impact will be experienced until the 21st century, the entire area of financing will be the main subject of study by the new Advisory Council on Social Security. Their recommendations will be submitted to the Congress by the end of the year.

Therefore, by the end of 1975, in all probability, Congress will have enacted legislation to help solve this problem of the 21st century.

Over the history of the Social Security Act, many changes have been made, faults corrected, and more changes will undoubtedly be made in the future. The solution to the problems faced by the Social Security Administration cannot be solved by Mr. Shore's suggestions. Should the government ever make the decision to follow the recommendations of Mr. Shore—discard payroll tax for social security and buy government bonds—the most incredible fiscal confusion imaginable would result. All of the benefits of the social approach to insurance would be lost and all of the problems of Federal bureaucracy would remain.

Social security today is paying $4.6 billion a month in benefits to 30 million people.

Ninety-one percent of the people age 65 and over are receiving social security benefits or are eligible to receive them.

Ninety-five percent of all children under age 18 and their mothers will receive benefits if the family breadwinner dies.

Eighty percent of the population between the ages of 21 and 64 are eligible for disability benefits in case of a severe and prolonged disability.

Anything which can and does provide so much for so many cannot be bad. To the contrary, no better plan has yet been offered to us. Certainly, Mr. Shore's suggestion is not a better alternative.

ON STRATEGIC ARMS ACCORDS: PREDICTABLE AND INCONSEQUENTIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON), is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, the 1974 summit conference with the Soviet Union has ended without the conclusion of any major agreement curbing the nuclear arms race. The specific agreements announced on underground nuclear testing and on the deployment of a second antiballistic missile system should not be viewed as being of major importance. These agreements are predictable and in many ways inconsequential. Each agreement, moreover, represents a formal ratification of decisions already made unilaterally by both the Soviet Union and the United States. While I applaud the good-faith efforts of President Nixon and Secretary Kissinger to negotiate a more comprehensive accord, the public should not expect the agreements to result in any meaningful reduction in the momentum of the strategic arms race. In fact, false confidence engendered by these agreements may set back the cause of arms control.

I believe the quest for a stable strategic equilibrium is nonpartison and that the initiative of the administration, in focusing on strategic questions during the Moscow summit, is heartening and proper. We are at a critical juncture in the arms race. Neither our country nor the Soviet Union can afford delay in attempting to resolve the complicated questions of the nuclear arms race.

Both sides now stand at the brink of major new weapons development programs. The Soviet Union is developing four new land-based intercontinental ballistic missiles—ICBM's—a new sea-based missile, and is currently testing multiple warhead technology. Soviet leaders have publicly expressed a desire to avoid the expenditures of $30 to $45 billion necessary in the next decade to complete their MIRV program. Such expenditures would represent a considerable strain on the Soviet economy, for the Soviet Union's gross national product is only half that of the United States, and the drain of expensive weapons development programs on the Soviet Union's technological resources is even more severe.

For our part, the United States is also proceeding with major initiatives in the area of strategic arms. The new Trident ballistic-missile submarine, with its new C–4 MIRV'd missile, will cost more than $1 billion each. A new strategic bomber program, the B–1, now awaits production approval. This program will cost at least $15 billion. The Congress has been asked to approve more than $300 million for new strategic "counterforce" and "flexibility" programs to develop the technological capability to fight limited nuclear war and to attack hardened targets—such as missile silos.

Apart from the massive cost of new weapons initiatives, the likelihood is that these developments will further complicate the already difficult task of negotiating arms control agreements. Unfortunately, the Moscow agreements do not provide much in the way of useful accomplishments toward the goal of arms control. The agreements are more illusory than real in their restraining effects, for each nation has agreed to do something it probably would not have done in any case. The momentum of the arms race will only be rechanneled by these agreements, not slowed.

ABM AGREEMENT

The Soviet Union and the United States have agreed that neither nation will deploy the second of the two antiballistic missile—ABM—systems allowed under the SALT I Treaty. In the case of the Soviet Union, this means that no ABM systems, with 100 missiles, will be constructed to protect a portion of the Soviet land-based ICBM fleet. The Soviet ABM now operational around Moscow will be retained.

In the case of the United States, the agreement means that we will forsake construction of an ABM to defend the

"national capital area"—Washington, D.C.—while we retain our ABM now operational at the Minuteman ICBM base near Grand Forks, N. Dak.

The agreement does not appear to change the status quo at all, since neither the Soviet Union nor the United States have demonstrated any real interest in building the second ABM system allowed. The U.S. Congress has specifically rejected the "national capital area" ABM. Deployment of an additional ABM by either the United States or the Union of Soviet Socialist Republics would cost billions of dollars without any improvement in security, since the limited ABM system allowed could be easily overpowered by the multiple-warhead missiles of the other side. And, the need for an ABM system in an era of increasing dependency on relatively invulnerable sea-based deterrent forces is also highly questionable.

Hence, the ABM agreement is more "summit atmospherics" than substance.

UNDERGROUND NUCLEAR TESTING

An agreement has been reached to establish a threshold level restricting nuclear testing underground. Detonation of military devices of a yield larger than 150 kilotons—or 150,000 tons of TNT—are to be prohibited. The agreement is to take effect on March 31, 1976.

On the positive side, this agreement calls for unprecedented cooperation between the superpowers relating to the vertification of compliance with the agreement. The two sides are to exchange technical and geographical information, and are even to conduct calibration tests—in which each side will prenotify the other in advance of the tests for the purpose of determining the reliability and accuracy of verification instruments. In addition, press reports suggest that the two sides have agreed in principle that onsite inspectors will be allowed to observe tests of nuclear devices for peaceful purposes above the 150-kiloton threshold, as allowed by article III of the treaty. If the reports are accurate, this agreement would mark a significant departure from past Soviet opposition to onsite inspection of any kind.

Unfortunately, the weaknesses of this agreement are such that it will have little more than a cosmetic effect. By giving both nations nearly 2 years before even the limited 150-kiloton restriction takes effect, both the United States and the U.S.S.R. will be able to complete testing on the majority of the new strategic weapons programs now in critical development stages.

The Soviet Union should be able to "proof test" its new MIRV'd warheads—for the SS-18, SS-19, and so forth—while the United States will probably be able to complete essential testing of the new high-accuracy, high-yield warheads, such as the Mk. 12A warhead designed to give our Minuteman-III ICBM's a "hard target"—or antisilo—capability. Other U.S. counterforce programs are unlikely to be impeded by the 1976 threshold.

The provisions of article III of the agreement, allowing for tests to exceed 150 kilotons if they are for peaceful purposes—are also disturbing. The failure of the U.S. Plowshare program and the history of unsuccessful efforts to develop a peaceful use for nuclear explosives testifies to the apparent absence of any legitimately peaceful purpose for a nuclear device. It is virtually impossible to imagine any nonmilitary purpose for devices so large as to exceed a 150-kiloton limitation. Frankly, I am concerned that article III may become a loophole that negates whatever minimal positive effects the testing agreement might otherwise have.

I would anticipate that the only material effect of this agreement will be that both the Soviet Union and the United States will accelerate their underground nuclear testing programs prior to the 1976 deadline.

Further, this agreement is little more than a formal ratification of existing technological realities. There appears to be little military value to development of warheads above the 150-kiloton level. One potential use of large warheads—in ABM interceptors like the Spartan missile of the U.S. Safeguard system—has been eliminated by the SALT I Treaty, and in any case, recent research casts doubt on the need for high-yield warheads for the ABM interceptor mission.

Further, both the Soviet Union and the United States appear to have recognized the limited military advantages of high-yield warheads. In the mid-1960's the United States made the decision to deemphasize development of large warheads and instead emphasize multiple-warhead—MIRV—technology and the accurate delivery of these warheads. MIRV's warheads have lower yields because of the technologically dictated tradeoff between warhead yield and the number of warheads in a given reentry vehicle—a 1-megaton single warhead, for example, would be replaced by three 300-kiloton warheads in the MIRV'd reentry vehicle for the same booster. While the Soviet Union has in the past appeared to place more emphasis on higher yield warheads, some experts suggest this to be more the result of necessity, based on technological incapacity, rather than choice. In other words, the Soviet Union was forced in the direction of large warheads because of its inability to match U.S. sophistication in miniaturization, guidance, onboard computers, and other key elements of MIRV technology. Now that the Soviet Union has begun to test a MIRV technology of its own, it appears that the Soviets have concurred in the earlier U.S. decision to deemphasize large-yield weapons in favor of larger numbers of smaller yield warheads.

Further, it should be noted that the explosive effects of a warhead do not rise directly in relation to warhead size. A 5-megaton warhead, for example, is not five times more powerful than a 1-megaton warhead. A law of diminishing returns operates here, and comprises an additional factor motivating against large warheads.

As a reference point, the 150-kiloton limit agreed on in Moscow would still allow testing of devices more than 10 times more powerful than that exploded over Hiroshima.

While the 150-kiloton threshold treaty contains only the illusion of restraints, a comprehensive test ban—CTB—agreement, immediately prohibiting all forms and sizes of underground tests, would have been a major accomplishment. A CTB would have been a check on development of destabilizing new weapons technology, equally advantageous to the United States and the Soviet Union. A CTB would also have demonstrated a superpower commitment to arms control that would have been useful in efforts to restrict the proliferation of nuclear arms. A danger of the limited treaty signed in Moscow is that it will cause false expectations and delay efforts to arrive at a more comprehensive agreement.

EXTENSION OF THE INTERIM ACCORD ON OFFENSIVE WEAPONS

The great disappointment of the summit was the failure to achieve an agreement on multiple warhead technology, currently the key issue of the arms race. Acknowledging failure of efforts to reach a permanent agreement on offensive strategic arms, the two superpowers instead committed themselves to seek an agreement to extend existing accords to cover the unresolved issue of multiple warheads—MIRVs.

The failure to reach an agreement on MIRV's is all too telling an example of the adverse effects of uncontrolled military technology upon arms control efforts and of the bureaucratic pressures within both the United States and the Soviet Union which create a momentum all their own inimical to the cause of arms control. Moreover, the failure to reach an agreement raises the danger that both sides will abstain from seeking a comprehensive agreement, and will instead look for piecemeal solutions which will not hold up to the overall dynamics of the arms race.

I am particularly concerned by the suggestion that the future negotiations should follow the lines of the Interim Accord limiting offensive weapons that was signed in Moscow at the same time as the SALT I Treaty. I am skeptical that the Interim Accord represents a good foundation for negotiating a stable permanent agreement.

The interim agreement was founded on the principle that a Soviet advantage in the number of allowed missiles and in the "throw-weight"—or payload—of these missiles would be counterbalanced by the U.S. advantage in multiple-warhead technology. But while U.S. increases in numbers of launchers are prevented by the interim agreement, improvements in Soviet MIRV technology is not similarly restrained. Thus, in the eyes of some U.S. planners, the agreement gives the Soviet Union the potential opportunity, which it shows evidence of attempting to exploit, to close the technological gap in MIRV development and deployment while the United States remains fixed in the number of launchers it can deploy. The concern expressed is that Soviet equivalence in MIRV technology and deployment could conceivably mean that at some point the Soviet

Union would achieve a substantial advantage over the United States in all categories: Launchers, throw-weight, and deliverable warheads.

Of course, the "worst case" fears of these planners tend to assume that during the course of an inevitably lengthy Soviet MIRV catchup effort, the United States would be, essentially, standing still. As a matter of fact, the United States currently is deploying more than three new warheads every day on ICBM's and SLBM's, is continuing both the Minuteman III and Poseidon MIRV programs, and is in advanced stages of development of a new strategic manned bomber—the B-1—and submarine and submarine ballistic missile system—Trident. New strategic cruise missiles are under development by both the U.S. Navy and U.S. Air Force, and are not covered by the Interim Accord. In sum, the breadth and intensity of U.S. strategic arms developments are such that assumptions of an eventual Soviet "superiority" are both premature and tenuous, at best.

Still, conducting future negotiations within the framework of the Interim Accord may encourage, rather than discourage, further attempts by both nations to obtain a strategic advantage. The SALT I Treaty and the Interim Accord have not so much slowed the arms race as they have rechanneled it into a "qualitative" contest, with both sides seeking technological supremacy. By its nature, it is much more difficult to negotiate agreements restraining the qualitative aspects of strategic arms than to negotiate quantitative—or numerical—limitations.

Unless a comprehensive agreement restricting both quantitative and qualitative growth is reached soon, the explosion of weapons technology may very well make the task of negotiating a viable agreement impossible. The critical requirements for a successful agreement are assessment—the ability of each side to know the capabilities of the other; and verification—the ability of each side to confirm, by unilateral—national technical—means, that the other has and continues to comply with the terms of the agreements. On both counts, the strategic weapons technology now on the horizon will greatly complicate the task of negotiation. It is presumably impossible, for example, for a satellite to count the number of warheads, or the accuracy of these warheads, inside the nose cone of a closed ICBM silo. It is also impossible, we can assume, for one side or the other to verify compliance with an agreement which, for example, limited the deployment of strategic cruise missiles. A submarine-launched strategic cruise missile is expected to be no more than 2 feet in diameter and can fit in the torpedo tubes of any one of hundreds of vessels, be their purpose expressly strategic or not.

We should remember that it is the task of politicians to negotiate strategic arms agreements, not technocrats or soldiers. For ideally a politician's responsibility is to the common welfare of the Nation, while the technocrat or the soldier must to some extent carry the motivations and sometimes narrow goals of their parent bureaucracy. We should not let the collective fate of our Nation be determined by the various bureaucratic interests of this or that department or this or that military service; nor should we let our welfare be determined by unbridled technology. An enduring lesson of the last 25 years of the arms race is that despite constant advances in weapons technology—and expenditures of billions and billions of dollars—we are less secure today than we were 1 year ago, or 5 years ago, or 10 years ago.

We must accept, as a nation, that peace and stability will not be found if either the Soviet Union or the United States pursues the illusory goal of "strategic superiority." There can be no genuine superiority when only 500 deliverable warheads would destroy approximately 70 percent of the industrial base and 30 percent of the population of either the Soviet Union or the United States—and the United States will have nearly 8,000 deliverable nuclear warheads at the end of this year; the Soviet Union approximately 2,600. "Superiority" is worse than meaningless—it is a dangerously false goal.

Stability will be found, I believe, if both countries continue efforts to negotiate a comprehensive agreement, and if both countries show restraint in their unilateral weapons decision and avoid the development or deployment of arms which, by their nature, would destabilize the strategic balance, worsen the task of negotiation, and increase the chance of nuclear conflict.

AMERICAN PARTICIPATION IN MOSCOW CRIME TECHNOLOGY TRADE EXPOSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, several days ago. I became aware of the fact that a group of American companies will be participating in August, in a Moscow Trade Exposition displaying—for sale—the latest types of police equipment.

Mr. Speaker, this is a most shocking, unconscionable actions in which American business are deeply involved. For the sake of sales and profits, a group of American businessmen will be placing their wares on sale in Moscow for examination by the KGB.

Mr. Speaker, much to my surprise, I could find no laws or regulations controlling the export and sale of these types of police equipment. During the coming weeks, the Congress will be considering amendments to the Export Administration Act. I hope that amendments can be included in this act to prohibit the export of sophisticated American crime control devices.

Recent developments in the Soviet Union reveal that police harassment and torture—torture which ends in suicide—still continues. The Gulag Archipelago is alive and well in the Soviet Union—and there is no need to strengthen that police state through modern crime control techniques. It is even more shocking that such export displays would be permitted in view of the fact that some of these products were probably developed and produced with the direct or indirect assistance of the Department of Justice's Law Enforcement Assistance Administration.

I would like to include in the RECORD at this point a copy of an article by Sam Jaffe which appeared in the Chicago Tribune on July 7, 1974, entitled "Russians Invite U.S. Firms to Police Trade Show." I would also like to include in the RECORD a copy of a letter which I sent to Secretary of State Kissinger on July 1—with an identical letter to Commerce Secretary Dent—requesting information on whether any official direct or indirect U.S. assistance was being supplied to American manufacturers participating in the Crime Technology Exposition. In these letters, I also requested information on whether any forms of export controls or licensing were available to limit the sale of this 1984-type equipment to the KGB.

A crime control device can easily be converted into a weapon of oppression. It would be tragic if oppression in the Soviet Union would result from devices and equipment stamped, "Made in America."

I include the following:

RUSSIANS INVITE U.S. FIRMS TO POLICE TRADE SHOW

(By Sam Jaffe)

WASHINGTON, July 6.—The Soviet Union has invited dozens of American and foreign manufacturers of police equipment to display their goods at an international exhibition to be held in Moscow next month.

The exposition, "Krimtehnika '74" sponsored by the Soviet chamber of commerce, is officially described as a major showing of the latest in criminology and law enforcement equipment.

At least two United States companies specializing in highly sophisticated electronic crime detection equipment which can be used for intelligence gathering said they would attend the August 14 to 28 Kremlin show. Several other manufacturers and distributors of police equipment said they hoped to participate.

According to these manufacturers, the Russians are waging an all-out effort to attract American firms, which offer the most advanced police equipment and crime detection devices in the world.

In some cases, the Soviets have sent personal cables and hand-written invitations to company representatives to attend "Krimtehnika '74." They are also using a Midwest firm, specializing in East-West trade, to contact others.

"It seems mighty strange to us," said one manufacturer of police equipment, who politely declined to attend the show, "that a country that has always maintained it has little or no crime, would want our goods."

One State Department Soviet expert said he was vaguely familiar with "Krimtehnika '74," and was "not aware of any American participation in it."

An official at the Department of Commerce said he had been advised of the Soviet police exhibition by the American embassy in Moscow. "The embassy recommended that we take a hands-off position if any American businessman contacted us concerning the show," he said.

Another Commerce Department official said they had no regulations against manufacturers of police equipment sending their

goods to Communist countries. But Rep. Charles Vanik [D., Ohio] has written to Secretary of Commerce Frederick Dent and Secretary of State Henry Kissinger, asking that they look into American business participation in "Krimtehnika '74."

In light of the present situation which exists in the Soviet Union," Vanik wrote, "in regard to dissidence and the harassment of people who have applied, under Soviet law, to emigrate to other countries, it seems highly insensitive on the part of our government to allow American equipment manufacturers to participate in such an exhibition."

Vanik plans to raise the issue in the House tomorrow.

A spokesman for Welt International Corp. of Chicago, a company which calls itself a marketing specialist and exhibition manager for Communist Eastern Europe and the Soviet Union, said the company has already signed up two police equipment firms, and "we hope to have others before the exhibition opens."

"The Soviets have made a definite budget commitment for the purchase of all types of laboratory and equipment and instruments, law enforcement equipment, and associated devices systems for forensic and criminology activities," the spokesman said.

American exporters of lethal devices are required by the State Department's munitions Control Board to check with that department before exporting their merchandise to Communist countries.

One of the companies attending the Moscow exposition is Voice Identification, a New Jersey organization specializing in "voice prints." According to Rick Alexanderson, company president, they have developed a system "as good as fingerprints," that can positively compare voices and identify them.

The company recently identified former Soviet Premier Nikita Khrushchev's voice from 180 hours of tape recordings he made after his ouster. The tapes were translated and published in the book "Khrushchev remembers: The Last Testament."

Optronics International of Massachusetts, a company that has developed a fool-proof identification card, will also exhibit at "Krimtehnika."

A spokesman for Sirchie Fingerprint Laboratories in New Jersey, one of the biggest manufacturers of mobile crime labs, and his organization hopes to attend the Moscow exposition.

"The Russians are very anxious to have us," Jim O'Rourke company vice president said.

"They wanted one of every major item we make, including our $100,000 mobile crime lab and $40,000 in miscellaneous equipment. We cabled them that we weren't interested in just selling parts or one of everything, and that we had dropped our broker.

"The Russians shot back a cable, practically begging us to attend the exhibition. They said, 'Your parts undoubtedly will interest our specialists.' They really want our crime lab."

But, as an afterthought, he added, "Some of this equipment could be used against innocent people. It bothers me."

JULY 1, 1974.

Hon. HENRY KISSINGER,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that Krimtechnica, a trade exposition, will be held in Moscow in August to display the latest police equipment produced by manufacturers throughout the world.

From what has preliminarily been indicated, this display will include crowd control devices, bullet proof vests, body detection devices, the latest types of mace, as well as a number of other police related equipment.

In light of the present situation which exists in the Soviet Union, in regard to dissidence and the harrassment of people who have applied, under Soviet law, to emigrate to other countries, it seems highly insensitive on the part of our government to allow American equipment manufacturers to participate in such an exposition.

Could you please advise me whether there is any official direct or indirect U.S. governmental assistance being supplied to any American manufacturers or suppliers in conjunction with the development or participation in this Moscow exposition?

Could you also advise me whether any of the items to be displayed had to be cleared for export by your Department? If not, could you please advise me why such clearances or export controls do not exist?

Your assistance in this matter will be appreciated.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

Mr. Speaker, the immorality of American participation in this crime technology exposition is nearly beyond description. Perhaps some idea of what we are doing—in the name of profit—can be obtained from reciting several passages from the Gulag Archipelago.

For example, why do the Soviet police need lie detector devices? In his chapter on "The Interrogation," Nobel prize winner Aleksandr Solzhenitsyn describes some of the methods which the state police have used to extract confessions: Method No. 23 involved the bedbug-infested box:

The bedbug-infested box has already been mentioned. In the dark closet made of wooden planks, there were hundreds, maybe even thousands, of bedbugs, which had been allowed to multiply. The guards removed the prisoner's jacket or field shirt, and immediately the hungry bedbugs assaulted him, crawling onto him from the walls or falling off the ceiling. At first he waged war with them strenuously, crushing them on his body and on the walls, suffocated by their stink. But after several hours he weakened and let them drink his blood without a murmur.

Method 26 involved the "ancient," "medieval" torture of starvation:

Starvation has already been mentioned in combination with other methods. Nor was it an unusual method: to starve the prisoner into confession. Actually, the starvation technique, like interrogation at night, was an integral element in the entire system of coercion. The miserly prison bread ration, amounting to ten and a half ounces in the peacetime year of 1933, and to one pound in 1945 in the Lubyanka, and permitting or prohibiting food parcels from one's family and access to the commissary, were universally applied to everyone. But here was also the technique of intensified hunger: for example: Chulpenyev was kept for a month on three and a half ounces of bread, after which—when he had just been brought in from the pit—the interrogator Sokol placed in front of him a pot of thick borscht, and a half a loaf of white bread sliced diagonally.

(What does it matter, one might ask, how it was sliced? But Chulpenyev even today will insist that it was really sliced very attractively.) However, he was not given a thing to eat. How ancient it all is, how medieval, how primitive! The only thing new about it was that it was applied in a socialist society!

Is American business to provide equipment to the Soviet police so that political prisoners—innocent persons—may be tortured and broken?

I find it particularly ironic that one of the companies which will be participating has developed the ultimate in voiceprint devices. Has no one read Solzhenitsyn's "The First Circle?" This entire 670 page book describes the ordeal of a prison camp of scientists who have been ordered to build a voice print device to catch a "political criminal." It is a very special prison camp in which the inmates are treated somewhat decently so that they will work better. But it is still a prison hell. In fact, the very title of the book is an allusion to Dante's "Inferno," in which the least painful stage of Hell was the first circle. The novel—a factual description of the situation in the Soviet prison camps around 1950—contains some quotes relevant to the crime technology exposition.

For example, the entire prison camp was busy working on voice decoder and voice print devices which they knew were available in the West. Fortunately for millions of Soviet prisoners, Stalin did not hold a crime detection exposition during his regime. To quote from Solzhenitsyn:

"Clipped Speech" had been taken from English, and not only the engineers and translators, but also the assembly and installation men, the lathe operators, and perhaps even the hard-of-hearing carpenter knew that the piece of equipment in question was being built along the lines of American models. But it was accepted practice to pretend it was all of native origin. Therefore the American radio magazines with diagrams and articles on the theory of "clipping," which were sold in New York on counters outside secondhand-book shops, were here numbered, bound with string, classified, and sealed up in fireproof safes, out of reach of American spies.

To provide voice print devices to a nation which makes no bones about massive wiretapping would be a criminal and immoral act on the part of the United States. Following is an imagined conversation—again quoting from "The First Circle"—between the Minister for State Security, Abakumov, and one of the special political interrogators, Ryumin:

"I'll take care of them, Mikhail Dmitriyevich, believe me. I'll take such care of them that no one will be able to collect their bones!" Abakumov answered, looking threateningly at all three.

The three guiltily lowered their eyes.

"I'll give them the tape of the conversation. They can play it over and compare it."

"Oh!—did you arrest anyone?"

"Of course." Ryumin smiled sweetly. "We grabbed four suspects right near the Arbat metro station."

But a shadow crossed his face. He knew the suspects had been grabbed too late, that they were the wrong ones. Yet, having once been arrested, they would not be released. In fact, it might just be necessary to pin the case on one of them—so that it would not remain unsolved.

Annoyance grated in Ryumin's insinuating voice: "I can get half the Ministry of Foreign Affairs on tape for them, if you like. But that's not necessary. Only six or seven people have to be picked up—the only ones in the ministry who could have known about it."

"Well, arrest them all, the dogs. Why fool around?" Abakumov demanded indignantly. "Seven people! We have a big country—they won't be missed!"

Finally, toward the end of the novel, as the prisoner scientists develop their voice identifier and close in on the "political prisoner," one prisoner is asked to make

another type of police device—hidden camera that will take night pictures. This prisoner, who if he cooperates will soon be released to join his old wife, Natasha, is faced with one of the ultimate decisions:

The prison official describes the device:

"One of them is a camera that can be used at night. It works on those . . . what are they called? Ultra-red rays. You take a picture of a person at night, on the street, you find out who he's with, and he'll never know as long as he lives. There are already rough versions of it abroad, and all that has to be done is to imitate them creatively.

The prisoner Gerasimovich thinks to himself:

Here was the answer to Natasha's plea.

Gerasimovich saw her withered face, and her glassy frozen tears.

For the first time in many years, the warmth of returning home stirred in his heart.

All he had to do was what Bobyer had done: fix it so that a few hundred unsuspecting, stupid people were put behind bars.

Hesitating, embarrassed, Gerasimovich asked, "But couldn't I stay—with television?"

"You refuse?" [State Security Officer] Oskolupov asked indignantly. He frowned. His face easily took on a look of anger. "Why?"

Natasha was his one lifetime companion. Natasha was waiting for his second term to end. Natasha was on the threshold of extinction, and when her life flickered out, his, too, would be over.

"My reasons? Why do you ask? I can't do it. I wouldn't be able to cope with it," Gerasimovich replied very quietly, his voice almost inaudible.

[Colonel of Engineers of State Security] Yakonov, inattentive up to this moment, now stared at Gerasimovich with curiosity. Here evidently was another case that verged on madness. But the universal law that "your own shirt is closer to your body" had to prevail this time, too.

Gerasimovich could have remained silent. He could have bluffed. He could have accepted the assignment and then failed to do it, according to the zek rule. But Gerasimovich stood up. He glared contemptuously at the fat, double-chinned, stupid mug in a general's astrakan hat.

"No! That's *not* my field!" he said in a clear high voice. "Putting people in prison is not my field! I don't set traps for human beings! It's bad enough that they put *us* in prison . . ."

Mr. Speaker, supplying the latest police technology to the Soviet Union is not our field. Putting people in prisons is not our field. Mr. Speaker, I hope that the American businesses involved in this atrocity will reconsider. I would also hope that the American Congress would act swiftly to prohibit this type of policy technology export.

NATIONAL HEALTH INSURANCE: THE NEED FOR THE HEALTH SECURITY ACT, H.R. 22

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, today it was my privilege to testify before the House Ways and Means Committee about national health insurance. As one of the original cosponsors of H.R. 22, the Griffiths-Corman Health Security Act, and as a continuing supporter of that legislation, I was pleased to have the opportunity to present my views to the committee.

I would like to share my testimony with my colleagues and ask that it be included in the RECORD:

TESTIMONY BY CONGRESSWOMAN BELLA S. ABZUG, JULY 9, 1974

Mr. Chairman, I am pleased to have the opportunity to appear again before this Committee to present my views on national health insurance. As you may recall, I testified earlier, on November 18, 1971, in support of the Kennedy-Griffiths bill to establish a national system of health security, a bill which I co-sponsored in the House. At that time, I reviewed some of the major defects in our health care system. Almost three years later, it is depressing to note how little has changed. The major problems to which I referred then were the maldistribution of services, the poor organization of services, the failure of private insurance companies to control costs or to use their financial strength to reduce excessive costs associated with hospitalization, the uncontrolled profiteering of the drug industry, inadequate attention to increasing the supply of trained health personnel, and the lack of quality control in the provision of health services.

Despite a few improvements, none of these major problems has yet been seriously attacked, much less brought under control. The establishment of mandated peer review processes under the Professional Standards Review Organization (PSRO) system is a step in the right direction, but much more remains to be done to establish standards of quality control and review processes in which the consumer and the public can have confidence. I will have more to say on this matter later. Aside from this step, and a small beginning in the direction of organizing Health Maintenance Organizations (HMO's), little has been done. And in some respects we are significantly worse off today than we were then.

The administration has cut back support for medical research and for the training of doctors and other badly needed health professionals. Medicare deductibles have increased and benefits have been curtailed. Community-based health and mental health centers have been cut back, cut out, or left to wither on the vine. An inflation which this administration does not know how to stop has imposed sharply higher costs for securing essential health care. I point out that in the district I represent, prices, including the cost of medical care, have risen faster than in any other part of the country since 1967. If good medical care was expensive and hard to get, especially for middle-income and low-income people, in 1971, it has become even more difficult to obtain and far costlier in 1974.

Each year I invite people in my district to an all-day conference on issues which Congress should be addressing. This year, as in the past, the program included a discussion on health and medical care. Person after person rose to describe how their search for decent care has become ever more difficult, medical problems more serious, doctors less available, and public institutions more hard-pressed to provide even minimal services. I heard innumerable reports of longer waits, higher bills, and ever deepening fear and anxiety. This administration may continue to ignore or neglect the needs of our poor, our elderly, our children, our workers, our minorities, and other groups with real and pressing concerns. But we in this Congress cannot be blind to the problems or needs of our constituents. We cannot turn our backs on the immediate need for fundamental restructuring and reorganization of our health care system.

THE LONG-RANGE NEED

I am convinced that this country must eventually develop a national system of health care, going well beyond even the most ambitious bills which have yet been submitted to the Congress. None of the measures under consideration comes close to providing the comprehensive cost-free services which are central features of social policy in Canada, Scandinavia, Holland, Israel, Britain, and other modern nations. These systems establish health care, like education and retirement benefits, as a right to which everyone is entitled regardless of ability to pay. They are financed largely or wholly from general tax revenues. They cover doctors' services, hospital costs, drugs and prescriptions, prosthetic and other devices, convalescent care, home care, family planning services, and dental costs. Until we begin to move in that direction, we cannot hold our head up in the company of civilized nations or pretend that we have dealt adequately and humanely with the health care problems of our people.

STEPS NEEDED NOW

Clearly this country is not yet ready to move seriously along these lines. Instead, even the most progressive bill you have before you—H.R. 22, the Griffiths-Corman bill—has been abandoned by its Senate sponsor and a principal national spokesman in favor of a more modest approach in the name of "realism." We must reject that approach and that retreat. The minimum requirement for action in this legislative year is the enactment of the original Kennedy-Griffiths bill. Too much work, too much struggle has gone into the development of that bill and into building public support for it to permit it to go down the drain. I do not accept the argument that the people are not yet ready to support and welcome a comprehensive approach such as that embodied in H.R. 22. The people in my district have made their voices very clear; they understand that we need, at a minimum, to take this step, and they are impatient that it has not already been done. I believe that we should stop listening to those with a vested interest in piecemeal progress, who counsel only limited change, and listen to the people. They know that the American system of health care requires drastic changes right now.

I support HR 22 and urge its passage for these reasons:

it is the only bill which meets the great bulk of health care costs for all Americans;

it puts the stress on strengthening ambulatory care and avoiding hospitalization;

it covers the widest range of needs of any bill, including home health services, psychiatric care, nursing home care, drugs, appliances, glasses, and such things as podiatrist services (from what my constituents tell me, I sometimes think that sore feet is one of the most neglected aspects of health care);

it imposes no deductibles or coinsurance requirements;

it recognizes that nutrition, counseling, health education, and social work belong in the area of health care, and provides coverage for them;

it provides incentives for prevention and health maintenance as goals of the system, moving us away from the approach that recognizes a health problem only when someone is sick enough to seek help;

it includes a timetable for adding dental services to the list of covered services;

it recognizes that we must train the people who are needed to provide care if we are to meet our responsibilities, and it provides funds to do so;

it provides a comprehensive statement of the services which an HMO must provide to qualify and incentives to organize them;

it recognizes the need for establishing standards of quality, and takes the first

necessary steps in that direction through the Commission on the Quality of Care;

it ends the middle man role of the private insurance companies;

it takes the first steps toward a national uniform set of standards of qualification, away from the present hodge-podge with each state setting its own standards of licensure and qualification.

Each of these steps is a necessary minimum which we must adopt now if we are to meet what has been repeatedly described as the crisis of the American health care system. Last month a distinguished group of citizens in my state, under the leadership of Murray H. Finlay, President of the Amalgamated Clothing Workers of America, announced the formation of a New York State Committee for National Health Security to work for the enactment of this bill. Similar committees are being established in other states. I welcome this evidence of a national determination to move now in the direction of the Griffiths-Corman bill, and expect to work actively with this and other groups to secure its passage.

BEYOND H.R. 22

This bill represents a significant first step in the right direction. But more remains to be done. In the balance of my testimony, I shall point out certain improvements which, I feel, are essential. HR 22 is a good bill; it could and should be made better.

Quality Control: PSRO's are a step in the right direction, but they entrust the formation and application of standards of quality to professional groups. There is no role provided either for public agencies or for consumers. In New York City, the Health Department was able to establish very effective procedures for monitoring both the quality of car provided by practitioners and the accuracy and fairness of billing for reimbursement. Important abuses were uncovered and major savings achieved despite limited resources and the strong opposition of professional organizations. I must confess that I am dubious of an approach which has, so far, found fairly ready acceptance among doctors, and was recently found acceptable by the American Medical Association. A monitoring process with real teeth is not going to find the going that easy. The AMA is moving to take control of the review process before consumers demand that the government do it. AMA involvement in shaping the PSRO structure and process has been extensive since the legislation was passed. Senator Bennett, author of the bill, said that he saw PSRO activity as "educational, not punitive". That is well and good, but there is little incentive to doctors to accept standards unless failure to do so involves some penalties. As the Federation of American Scientists noted in its analysis of the PSRO law, "The opportunities for abuse of PSROs are many, and the sanctions are relatively weak."

I believe that the quality control mechanisms provided in H.R. 22 need to be strengthened in three ways:

1. Including an active role for state and city departments of health, utilizing the New York City experience;

2. Strengthening the sanctions imposed for failure to adhere to standards; and

3. Mandating inclusion of consumer and community representatives in PSRO organizations.

Prevention and Health Education: The bill recognizes the need, and importance, of preventive measures, but its provisions are vague and ill-defined. I would amend the bill to require HMO's to include major preventative and educational components in their programs of work, as a condition of eligibility. Standards must be established, incentives provided, and specific goals required of HMO's. There are good precedents to utilize in the experience of some of the more successful neighborhood health centers which were supported by OEO, including, in New York City, the Martin Luther King, Jr., health center in the Bronx, and the Northeast Neighborhoods (NENA) health center on the Lower East Side of New York. These centers were able to relate such factors as housing, environmental conditions, nutrition, schools and drugs to the health needs of their patients, and to extend their work and resources to deal with some of these very relevant problems. These are important and valuable lessons which need to be incorporated in a national health security program.

Non-Medical Personnel: H.R. 22 recognizes that personnel other than physicians and nurses must be utilized in the delivery of health services, and provides support for their training. I thoroughly endorse this concept. Looking again at the experience which we have had with community health centers, I have been greatly impressed by the critical contributions made by paraprofessionals and by non-professionals. Such groups will have a never-increasing and even more valuable role to play as we move from a patient-centered system of health care to one which stresses prevention, outreach, continuity of care, and health education. I would strengthen the provisions of the bill dealing with paraprofessionals in order to correct the imbalance which now prevails in the health care system. Steps in this direction have important cost implications as well. Our scarcest and most costly resource in the health care system is the physician. Last Wednesday's Wall Street Journal noted that thousands of nurse-practitioners have improved pediatric care in both cities and small towns, have relieved the burden on pediatricians, have improved patient satisfaction, have lowered costs to patients, and have preserved, if not improved, standards of care provided. The physicians' assistants programs in various parts of the country show similar results. We need to move much more vigorously in this direction in the future.

Consumer and Community Role: A major defect of this bill is its failure to mandate a significant role for consumers' representatives and community spokesmen. Consumers are given a minority role in the National Health Security Advisory Council, and a policy-making role in HMO's, but no role in governance or scrutiny. Neither HMO's nor hospitals are required to disclose their finances to the communities in which they work. Hospitals are notorious for their failure to disclose the fiscal information which is critical to any effort to judge their fiscal competence, the fairness of their charges, or the relationship between costs and charges. I would mandate full financial disclosure as a condition of reimbursement for all eligible provider organizations.

Family Planning: Any system of national health insurance must, as H.R. 22 does, include family planning as a covered benefit available to those who want to avail themselves of it. Services available should comprise all safe, medically acceptable and legal methods of family planning including oral contraceptives, abortafacient drugs and devices such as the interuterine device, voluntary sterilization including vasectomy and tubal ligation, and abortion.

Mr. Chairman, 1970 data show sterilization as the preferred method of family planning for 25% of couples over the age of 30. I also believe that abortion is the least desirable method of birth control. No woman prefers it. It is generally regarded as a method of last resort. Hopefully, there will be fewer abortions as women and men gain more familiarity with and access to contraceptives. But safe and legal abortion must be available to any woman who finds herself pregnant and for any one of a multitude of reasons does not want to have a child then. Other testimony which you have heard has argued against the inclusion of sterilization or abortion in national health benefits. Those who hold this belief are free to model their own lives on these precepts. They are also free to state their views publicly, to argue to seek to persuade other Americans of the rightness of their morality or dogma. But they have no right to demand that all Americans conform to their particular beliefs.

Financing: Too much of the burden of financing is put on the beneficiaries themselves. H.R. 22 calls for a 50 percent contribution from general tax revenues, the remainder to be paid by increased social security taxes paid by employer and employee in unequal shares. The reliance on the social security tax system is understandable but dangerous. These taxes have now reached a level where they are an important regressive element in the tax structure, bearing more heavily on low and middle income families than on those at higher income levels. I regret that the bill does not set forth a timetable for moving from this financing formula toward heavier reliance on general revenues in the future, with concomitant reductions in the direct contributions to be made by employers and workers. I would amend the bill to provide that 75 per cent of all costs be met from general revenues within five years, and 100 per cent with 10 years of enactment.

CONCLUSION

I remain committed to the original Kennedy-Griffiths-Corman bill, and will work actively for its passage, this year. I believe this bill can and must be enacted. I believe we cannot, as a nation, wait any longer to remedy the severe defects in our system of health care. I do not think the delivery of health services can be left entirely to the medical profession. There must be public scrutiny, public accountability, and public control over all aspects of health care. This is no threat to our doctors and their profession. On the contrary, it is our only hope of preserving their historic role in our health care system. We live in a new era, and this bill recognizes that fact. At the same time, we would be deluding ourselves and the people if we pretended that this bill solves our health care problems. It does not; it is only a necessary first step. Others are needed, and I have started some of them. I will work to make them a reality. Let us shape a health care system worthy of a great and compassionate nation.

PRIVACY SAFEGUARDS FOR HEALTH DATA BANKS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, since 1969, I have appeared before many committees on both the House and Senate side out of a concern for the neglected field of citizen privacy. So now, I welcome the prospect that finally this year Congress will enact legislation that comes to terms with the serious threat to individual privacy posed by modern technology and government.

As Members of the Congress that is considering national health proposals, I would urge that in considering the legislation that will finally be voted on, one of the goals be the preservation of the citizens' right to privacy.

No one would disagree that an individual often gives away some of his privacy when he applies for a benefit or service. But we must always remember that the Government is still organized to serve the interests of the people rather

than its own institutional aggrandizement and that there is a balance to be preserved. The right to privacy remains threatened as long as there are no effective legal constraints on the understandable but dangerous appetite of public servants who have forgotten whom they serve.

Perhaps my own experience as a private citizen years ago planted the seed from which my legislative efforts have grown. It involved a life insurance company inquiry but the investigative procedure would have just as well been pursued by a Federal agency.

When I was a younger man, I made an application for life insurance, and it was rejected. I could not understand why because I felt pretty healthy, and the company did not give me the reason why. Because I pressed and pressed, I finally was able to secure an off-the-record statement from the individual who had solicited the account. He said, "Well, we have information in our records that 10 years ago you had cancer." I said, "Well, that is very interesting, but I am not aware of it." I asked what the nature of this cancer was. The records showed it was leukemia. I asked, "Where did you get that information." The company indicated they had obtained it from a neighbor.

The truth is, I did not have cancer and, of course, would have been dead a long time ago had I had it. Had I not pressed on that matter, I would not have known and I would not have been given an insurance policy. I brought this matter to the company's attention, and demanded that they analyze their file again and finally they agreed that the information that had been provided to them had been given maliciously.

While a city councilman in New York I introduced legislation in 1968 to give the citizens of New York City the right to inspect and supplement municipal files. At that time I said my bill was "just a first step taken on a local level in what is really a national problem of protecting the citizenry against unjustified governmental prying into private affairs."

All of the national health insurance proposals pending before this Congress will have an enormous impact on the privacy of individuals, whether private carriers or the Social Security Administration runs the program.

At the present time, there is a data bank that over 700 insurance companies can plug into and receive information on an individual—information that pertains to the physical condition of the person—and deals with psychiatric disorders, sexual behavior, and drinking patterns. The patient expects confidentiality in his relationship with his physician. The existence of the medical information bureau data bank raises serious questions about this privileged relationship.

We must take care to guard against information on a patient's insurance forms finding its way to the personnel department or to the employee's supervisor. In contracts between employers and insurance carriers—or the Federal Government—any employer participation in the processing of individual claims should be prohibited.

Furthermore, security safeguards should be established to protect the privacy of an individual during any examination of his medical record under the guise of "program evaluation," "audit," or "cost justification."

In the Mills-Kennedy bill, section 2034 (a) and (b) authorize the central administration to obtain from any State agency participating in administering aid plans for families with dependent children "any information or data relating to family status or family income which such agency may have" and "to enter into such contracts and arrangements with other public agencies—Federal, State, or local—as may be necessary or appropriate to obtain information and data which relates to family status and family income."

Under no circumstances should we permit the unbridled transfer of such information—particularly without the written, informed consent of the individual—unless it is a case of medical emergency and then with the most stringent regulations. The individual has a right to know the uses to which information he submits will be put, to whom it will be disseminated, and how its release, or nonrelease, will affect his eligibility for benefits.

The creation of a health credit card—although efficient and easy to use, could, without regulation, lend itself to abuses. The code numbers provide quick, easy access to the individual's medical records. If an individual's health credit card code number can be used by other organizations—the accessing of information from many sources on a given individual is made much easier.

If the Social Security Administration is chosen to administer the national health program, and if Congress authorizes SSA to use the social security number as the health card number, the way will have been paved toward using the social security account number as a universal numerical identifier—and the specter of a national data bank with voluminous material being accessible by the use of one number is made more real.

Let me briefly outline in general terms what I think this legislation should contain with respect to privacy safeguards. These 10 commandments of privacy are:

First, permit any person to inspect his own file and have copies made at reasonable cost to him;

Second, permit any person to supplement the information contained in his file;

Third, permit the removal of erroneous or irrelevant information and provide that agencies and persons to whom the erroneous or irrelevant material has been transferred, be notified of its removal;

Fourth, prohibit the disclosure of information in the file to individuals in the agency or organization other than those who need to examine the file in connection with the performance of their duties;

Fifth, require the maintenance of a record of all persons inspecting such files, and their identity and their purpose;

Sixth, insure that information be maintained completely and competently with adequate security safeguards.

Seventh, require that when information is collected from him, the individual must be told if the request is mandatory or voluntary and what penalty or loss of benefit will result for noncompliance;

Eighth, require that those involved with the collection, maintenance, use or dissemination of medical information operate with clearly defined data access policies, and with adequate data security measures to provide medical confidentiality;

Ninth, require that persons involved in handling personal information act under a code of fair information practices, know the security procedures, and be subject to penalties for any breaches; and

Tenth, prohibit agencies or organizations from requiring individuals to give their social security number for any purpose not related to their social security account, or not mandated by Federal statute and prohibit the development of any other universal numerical identifier.

I am hopeful that the bipartisan spirit by which privacy legislation has been initiated, shaped, and refined will continue through the efforts of this Congress in drafting a national health insurance plan because citizen privacy must be everyone's concern—conservative and liberal, policymaker and taxpayer, physician and patient.

SENATOR JACKSON AT THE APEX OF HIS CAREER

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is refreshing to note an article in the Washington Post on Saturday, July 6, entitled, "Senator Jackson at the Apex of His Career." The writer, Geri Joseph, is a contributing editor with the Minneapolis Tribune, in which the article first appeared.

There are many of us who admire HENRY JACKSON and we recognize the authenticity of the comments made in Mr. Joseph's article. Senator JACKSON is indeed a strong leader whose forthrightness and abilities are very much needed on Capitol Hill.

I am pleased to submit the article at this point in the RECORD:

SENATOR JACKSON AT THE APEX OF HIS CAREER

(By Geri Joseph)

Old-fashioned virtues have not counted for much in the recent media-minded world of American politics. They have been, for example, no match for the vague but much-sought after quality known as charisma. Further, a suspicion lingers that the old-fashioned is to be obsolete in terms of today's problems.

It is possible, however, that Sen. Henry (Scoop) Jackson, an old hand on Capitol Hill, is out to prove that charisma is not everything, and old-fashioned virtues have a place in the modern world after all.

Disciplined and hard-working, as unassuming as a next-door neighbor, the senator from the state of Washington has earned his share of news stories over the years. But nothing in the past can compare with the attention he is getting now.

At a remarkably youthful 62, when others begin to think of retirement, Jackson has reached an apex in his admirable career. Probably no other man or woman in Congress has so powerful—though not uncontro-

versial—a voice on so many leading issues. It is as if all the pieces of his 34 years in public life have fallen suddenly, luckily, into prominent place. Oil and energy, détente and trade policy with the Russians, nuclear weapons and land use, to name a few.

And there are some Democratic politicians who figure that the presidency, too, may be in Jackson's immediate future. Certainly he is one of two or three Democrats at the top of everybody's list of possibles.

In a recent interview with Jackson in his comfortable, uncluttered Senate office, conversation covered many subjects—from adverse effects of affluence on young people, to the opposition his nomination is likely to arouse from his party's left wing.

But again and again, he came back to two issues on which he has been catching plenty of heat. One is his outspoken skepticism about the value of détente as pursued by the Nixon administration. The other is his trade-bill amendment that requires countries seeking most-favored-nation trade status with the United States to allow free emigration. The amendment is worded generally, but applies clearly to Soviet Jews who wish to leave Russia.

For his critical questioning of détente, Jackson has been called a Cold War warrior, a hard-liner and a man who cannot change with the times. He shrugs at those descriptions, although the cold-war warrior phrase slightly ruffles the usually calm manner. He is for détente, he explained, but he wants it to mean not just better business and the movement of commercial cargo, but the movement, too, of people and ideas.

He would take a tougher bargaining stance than Secretary of State Henry Kissinger. "Henry does not pick on those things he thinks the Russians won't accept or like. I say the whole purpose of negotiation is to discuss hard things on which we differ."

Jackson wondered frankly if the Cold War "is really over" or merely disguised. He referred several times to the Russians' desire for "primacy." When you examine détente, he said, "What have we achieved since that great and glorious word came into the vocabulary?" He listed what he regards as benefits to the Russians. There was the wheat deal. ("We were had.") Another example: the joint space venture in which the United States will put up $240 million, the Russians, nothing. ("I call it 'wheat in the sky.'") Further, in trade agreements and the strategic arms limitation talks, Jackson claimed the Russians have come out ahead.

"Kissinger says the United States is benefiting from detente through a better world climate and good will," Jackson said. He snorted "Good will? Like being eyeball to eyeball in the Middle East? With the Russians telling the Arabs to keep the price of oil high? With Gromyko doing everything he could to break up the negotiating efforts?"

As for his insistence that the Russians change their emigration policy before getting most-favored-nation status, Jackson said quietly. "This is a moral, civil-libertarian issue." He denied that his amendment is a calculated play for Jewish votes. His Norwegian heritage taught him respect for human rights and liberties, he said, and his horrified reaction to Buchenwald concentration camp in 1945 reinforced that belief. From that time on, he became a staunch supporter of the state of Israel.

"Where I get in trouble on foreign policy," he added, "is I have very strong views on individual liberties. But at least I'm consistent. I voted against aid to Greece and for the embargo on Rhodesia." He spoke with feeling of Soviet emigres who visit his office to thank him. "I feel a personal responsibility not to let these people down," he explained. "You know, it says in the Talmud that if you save one life, you help save the world."

Jackson critics fault him—oddly enough in these times—for his consistency and his unwillingness to compromise. But the senator pointed out that he has changed his mind many times during his long career, and he has had to compromise on almost every bill he has introduced. The time may have arrived when he will have to compromise on his trade-bill amendment.

"But I am not a bowl of mush," he asserted. "And I do have strong convictions." He also had a blunt directness to his speech, a respected regard for the rights of others and a solemn belief that the right of free speech means "the right to sound like a fool on occasion."

If all those old virtues ever replace charisma, Scoop Jackson could be a prime beneficiary.

PIONEERING BY CAGLE LEAVES STRONG LEGACY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have been impressed time and again with the ability and leadership of Vice Adm. Malcolm W. Cagle. His most recent command has been as Chief of Naval Education and Training at the Naval Air Station in Pensacola. Because of my close contact with defense programs, I have had frequent occasion to know firsthand of the contributions of Admiral Cagle to the U.S. Navy. I feel without question that he is one of the strongest leaders in today's Navy. His retirement will come at a time when the military services particularly need strong leaders, and the loss of his services will be a damaging blow to Navy progress. It is most unfortunate that he could not be persuaded to remain in the service.

The Pensacola Journal of Thursday, June 13, carried an excellent editorial which shows the attitude of the people who have been in best position to view Admiral Cagle's work for the improvement of Navy programs. I am glad to submit it for the RECORD. I hope that it will help Navy leaders everywhere to recognize the importance of Admiral Cagle's work. The article follows:

[From the Pensacola Journal, June 13, 1974]

PIONEERING BY CAGLE LEAVES STRONG LEGACY

Ranking military commanders come and go in West Florida, but few have brought to Pensacola the commanding stature for the Navy and the community as Vice Adm. Malcolm W. (Chris) Cagle.

We regret his surprise retirement but find his decision to return here as he plans his "second career" gratifying.

Chris Cagle not only is the genius behind the establishment of the Chief of Naval Education and Training headquarters here but reflects strong vision toward modernizing and streamlining all naval training.

His coming opened a new era for the U.S. Navy in Pensacola: A stronger command with broadened duties and responsibilities plus stabilization of Naval Aviation, which has been the major mission of the vast naval establishment in Escambia and Santa Rosa counties.

But Admiral Cagle, writer and educator with a diversified military command career spanning nearly four decades, quickly proved himself a strong citizen in major community activity. His briefings on the Navy's new educational methods were revealing for community leaders throughout West Florida; his concern for the erosion of American seapower alerted many Americans—especially Pensacolians—as he worked for quality manpower training to fit the needs of an all-volunteer force.

His insight helped launch the new Navy education and his work here will be remembered as pioneering architecture for military training more attuned to the times and the age of electronics. He worked closely with Florida educators, including Pensacola Junior College and the University of West Florida officials, and he followed a new formula for more enlightened and more economic manpower.

Cagle's planned retirement, along with others, including submariner Dean Axene (Cagle's deputy) and the head of Navy medical facilities, Rear Admiral Oscar Gray, has set off speculation that changes are in order for Pensacola's naval training complex. But we feel the Navy will learn from newer concepts now in practice and will continue efforts to strengthen seapower and manpower training policies.

Certainly Dean Axene and Oscar Gray have contributed immensely to the growth of the new naval training command.

Admiral Cagle kept a busy pace in military work, darting about the nation helping solidify various technical and fleet training; but he also had the time—and imagination—to quickly emerge as a well-liked community leader. He joined in civic endeavor, including work of the Pensacola Area Chamber of Commerce, unity efforts by the black coalition and the goals of Action '76. When explosive racial troubles developed at Escambia High School, Admiral Cagle volunteered his staff as the Pensacola community leadership worked for harmony and a return to sanity on campus.

As a Virginia cattleman, incisive writer on military topics and Naval Aviator who dreamed of a living monument to men of flight at Pensacola's new Naval Aviation Museum, Admiral Cagle leaves a strong legacy for the second Chief of Naval Education and Training after the change of command September 3.

His three years here were rewarding, not only producing a firm foundation for newer concepts of Navy education but working for a community that should recognize a ranking military commander who inspired better participatory citizenship.

We're happy Chris Cagle will be returning here to bring the Naval Aviation Museum to national prominence as well as continue his role as a prominent Pensacolian.

DR. NORMAN RASMUSSEN TESTIFIES IN SUPPORT OF PRICE-ANDERSON ACT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, considerable interest has been generated in both Houses over a report under preparation of Dr. Norman Rasmussen of the Massachusetts Institute of Technology and its relation to legislation extending the Price-Anderson indemnification provision in the Atomic Energy Act of 1954. Dr. Rasmussen testified before the Joint Committee on Atomic Energy during our hearings on this legislation on May 16 of this year. I ask unanimous consent that his statement at those hearings be included in the RECORD at the conclusion of my remarks.

Earlier today the ranking minority member on the Joint Committee on the House side, Congressman CRAIG HOSMER, and I sent a letter to all the Members containing excerpts from Dr. Rasmussen's testimony before the Joint Committee on May 16 which specifically related to the proposed Price-Anderson amendment.

Dr. Rasmussen's statement follows:

Mr. Chairman, I am Dr. Norman C. Rasmussen, Professor of Nuclear Engineering at the Massachusetts Institute of Technology. For the last year and a half I have been a consultant to the Atomic Energy Commission, and during that time, I have been the director of a study to assess the risks to the public from accidents in nuclear power plants of the type being built in the United States today. I am happy to say that the study is now nearly complete. We are now in the process of reviewing and checking the numerous calculations in this risk analysis. Until that process is finished and we are completely satisfied that, to the best of our knowledge, the results are accurate, I do not think it would be appropriate to discuss the specific results in detail. I anticipate that a draft of this report will be issued for comment from interested parties early this summer. Nevertheless, I am prepared to discuss here today some general conclusions that the study has produced that may be useful to you in your consideration of the renewal of the Price-Anderson Legislation.

Let me start by reviewing the nature of the risk to the public from power reactors, and then discuss factors that effect the magnitude of the consequences. The latter part of this testimony will discuss the broader question of the total risks to society and some of my personal observations about the insurance question.

An operating nuclear power station contains a large quantity of radioactivity which is produced by nuclear processes that take place during its operation. The vast majority of this radioactivity is produced inside the uranium dioxide fuel. Relatively small amounts of radioactivity collect in other parts of the system during its operation. These sources outside the fuel are so small that their accidental release would not have a serious effect on the public health and safety, although they might contaminate the plant and its immediate surroundings and the decontamination process could represent an economic loss to the utility. In order to have an accident large enough to produce serious public consequences, it is necessary to release a significant fraction of the radioactivity contained within the fuel. Considerable experimental work has shown that to do this requires heating the fuel to its melting point of about 5000° F.

The above facts have long been recognized by the designers, operators and regulators of nuclear reactors and so a great deal of attention has been paid to this problem with the intent of making the probability of accidents leading to core melt very small. Our study's preliminary indications are that the probability of such accidents is, indeed, quite small. Not surprisingly, however, we have identified some ways where with modest effort the probability could apparently be made somewhat smaller if that is determined to be necessary. These matters will be discussed in detail in the final report and I shall not go into them in detail here today, pending our final review of all calculations.

Let me turn your attention now to the consequences of melting the core. The consequences of core melting depend principally upon three factors: (1) how much radioactivity gets released into the environment, (2) how this radioactivity gets dispersed in the environment by existing weather conditions, and (3) the number of people and the amount of property exposed.

The amount of radioactivity that gets released from the nuclear plant into the environment depends upon how much of this is trapped inside the containment prior to its escape. All plants have provisions to trap radioactivity within the containment. In addition there are natural processes that lead to deposition of many of the radioactive species on the wall and other surfaces in the containment building. In most core melt accidents these processes would be expected to be quite effective in reducing the amount of radioactivity released. However if an analyst were asked what the worst possible release could be, he could imagine a series of unlikely circumstances where the processes for removing radioactivity would not be very effective and a much larger release would result. Our analysis of core melt accidents shows just this effect, namely, that the most likely course of events following core melt results in rather modest releases and larger releases are even less likely to occur. This means, of course, that the largest release is considerably less likely than the expected or typical release in such an accident.

Now let us consider the weather conditions that cause the dispersal of airborne radioactivity into the environment. There are many weather conditions in which there is very rapid dilution of released pollutants. Under these conditions even a large release would be dispersed so quickly that the public consequences would be rather small. Of course, during a small percent of the time, unfavorable weather conditions associated with strong inversions and low wind speeds exists. In such weather the radioactivity is diluted more slowly and public consequences can be more severe. Not only must this unfavorable weather exist, but it must continue to exist for many hours after the accident for the worst consequences to occur. Of course the likelihood of the most unfavorable weather, therefore, becomes quite small. Thus, as in the case of the release from containment, we find that the average weather effect for a large release is to produce modest consequences and more severe consequences are associated with weather conditions that are less likely to occur.

Next let us look at the people and property exposed. The number of people in a particular direction from a reactor site varies from close to zero for those directions out over the ocean or over large bodies of water to a few cases where the population density is several thousands of people per square mile within 10 or 20 miles of the site. Since the value of real property is about proportional to population density, both health effects and property damage will depend on the number of people over which the radioactivity is dispersed. An analysis of the populations density near reactors shows that 90% of the area has populations a factor of 10 smaller than the highest and 50% has populations a factor of 100 less than the highest. The very high populations cover only 1% of the area. Thus, given a release of radioactivity, we would expect the high population areas to be exposed 1% of the time and on the average (i.e., 50% of the time) the exposed population to be a factor of 100 smaller. This, of course, means that, other factors being equal, the consequence would be a factor of 100 less.

From the above discussion we see that three random factors, the type of release, the type of weather, and the population density exposed, affect the overall consequences of a core melt accident. On the average we have found that these combine to give modest consequences following core melt. Only under very unlikely circumstances would we expect to see the worst release combined with the worst weather combined with the highest population density exposed. Although the analysis done in WASH-740 showed a number of cases with very small consequences, no attempt was made to estimate the likelihood of these cases relative to the worst case that was calculated. As a result attention focused on this worst case and many people came to believe that if a reactor core should melt these very serious consequences would surely result. From the above discussion we see this is not the case. In fact the likelihood of various consequences of a nuclear accident show a distribution that is characteristic of all other types of man-caused accidents which can be studied from historical data. That is, the likelihood of small consequences are much higher that the likelihood of large consequences, and the most likely consequence of a given type of accident is much smaller than the worst accident that clever people can imagine.

The nuclear industry is to some extent the victim of its excellent safety record. We have accumulated in the United States well over 1500 reactor years of experience in water reactors. This includes about 200 reactor years with commercial power stations; the rest are military reactors. There has never been an accident that has led to injury of the public, let alone an accident involving core melting. Many critics of nuclear power take advantage of this lack of experience with serious accidents such as core melt by saying that if it occurs it will be a catastrophy in terms of public consequences. The catastrophy they describe is one associated with the worst set of events they can imagine, regardless of how unlikely the events. This has led to the belief by many people that power reactors present a public risk with consequences much larger than any of the other activities society pursues. Our study has shown that this is not the case, and, in fact, a number of other activities of society could produce under very unlikely circumstances accidents of similar consequences.

One example of interest regarding large non-nuclear risks in our society comes from the consideration of earthquakes. We have all heard of the very large 1906 San Francisco earthquake in which there were approximately 750 fatalities. The question has often been asked about what consequence an earthquake of a similar size would cause today. A recent study by the National Oceanic and Atmospheric Administration has estimated that an earthquake of such size could occur on the average of every 100 years and could cause fatalities in the range of 10,000–20,000.[1] The study also notes that if the earthquake were to also cause dam failures in the area another 10,000 or so people would be killed.

Let me give another illustration of these points based on my own experience. During the last year I have asked many non-technical people what they feel is the largest possible consequence of an airplane crash in terms of fatalities. Almost all gave an answer in the range of 300 to 400. When asked how they arrived at this number most said they heard of many airplane crashes and none had killed more people than 300, and, besides, the largest planes could carry only this number. I then pointed out it might be possible for two planes to collide. Most then revised the number upward to 600 or so. I then suggested that a plane might crash into a crowded place on the ground. Most then increased their estimate by 100 or so more. Finally I suggested that the crash might be into a crowded sports stadium and kill 10,000 or more. Although they recognized that this was hypothetically possible almost all felt it was unrealistic to believe that it would really ever happen. None of these people realized that the very serious postulated reactor accidents that they have heard about involve an even more unlikely combination of circumstances. This has come about because there has been a tendency, in the absence of any real experience with serious nuclear accidents, to ask what is the worst that could happen and clever people can think of some very unlikely combinations of circumstances. The safety philosophy applied to nuclear power plants which uses a number of hypothetical accidents to set safety design requirements has also been in part responsible for this.

I hope our study will help people under-

[1] "A Study of Earthquake Losses in the Los Angeles, California Area" Prepared by NOAA for the Federal Disaster Assistance Administration, 1973.

stand that the most likely consequence of a core melt accident, which itself is unlikely, would be quite modest, in fact, no worse than many other kinds of accidents such as fires and airplane crashes that society has experienced. Just as it is possible to imagine an airplane crash producing 10 or 100 times more serious consequence than the average under a very unlikely set of circumstances, it is also possible to identify an unlikely set of circumstances in which reactor accidents could produce much more serious consequences.

The question that now arises is whether Price Anderson legislation is still needed. We now have about 40 nuclear plants in operation and more than 110 more under construction or on order. These 150 plants represent about a 70 billion dollar investment. According to several recent studies, they can be expected to produce electricity for about one half a cent a kilowatt hour less than fossil fuel plants at current fuel prices. If these plants have a load factor of 70% they will represent an annual savings to society of more than 4 billion dollars over the cost of electricity produced by fossil plants. It should thus be clear that even if a reactor accident were to occur that caused significant property damage, the savings in cost of electricity due to use of nuclear power combined with the low likelihood of such an accident indicates that the property damage costs would not represent a large burden on our economy. It seems to me that by the middle 1980's the nuclear power industry should be quite capable of dealing with any loss it might possibly encounter.

I believe the present legislation you are considering which provides for a gradual phasing out of the Price-Anderson insurance and a take over by the insurance pools and the nuclear industry is a good approach to this problem. At this time, I see no reason for changing the current 560 million dollar limit. Of course, completion of the Reactor Safety Study may shed more light on this matter.

While it is possible there may be nuclear accidents with more severe consequences, so are there accidents possible in many other industries that go beyond the levels of insurance obtainable. It is also possible to imagine very unlikely circumstances in many industries that would lead to public consequences beyond the financial capabilities of these companies. This is true of some of those companies that process and transport large quantities of explosive, poisonous, or flammable materials. It may also apply to some of those companies that supply large quantities of food and medicine.

Society accepts these risks because the commodity being handled is considered essential, because the event is so unlikely that it is not considered to be credible, or, perhaps in a few cases, because it is not understood how large the consequences might be.

Past history has shown that when natural or man-caused events such as this occur, society, usually through its government, acts to help the victims of the unfortunate event. I have no doubt that should an event of this type happen in the nuclear or any other industry the Congress and the government would take whatever action was necessary to help those involved.

In summary I believe that the proposal before you represents a reasonable way to phase out the Government responsibility for nuclear insurance and shift the responsibility to the insurance companies and the nuclear industry. I believe that the current 560 million dollar limit is reasonable value at this time and will cover all combinations of circumstances which can reasonably be considered credible. The National Safety Council now reports that accidents in the U.S. are currently causing 100,000 fatalities per year and an economic loss of 30 billion dollars per year. Any reasonable estimate of probability and consequences of nuclear accidents indicates that they would not have a significant impact on this already large accident burden that society bears.

QUESTIONS AND ANSWERS ABOUT STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, as a strong advocate of H.R. 15000, which phases out the strip mining of coal in the mountains in 6 months and also ends strip mining over periods from 18 to 54 months in other areas, I am frequently asked similar questions concerning reclamation, availability of deep-minable coal and other questions relating to the feasibility of banning strip mining.

In order to clarify the factual data which leads me to the conclusion that strip mining must be phased out, I have prepared answers to a series of questions most frequently asked about strip mining:

Question: In a time of energy shortages, how can you favor the abolition of strip mining? How are we going to make up for that lost energy—half our coal production comes from strip mining.

Much as I would like to, I am not calling for an immediate end to strip mining. We must replace this strip coal production with production from deep mining and this will take time. That is why my bill phases out strip mining over a 4½-year period. In 6 months, all stripping on slopes steeper than 20 degrees will be stopped. In 18 months, stripping on flat lands—slopes less than 20 degrees—will be phased out. Large Western strip mines are given 4½ years to be phased out—this applies to mines west of the Mississippi which produce more than 500,000 tons annually.

This orderly phaseout period will allow deep mining production time to step up to meet the level of lost strip production. According to the most conservative estimates, deep minable economically recoverable with present technology reserves outnumber strippable reserves by a ratio of 8 to 1, 356 billion tons to 45 billion tons. According to the U.S. Bureau of Mines, if we continue to concentrate on strippable reserves, all strippable reserves will be exhausted within 20 years. Appalachian strip reserves would be virtually exhausted in 10 years. The Department of Interior in its recent "Energy Research Program of the Department of Interior" study concluded "We have to rely on underground mining to a large extent, both in the East and in the West".

The first step in replacing the phased out strip coal will be to cut off coal exports, 90 percent of which come from underground mines. The cutoff of coal exports has been advocated by the steel industry as well as by some major utilities. Present projections indicate that exports should total at least 60 million tons in 1974. Excluding the exports to Canada, which would not be cut off, this would mean at least 37 to 40 million tons would be available immediately to replace lost strip tonnage.

The second source of new production lies in unused existing capacity in our deep mines. Most U.S. mines operate two shifts or less each day and many operate only 4 or 5 days per week. The Bureau of Mines has estimated that deep mine production could be increased 42 million tons annually merely by adding a sixth day at existing mines. In addition, 137 million tons could be generated by operating all mines on a three-shift-per-day, 5-day-week schedule. Allowing for downtime, et cetera, approximately 100 million tons could be generated.

A third source of new supply would be to reopen previously closed deep mines. According to the Bureau of Mines, between 1970 and 1972, 752 deep mines closed, but had not exhausted their coal reserves. These mines had an annual production of 28,294,000 tons in their last year of operation. Reopening the 50 largest mines would result in annual production of nearly 14 million tons. With the advent of the energy crisis and the new demand for coal at high prices, a number of these mines are slated to reopen already.

Production from new deep mines can also be expected to provide considerable additional production. The energy crisis has shortened the lead time for opening new deep mines. Approximately 15 major new deep mines have been announced in West Virginia alone. All of these are planned for annual production levels of at least 1 million tons each and are slated to come into full production by 1976–77. Some production is expected from most by late this year. With strip mining shut off, capital investment will flow toward new deep mines. The research department of UMW estimates that 20–35 million tons of additional capacity can be on line in 18 months, the end of 1975.

The final source of additional production is the expansion of the use of longwall techniques. Longwall mining is a far safer technique and recovers more than 90 percent of the reserves as compared with 57 percent for more conventional deep mining methods. Longwall mining is presently responsible for only a small percentage of U.S. coal production. However, Bureau of Mines experts have projected longwall production of more than 80 million tons annually by 1985. The potential for expanded use of this technique in the near future is substantial. The UMW projects 15 million tons additional production by late 1975.

Question: If money and effort are committed by the strip mine operator, is it not possible to achieve successful reclamation? Why do you favor a complete ban, why not allow this mining in those areas where reclamation is feasible?

Answer: The likelihood of success of reclamation is dependent on the characteristics of the mine site. The crucial variables are: slope, sulfur content of coal and overburden, acid-alkali balance in spoil, amount of rainfall, depth and thickness of the coal seam, and amount and quality of topsoil. Successful reclamation has been carried out in Germany and Great Britain. In both countries, conditions for reclamation are ideal: very thick topsoil, moderate rainfall, flat

land absence of acid or alkali spoils. In the United States, this combination is rare indeed. In addition, the Germans and British conduct extensive preparation and site selection prior to mining and commit substantial sums—$4,000 per acre average.

In Appalachia, the combination of steep slopes, pyritic shales, heavy rainfall, and thin topsoil creates monumental erosion problems, sedimentation, landslides, and acid drainage. Newer techniques have reduced environmental damage in the mountains, but the key problems: landslides and sedimentation continue regardless as documented by the recent Mathematica study of eastern Kentucky.

In the flatter terrain of Ohio and the Midwest, reclamation would seem to have a better chance. However, because of the high sulfur content of the coal and of the shale strata above and below the coal seam, acid drainage problems are very serious. Extensive research by Dr. Moid Ahmad of Ohio University and by the Ohio Department of Natural Resources have found that even when toxic materials are buried and compacted, leaching of acid and toxic elements has continued. While reclamation efforts in the Midwest occasionally produce esthetically pleasing sites, this can be quite misleading since degradation to neighboring streams and to ground water systems is often being caused by these same reclamation sites.

The arid lands of the West present still another set of reclamation problems. Western lands are characterized by very thin topsoil, low rainfall, alkali, saline, and sodic spoils—no acid producing materials—and the general scarcity of water. Recent research by the National Academy of Science, by Dr. Robert Curry of the University of Montana, and by the Montana Bureau of Mines has all indicated that reclamation in the west faces grave difficulties.

The key to western reclamation is water—the arid areas of the west, according to the academy study, should be declared national sacrifice areas—reclamation is impossible. In areas with a little more rainfall possibilities for revegetation are greater but additional problems come into play.

If the area is a subirrigated hay meadow or alluvial valley floor, mining and reclamation in a particular site may be possible—at tremendous cost to downstream water users. Once part of an alluvial valley floor has been mined, it acts as a sponge soaking up water which previously continued on down to other users.

This is the secret of the relatively successful Amax mine near Gillette, Wyo. The test grasses growing at Amax are soaking up water that ranchers downstream desperately need. Similarly, strip mining of aquifers, the strata which carry water below ground, will disrupt surface and ground water systems.

In many parts of the West, the strippable coal seam is the aquifer. While localized reclamation may be possible the impacts of mining and reclamation will be far greater for the region as a whole. In short, strip mining of the western lands poses potentially graver problems than even the disastrous stripping of the hills of Appalachia.

Question: Would it not be possible to pass a very tough regulatory bill with standards guaranteeing total reclamation and then follow it up with really tough enforcement?

A bill requiring total reclamation and tough enforcement would be in effect an abolition bill because it is virtually impossible to eliminate all environmental damage caused by strip mining. Therefore, a really tough set of regulations would force the regulatory authority to choose between abolition of strip mining or flexibility in enforcement. This decision should not be left to the regulators.

Of course, regulatory authorities do not operate in an ideal vacuum—enforcement is to a great degree a function of the relationship between the inspector and the operator. In the Appalachian region, this relationship has repeatedly resulted in coal industry domination of the regulatory authority. Coal is the major industry in Appalachia—it exerts tremendous influence over the legislatures, the county courts, and the State agencies. In the milieu, tough enforcement of strip mining regulations is impossible.

In West Virginia, a top official in the Department of Natural Resources resigned because strip mine operators were being aided in bending the law by inspectors and employees of the Department.

More recently, an in-depth study of enforcement in eastern Kentucky conducted by Mathematica for the Appalachian Regional Commission has revealed the serious problems with enforcement. The study states:

The charge that the law has not been vigorously and impartially administered has some basis in fact.

The study details how the inspectors in Pike County, Ky., had failed to report violations. As the Commissioner of the Kentucky Department of Natural Resources stated:

This supervisor submitted glowing reports of compliance . . . The reports and what I saw didn't match. What I saw was far from satisfactory.

The study concluded that inadequacies in training and failures to report detected violations were the major enforcement problems.

Examples of this type are legion in Appalachia. The miles of highwalls, sediment laden streams, and landslides bear grim testimony to the failure of State legislation and State enforcement throughout the mountains.

Question: If tough enforcement for strip mining legislation is impossible, then why did you support the 1969 Coal Mine Health and Safety Act? If enforcement is impossible, why didn't you push for abolition of deep mining to protect the safety of miners?

There is one critical difference between enforcement of safety laws and enforcement of reclamation laws. Safety laws have the strong support of the miners because their lives are at stake. In the case of strip mining, the workers are likely to side with the company because it is in the economic interest of the company to do poor reclamation. Poor reclamation means higher production and perhaps higher salaries. In any case, the life of the strip miner is not on the line where reclamation is concerned.

The new leadership of the United Mine Workers has taken a strong stand in favor of safety. Union members at the mines watch safety conditions carefully and push for tough enforcement. There is no similar incentive for tough reclamation—the affected homeowner would have an interest but he is rarely present when the inspector carries out the inspection.

Question: Popular reports have indicated a shortage of coal miners exists at present. If this is the case, is there sufficient manpower available to make the shift from strip mining to deep mining?

A recent Bureau of Mines study carried out by the Institute for Research on Human Resources at Penn State provides considerable insight on this question. The study, entitled "The Demand for and Supply of Manpower in the Bituminous Coal Industry for the Years 1985 and 2000," concludes that in the period 1975–2000 "the probability of shortages, of labor, is very remote." The study estimated that labor supply for 1975 would be 184,739 miners. In addition the study identified a supply of 54,868 "potential miners" for 1975.

The potential miners category includes "persons who were miners at some time prior to 1970 but were employed as nonminers during 1970, as well as other persons who might choose employment in the coal mining industry if working conditions were sufficiently better than those of the next best alternative." The combined labor pool for 1975 would thus be 239,607 miners; 107,808 men were employed in underground mines in 1970, the most recent year for which comprehensive employment statistics are available.

Phasing out strip mining and replacing the lost tonnage completely with deep mined coal could, at its most severe impact, require double the present number of deep miners. The available labor pool for 1975 would be more than adequate to cover this demand.

Note that a substantial amount of production could be replaced by adding a fifth or sixth day to present miners' work schedules not necessitating any new workers. The Bureau of Mines has estimated that 42 million tons could be generated annually merely by adding a sixth day.

Question: How can you favor a shift to deep mining when deep mining is responsible for the highest fatality rate of any industry in this country? Strip mining is much safer.

Is strip mining really safer? MESA statistics for the first 4 months of 1974, a period when strip mining has been expanding, show that strip mining has been responsible for a higher fatality rate per million man-hours of exposure than deep mining has during this period. The rate for strip mines nationwide was 0.53 per million man-hours as compared with deep mine rate of 0.35 fatalities per million man-hours.

In addition, the captive deep mines

operated by U.S. Steel and Bethlehem Steel have had the best safety records in the industry over the last 6 years, safer than deep mines or strip mines operated by any other major company. The secret of this great record is twofold: the management of the steel companies is committed to safety and these deep mines do not have to face the competitive market pressure of the strip mines. Since strip mined coal is cheaper by several dollars per ton, many deep mine operators are forced to cut corners to compete. And they cut on safety. With the phasing out of strip mining, this will no longer be necessary—we can expect to see a major improvement in the safety of all deep mines. Germany and Britain operate relatively safe deep mines—the steel companies have shown that it can be done in this country as well.

It's interesting to note that the strip mines operated by the number one and two strip mine producers, Peabody Coal and Consolidated Coal, posted fatality rates equal to or exceeding that of all the major deep mine companies in 1972 with the exception of Consol's own deep mines.

Question: What about black lung disease? Strip miners don't get black lung but underground miners certainly do.

Australia once had a black lung problem similar to ours. Australia passed a tough coal mine health and safety law setting standards for dust levels. Today, Australia has virtually no new case of pneumonconiosis. The 1969 Coal Mine Health and Safety Act sets standards modeled after Australia's. If that law is enforced properly, miners entering the mines for the first time in the 1970's should never contract black lung.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CHARLES H. WILSON of California (at the request of Mr. O'NEILL), for this week, on account of death in immediate family.

Mr. YOUNG of Alaska (at the request of Mr. ARENDS), for today and the balance of the week, on account of official business.

Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today and Wednesday, July 10, on account of personal business in the District.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 60 minutes, today.

Mr. MONTGOMERY, for 60 minutes, on July 16th, 1974.

(The following Members (at the request of Mr. BAUMAN), to revise and extend their remarks, and to include extraneous matter:

Mr. KEMP, for 15 minutes, today.

Mr. SCHNEEBELI, for 15 minutes, today.

(The following Members (at the request of Mr. JOHN L. BURTON), to revise and extend their remarks, and to include extraneous matter:

Mr. HARRINGTON, for 15 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 5 mintues, today.

Ms. ABZUG, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSEN to insert his statement immediately following the statement of Mr. FAUNTROY on S. 3703.

Mr. PERKINS in two instances.

(The following Members (at the request of Mr. BAUMAN), and to include extraneous matter:)

Mr. WHALEN.

Mr. SMITH of New York.

Mr. KEMP in four instances.

Mr. WYMAN in two instances.

Mr. MILLER in four instances.

Mr. BAKER.

Mr. HUBER in two instances.

Mr. GILMAN.

Mr. MINSHALL of Ohio.

Mr. COLLINS of Texas in five instances.

Mr. KETCHUM.

Mr. ABDNOR.

(The following Members (at the request of Mr. JOHN L. BURTON) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.

Mr. ANDERSON of California in two instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. VANIK in two instances.

Mr. MURPHY of New York.

Ms. JORDAN.

Mr. RODINO in two instances.

Mrs. BURKE of California in 10 instances.

Mr. DINGELL.

Mr. BRINKLEY.

Mr. HICKS.

Mr. MURTHA.

Mr. UDALL in six instances.

Mr. KASTENMEIER.

Mr. OBEY in six instances.

Mr. REES.

Mr. ROONEY of New York.

Mr. VANDER VEEN.

Mr. CORMAN.

Mr. HANNA.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7130. An act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 3, 1974 present to the President, for his approval, bills of the House of the following title:

H.R. 29. An act 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;

H.R. 1376. An act for the relief of J. B. Riddle;

H.R. 3534. An act for the relief of Lester H. Kroll;

H.R. 5266. An act for the relief of Ursula E. Moore;

H.R. 7089. An act for the relief of Michael A. Korhonen;

H.R. 7128. An act for the relief of Mrs Rita Petermann Brown;

H.R. 7397. An act for the relief of Viola Burroughs;

H.R. 7724. An act to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes;

H.R. 8660. An act to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances;

H.R. 8747. An act 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;

H.R. 8823. An act for the relief of James A. Wentz;

H.R. 8977. An act to establish in the State of Florida the Egmont Key National Wildlife Refuge;

H.R. 9281. An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes;

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes;

H.R. 12799. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes;

H.R. 13221. An act to authorize appropriations for the saline water program for fiscal year 1975, and for other purposes;

H.R. 14291. An act to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries, 1949, and for other purposes;

H.R. 15124. An act to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps; and

H.R. 15296. An act to authorize the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession.

ADJOURNMENT

Mr. JOHN L. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 10, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2526. A letter from the President of the United States, transmitting notice of his intention to exercise authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to provide assistance for Suez Canal clearance projects in fiscal year 1975, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2527. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the secretaries of the military departments to reimburse nonappropriated fund instrumentalities located in the Ryukyu Islands and Daito Islands, Japan, for increased costs in severance pay entitlements of their Japanese employees incurred as a result of the reversion of those islands to Japan; to the Committee on Armed Services.

2528. A letter from the Deputy Assistant Secretary of the Interior, transmitting the annual report of the Interim Compliance Panel for calendar year 1973, pursuant to section 5(f)(2) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173); to the Committee on Education and Labor.

2529. A letter from the U.S. Commissioner of Education, Department of Health, Education, and Welfare, transmitting a copy of the proposed schedule of family contributions for use in the basic educational opportunity grants program during the 1975-76 academic year, pursuant to section 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a); to the Committee on Education and Labor.

2530. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a copy of the Acting Secretary of State's findings, determinations, and certifications for providing technical experts to Egypt in the field of entomology, pursuant to section 620 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2531. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the department's intent to consent to a request by the Government of Jordan for permission to transfer ammunition to a friendly government in the Middle East pursuant to section 3(a) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

2532. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

2533. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Seneca judgment funds awarded in dockets 342-A and 368-A before the Indian Claims Commission, pursuant to Public Law 93-134 (87 Stat. 466-468); to the Committee on Interior and Insular Affairs.

2534. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Washoe judgment funds awarded in docket 288 before the Indian Claims Commission, pursuant to Public Law 93-134 (87 Stat. 466); to the Committee on Interior and Insular Affairs.

2535. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of such sums as may be necessary to rehabilitate Eniwetok Atoll, Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

2536. A letter from the Director, Pacific Northwest Regional Commission, transmitting a resolution adopted by the Commission requesting Congress to conduct an investigation to develop a basis for subsidized commuter air service; to the Committee on Interstate and Foreign Commerce.

2537. A letter from the Commissioner Federal Prison Industries, Inc., Department of Justice, transmitting the annual report of the Board of Directors for fiscal year 1973, pursuant to 18 United States Code 4127; to the Committee on the Judiciary.

2538. A letter from the Administrator, General Services Administration, transmitting a report of a building project survey for San Pedro, Calif., pursuant to the Public Building Act of 1959, as amended; to the Committee on Public Works.

2539. A letter from the Administrator, Environmental Protection Agency, transmitting a report on waste oil disposal, pursuant to section 104(m), Public Law 92-500 (86 Stat. 816); to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 14780. A bill to authorize appropriations for fiscal year 1975 for carrying out the provisions of the Board for International Broadcasting Act of 1973; with amendment (Rept. No. 93-1180). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. S. 1868. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome (Rept. No. 93-1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. Senate Concurrent Resolution 72. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1980 winter Olympic games at Lake Placid, N.Y., in the United States, and pledging the cooperation and support of the Congress of the United States; with amendment (Rept. No. 93-1182). Referred to the House Calendar.

Mr. CULVER: Committee on Foreign Affairs. H.R. 15487. A bill to authorize the Secretary of Commerce and the Secretary of the Treasury to conduct a study of foreign direct and portfolio investment in the United States, and for other purposes; (Rept. No. 93-1183). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. MAZZOLI, and Mr. HOWARD):

H.R. 15801. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. DINGELL (for himself, Mr. GROVER, Mr. BURKE of Massachusetts, Mr. ECKHARDT, Mr. THOMPSON of New Jersey, Mr. CHARLES WILSON of Texas, Mr. SEIBERLING, Mrs. SCHROEDER, Mr. MOSS, Mr. TIERNAN, Mr. ANDERSON of California, Mrs. GRASSO, Mr. RIEGLE, Ms. HOLTZMAN, Mr. OBEY, Mr. ROBINSON of Virginia, Mr. CLEVELAND, and Mr. GUNTER):

H.R. 15802. A bill to amend the Fishermen's Protection Act of 1967 in order to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations which adversely affect international fishery conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 15803. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 15804. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. GILMAN:

H.R. 15805. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the 65-year-age limitation; to the Committee on Education and Labor.

By Mr. GOLDWATER (for himself, Mr. KOCH, Mr. COTTER, Mr. GUNTER, Mr. HAMMERSCHMIDT, Mr. MATSUNAGA, Mr. QUIE, Mr. ROE, Mr. SCHERLE, and Mr. SEIBERLING):

H.R. 15806. A bill to protect the constitutional right of privacy of individuals concerning whom identifiable information is recorded by enacting principles of information practices in furtherance of articles I, III, IV, V, IX, X, and XIV of amendment to the U.S. Constitution; to the Committee on the Judiciary.

By Mr. MARAZITI:

H.R. 15807. A bill to guarantee the right of employees to organize and bargain collectively which safeguards the public interest and promotes the free and unobstructed flow of commerce; to the Committee on Education and Labor.

H.R. 15808. A bill to provide that employees of States and political subdivisions thereof shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. REES:

H.R. 15809. A bill to amend the Bank Holding Company Act of 1956 to authorize the Board of Governors of the Federal Reserve System to regulate the issuance and sale of debt obligations by bank holding companies and their subsidiaries; to the Committee on Banking and Currency.

By Mr. ROGERS:

H.R. 15810. A bill to amend the Marine Mammal Protection Act of 1972 to prohibit the intentional killing or injuring of porpoises, manatees, and other marine mammals pursuant to permits authorizing the taking of such mammals incident to commercial fishing operations; to the Committee on Merchant Marine and Fisheries.

By Mr. RUPPE:

H.R. 15811. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. DRINAN, Mr. EDWARDS of California, Mr. HECHLER of West Virginia, Mr. MATSUNAGA, Mr. MOAKLEY, Mr. ROE, Mr. STARK, Mr. STOKES, Mr. TIERNAN, and Mr. WRIGHT):

H.R. 15812. A bill to authorize research, development, and demonstration projects relating to new techniques of protein production, fertilizer production, and process-

ing vegetable protein, and an education program to encourage market acceptance of products produced by such methhods; to the Committee on Agriculture.

By Mr. SISK:

H.R. 15813. A bill to amend chapter 55 of title 10, United States Code, to provide contract medical care for disabled persons divorced from active and former members of the uniformed services; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

509. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to recognizing the Choctaw Indian Community at Jena, La., as an Indian Tribe; to the Committee on Interior and Insular Affairs.

510. Also, Memorial of the Legislature of the State of Arkansas, relative to federally mandated devices on automobiles; to the Committee on Interstate and Foreign Commerce.

511. Also, Memorial of the Legislature of the State of Iowa, relative to a study by the National Science Foundation on energy resources; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DULSKI:

H.R. 15814. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. MIZELL:

H.R. 15815. A bill for the relief of John Czarnecki; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 15816. A bill for the relief of Antonio Miguel Callender; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 15817. A bill for the relief of Leah Maureen Anderson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

456. By the SPEAKER: Petition of the city council of Meriden, Conn., relative to Americans missing in action in North Vietnam, Laos, and Cambodia; to the Committee on Foreign Affairs.

457. Also, petition of the Fifth Circuit District Judges' Association, New Orleans, La., relative to the statutory structure of the circuit councils; to the Committee on the Judiciary.

458. Also, petition of the Southern Environmental Resources Conference, Oklahoma City, Okla., relative to the use of water resources; to the Committee on Public Works.

459. Also, petition of the city of Midwest City, Okla., relative to providing resources for water pollution control; to the Committee on Public Works.

SENATE—*Tuesday, July 9, 1974*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Eternal God, unto whom in all ages men have lifted up their hearts in prayer, as we come to Thee, deliver us from all coldness of heart and indolence of attitude that we may learn that to pray is to improve work and to work is to worship Thee. Help us to shut out all distracting sounds, obstructing movements and the confusion of many voices that we may hear Thy voice and be sure it is Thy voice. Spare us from slavery to desk pads and appointment calendars, from hours cluttered with trivia, corroded by deadening delays, from procedures which magnify little things and minimize great and profound needs. Help us to sort out our priorities according to the standards of Thy kingdom. Give us the value judgments of the Son of God and Son of Man who went about doing good and in whose name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 8, 1974, be dispensed with.

The 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 a nomination on the Executive Calendar under "New Report."

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

The PRESIDENT pro tempore. The nomination will be stated.

FEDERAL MARITIME COMMISSION

The assistant legislative clerk read the nomination of James V. Day, of Maine, to be a Federal Maritime Commissioner.

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

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. 945 and 947.

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

INFLATION POLICY STUDY BY THE JOINT ECONOMIC COMMITTEE

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 93) relating to an inflation policy study, which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert in lieu thereof:

That the Joint Economic Committee, or any subcommittee thereof, as authorized by the Employment Act of 1946, shall undertake, as soon as possible—

(1) an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and

(2) to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

SEC. 2. (a) For the purposes of this concurrent resolution, the Joint Committee, or any subcommittee thereof, is authorized from July 1, 1974, through December 31, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) Subpenas may be issued by the Joint Committee, or subcommittee thereof, over the signature of the chairman or any other members designated by him, and may be

served by any person designated by such chairman or member. The chairman of the Joint Committee or any member thereof may adminster oaths to witnesses.

SEC. 3. The Joint Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate and the House of Representatives at the earliest practicable date, but not later than December 31, 1974.

SEC. 4. (a) The Joint Committee is authorized, from July 1, 1974, through December 31, 1974, to expend under this concurrent resolution not to exceed $100,000, of which amount not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof.

(b) The expenses of the Joint Committee under this concurrent resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Joint Committee.

Mr. PROXMIRE. Mr. President, thanks to rapid-fire action by the Senate Rules Committee, the Congress can go to work promptly on a vigorous study of inflation and what we can and should do about it now.

We suffer from continuing serious inflation. Unemployment is still too high and our growth rate is virtually nil. Interest rates are at the highest level since the Civil War and they are responsible for a crisis in housing. Moreover, the tightness of money is having a very bad effect on small business and on State and local governments.

It is increasingly apparent that credit problems are a source of international concern. Several major banks have already gotten into difficulties and have given rise to fears that there may be more to come. International shortages of material are another problem that we have not as yet solved.

It is obvious, Mr. President, that any competent policies to deal with these issues must involve the consideration of a number of interrelated questions. The Government has done too little to cope with these economic problems. It is up to the Congress to develop better economic policies for this Nation and to provide for more effective means of coordinating decisions so as to improve our national economic welfare.

In the circumstances, I am pleased to note that the Senate has just passed Senate Concurrent Resolution 93 directing the Joint Economic Committee to undertake an emergency study of the current state of the economy and to deal with all phases of the problem. The Joint Economic Committee is also directed to provide the Congress with specific recommendations for legislation to remedy the existing ills and to improve the performance of the economy.

The resolution also requires that such recommendations be made before the end of the year which sets a difficult target. But it is a job that has to be done and I am sure that my colleagues share my satisfaction in the thought that the Joint Economic Committee, providing that the House goes along, can now begin to work on this very necessary task.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

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

CONCURRENT RESOLUTION RELATING TO AN INFLATION POLICY STUDY

Whereas the United States economy has been suffering from serious and persistent inflation; and

Whereas unemployment continues to be an economic problem, for the present as well as the near future; and

Whereas extremely high interest rates have caused serious dislocations in the housing industry, in small business, and in other sectors of the economy; and

Whereas the economy of the United States has been upset by shortages of basic resources; and

Whereas prospective shortages continue to be a cause of concern; and

Whereas solutions to these economic ills require the consideration of a large number of interrelated policy questions; and

Whereas it is incumbent upon the Congress to develop more effective economic policies for the Nation and to provide more effective means for coordinating public policy decisions to the end that the national economic welfare be better served; and

Whereas such requirements require that experts throughout the country be utilized for the purpose of obtaining the best available judgment on these important issues; and

Whereas the Joint Economic Committee of the United States Congress is charged by law with the responsibility of conducting a continuing study of matters relating to the economic reports of the President and with providing guidance to the several committees of the Congress dealing with legislation relating to public economic policy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Joint Economic Committee, or any subcommittee thereof, as authorized by the Employment Act of 1946, shall undertake, as soon as possible—

(1) an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and

(2) to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

SEC. 2. (a) For the purposes of this concurrent resolution, the Joint Committee, or any subcommittee thereof, is authorized from July 1, 1974, through December 31, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) Subpenas may be issued by the Joint Committee, or subcommittee thereof, over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths to witnesses.

SEC. 3. The Joint Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate and the House of Representatives at the earliest practicable date, but not later than December 31, 1974.

SEC. 4. (a) The Joint Committee is authorized, from July 1, 1974, through December 31, 1974, to expend under this concurrent resolution not to exceed $100,000, of which amount not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof.

(b) The expenses of the Joint Committee under this concurrent resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Joint Committee.

FEDERAL COAL LEASING AMENDMENTS ACT OF 1974

The Senate proceeded to consider the bill (S. 3528) to amend the Mineral Leasing Act of 1920, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, strike out "43" and insert in lieu thereof "30".

On page 2, in line 23, strike out "43" and insert in lieu thereof "30".

On page 3, in line 1, strike out "43" and insert in lieu thereof "30"; so as to make the bill read:

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

SEC. 2. Subsection 2(a) of the Act of February 25, 1920 (41 Stat. 438) as amended (30 U.S.C. 201(a)) is hereby amended to read as follows:

"SEC. 2. (a)(1) The Secretary of the Interior is authorized to divide any of the coal lands or the deposits of coal classified and unclassified, owned by the United States, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in his opinion, will permit the most economical mining of the coal in such tracts, and thereafter he shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding.

"(2) No lease sale shall be held unless the lands containing the coal deposits have been included in a comprehensive land use plan prepared by the Secretary and such sale is consistent with such plan. In preparing such land use plans the Secretary shall consult with State and local governments and the general public and shall provide opportunity for public comment on proposed plans prior to their adoption.

"(3) No competitive lease of coal shall be approved or issued until after the notice of the proposed offering for lease has been given in a newspaper of general circulation in the county in which the lands are situated in accordance with regulations prescribed by the Secretary.".

SEC. 3. Subject to valid existing rights, subsection 2(b) of the Act of February 25, 1920 (41 Stat. 438), as amended (30 U.S.C. 201(b)), is hereby repealed.

SEC. 4. Section 7 of the Act of February 25, 1920 (41 Stat. 439; 30 U.S.C. 207), is hereby amended to read as follows:

"SEC. 7. (a) A coal lease shall be for a term of twenty years and for so long thereafter as coal is produced annually from that lease. The Secretary shall, by regulation, prescribe annual rentals on leases of not less than $1 per acre or fraction thereof. A lease shall require payment of a royalty in such amount as the Secretary shall determine. The lease shall include such other terms

and conditions as the Secretary shall determine. Such rents, royalties, and other terms and conditions of the lease will be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended by production.

"(b) Where production is prevented by strikes or other circumstances neither caused by nor attributable to the lessee, the Secretary may, if in his judgment the public interest will be served thereby, provide in the lease for payment in advance of a minimum royalty in lieu of continuous production under the lease.

"(c) Within one year after obtaining a coal lease, the lessee shall submit to the Secretary a developmnt and reclamation plan. The development and reclamation plan will set forth, in the degree of detail established in regulations issud by the Secretary, specific work to be performed, the manner in which coal extraction will be conducted and applicable environmental and health and safety standards will be met, and a time scheduled for performance. As promptly as possible after the lessee submits a plan, the Secretary shall approve or disapprove the plan or require that it be modified. Where the land involved is under the surface jurisdiction of another Federal agency, that other agency must consent to the term of such approval: *Provided,* That the Secretary shall delegate authority to the Secretary of Agriculture to approve or disapprove development and reclamation plans involving lands in the national forest system, and the Secretary of Agriculture shall consult with the Secretary of the Interior with respect to significant technical and geological questions and special exploration and development systems. Where the surface of the land involved is in non-Federal ownership, the Secretary shall consult with the surface owner before approving or revising the plan. The Secretary may approve revisions of development plans if he determines that revision will lead to a greater recovery of the mineral, improve the efficiency of the recovery operation, or is the only means available to avoid severe economic hardship on the lessee.".

SEC. 5. Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: ": *And provided further,* That all moneys paid to any State from sales, bonuses, royalties, and rentals of coal deposits in public lands may be used by such State and its subdivisions for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services, as the legislature of the State may direct.".

The amendments were agreed to.

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

LET THERE BE LIGHT

Mr. HUGH SCOTT. Mr. President, with the brightening of the lights in the Chamber, there goes my speech. [Laughter]. I was about to comment on how little light we had in here and to deplore the fact that we might be legislating in the dark.

However, with the extraordinary extrasensory perception which electricians seem to have, they have simply taken from me the reason for any further utterance. The light continues to brighten in the Chamber. The electrician must be listening, because the light becomes brighter and brighter and more and more shining, until we seem to be operating in the full light of day. Well, that is what the public wants; that is what Common Cause wants; that is what Ralph Nader wants; that is what many people want.

So I think it should be noted that at least today we are giving it to them—lots of light, lots of illumination.

I hope that with the help of this illuminated Chamber, we, ourselves, may be sufficiently illuminated to act intelligently and wisely upon the matters which come before us. But since we are operating openly and in the light of day, what more can our critics ask? I am glad that we are able to accommodate them.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

THE RESPONSIBILITY FOR INFLATION

Mr. HARRY F. BYRD, JR. Mr. President, over the weekend, Dr. Herbert Stein, Chairman of the Council of Economic Advisers, went on television to tell the American people who is responsible for 12 percent interest rates and for the severe inflation which the American people are now experiencing. Dr. Stein assessed the blame and put the blame squarely on the American people themselves. He says the American people lack discipline.

One finds it difficult to determine whether to be amused or to be aggravated by Dr. Stein's remarkable assessment. Dr. Stein says that the American people have refused to accept an increase in taxes. Let us analyze this a little.

The fact is that the President of the United States, Dr. Stein's boss, has been telling the American people that we already are too heavily taxed and that no additional taxes will be recommended. The President has been saying this for some time. He said it in 1971, in 1972, in 1973, and in 1974.

What are some other facts? It is a fact that in November of 1971, Congress, at the request of the administration, enacted a tax program which reduced taxes by approximately $15 billion per year. That was done at a time when the Federal funds deficit was running at a deficit of $30 billion. That legislation passed the Senate on November 22, 1971. The vote was 64 yeas and 30 nays.

I opposed the tax reduction because it did not seem logical to me that taxes could be reduced at a time when the Government was running a smashing deficit of some $30 billion.

When this matter was considered by the Senate Finance Committee and reported favorably by that committee, I put in the committee report my views, and gave the reasons why I could not support the program recommended by Dr. Stein's associates.

In the course of that comment, the Senator from Virginia said:

> With reference to the tax cut for individuals to be achieved by increasing personal exemptions, this will diminish the revenue of the Government by a great deal but will mean very little to the individual citizen.

Then I gave an example.

For example, for 1971 for individuals in the bottom 14-percent tax bracket, the saving would be $3.50 per person, or 7 cents per week. For those in the 70-percent tax bracket, the annual savings would be $17.50 per person.

Mr. President, I found myself one of four Senators sitting on the Democratic side of the aisle to vote against that proposal in 1971.

I ask unanimous consent that at the conclusion of my remarks the additional views submitted by the senior Senator from Virginia in the Finance Committee report on the Revenue Act of 1971 be printed in full in the RECORD.

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

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, to blame the American people for the fallacies of this Government, to blame the American people for the misjudgment of its Government, to blame the American people for the wasteful spending of its Government, I think is both amusing and aggravating.

This inflation has been encouraged and, indeed, brought about to a considerable extent by the policies of Government itself, by the continued and accelerated deficit spending of the Federal Government.

I might say also to Mr. Stein that it was the administration itself which, in every budget that it has submitted to the Congress, has recommended a deficit, unbalanced to the extent of anywhere from $15 billion to $25 billion.

Now, of course, the Congress has gone beyond that in some years, increasing the deficit originally recommended by the administration.

I might say that it was the Secretary of the Treasury in 1971 who ridiculed and belittled a balanced budget and said that he, speaking for the administration, favored a policy of more and more deficits. This, of course, encouraged more and more spending by the Congress.

I think Dr. Stein, instead of blaming the American people for this fantastic inflation our country now has, would do well to talk with some of his colleagues and try to change their views.

I might also point out that in the short 6-year period of fiscal 1970 through fiscal 1975, the accumulated Federal funds deficit will be $133 billion.

Now, that is 25 percent of the total national debt of this country. To put it another way, during that short period, fiscal 1970 through fiscal 1975, 25 percent of the total national debt will have been incurred. As a result of that, we have interest rates at 12 percent and we have an expanding inflation.

A businessman was in my office this morning. He said that it costs him 15 percent to borrow money. Twelve percent interest, plus the balance that the banks require, makes the actual cost 15 percent.

Yet, the Government is borrowing money from the money markets and loaning that money to foreign nations, specifically to Russia, which we have loaned hundreds of millions of dollars recently at 6 percent interest, some of it at 5 percent interest, at a time when the businesses here in this country must pay 15 percent interest.

In addition, the administration has urged an additional appropriation of $1.5 billion to the International Development Association. Under this, our Government will borrow the money at 9 percent and give it to IDA to loan to other countries at 1 percent interest. Those countries in turn will loan it to their citizens at 12 to 20 percent interest. How foolish can our country be?

Dr. Stein, I contend, is not on sound ground—in blaming the American people: their Government, yes; the people, no.

As a matter of fact, I must say that I agree with the first sentence of the Washington Post editorial today, saying that if there were a Nobel Prize for sheer gall, this year's award would certainly go to the hapless Dr. Herbert Stein.

Ernest B. Ferguson, columnist for the Baltimore Sun, writes today:

> Hang down your head, John Public, and take your spanking like a little man. Dr. Stein assessed the situation and decided it was all your fault.

I do not think John Public needs to hang down his head. I think what needs to be done is for the policymakers in Washington, both the administration and the Congress, to return to some sound financial principles, and until that is done I think the American people will continue to suffer very seriously from the inflation facing the Nation today.

I happen to think that Chairman Arthur Burns, of the Federal Reserve Board, is correct when he says that the gravity of the problem can hardly be overstated—he is speaking now of the inflationary problem—the future of our country is in jeopardy. I am quoting Chairman Arthur Burns, of the Federal Reserve Board, and I think he assesses it properly.

I think there is a ray of hope with the new Secretary of the Treasury, Mr. William Simon, and with the new counselor to the President, Mr. Kenneth Rush. I think both of those men, along with Dr. Burns, assess accurately the situation facing our Nation today, assess accurately the need for getting inflation under control and are willing to play their part, and a difficult role it is and will be, toward curbing inflation.

This can only be done, as those three gentlemen have stated, by getting Federal spending under control and by getting these huge deficits under control. It will not be done by following the views of Dr. Herbert Stein in his television comments the other day.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

EXHIBIT 1

ADDITIONAL VIEWS OF SENATOR HARRY F. BYRD, JR.

It is my desire to support the President's economic program.

I applaud his address to the Nation on August 15.

I approve the temporary surtax on imports; I believe the wage-price freeze was justified; cutting the Nation loose from gold was necessary for the simple reason that our gold stock is now only $10 billion, yet we have liquid liabilities to foreigners totaling $46 billion.

So all of this, I feel, was sound.

Now we come to the President's tax proposal embodied in H.R. 10947. It would reduce annual revenues by $10 billion.

I have not yet been able to convince myself that it is wise or sound or logical to reduce revenues by such an amount, at a time when the Government is running Federal funds deficits of $30 to $35 billion.

This legislation provides the following:

1. A 7 percent job development credit (President Nixon proposed a 10 percent credit until August 15, 1972, and 7 percent thereafter).

2. Repeal of the 7 percent excise tax on automobiles and repeal of the 10 percent tax on light trucks.

3. Accelerated reduction in individual income taxes beginning in 1971 by an increased personal exemption of $25 for 1971 and by an additional $75 for 1972; and an increase in standard deductions.

4. Deferral from taxation of portions of income derived from exports of Domestic International Sales Corporations (DISC).

5. Codifies depreciation on capital assets.

The 7 percent job development credit, the DISC proposal, the increase in depreciation rates and, to an extent, repeal of excise tax on automobiles, all accrue to the benefit of corporate and other business enterprises.

The increase in personal exemption and standard deductions will benefit, to a small extent, the individual taxpayer; the repeal of the excise tax on automobiles will benefit those individuals who purchase a new car.

The three big items—insofar as loss to the Treasury is concerned—are the 7 percent job development credit, the increase in personal exemptions and repeal of the excise tax on automobiles, the latter creating a loss of $2.2 billion.

First, the job development credit. This is the same as the 7 percent investment tax credit proposed by President Kennedy. The history of this proposal seems in order.

It was first enacted in 1962. President Johnson recommended its suspension in the fall of 1966. I opposed this, as I felt it had been helpful in stimulating capital investment and thus creating new jobs. President Johnson's view prevailed—but 6 months later he reversed himself and asked the Congress to reinstate the investment tax credit, which the Congress did.

Then, in 1969, President Nixon asked that it be repealed. Again the Congress agreed. Now the President wants it reinstated under a new name.

I feel there is a great deal of merit in this proposal as a job stimulant. If it is to be reinstated, I prefer the House position, namely, 7 percent, rather than the administration's recommendation of a 10-percent credit until August 1972 and 7 percent thereafter.

It is important, I think, that the Government make up its mind as to whether the investment tax credit—or if one wishes to use the new name, the job development credit—is desirable or undesirable. Uncertainty as to its status makes it difficult for businessmen to know how to proceed from year to year.

With reference to the tax cut for individuals to be achieved by increasing personal exemptions, this will diminish the revenue of the Government by a great deal but will mean very little to the individual citizen.

For example: For 1971, for individuals in the bottom 14 percent tax rate bracket, the saving would be $3.50 per person (or 7 cents per week); for those in the 70 percent tax rate bracket the annual saving would be $17.50 per person.

In the middle tax brackets, the saving would amount to about 20 cents per week, perhaps less, per taxpayer.

Now, where does this tax package leave the Government insofar as tax revenues are concerned?

For the current year, revenues would be reduced by $11.2 billion; next year the revenue loss would be $9.8 billion.

The Government already is running a smashing Federal funds deficit. These reductions in revenue will add to the deficit.

Deficit spending by the Federal Government is a major cause—if not the major cause—of the inflation the Nation is experiencing today. And it is to control inflation that President Nixon has put into effect wage and price controls.

If there were any real likelihood of a reduction in expenditures, a reduction in taxes would be highly desirable.

But I do not see much indication that either the Congress or the administration is prepared to deduce spending. In fact, the administration urged the Congress to increase the amount appropriated for foreign aid from $1.9 billion in 1970 to $3.5 billion for 1972—almost double; it is urging Congress to enact a new $1.5 billion program dealing with school desegregation; and worst of all, it is strongly urging the Congress to approve a new welfare proposal that would increase the annual cost at least $5.5 billion.

So a reasonable reduction in Federal spending does not now seem apparent.

I am conerned, too, about the reliability of figures submitted to the Congress. For example, the Government this past January over-estimated by $6 billion the amount of revenue to be received by June 30, and it underestimated by $15 billion the expenditures. Thus, the total error was $21 billion.

I shall vote to report H.R. 10947 to the Senate—with the reservation that I withhold judgment as to how I shall vote in the Senate, either on the bill or on amendments thereto.

I approve many of the proposals incorporated in H.R. 10947.

But is it sound to reduce annual revenues by $10 billion at a time when the Federal Government is running smashing deficits, which deficits are highly inflationary?

The Federal funds deficit for fiscal 1971 was $30 billion; the Joint Committee on Internal Revenue Taxation estimates the 1972 Federal funds deficit will be $35 billion.

In a letter to me dated October 13, 1971, John S. Nolan, Deputy Assistant Secretary of the Treasury, puts the revenue loss as follows:

	Calendar year—	
	1972	1973
1969 Reform Act:		
Individuals	−$7.5	−$10.2
Corporations	+3.9	+4.0
Net effect, 1969 act	−3.6	−6.2
ADR regulations (before change by H.R. 10947):		
Individuals	−.7	−.8
Corporations	−2.7	−3.2
Net effect, ADR	−3.4	−4.0
H.R. 10947:		
Individuals	−5.9	−3.6
Corporations	−1.9	−2.3
Net effect, H.R. 10947	−7.8	−5.9
Total	−14.8	−16.0

Of this total, the revenue loss from H.R. 10947, including ADR, is $14.8 billion minus $3.6 billion (from 1969 act)—or $11.2 billion for 1972; and $16 billion minus $6.2 billion (from 1969 act)—or $9.8 billion for 1973.

It is this revenue loss at a time of heavy deficits that causes me deep concern.

I submit a table with pertinent figures.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963–72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972[1]	143.0	178.0	−35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes.

INFLATION

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished senior Senator from Virginia had to say, and I think he has touched on a point which is of interest to all the American people.

The Senator referred to statements recently made on the economy as being either amusing or aggravating. I would go much farther. I think the statements are tragic, because they offer no hope to the American people who are in dire economic straits at the present time.

How long can this country stand two-digit inflation? What is being done by Congress or the administration to face up to this No. 1 issue, this No. 1 problem? In all candor, I would have to say nothing.

What confronts us today? Inflation is around 12 percent. Interest rates yesterday went over 12 percent. Unemployment is up from 5.1 percent to 5.2 percent in the past month or so. New labor contracts are now being considered, and the increases will be quite hefty before those contracts are agreed to.

And may I say I find no fault with labor, because for the past 2 or 3 years it has been acting responsibly. But I do find fault with people who say that the American "public" is to blame for the inflationary difficulties which confront us at the present time. I do find fault, when that same individual several months ago said that what this country needs is a "recession." I do find fault when all we get is the pious invocation that we should return "to the old-time religion."

What does that mean? That we should just pray, and prayer will do away with inflation? The good Lord expects us to help ourselves.

I do not think prayer alone will do the job. Look at the stock market. And I do not own a share of stock. It went down to its lowest point yesterday—around 760 or 770, I believe—in several years. And the trend is downward.

What about production? This year it is 6 percent under what it was last year. And what about wages? For the 14th consecutive month, they have been lagging behind prices.

Mr. President, if inflation goes on at the present rate, we will have to earn twice as much as we are earning today to break even in 1982.

I have advanced a proposal which may or may not have merit. As a matter of fact, I have introduced legislation which has been referred to the Committee on Banking and Currency, and also to the Committee on Labor and Public Welfare, and I hope will be considered by the Joint Economic Committee as well.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will yield my 5 minutes to the majority leader.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MANSFIELD. I do not know whether the so-called Brazilian Index Plan, which has been receiving a good deal of publicity lately, is the answer. Personally, I doubt it is the whole answer. In the first place, it is not a Brazilian Index Plan, it is an American Index Plan, which is applicable to one-third of the labor contracts which have been entered into over the past 5-year period. And, mark my words, it will very likely be in all or most of the labor contracts agreed to from now on.

What does it do? It ties a cost of living escalator clause to the contract, so that when a certain increase in the cost of living occurs, automatically the compensation of the wage earner is increased roughly to that extent.

Is it something new? Not really, because military retirees, Government civil service retirees, and social security retirees get an increase in their retirement based on the cost of living every time it reaches 3 percent or more. So there is some protection there.

But what about the people on private pensions, who do not have that guarantee? What about the working people who are not tied to unions, and therefore do not receive that kind of protection? What about the great majority of the American people? How can they cope with the cost of living being what it is today?

Before the Senate convened this morning, I made a suggestion, in response to a question, that it might be well if the President would give some consideration to calling a White House conference, which would include the joint leadership in both Houses, which would include the chairman and ranking minority members from the appropriate committees, which would include administration personnel, and which would bring in labor and industry and other necessary sectors of the private economy to consider this problem at this time.

I do not know whether or not it is feasible at the moment, but I do know that something should be done to face up to this problem, and to do so now.

The solution is not going to come about simply through a $5 billion or $10 billion decrease in the Federal budget. It goes far beyond that. It has not been caused by Watergate and related matters. There is no connection whatsoever. This is a worldwide phenomenon.

We have worldwide inflation, if I correctly remember a chart I saw earlier this week, ranging from 705 percent in Chile down to about 30 percent in Japan, to 22 percent in Mexico, to 18 percent in France, to 14 to 15 percent in the United Kingdom, to 10.7 percent in Canada, and to approximately, on an average, I would say, between 11 and 12 percent in this country—closer to 12 percent.

Frankly, I think it is up to the administration and Congress—and neither one is without blame—to face up to this problem to see if something cannot be done, and to get away from saying it is the fault of the public; to get away from saying that what we need is a recession; to get away from saying that what we need is a return to the old-time religion. In respect to the latter an old saying comes to mind: "The Lord helps those who help themselves."

What we need to do is to face up to a practical fact. Let me say, Mr. President, that every one of us, when we go home, is being confronted with the question: "What are you doing about inflation?" And none of us can, in good conscience, say that we are doing anything.

Mr. President, I ask unanimous consent that an editorial from the New York Post entitled "Inflation: Sayings of Chairman Stein," an editorial under date of July 8, 1974; an editorial from the Baltimore Sun entitled "Psychology of Inflation"; and a commentary by Mr. Ernest B. Furgurson, contained in the Baltimore Sun of today, to which the distinguished Senator from Virginia made reference, entitled "Dr. Stein's Bitter Medicine," all be incorporated in the RECORD at this point.

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

[From the New York Post, July 8, 1974]

INFLATION: SAYINGS OF CHAIRMAN STEIN

In what may be some of his curtain lines as chairman of the President's Council of Economic Advisers, Herbert Stein finally identified the villain in the nation's desperate economic drama. In response to a question on the CBS program Face the Nation yesterday, Stein said that "in a basic sense" he was obliged to conclude that "the American public" is responsible for the inflationary nightmare haunting the country. The fault, dear friends, lies not within our stars or in the failures of men who have shaped government policy, but with you.

The sayings of Chairman Stein have been illuminating—or darkening—the American landscape for a long time. Throughout his tenure he has steadfastly leaned to an optimistic assessment of bad news. Even yesterday, while conceding that "we have a lot of problems," he simultaneously insisted that they were just "a minor ripple in the rising tide of economic welfare." There is, he added, "every reason" to believe things will be better three to five years from now.

The basis of his faith is what he several times described as the economists' "old-time religion"—which he defined as "much greater

discipline" among Americans who "have to decide" whether they really want to do anything about inflation. For their "endless demands"—and those of other people in other nations—are causing most of the trouble.

We confess we watched Stein with mingled dismay and disbelief. Was this really all he had to say after holding this prestigious post on the nation's top economic strategy team so long?

Was the Administration truly a creation and victim of popular caprice? Had "the people" wrecked the Administration's best-laid plans?

We remember that moment in the summer of 1969 when the President unexpectedly imposed a price-wage freeze, and then instituted the more limited but reasonably effective provisions of Phase 2. Every opinion poll showed vast public support—in every sector of the citizenry—for those moves. It was not "the people" who destroyed that best chance for stability; it was Richard Nixon, Herbert Stein and others in the high command who seemingly could not endure even the modest success of a control system that violated all their preconceptions.

And now Stein summons us to "that old-time religion"—high interest rates, stoic submission and self-denial by the vast majority while big corporate power resists tax reform, curbs on depletion allowances and other minimal exercises in equity.

Inflation is a world-wide plague; there are no miracle drugs. But controls were a serious attempt to demonstrate the vitality of free government. Their dismantling was a tragic blunder. What we are offered now is a sterile blend of promise, preachment and prayer.

[From the Baltimore Sun, July 9, 1974]

PSYCHOLOGY OF INFLATION

The psychology of inflation is a much-neglected aspect of this multi-faceted economic phenomenon, perhaps the key aspect. Herbert Stein, chairman of the President's Council of Economic Advisers, clearly injects the psychology of inflation into the national debate when he says the American people are fundamentally to blame for inflation because of their lack of "self-discipline."

Althought Mr. Stein is to be praised for his courage in urging fiscal restraints against inflation (which, unfortunately, so far have had little impact) it may be that he has departed from his metier when he begins talking about the psychological roots of inflation. He seems particularly undiscriminating, for instance, in his blanket indictment of the American people—for it must be asked: Who are the Americans who have failed to exercise the necessary self-discipline? Not common laborers, certainly, who are trying to support families on $100 weekly take-home pay. Not nurses, many of them likewise supporting families and who take home around $150 a week. Not the bricklayers, truck drivers and machine operators, who are, to one degree or another, in the same fix. For these people—for the bulk of Americans, that is—highly disciplined lives are a necessity.

So who is really to blame? Perhaps in a broader sense than Mr. Stein intended, all of us are to blame. The reason is that all of us have participated in an American dream of materialistic success, a vision in which there are always winners and losers and in which the flight from losership often becomes, even for the affluent, a desperate enterprise.

The prime reason this frenzied social Darwinism exists in the midst of apparent abundance (which in some instances is rapidly becoming scarcity) may be because we have made the rewards for succeeding and the punishments for failing so extreme. For instance, a man who is laid off unexpectedly (as happened to so many aerospace engineers a few years ago) may suddenly lose access to medical care for himself and his family. The fear that such a loss can engender in the man—and in those still employed—can be intense.

If the nation earlier had seen to it that certain public needs had been met, such as access to medical care for all of the population, the fear would be greatly lessened—and the inflationary pressures reduced, because workers would be making fewer of the demands for higher pay of the kind that have their origins primarily in fear. In short, as the late Adlai Stevenson pointed out so many years ago, by devoting a disproportionately small amount of our resources to public need and a disproportionately large amount to consumer goods which sometimes do not meet real needs, we have laid the groundwork for serious strains in the society. The current inflation perhaps is more a manifestation of this than of anything else.

[From the Baltimore Sun, July 9, 1974]

DR. STEIN'S BITTER MEDICINE

(By Ernest B. Furgurson)

WASHINGTON.—Hang down your head, John Public, and take your spanking like a little man. Dr. Stein has assessed the situation and decided it is all your fault, and not only must you endure his tonguelashing today, but you must be prepared to suffer for your sins at least another three or four years.

By that time, both Herbert Stein and the administration he serves will be safely out of town.

Stein makes $42,500 a year of the taxpayers' money in his role as chairman of the President's Council of Economic Advisers. In this job, he obviously is supposed to be the President's key adviser on economic strategy, who figures out why we have inflation or depression, or both at once, and what to do about them.

Now he finally has figured out why. It is because we taxpayers insist on opposing tax increases. And with all the money we therefore have left after our scandalously low taxes, we go out and buy things at ridiculously high prices.

It seems so simple it is amazing no one analyzed it so clearly before. But economics is a complicated business, and you will recall that Stein had to work his way through many steps before arriving at his useful conclusion.

This thinking does not come from an out-of-town dilettante in government economics, one of those familiar corporation grandees come to Washington to give his wife a couple of years' thrills meeting the First Lady and hostessing parties for jetset ambassadors.

Stein started in 1938, during the New Deal, in the years when economic intervention by government was at its all-time height of fashion. He knows the federal alphabet sideways, having served with the FDIC, the NDAC, the WPB and the OWMR before going to the Committee for Economic Development and Brookings Institution, whence he came to the CEA when Mr. Nixon entered office.

But the core of his three dozen career years was with the private CED, which is sponsored by big business. After 22 years there, he came in with the Republicans of the 1960's as a throwback to the French Physiocrats of the 1700's, a contemporary laissez-faire economist. The Physiocrats believed government should keep its hands completely off trade and the economy; Stein would not take us all the way back to that point, but his advice is rendered in their spirit.

When inflation inexorably made Mr. Nixon's 1968 campaign speeches look foolish, other advisers pushed for wage and price controls. For more than 18 months, Stein argued against them. A workable incomes policy, he declared, is a wisp of imagination like "a good 5c cigar or a nonfattening fudge sundae."

In August, 1971, the President gave in to John Connally and others and clapped on wage and price controls overnight. Stein was a key man in tuning them although philosophically he continued to oppose them. At the end of Phase 1 and Phase 2, when the rate of inflation was down noticeably, Stein was made chairman of the CEA and undertook an effort much more to his taste—the removal of the controls which had only begun to work.

Since the start of Phase 3 eighteen months ago, through 3½ and 4 and the abandonment of all controls three months ago, prices have shot upward at rates unprecedented in modern peacetime. To report the inflation encountered every day at the supermarket, gasoline station and bank is sadly repetitious.

So Sunday Dr. Stein exposed himself to questioning on television, and when the subject of inflation somehow came up, he said that because voters were against tax increases over the past decade, the people rather than the government are responsible for it. He said we were going to have to pay penance by disciplining ourselves, to accept tight money and other such restrictions, for "years, not months—that is, three or four years, more or less indefinitely."

Presidential impeachment possibilities aside, the march of normal events would take Stein off the spot before we thus finished paying for our foolishness. But he is taking no chances. He is scheduled to leave at the end of the summer to become a professor at the University of Virginia.

The PRESIDING OFFICER. The additional 5 minutes of the Senator from West Virginia have expired.

Mr. MANSFIELD. Mr. President, I yield at this time.

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I do not rise as the defense counsel for Dr. Stein in this proceeding. But I do think he was being quite realistic during that television interview on Sunday when he said that: "Government policy operates within the limits of what the American people want and will tolerate."

I join the majority leader in commending the distinguished Senator from Virginia upon the statement he has made. I do not agree with everything he has said, but in general his remarks are useful and needed to help educate, not only the American people but their representatives in Congress as well, concerning the impact and importance of Government fiscal policy on the problem of inflation.

Unfortunately, I find that some public officials in State and local government—who apparently understand the need for a balanced budget at their level—seem to have no concern about the financial condition of the Federal Government. They feel free to ask and lobby for more and more handouts from the Federal Government without any regard to whether the money is here.

If the answer from here happens to be, "Look, we are running a government with a deficit," that is not accepted as an answer. A great part of the population, unfortunately, has gotten into the frame of mind that it makes no difference whether the Federal Government is in the black or in the red. As Members of Congress, we are expected by many to vote for such spending proposals, even though funding will require the Federal Government to borrow additional millions and billions of dollars.

I can agree with the distinguished majority leader that deficit spending by the Federal Government is not the only cause of inflation. There are a number

of causes; but certainly deficit spending is a significant and major cause.

I want to commend the distinguished Senator from Virginia as well as the majority leader for at least acknowledging that there is enough blame to spread around for both the Executive and the Congress.

It should be pointed out in this discussion that the executive branch of Government does not spend money unless the Congress has first appropriated and made that money available.

Indeed, as we know, the President has been under intense criticism in many quarters because he has not spent all of the money that Congress has appropriated—because some of the funds appropriated were "impounded" and not spent by the Executive. In fact, I understand that if the President had spent all of the money that Congress has appropriated in the last several years, the deficit would be $14 billion higher than it is, and inflation would be even worse than it is today.

I think we ought to——

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. BEALL. Mr. President, I yield all of my time to the Senator.

Mr. GRIFFIN. Mr. President, I thank the Senator from Maryland.

If the finger of blame is to be pointed in the course of this discussion, then we ought not overlook what happened here in the Senate very recently. And I refer to the extended debate, characterized in some quarters as a filibuster, which was necessary to head off a tax reduction proposal. Of course, everyone, including each Member of Congress, would like to have his taxes reduced. But at this time it would be unwise economic policy to take such a step. To do so would further increase the Federal debt and would fan the flames of inflation still more.

Fortunately, in my view, there was determined and responsible leadership from both sides of the aisle which headed off that very appealing, politically attractive, tax reduction proposal. To oppose it was a difficult thing for many Senators, but it was the responsible thing to do. As much as all of us would like to cut taxes, with inflation running in the 2-digit figures, Congress cannot responsibly cut taxes and increase inflationary pressures at this time.

In the course of this discussion I think we might also take note of the fact that one important way to combat inflation is to take steps and adopt policies that will encourage production and increase supplies, particularly of food and fuel. During the last several years, particularly when price and wage controls were in effect, I hope the country relearned the lesson that there is a law of supply and demand; that it has not been repealed.

When there is a shortage of goods, prices go up. When the supply of goods is increased to the point that it exceeds demand, prices go down. It still is as simple as that. The law of supply and demand has never been repealed.

Unfortunately—as I have pointed this out before on the Senate floor—the Congress has done precious little to encourage an increase in the supply of fuel. Congress did pass the trans-Alaska pipeline bill which, within 3 years will increase the supply of domestic oil. But a number of other, very important legislative proposals to increase fuel supplies are still before Congress and await action.

Several years ago, through the action of Congress as well as the administration, the country turned in a new direction as far as our farm policy is concerned. We are no longer paying farmers for not growing food. Instead, government policies encourage farmers to put their acreage into production and, because that is so, there is reason to believe that the supply of food will increase in the months ahead. And when it does, prices can go down again.

So, I rise not to debate or to criticize but rather to commend the Senator from Virginia. His statements on this occasion, as his statements on so many other occasions, contribute very importantly to understanding in this body, and beyond. His remarks are generally helpful in the continuing battle against inflation.

Mr. President, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from Michigan for his comments. I wish to comment briefly on several aspects of his remarks.

I concur with him fully that the question of getting government spending under control is one which must be shared equally by both the executive branch and the legislative branch. Neither branch can do the job alone; we must work together if we are going to accomplish our purpose.

Another aspect on which I wish to express agreement with the distinguished minority whip is with respect to his comments concerning legislation before the Senate 2 weeks ago to bring about a reduction in taxes.

I think everyone would like to have a reduction in taxes, but I voted against the reduction because it did not appear to me to be logical to reduce taxes at a time when the deficit for the current fiscal year is estimated to be $20 billion and when the deficit for the past fiscal year was approximately $20 billion.

A third aspect of the remarks of the Senator from Michigan that I wish to comment on is the demand made upon Congress by representatives of the various States and other governments for more and more Federal spending.

A few years ago the administration recommended and Congress approved a so-called revenue-sharing proposal, a new proposal pyramided on top of all the other spending programs. Under that plan $30 billion of Federal funds over a 5-year period are being distributed to 38,000 different localities throughout the United States to be used as each locality desires. This was a new program. It was not accomplished by reducing other spending, but it was added to spending already in the budget.

I found it necessary to vote against that popular proposal. I suppose every mayor in the State of Virginia came to my office. The Governor of Virginia went wild in support of that so-called revenue-sharing plan. Yet I had to vote against it, because the Government here in Washington at that time, and now, has no revenue to share. The only thing we have here to share is a great deal of red ink.

In regard to that so-called—and I call it so-called—revenue sharing program, for every dollar that the State of Virginia gets back the people of Virginia put up $1.17. I am willing to debate that proposal throughout the State of Virginia any time, and I have done it from the date it was enacted. I do not think it is sound or logical for the Federal Government to be dishing out funds which it does not have, which it must go into the money markets to borrow. The more the Federal Government goes into the money markets, the higher the interest rate is bound to be and the more difficult it becomes for the average citizen to make ends meet.

The other day I got from Secretary Simon some figures which show that for the 4-month period from last November through last February, the Government went into the money market to the extent of $35 billion. It is no wonder we have such high interest rates now. It is no wonder that again today the interest rates went up from 12 percent to 12¼ percent. Government borrowing is adding greatly to the upward pressure on the money market.

Mr. President, I conclude by saying that the end does not appear to be in sight. I submit that Congress and the administration together have a deep obligation to take sound and fundamental steps to get this inflation under control. It cannot be done by either branch individually; it must be done by cooperation between the two.

Mr. President, many people seem to think that the national debt is an impersonal figure, that it does not have any real effect on the average citizen. I think that view is quite wrong. There are several reasons, but I give one reason at the moment. For every personal and corporate income tax dollar paid into the Federal Treasury by the people of this country, 17 cents of that dollar goes for one purpose; namely, to pay the interest on the debt. If one will look at the current budget, if one will get the up-to-date figure from the Treasury Department, it will be found that the interest on the debt for the current fiscal year, the fiscal year in which we are now involved, will total $31.5 billion. This must be paid for by the wage earner's taxes. Government can obtain funds from only one source—the pockets of those who work.

Mr. President, I have prepared tables showing an analysis of Federal receipts and expenditures for the fiscal years 1968 through 1975, and deficits in Federal funds and interest in the national debt from 1956 to 1975, inclusive. I ask unanimous consent that the tables be printed in the RECORD.

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

ANALYSIS OF FEDERAL RECEIPTS AND EXPENDITURES, FISCAL YEARS 1968-75

[Prepared by Senator Harry F. Byrd, Jr., of Virginia, June 1974]

	1968	1969	1970	1971	1972	1973	[1] 1974	[1] 1975
Receipts, in billions:								
Individual income taxes	$69	$87	$90	$86	$95	$103	$118	$131
Corporate income taxes	29	37	33	27	32	36	40	44
Subtotal, income taxes	98	124	123	113	126	139	158	175
Excise taxes (excluding highway)	10	11	11	10	11	10	10	11
Estate and gift	3	3	4	4	5	5	5	6
Customs	2	2	2	3	3	3	4	4
Miscellaneous	3	3	3	4	4	4	5	5
Total, Federal fund receipts	116	143	143	134	149	161	182	201
Trust funds (Social security and highway, less interfund transactions)	38	44	51	54	60	71	84	93
Total	154	188	194	188	209	232	266	294
Expenditures, in billions:								
Federal funds	143	149	156	164	178	186	200	221
Trust funds (less interfund transactions)	36	36	40	48	54	61	70	84
Total	179	185	196	212	232	247	270	305
Unified budget surplus (+) or deficit (−)	−25	+3.1	−2	−24	−23	−15	−4	−11
Federal funds deficit	−27	−6	−13	−30	−29	−25	−18	−20

[1] Estimated figures.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1956-75 INCLUSIVE

(Prepared by Senator Harry F. Byrd, Jr. of Virginia)

[Billions of dollars]

Year	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	−1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	101.4	106.5	−5.1	12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.4	186.4	−25.0	24.2
1974[1]	181.8	199.5	−17.7	29.4
1975[1]	201.4	221.3	−19.9	31.5
20-yr. total	2,200.4	2,429.5	−229.1	300.4

[1] Estimated figures.

Source: Office of Management and Budget, and Department of the Treasury.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS

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

PROPOSED AMENDMENTS TO THE BUDGET, 1975, FOR THE SENATE AND FOR THE ARCHITECT OF THE CAPITOL (S. DOC. NO. 93-91)

A communication from the President of the United States transmitting proposed amendments for appropriations transmitted in the budget for the fiscal year 1975 to provide for increases in the amounts of $3,370,970 for the Senate and $300,000 for the Architect of the Capitol (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1975 FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 93-92)

A communication from the President of the United States transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975 providing for an increase in the amount of $15 million for the Department of Health, Education, and Welfare (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1975, FOR THE DEPARTMENT OF COMMERCE (S. DOC. NO. 93-93)

A communication from the President of the United States transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975, to provide for an increase in the amount of $7,046,000 for the Department of Commerce (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report to the Congress of its final determinations with respect to the claim of the Fort Sill Apache Tribe of the State of Oklahoma, et al. against the United States of America (with accompanying papers). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) transmitting a draft of proposed legislation to authorize with respect to certain members of the Army Reserve or Air Force Reserve, their employment as Army or Air Reserve technicians, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense transmitting a draft of legislation to authorize the Secretaries of the military departments to reimburse nonappropriated fund instrumentalities located in the Ryukyu Islands and Daito Islands, Japan, for increased costs in severance pay entitlements of their Japanese employees incurred as a result of the reversion of those islands to Japan (with accompanying papers). Referred to the Committee on Armed Services.

REPORT OF NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY

A letter from the chairman of the National Commission on Productivity and Work Quality transmitting, pursuant to law, a report for fiscal year 1974 activities and the fiscal year 1975 work program (with an accompanying report). Referred to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, the report of Department of Defense Procurement from Small and Other Business Firms from July 1973-April 1974 (with an accompanying report). Referred to the Committee on Banking, Housing, and Urban Affairs.

INTERIM REPORT AND RECOMMENDATIONS ON YEAR-ROUND DAYLIGHT SAVING TIME

A letter from the Secretary of Transportation transmitting, pursuant to law, the interim report and recommendations on year-round daylight saving time (with accompanying papers). Referred to the Committee on Commerce.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Acting Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into within the past 60 days (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT ON ACTIVITIES OF THE CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for the calendar year 1973. Referred to the Committee on Interior and Insular Affairs.

PROPOSED PLANS BY THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of Seneca judgment funds awarded in Dockets 342-A and 368-A before the Indian Claims Commission (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

A letter from the Acting Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of Washoe judgment funds awarded in Docket 288 before the Indian Claims Commission (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior transmitting a draft of proposed legislation to authorize the appropriation of

sums as may be necessary to rehabilitate Eniwetok Atoll, Trust Territory of the Pacific Islands (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army transmitting a draft of legislation for the relief of Vojislav Bozic, Constantin Krylov, Abdurachman Kunta, Nikolai Ozolins, Eugene Posdeeff, and Tatiana Wassiliew (with accompanying papers). Referred to the Committee on the Judiciary.

ORDER SUSPENDING DEPORTATION OF BENITO PALAFOX-GUTIERREZ

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, the order suspending deportation in the case of Benito Palafox-Gutierrez, A11 960 565 (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT ON STUDENT LOAN MARKETING ASSOCIATION

A letter from the Secretary of the Treasury transmitting, pursuant to law, the audit report on the Student Loan Marketing Association for the fiscal year ended December 31, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED SCHEDULE OF FAMILY CONTRIBUTIONS IN THE BASIC EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

A letter from the U.S. Commissioner of Education transmitting, pursuant to law, the proposed schedule of family contributions for use in the Basic Educational Opportunity Grants program (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

REPORT ON WASTE OIL DISPOSAL

A letter from the Deputy Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report on waste oil disposal (with an accompanying report). Referred to the Committee on Public Works.

REPORT OF BUILDING PROJECT SURVEY FOR SAN PEDRO, CALIF.

A letter from the Administrator of the General Services Administration transmitting, pursuant to law, the report of the Building Project Survey for San Pedro, Calif. (with accompanying papers). Referred to the Committee on Public Works.

REPORT OF THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on ways and means for encouraging greater citizen participation in highway safety programs (with an accompany report). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore (Mr. EASTLAND):

A letter from a resident of Lorton Complex, Lorton, Va., withdrawing a claim. Referred to the Committee on the Judiciary.

PRESENTATION OF A PETITION

Mr. PELL. Mr. President, on behalf of myself and my distinguished senior colleague from Rhode Island (Mr. PASTORE), I present a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations memorializing the Congress to reduce the retirement ages for social security to the age of 62 for men and 60 for women. I ask unanimous consent that the resolution be printed in the RECORD at this point, and be appropriately referred.

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

The resolution, which was referred to the Committee on Finance, is as follows:

[State of Rhode Island, &r. in General Assembly, January Session, A.D. 1974]

RESOLUTION MEMORIALIZING CONGRESS TO REDUCE THE RETIREMENT AGES ON A VOLUNTARY BASIS TO THE AGE OF 62 FOR MEN AND 60 FOR WOMEN IN ORDER TO BE ELIGIBLE FOR SOCIAL SECURITY BENEFITS

Resolved, That the general assembly of the State of Rhode Island hereby memorializes the Congress of the United States to reduce the retirement ages on a voluntary basis to the age of 62 for men and 60 for women in order to be eligible for social security benefits; and be it further

Resolved, That the Secretary of State be and he thereby is authorized and directed to transmit duly certified copies of this resolution to the Members of the Congress from Rhode Island.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy with an amendment:

S. 3669. A bill to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes (Rept. No. 93-989).

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. PERCY:

S. 3733. A bill for the relief of Peter J. Bann. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3734. A bill for the relief of Mr. Angelo B. Cortes. Referred to the Committee on the Judiciary.

By Mr. COOK:

S. 3735. A bill for the relief of Dr. Bendicto Principe and his wife, Erlinda Madula Principe. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 3736. A bill to authorize the Secretary of the Interior to pay a portion of the cost of corrective work on the Starvation Reservoir Bridge, Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 3737. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to respiratory disease arising out of employment in one or more fluorspar mines and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3738. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager. Referred to the Committee on Armed Services.

By Mr. CHILES:

S. 3739. A bill to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "Melvin T. Dixon Memorial Hospital." Referred to the Committee on Veterans' Affairs.

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

S. 3740. A bill to amend the act of August 16, 1962, authorizing construction, operation, and maintenance of the Fryingpan-Arkansas project, Colo., to provide for the incorporation of pumped storage hydroelectric facilities, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENSON:

S. 3737. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to respiratory disease arising out of employment in one or more fluorspar mines and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths. Referred to the Committee on Labor and Public Welfare.

Mr. STEVENSON. Mr. President, I today introduce legislation providing disability benefits to fluorspar miners suffering from respiratory diseases. With its passage of the Federal Coal Mine Health and Safety Act, the Congress acknowledged the often-desperate plight of disabled coal miners and their families and enacted legislation to assist them. Now a coal miner afflicted with black lung disease can secure disability benefits on which he and his family can survive. I believe that it is appropriate for us to extend similar benefits to disabled fluorspar miners.

The diseases which victimize fluorspar miners include emphysema, lung cancer, and silicosis which is the accumulation of rock dust in the lungs. All of these are insidious, debilitating ailments which can strike and disable a man at the peak of his working life. At this time, a disabled fluorspar miner has the alternatives of depleting his meager savings and/or going on welfare. My bill provides a better alternative—a disability check from the Federal Government.

Fluorspar is a little-known mineral and there are no large organizations to champion the cause of fluorspar miners. Admittedly, the number of fluorspar miners in the Nation does not approach the number of coal miners. Yet, fluorspar miners are afflicted by many of the respiratory diseases—emphysema, lung cancer, and silicosis—which disable coal miners and for which coal miners receive compensation. It seems to me that we ought to focus on the similarities between coal and fluorspar miners' respiratory disabilities rather than the wide disparity in their numbers.

Mr. President, my bill does not propose either the expenditure of large sums of money or the creation of a new Government agency. The existing machinery used in the administration of the black lung disease provisions of the Federal Coal Mine Health and Safety Act should be adequate to handle the extension of disability benefits to fluorspar miners. Further, I do not envisage the expenditure of more than $10 million in any year for this program. That

is little enough to assist disabled fluorspar miners and their families.

Mr. President, the legislation which I am introducing today is a logical extension of the black lung provisions of the Federal Coal Mine Health and Safety Act. Because of the similarity of respiratory disease afflicting coal miners and fluorspar miners, I believe that fluorspar miners are deserving of similar disability benefits. My bill would accomplish this.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3738. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager. Referred to the Committee on Armed Services.

Mr. RANDOLPH. Mr. President, today the Senators from West Virginia introduce legislation commending one of the most singular heroic feats in the history of aviation. The bill would authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager, U.S. Air Force.

On October 14, 1947, the then Capt. Charles E. Yeager, an Air Force test pilot, flew a small experimental rocket-powered aircraft, the Bell XS-1, through the dreaded sonic barrier to become the first man in history to fly faster than the speed of sound. His historic flight, following many months of tests and evaluation, opened a new era in world aviation. Today supersonic speeds are commonplace, but on that crucial date in October of 1947, there were many scientific authorities who remained convinced that man could never hope to achieve supersonic speed.

Brig. Gen. "Chuck" Yeager is today Director of Aerospace Safety for the Air Force. His distinguished military career stretches backward to the beginning of World War II, when he enlisted in the Army Air Corps. He became a fighter pilot, downing 13 enemy aircraft, including one of Germany's first jet fighters. His combat career extends to the Vietnam conflict when, as commander of the 405th Fighter Wing at Clark Air Force Base, Philippines, he flew 127 missions in South Vietnam during 1966.

A detailed account of General Yeager's flying career has been placed in the CONGRESSIONAL RECORD, page 22061, by Representative KEN HECHLER of West Virginia, who has introduced similar legislation in the House of Representatives. I commend its reading to my colleagues, for it relates one of the most daring and skillful exploits of the 20th century. General Yeager is a native of Myra, W. Va., and is a graduate of Hamlin High School. The West Virginia delegation in the House of Representatives has united in support of this legislation, and many other colleagues have expressed their enthusiastic support of this legislation. The world-famous aviatrix, Jacqueline Cochran—Mrs. Floyd B. Odlum—who, in 1953 became the first woman to break the sound barrier in an F-86 Sabre Jet, has expressed an interest in correcting what is both an oversight and an injustice in neglecting to honor one of aviation's all-time great heros.

Mr. President, the purpose of this legislation is to make an exception to sections 8741 and 8744 of title 10, United States Code, by authorizing the award of the Medal of Honor to Brig. Gen. Charles E. Yeager. There is ample precedent for enacting legislation for a noncombat Medal of Honor during peacetime. Among past recipients have been such distinguished figures as Comdr. Richard E. Byrd, Jr., and Capt. Charles A. Lindbergh.

General Yeager made aviation history on October 14, 1947, and as a result of his remarkable feat, the world has changed considerably to accommodate the jet age. I hope that my colleagues will join with Senator BYRD and myself in supporting this measure to provide a deserved and overdue tribute to a celebrated American who has demonstrated over the past 4 decades an outstanding devotion to his country.

I ask unanimous consent that the complete text of the legislation I am introducing be placed in the CONGRESSIONAL RECORD:

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

S. 3738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of sections 8741 and 8744 of title 10, United States Code, the President of the United States may present in the name of Congress, a Medal of Honor to Brigadier General Charles E. Yeager, United States Air Force, for displaying heroic courage and skill as a pilot, at the risk of his life, by his flight of the XS-1 research airplane on October 14, 1947, at a speed faster than the speed of sound, demonstrating that manned aircraft could be safely flown through the theretofore thought deadly transonic zone or "sound barrier" and opening the door to a more rapid space exploration program.

By Mr. CHILES:

S. 3739. A bill to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "Melvin T. Dixon Memorial Hospital." Referred to the Committee on Veterans' Affairs.

Mr. CHILES. Mr. President, I introduce today a bill designating the Veterans' Administration Hospital, located in Tampa, Fla., as the Melvin T. Dixon Memorial Hospital.

Melvin T. Dixon served the veterans of the State of Florida for many years in his capacity as head of the Florida Division of Veterans Affairs. His long and distinguished service was marked by a keen knowledge of veterans problems, a seriousness of purpose and a sincere dedication to perpetuating the commitment which this Nation and the State of Florida have made to its veterans population. He initiated and brought to completion a number of innovations in the veterans program designed to benefit veterans, their widows, and orphans.

The honor and distinction with which Mr. Dixon served as director of the Florida Division of Veterans Affairs makes very appropriate the naming of the Tampa Veterans' Administration Hospital in his memory.

Mr. Dixon served in the U.S. Air Force from April, 1941 until February, 1945 when he retired as a first lieutenant due to disabilities incurred in service. He soon thereafter joined the then Florida Department of Veterans Affairs as a claim specialist. In 1947 he was named Assistant State Service Officer and in 1949 was appointed Director, a position in which he served until his untimely death in 1972.

During his long career in service to veterans, Mr. Dixon held a number of important State and national posts including: president of the American Legion Service Officers Association; president of the National Association of State Directors of Veterans Affairs; president of the Southeastern Service Officers Association; and president of the Southern Governors' Veterans Advisory Council. Mr. Dixon was also a member of the Special Veterans Advisory Committee to President Lyndon Johnson.

While Director of Veterans Affairs, Mr. Dixon was especially active in encouraging the construction of several Veterans' Administration Hospitals within the State of Florida and worked very hard to secure the new veterans hospital in Tampa. The designation of this facility as the Melvin T. Dixon Memorial Hospital would serve as a fitting memorial to this man who labored diligently and successfully in the cause of veterans. I urge the support of the Senate for this legislation.

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

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

S. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital located at 13000 North Thirtieth Street, Tampa, Florida, shall hereafter be known and designated as the "Melvin T. Dixon Memorial Hospital". Any reference in a law, map, regulation, document, record, or other paper of the United States to such hospital shall be held to be a reference to the "Melvin T. Dixon Memorial Hospital".

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

S. 3740. A bill to amend the Act of August 16, 1962, authorizing construction, operation, and maintenance of the Fryingpan-Arkansas project, Colorado, to provide for the incorporation of pumped storage hydroelectric facilities, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HASKELL. Mr. President, the bill I am introducing today, on behalf of myself and Senator DOMINICK, will do two things.

First, it will authorize the Secretary of Interior to add a second pumped storage unit to the Fryingpan-Arkansas project which is currently under construction in Colorado. The project, first authorized by the Congress in 1962, needs to be expanded. It provides water and electrical generating power for municipal, industrial, and agricultural use in Colorado.

The dam itself is situated west of Pueblo, Colo., and is being built by the Bureau of Reclamation. Because of growth in the user area a second 100-megawatt unit must be added and maintained to provide necessary power. The facilities to be added will cause minimal disruption and should be considered a routine addition to the project.

Second, the bill will increase the 1962 authorization to reflect increased costs of the project, most of which are due to inflation. The original ceiling was $170,000,000 in June 1961 prices. The bill I am introducing today amends that figure to read $432,000,000 in January 1974 prices. Of that increase $90,000,000 is necessary due to the second pumped storage unit and larger conduit for the water delivery system; the rest is necessary due to inflation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2022

At the request of Mr. TUNNEY, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2022 to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes.

S. 3258

At the request of Mr. HUGH SCOTT, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3258 to provide for displaying for public viewing at the Arlington National Cemetery the names of certain deceased veterans.

S. 3383

At the request of Mr. MCGOVERN, the Senator from Iowa (Mr. CLARK) and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 3383 to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans.

S. 3414

At the request of Mr. INOUYE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3414 to amend chapter 13 of title 38, United States Code, to make eligible for dependency and indemnity compensation widows of veterans who die of non-service-connected causes but who were at the time of death totally disabled as the result of one or more service-connected disabilities.

S. 3480

At the request of Mr. TUNNEY, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 3480 to authorize a national summer youth sports program.

S. 3485

At the request of Mr. WEICKER, the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 3485 to amend the Regional Rail Reorganization Act of 1973 to allow adequate time for citizen participation in public hearings, and for other purposes.

S. 3500

At the request of Mr. PEARSON, the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3500 to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes.

S. 3570

Mr. MONTOYA. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH), the Senator from Ohio (Mr. METZENBAUM), the Senator from New Mexico (Mr. DOMENICI), the Senator from Michigan (Mr. HART), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Wyoming (Mr. MCGEE) be added as cosponsors of S. 3570, the Congressional Youth Political Participation Act.

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

Mr. MONTOYA. Mr. President, I am pleased by the support S. 3570 has received from officials and organizations throughout the country. I am particularly happy this legislation has received the support of the National Education Association, the American Library Association, and the Special Committee on Youth Education for the American Bar Association.

I believe the element in this legislation which has elicited the greatest response from national organizations and concerned citizens and officials is the opportunity which it would provide to non-college and working young people. Since the program would operate outside of normal education channels it will reach those young citizens who are so often not reached by government programs. Eileen Cook, director of the American Library Association, Washington office, has expressed this feeling very well in a letter to me which emphasizes the assistance that libraries could lend to participants in the congressional youth political participation program to "prepare for a lifetime of informed citizenship."

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

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

AMERICAN LIBRARY ASSOCIATION,
Washington, D.C., June 27, 1974.

Hon. JOSEPH M. MONTOYA,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR MONTOYA: We noted with interest your introduction of S. 3570, a bill to establish a national program to encourage participation in the political process by young people and to provide continuing education in the history and heritage of democracy.

We believe that school and public libraries could make an invaluable contribution to attainment of the objectives of the National Political Participation Program that would be established by enactment of S. 3570. As you told the Senate, "This is not intended to be a school project, though it is certainly an educational project."

Libraries, as you know, provide unique facilities, materials and services for self-education, for learning at the individual's own pace and often on his own initiative. In preparing themselves for the competition that would be fostered by S. 3570, therefore, it is our hope that many young people would turn to their libraries.

There they will find the fundamental documents of our development as a Nation, the histories of Colonial times in the original States, the pamphlets and speeches that led to the Revolution, the records of the Constitutional Convention, the *Federalist Papers*, the history of the subsequent growth and adaptation of our political institutions. There is hardly a library that lacks these materials, and most are also well supplied with the writings of commentators and critics who have analyzed Presidential elections, Congressional actions, amendments to the Constitution, Supreme Court decisions and the other manifestations of the American genius for self-government.

Our concept of the public library, in particular, is that it is a community information center and source. It would be fully appropriate, therefore, that libraries cooperate with a National Youth Political Participation Program, especially in view of its goals. As public institutions, maintained by public funds, libraries have a great stake in a vigorous, well-informed, actively participating electorate. They can only gain from the success of the activities that would be fostered by S. 3570 and, in turn, we believe that libraries will strive to assist the young people who would be engaged in purposeful preparation for a lifetime of informed citizenship.

Should you need any further information, please feel free to call upon me.

Sincerely,

EILEEN D. COOKE,
Director, ALA Washington Office.

S. 3588

At the request of Mr. MONDALE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 3588 to amend the Social Security Act to prevent State supplementation benefits from being reduced on account of increases in the level of benefits payable under the supplemental security income program, to prevent certain individuals from losing medicaid eligibility because of increases in social security benefits or supplemental security income benefits, and for other purposes.

S. 3603

At the request of Mr. PERCY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 3603 to repeal the no-knock laws.

S. 3626

At the request of Mr. HUGH SCOTT, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 3626 to insure that an individual or family whose income is increased in monthly social security benefits, will not, because of such general increases, suffer a loss of or reduction in the benefits under certain Federal or federally assisted programs.

S. 3637

At the request of Mr. HUGH SCOTT, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of S. 3637 to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 4 years, and for other purposes.

S. 3639

At the request of Mr. MONDALE, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of

S. 3639, the Children and Youth Camp Safety Act.

S. 3660

At the request of Mr. STEVENSON, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 3660 to amend the Export-Import Bank Act of 1945.

S. 3680

At the request of Mr. TUNNEY, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3680, to prevent the taxation of the forgiven portion of education loans.

S. 3722

At the request of Mr. DOMENICI, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors to S. 3722, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred for installation of solar heating and cooling systems.

SENATE CONCURRENT RESOLUTION 98—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING ADDITIONAL COPIES OF "THE RECREATION IMPERATIVE"

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON submitted the following concurrent resolution:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Interior and Insular Affairs 5,000 additional copies of its committee print of the current session entitled "The Recreation Imperative—The National Outdoor Recreation Plan", a report to the President and the Congress by the Secretary of the Interior.

SENATE CONCURRENT RESOLUTION 99—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING ADDITIONAL COPIES OF NATIONAL NUTRITION POLICY STUDY HEARINGS AND PANEL REPORTS

(Referred to the Committee on Rules and Administration.)

Mr. MCGOVERN (for himself and Mr. PERCY) submitted the following concurrent resolution:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Nutrition and Human Needs not to exceed five thousand additional copies of all parts of its hearings and reports on National Policy.

Section 2. The authorization conferred by section 1 of this conurrent resolution shall terminate on February 28, 1975.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. MONDALE, the Senators from South Dakota (Mr. ABOUREZK and Mr. MCGOVERN), the Senator from Tennessee (Mr. BROCK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. CLARK), the Senator from Kentucky (Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Concurrent Resolution 84 relating to opium production in Turkey.

ADDITIONAL COSPONSORS OF A SENATE RESOLUTION

SENATE RESOLUTION 329

At the request of Mr. HUMPHREY, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Kansas (Mr. DOLE), the Senator from MICHIGAN (Mr. HART), the Senator from Oregon (Mr. HATFIELD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Vermont (Mr. STAFFORD), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Resolution 329 relating to the participation of the United States in an international effort to reduce the risk of famine and lessen human suffering.

ENERGY REORGANIZATION ACT OF 1974—AMENDMENT

AMENDMENT No. 1541

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

Mr. COOK. Mr. President, I send to the desk an amendment to S. 2744 and ask that it be printed. Very briefly, this amendment establishes an energy research, development, and demonstration trust fund to provide adequate funding over a continuing period to support projects designed to enable us to make full use of our domestic energy fuels. Through this program, I believe we can achieve independence from the foreign powers which, in ever-increasing amounts, supply the energy fuels we need to meet our requirements. We are indeed most fortunate to have this option open to us, and we must make the most of our opportunity. I believe we are in general agreement as to what is to be done. Having made this determination, it is equally important that we establish sound programs to reach our goal.

The challenge is very clear. We must find ways to produce and to use the abundant domestic natural resources with which nature has provided us. We must accept these natural resources in the form in which they exist—not in the form in which we wish they existed. It is our problem to effect the desired conversion from so-called dirty fuel to clean fuel and to harness the many energy forces of nature. However, I hasten to add that is so doing we must not sacrifice our goals of establishing and maintaining a healthful environment for all the people of this Nation.

Mr. President, such a goal can be achieved only through a dynamic research and development program. To this end, on July 13 of last year, for myself, Mr. ROBERT C. BYRD, and Mr. BAKER I introduced S. 2167 which would establish such a program, but more importantly it would provide adequate funding for this program by the establishment of an energy research and development trust fund. I am convinced that if we permit the research and development program to be dependent on annual appropriations, we most certainly risk attainment of our goal.

The situation is comparable to that which we faced in 1956 when the decision was made to undertake the construction of more than 40,000 miles of super interstate highways. We recognized then that in order to achieve our goal we must have assured funding over a continuing period. We realized that we must remove the uncertainties inherent in dependence on annual appropriations. The decision was made by the 84th Congress and President Eisenhower to establish a highway trust fund for this purpose. Public law 627 came into being. We now enjoy a highway network which I question would exist had we not created this fund. As we seek the best solution to funding required research and development programs, I think we would do well to consider this example.

On November 13, following the announcement by the President that he was recommending to the Congress the establishment of an independent agency, the Energy Research and Development Administration, to manage our energy research and development efforts, I introduced for myself, Mr. BAKER, and Mr. BARTLETT, S. 2694, a bill to establish the Energy Research, Development, and Demonstration Administration. This proposal differs from the President's proposal which was subsequently introduced by Mr. RIBICOFF, and is the bill which we are considering here today, S. 2744, in that it provided specifically not only for research and development, but also for the very important demonstration phase. From my own experience, I have found that in the past there has not been adequate provision for the demonstration phase to prove or disprove, with a larger model, the validity of the research and development which has been completed.

As I study S. 2744, I note that while demonstration is not included in the title of the bill it is provided for adequately within the bill itself. I, therefore, take no real issue with this particular point, only to say that demonstrations are vital to the success of energy development programs, and without adequate provision for this phase, the program is incomplete.

I think we all accept the proposition that we need a dynamic research and development program, or we would not be discussing it here today. As anyone who has been involved in major research and development programs will tell you, success is dependent on assured and continuous funding. Therefore, I say to my colleagues what better way to provide this funding than the creation of a Federal energy research and development trust fund.

This fund could act as a repository for funds of a prescribed amount, and expenditure from the fund could be made to meet requirements as they occur over a continuous time period. I suggest a sum of $2 billion would be paid into the fund annually. I would not restrict or require that a specific amount be expended over a particular fiscal year to support a particular program. Such determination would be made by the Administrator to permit him to expend funds to meet requirements. It is vital to our purpose that we are prepared to support a scientific or technological breakthrough as it occurs and without reference to specific limitation imposed by a system of corporations.

In suggesting $2 billion as an annual sum, I realize that this amount is a quantum jump in R. & D. expenditure for the period fiscal year 1970—fiscal year 1974, only $2.753 billion was funded. While for fiscal year 1975 this funding will be increased significantly, we are still not making sufficient funds available.

As to the source of these funds, I again suggest the user approach as was adopted for the successful highway trust fund. However, rather than revenue from the tax on oil, gasoline, and other goods and services placed on the user, I suggest that we utilize the revenue from the assets of the user. In this instance, the user is most certainly the public—you and I. And the asset of which I speak is our public land, and more specifically that public land which lies on the Outer Continental Shelf—OCS. For many years, we have had these assets, but we did not consider them to be of any great value because the cost of producing fuel far exceeded the price which it could command in the marketplace.

Today, in a fuel deficient market, we find that these OCS assets have indeed increased in value. The irony in this increase is that it has come about by an energy shortage, particularly the shortage of oil and gas, which threatens to destroy many of our much more tangible and recognizable assets and reduce our standard of living.

The revenue comes to us through the lease bonuses paid by the energy industry for permission to explore for and produce energy fuels from our public land. The use of funds collected by the Government in our interest from the energy industries for the use of our land would seem to me to be a most logical source of funds for Government-funded R. & D. programs to solve our energy problems. Projections for the adequacy of such funds seem most favorable.

If we take the period of calendar year 1968–73, we find that over $7 billion have been collected in lease bonus payments by the energy industry. During the first 5 months of 1974, $3 billion have been collected. This is considerably more than was expended for the R. & D. during a similar period. I also remind my colleagues that the President has announced his intention to increase by threefold our previous lease sales and has announced additional lease sales to be conducted during the next 5 years.

While the income from the Outer Continental Shelf would be adequate in itself, it would also include the receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands. In this way, I am convinced that we would have more than adequate source of funds to meet our requirements.

Having stated the purpose and source of the fund, let me take a few minutes to describe how it would fit into the ERDA bill as we have it today. Section 108(A) on page 45 provides:

> The Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustment on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him.

As I understand the bill, he would carry out this task within the guidance of a master energy plan developed and annually updated by the Council on Energy Policy.

Here, we have all the ingredients for a successful energy program—save one—insured adequate funding. Would it not be tragic if a well-conceived plan should fail because a succeeding Congress failed to provide the necessary funds? This could happen because, as we all know, we are an impatient people, and we want results yesterday. I believe we must commit ourselves to a course of action and follow this course until it succeeds or fails. I also believe that ERDA should have the power to place required assets into a specific program at the moment such action indicates a high degree of success. On the other hand, I do not advocate a free-wheeling agency which is not responsible to the Congress. The bill, as drafted, gives us this safeguard.

Mr. President, before leaving this subject, I would like to recognize that when S. 1283 was introduced by Senator JACKSON as an energy conservation measure, I cosponsored the bill. On review, however, I find this bill makes no permanent requirement for funding, thus leaving it to the Congress to appropriate at any level of funding after the first year or at no level of funding at all. In addition, it fails to contain the very important element of creating a separate agency to manage our total research and development effort and limits funds to specific projects. Such limitations would defeat the flexibility and responsiveness so necessary in this type legislation. Therefore, I cannot support S. 1283.

Mr. President, I hope most sincerely that this body will take that extra and vital step of including a trust fund to insure that the Administrator of ERDA will have available the necessary funds over a continuing period of time to enable him to accomplish the task ahead.

AMENDMENT OF THE CONSUMER PROTECTION AGENCY ACT OF 1974

AMENDMENT NO. 1542

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

Mr. DOMENICI (for himself, Mr. BAKER, Mr. DOMINICK, Mr. EASTLAND, and Mr. FANNIN) submitted an amendment intended to be proposed by them jointly to the bill (S. 707), the Consumer Protection Agency Act of 1974.

Mr. DOMENICI. Mr. President, in the near future this body will begin debate on a most important legislative initiative, S. 707, the Consumer Protection Agency Act of 1974. This is a bill that should concern all of us because it addresses the interests of the consumer, a matter of vast importance, touching as it does the lives of every American.

I have studied this bill very carefully and the many sound reasons for its introduction. It is quite obvious that the sponsors of S. 707 and the applicable committees have worked very diligently in attempting to improve the treatment of the American consumers. There is no doubt in my mind that the consumer in some cases has received inadequate protection with little recourse and I, therefore, commend the proponents of this bill for their initiative.

I am very concerned, however, that the sponsors of this bill have overlooked a potentially adverse effect on this Nation's small businesses. My concern is based on the fact that the benefits gained for the consumer with passage of S. 707 would be seriously offset by the additional administrative burden the present version of the bill would impose on small businesses through the power given to CPA to require businesses to answer interrogatories. Because of this unwarranted burden, I would have grave reservations in supporting this bill without a specific amendment exempting small businesses from mandatory interrogatories.

This problem can and should be remedied. I am, therefore, introducing an amendment that would exempt small businesses from mandatory interrogatories. In defining "small business," I use the present criteria established by the Small Business Administration.

In summary, Mr. President, my main reasons for introducing this amendment are as follows:

First. Small businesses have had an increasing burden placed on them by compliance with a multitude of laws and Federal and State Agency requests for in-

formation. Any additional requests would be unduly burdensome and unwarranted.

Second. The main purpose of a CPA should be to closely monitor agency actions in protecting the interest of the consumer. It should not place any additional imposition on small business without at least a corresponding equal benefit for consumer interests. In the case of mandatory interrogatories imposed on small business, it is my opinion that this test is not met.

It is my sincere hope that the sponsors of this bill recognize the inherent problems for small businesses under the present version of S. 707 and I ask their support in remedying this serious matter. I am convinced that the interests of the consumer need not impose unreasonable burdens on such a large section of our economy. The CPA can best protect the interest of the consumer by concentrating its efforts on improving the decisions made by our regulatory agencies and not by further burdening the small business community.

Mr. President, I ask unanimous consent that a copy of my amendment be printed in the RECORD along with my remarks.

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

On page 68, line 17, immediately after "person" insert "(except a person referred to in paragraph (3) of this subsection)".

On page 70, between lines 7 and 8, insert the following new paragraph:

(3) With respect to any person which is a small-business concern as defined under section 3 of the Small Busines Act (15 U.S.C. 632), the Administrator shall not have the power to require the production or disclosure of any data or other information under paragraph (1) of this subsection. Nothing in this paragraph shall be construed to prohibit the Administrator from requesting the voluntary production of any such data or information.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1510

At the request of Mr. CHILES, the Senator from Louisiana (Mr. JOHNSTON), the Senator from Montana (Mr. METCALF), and the Senator from Utah (Mr. Moss) were added as cosponsors of amendment No. 1510, to require agreements regarding the provision of fissionable materials to the nations of the Middle East be submitted to the Senate as treaties for ratification and to require that specified Members of Congress be consulted before any announcements or decisions are made regarding the use of the Special Requirements Fund of $100 million for the Middle East, intended to be proposed to S. 3394, the Foreign Assistance Act.

NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will resume its hearings on S. 1 and S. 1400, bills to codify, revise, and reform the Federal criminal laws.

Hearings are scheduled for July 12, 1974, beginning at 10 a.m., in room 2228, Dirksen Senate Office Building, and for July 19, 1974, beginning at 10 a.m., in room 457, Russell Senate Office Building.

Additional information on the hearings is available from the staff in room 2204, Dirksen Senate Office Building, telephone Area Code 202–225–3281.

ADDITIONAL STATEMENTS

NIXON AT THE SUMMIT

Mr. HUGH SCOTT. Mr. President, President Nixon has returned home, and the Nation and the world have been made safer because of the great and historic accords reached with General Secretary Leonid I. Brezhnev in the name of the two most powerful countries in the world. These agreements were achieved in the cause of peace, and in a sincere effort by these two world leaders to negotiate substantial and lasting friendship and cooperation.

The nuclear arms limitation agreements are far more than welcome; they are vital.

The trade agreements will mean a stronger economy for both our countries.

We shall embark upon a mutual exchange of information and experts for projects to come in the housing and construction fields.

We shall be working together to solve an energy crisis that is worldwide.

We shall be investigating the mysteries of space by combining the scientific knowledge of skilled explorers of two nations focusing on tomorrow.

We shall be jointly seeking the answers that have so far eluded us in medical research.

If not all the problems were solved between the United States and the Soviet Union, a great deal of progress was made. The President of the United States deserves a "well done" for his superb achievements in this third summit.

Mr. President, several articles appeared in the press as President Nixon embarked on this great mission, and I ask unanimous consent that they be printed in the RECORD because of the commendable foresight and fair judgment with which they viewed the summit. They include a June 28 New York Times article by the Honorable W. Averell Harriman, former U.S. Ambassador to the Soviet Union. Mr. Harriman said President Nixon's efforts would be strengthened if there were "an atmosphere of hope coming from the United States rather than suspicion." The other articles include "Window-Dressing That Matters," a June 23 editorial in the Washington Star-News: "Is Nixon Trip Necessary? Yes," a June 24 editorial in the Denver Post, and "Presidential Journey," a June 26 editorial in the New York Times.

There being nc objection, the articles were ordered to be printed in the RECORD, as follows:

THE SUMMIT MEETING: SUPPORT FOR NIXON

(By W. Averell Harriman)

WASHINGTON.—In my three-hour talk in Moscow with Leonid I. Brezhnev, the Soviet party leader, on June 4, he underlined the importance of the agreements reached with President Nixon in 1972 and 1973 and spoke with confidence that further significant steps would result from his upcoming meeting with the President. His overriding concern was the control of the nuclear arms race. He spoke not only of the limitation but the mutual reduction of capability.

I have dealt with Soviet leaders, beginning with Leon Trotsky—regarding a manganese concession—for nearly fifty years. I had endless meetings with Stalin on military and political affairs during the war, and long negotiations with Nikita S. Khrushchev on nuclear and other matters. I have known Aleksei N. Kosygin since 1942, and now for the first time I have met Mr. Brezhnev.

Each man was quite different in character and style. Mr. Brezhnev speaks with emotion. He said to me, "You and I saw the terrible suffering of World War II," and expressed his concern "for the need for peace." He has publicly committed himself to the policy of détente.

It is historically inaccurate to assert that President Nixon initiated a period of negotiations. This belittles the achievements of President Eisenhower in the Austrian state treaty giving Austria its independence, and of President Kennedy who broke the ice with the limited test ban treaty, and of President Johnson's further agreements.

In fact, in 1968 Lyndon B. Johnson was about to meet with Mr. Kosygin in Leningrad to initiate talks on the limitation of strategic arms. Unhappily, the invasion of Czechoslovakia intervened. Futhermore, Mr. Brezhnev's policy of détente was signaled by his agreement with Willy Brandt in Mr. Brandt's *Ostpolitik*. However, President Nixon deserves full credit for seizing the opportunity unfolded in his visit to Moscow in 1972.

Mr. Brezhnev has definite objectives and is a tough trader, but he speaks of the "irreversibility of the move toward détente." Step by step, year by year, progress must be made.

He told me he looked forward to coming to the United States again next year. But there is to be no unilateral disarmament on the part of the Soviet Union nor the acceptance of second place in nuclear "defense," as he calls it. Every time we embark on new programs, the Russians will do the same. Our Military Establishment contends that we are only trying to keep up with the Russians' moves. Regardless of who is right, aggressive statements or actions by each side tragically stimulate one to outdo the other.

This dangerous competition has been checked by the agreement limiting antiballistic missiles, but only preliminary action has been taken in limiting offensive capability. It is now more difficult to find a formula for equality as each side has a superiority in certain fields and is behind in others.

The Russians believe we outstrip them today because of our threefold greater numbers of warheads with greater accuracy, in addition to our forward-base system, whereas we are concerned that they in time could surpass us by the greater throw-weight (nuclear payload) of their missiles.

The term "essential equivalence" is now wisely being substituted for "parity," but this is exceedingly difficult to negotiate. Both sides have such fantastic second-strike capability that it makes little difference militarily just where the line is drawn to stop expansion, but it has become important that neither side can claim superiority from the standpoint of political prestige.

In place of the Pentagon's demand that we must never let the Russians catch up to us, Mr. Nixon wisely says that we must never permit ourselves to be "second." I sincerely hope that common sense will take the place of unrealistic competition.

Mr. Brezhnev mentioned the possibility of the elimination of underground testing. However, he wants also to make progress in the limitation of offensive weapons and spoke of the need to control new weapons

systems. He has in mind, too, the possibility of reducing military forces in Europe.

I found that Mr. Brezhnev has confidence in President Nixon's sincerity and objectivity, and Watergate in no way inhibits Mr. Brezhnev's readiness to negotiate in good faith.

However, President Nixon's hand will be strengthened with an atmosphere of hope coming from the United States rather than suspicion. For this reason, I have been urging since my return from the Soviet Union support for President Nixon in his endeavors to reach agreements designed to reduce the possibility of nuclear disaster—agreements that are so vital to our survival on this earth.

PRESIDENTIAL JOURNEY

President Nixon's eight-day journey to Brussels and Moscow will focus on the future of détente with the Soviet Union; but it begins fittingly with a summit meeting of the NATO allies, the first in seventeen years.

The signing of the Atlantic Declaration in Brussels today will be more than a symbolic event. It will put the approval of chiefs of government on a lasting recommitment to Western unity in the 25th anniversary year of history's most successful peacetime alliance.

The task of managing the increasing independence of the United States and a uniting West Europe in the last quarter of the twentieth century is just beginning and it will require new attitudes and new institutions which are still only vaguely seen. The intensive dialogue of the last fourteen months, set off by Henry Kissinger's April 1973 "Atlantic Charter" speech, undoubtedly will resume when the Secretary of State visits the main Western capitals enroute home from Moscow.

Meanwhile, what is most urgent is to consolidate the East-West accommodation during Mr. Nixon's week-long talks with Leonid Brezhnev. The President's discussions with other Western leaders are an essential preliminary. Mr. Nixon's voice in Moscow will be strengthened by allied support. Allied concerns about "superpower condominium" should be significantly eased.

The three-fold purpose of the Moscow meeting, as summarized by Secretary Kissinger, is to maintain a dialogue on world events, to further contain the danger of nuclear confrontation and to continue the process of building peace through a "web of interests" between the Soviet Union and the West.

MIRV multiple warhead missiles are at the core of the two projected negotiations at Moscow on nuclear weapons, one for a limited underground test-ban and the other for a step forward in the second round of the strategic arms limitation talks (SALT II).

The SALT discussions will center on Mr. Brezhnev's March proposal to extend the 1972 five-year interim agreement on offensive missiles, meanwhile limiting to an agreed number—which Washington considered much too high—the replacement of existing Soviet launchers by new, more powerful MIRVed missiles. President Nixon is willing to accept the Brezhnev concept if the numbers, types, locations and verifiability of the replacement missiles can be agreed—and held below a level that might give the Soviet Union a first-strike capability against American land-based missiles.

As to the nuclear test-ban, Mr. Brezhnev wants to set a timetable for reaching a total ban on underground explosions. Verification difficulties will limit the initial ban to larger tests, which can be detected without on-site inspections. Even this limited step has value, for it can help to head off the development of a new generation of more accurate and more powerful MIRV warheads that could create fear that the other side was achieving a first-strike capability.

The Moscow summit will also see a discussion of the Middle East and European problems. There will probably be agreements on transport, urban development, agriculture and medical cooperation, as well as a framework treaty on commerce and friendship, none of which will be spectacular. Real headway on trade and credits depends on an Administration compromise with Congress, affected not only by the emigration issue but by doubts about the future of détente stemming from the Mideast war and Russia's missile build-up.

It is precisely these doubts and the need to keep the momentum of détente going that lends importance to this third annual summit meeting of the world's two most powerful nations. It is a meeting that is less likely to achieve spectacular new progress than to consolidate the relationship that has thus far been achieved. It will, in effect, be more or less a routine encounter. But, then, who would have believed a few years ago that Soviet-American summits could become "routine?"

WINDOW-DRESSING THAT MATTERS

All Americans, whatever their political persuasions, whatever their rating of the administration, must wish Richard Nixon well in his forthcoming summit meeting in Moscow. For simple truths remain true, regardless of Watergate. In his encounter this week with the leaders of the Soviet Union, it is not only Nixon's standing that is being put to the test. It is, in fact, a test of how the nation as a whole stands today in the international community.

Fortunately, perhaps, it does not shape up as a critical meeting in the usual sense. No large agreements on the further limitation on strategic weapons such as were foreseen a year ago are in prospect. The most of a practical nature that we have been led to expect is an agreement of some kind on underground nuclear testing and perhaps a pledge on both sides to exercise "restraint" in the deployment of new weapons systems involving multiple nuclear warheads. Progress is also possible in the area of trade, now that Soviet concessions on the problem of Soviet Jews who wish to emigrate to Israel appears largely resolved. Until now the problem has effectively blocked passage in the Senate of the President's trade bill which would grant the necessary concessions and credits to the Soviet Union.

Predictably, such modest results will be dismissed as mere "window-dressing" by the President's critics here at home. Some, like former SALT negotiator Paul H. Nitze, believe that, except for Watergate, much more significant progress in arms control would have been possible. In his view, the traumatic events taking place in this city have foreclosed for the time being any realistic prospect of negotiating a slowdown of the strategic arms race.

Maybe so. Yet there are times when window-dressing can be of considerable importance in diplomatic relations and there are times when no agreement is far better than one which is hastily contrived for the occasion.

The fact of the matter is that the administration itself has still not worked out a firm position on the question of strategic arms control. And the distractions of the last few months, both in Washington and the Middle East, have prevented the "conceptual breakthrough" that Secretary of State Henry Kissinger has been seeking.

Nevertheless, in the absence of any large agreements in the area of arms control, this meeting has a large significance—larger, perhaps, than most summits that have preceded it. The essential question to be answered in Moscow next week is whether or not American foreign policy is so enmeshed in Watergate as to be effectively paralyzed. And depending on the answer to that question, whether or not the policy of détente which both governments proclaim as their own has any real future under the circumstances.

The first question cannot be answered subjectively by Americans on the basis of what they know about the administration's current problems. It depends not only on the realities but also on the perception of those realities by outsiders whose ability to analyze and interpret political events in this country does not always inspire great confidence.

Our own impression at this point is that the Soviet leaders believe that the Nixon administration is still an effective government which they very much hope will survive its present difficulties. The importance which Soviet Party chief Leonid Brezhnev publicly attaches to this meeting, his emphasis on the necessity of continuing détente and his predictions of "good agreements" in the offing seem to reflect genuine concern. So far, there has not been the slightest hint that there is any disposition in the Kremlin to try to take advantage of the President's domestic political weakness in the coming talks.

When it comes to the future of détente, again it is largely a question of what the other side has in mind. Certainly our devotion to the idea has to be something more than a disposition on our part to relax. It must be translated in terms of concrete agreements, however modest, which concede no advantage to either side and which serve to justify the inference of a decrease in antagonism and ideological hostility between the Communist bloc and the West. If that idea can be significantly advanced in the course of the Moscow meeting, it will be well worthwhile.

IS NIXON TRIP NECESSARY? YES

The warm welcome President Nixon received during his Mideast trip has undoubtedly made him look forward eagerly to more globe-trotting this week and next.

This week, the President is stopping off in Brussels to take part in a signing ceremony on a new statement of principles for the North Atlantic Treaty Organization. And then he will travel to Moscow for his third summit meeting with Soviet Chairman Leonid Brezhnev.

Is this latest trip necessary?

That question is being asked in view of Mr. Nixon's domestic problems, and some members of Congress have contended that the President ought to stay home and attend to these problems.

But it can also be said that any meeting of the heads of state of the world's two most powerful nations is generally useful—and this is particularly so in regard to Mr. Nixon's trip to Moscow.

Relations between Moscow and Washington have continued to improve, and Chairman Brezhnev has emphasized his readiness to come to terms with Mr. Nixon on some matters of mutual concern.

Even before Mr. Nixon returned to Washington from his Mideast trip, Brezhnev made a conciliatory statement on nuclear test policies, noting that the Soviet Union was prepared to agree to set a timetable for ending underground nuclear tests.

Further, Brezhnev has called for stronger commercial ties between the Soviet Union and the United States. Trade between the two countries has expanded considerably during the past two years, and Brezhnev would like nothing better than an added infusion of modern U.S. technology into the Soviet economy.

Major breakthroughs on such key issues as the Soviet-American Strategic Arms Limitation (SALT) negotiations do not seem likely, yet anything is possible at a summit conference.

But the most important business at hand is the boost such a meeting can provide for

the strengthening of Soviet-American friendship.

INFLATION'S IMPACT

Mr. ABOUREZK. Mr. President, inflation is an economic condition that daily finds new victims to assault. This ogre especially, compounds the economic instability of the retirement years where fixed income is the general rule. It is upon reaching this stage in life, after years of planning, saving, and sacrificing, that inflation cuts deepest.

Presently 87 percent of those 65 or older live on less than $5,000 per year in income, and 25 percent try to live on less than $1,500. Inflation at a rate of 6 to 10 percent a year is devastating at these levels of income.

Recently, the New York Times presented a story of inflation's impact on the life of Werner Knoxton. Mr. Knoxton is but 1 of 11 million persons whose retirement income has been devastated by inflation.

Mr. Knoxton's comment on his situation perhaps best sums up the struggle of those retired on fixed incomes and facing inflation:

My only concern now is that I don't outlive my savings.

Mr. President, I ask unanimous consent that the article by Jon Nordheimer in the New York Times be printed in the RECORD.

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

PLEASANT RETIREMENT ON COAST IS TURNED INTO POVERTY BY INFLATION

(By Jon Nordheimer)

ISLA VISTA, California.—A journey that began in the final year of the last century in a small Swiss canton has carried Werner Knoxton to a cramped room in a former college dormitory near the tossing surf of the California coastline.

It's been a half-century since the Swiss immigrant and his Australian bride opened a Manhattan tearoom called the Kangaroo, and nearly two decades have passed since the couple sold a 200-acre camp in Vermont that they had acquired after they abandoned the city in search of a more pastoral existence.

In 1965, after a period of semi-retirement, the Knoxtons decided to retire altogether putting about $15,000—a major portion of their savings—into mutual funds to "guarantee" a steady annual income and moving to California, where they settled in a cottage in Ojai, a small valley community nestled in the Santa Ynef Mountains about 40 miles east of Santa Barbara.

For a few years the Knoxtons' life was frugal but pleasant; then things started to fall apart. There was ill health and its related expenses, but since 1968 there was also inflation, and like other Americans on fixed incomes, the Knoxtons' struggled to keep up with rising prices reduced their already Spartan existence to one of steady financial decline and improverishment.

Mary Knoxton, 14 years older than her husband, died last year at the age of 88. Werner Knoxton, at 75, is going blind, and poor circulation in his legs is rapidly crippling him. He is alone, a man who has outlived his friends and family, and dares only one hope.

"AN OLD MAN'S SILLY PRIDE"

"My only concern now is that I don't outlive my savings," he said in the dim half-light that filtered into his room at Friendship Manor, a nonprofit residence for the aged on the edge of the campus at the University of California at Santa Barbara.

"I've never been on welfare and now that Mary's gone and doesn't need me to care for her I'd just as soon go myself than get welfare," he went on. "It's an old man's silly pride."

Although Mr. Knoxton is not a typical elderly American, his difficulties sum up those of some 5 per cent of the national population—about 11 million persons—whose retirement incomes have been eroded by double-figure inflation to the point where they exist in a lonely world of poverty and disillusion.

According to a Federal survey, 87 per cent of those 65 or older live on an income of less than $5,000 a year. Twenty-five per cent exist on less than $1,500.

For the most part, inflation for this segment of America does not mean a choice between necessities and frills; it forces hard decisions about which necessities are to be reduced or eliminated, because the luxuries were long ago abandoned.

EXPECTED A TIGHT BUDGET

In 1965, when the childless Knoxtons put most of their savings into two established mutual funds and moved to Ojai, they anticipated a tight budget but not hardship. After all, Mr. Knoxton told a visitor to his room the other raised in a rural setting in their native lands, and they were skilled in the simple arts and loved rugged outdoors living more than most persons their age.

Mrs. Knoxton had been a school teacher when she first came to this country, the old man noted, and he had been employed at several jobs before they married and opened the tea room and then left the city after the Wall Street crash to operate summer camps in Connecticut and Vermont. But since they were self-employed for most of those years, they were eligible only for minimum Social Security benefits at retirement.

At the time of Mrs. Knoxton's death, the couple was receiving a total of $157.40 a month in benefits from the Government. That, plus approximately $200 a month in dividends from the mutual funds represented their total income since they had no pension or other annuities.

"We were so naive," the old man said with a wistful glance at a photograph of his late wife that rests on the grained surface of a pine dropleaf table, one of the sticks of furniture he has managed to hang on to through the years.

"We were never particularly money-minded, and I guess that was our trouble. Who could guess that prices would go like this? That land we sold in Vermont in 1954 for $30,000 is probably worth a quarter-million dollars today. Who could foresee that an investment in real estate would be much safer than money in the stock market?"

The first place the couple felt the pinch was in rising food prices, he said, but they were adept in finding ways to cut major food costs without a corresponding sacrifice in nutrition. "My wife had a pretty good touch for that kind of thing. Her specialty was a meatless soybean chili that actually tasted pretty good."

MEDICAL EXPENSES RISE

However, there was no way to skimp on medical expenses not caused by Medicare. In recent years, he explained, they began to consume 25 to 30 per cent of the budget. His own deteriorating eyesight, a continuation of diabetes and glaucoma, and a worsening arthritic condition suffered by his wife, caught the couple in a spiral of costs that ate into their savings as the declining stock market critically cut income from the investment in mutual funds.

In 1972, the Knoxtons left Ojai to take the offer of an old friend to live rent-free in a weatherbeaten house in a desolate corner of Utah.

But that was no solution, they quickly learned, because their health problems no longer permitted them to lead a rugged life, and they could not afford air-conditioning to neutralize the blazing summer heat of the Utah badlands.

Back they came to Ojai in the spring of 1973, the last long car trip for Mr. Knoxton, who soon afterward sold his station wagon because his failing eyesight and the rising cost of maintaining an auto made it a luxury he could no longer afford.

The next shock was that the rental cost of cottages in Ojai had soared from $90 a month to $150 in the one year they had been away. The soybean chili was on the table every day.

Mrs. Knoxton's death—besides producing a profound emotional distress—brought the widower another financial reverse. The monthly Social Security check dropped to $78.20 a month.

Because women tend to outlive men in this country, the trauma of a partner's death is usually borne by women, and retirement villages along the Sun Belt from here to Florida are becoming enclaves of widows. In most cases, however, men are covered by insurance policies and the lowered Social Security benefit is offset by lump-sum death benefits.

For Mr. Knoxton, it was simply another step closer to despair. Neighbors found him a few weeks after his wife's death inside the cottage, half-starved and nearly blind, unable to care for himself, and they carried him to Friendship Manor, a converted college residence that now serves the needs of the aged.

There, at least, his physical needs were met. Mr. Knoxton pays $128 a month for his one room, and $70 a month for 19 meals a week. Because of his failing eyes, he has to pay a woman $2.50 a week to clean his room. His biggest expense beyond this is for medicine and vitamins, averaging about $50 a month. He liked to buy his own whole wheat bread at a local grocery to eat with his meals, but in the one year he's been there the cost of a loaf has gone from 39 cents to 53 cents.

These costs come to about $265 a month, and Mr. Knoxton estimated that he needs a minimum of $300 a month to survive. His aggregate monthly income, however, is now about $210, and the difference has to come out of the funds he has invested, further reducing future dividends.

In desperation, he placed on sale some personal possessions—40-year-old letters from Ernest Hemingway to his children, who spent a summer at the Knoxton's camp, and six works by the New York Artist Marton Lewis, a friend of half a century ago.

Nearly blind and hobbled now, he spends most of his time in his room when he is not taking meals in the cafeteria, comforted by a few private possessions.

One is a tape recorder with several cassettes of Beethoven and Bach. The other is an FM radio tuned to a classical music station.

Late at night, as music floods his dormitory room, the old man often sits hunched at his pine table with a magnifying glass and opens a photo album that is filled with smiling young children in striped polo shirts and khaki shorts at a summer camp in Vermont; snapshots pasted on pages worn thin by fingers searching out memories.

At one elbow is the smiling photo of his wife, and at the other is a Swiss calendar always turned to the month of May in 1966, a page that displays a glorious color view of Ligerz in Bielersee Canton, the old man's native village, where he was born in the final year of the last century.

Mr. Knoxton said he was saddened by the prospect of losing the paintings because they were links to a dim past with friends who were now dead. But he said that they, too,

had ultimately become another element that had to be consumed—like provisions in a lifeboat—to keep on living, and while the price was high he knew of no alternative.

IN SUPPORT OF A BALANCED BUDGET

Mr. HANSEN. Mr. President, Mr. Bill Nightingale of Lander, Wyo., a banker and constituent, sent me a copy of his recent letter to my colleague in the House, the Honorable WILBUR MILLS. Mr. Nightingale's letter had to do with the incredible rate of inflation currently worrying citizens and government officials.

Mr. Nightingale points out in his very good letter that the solution to the double-digit inflation we now are experiencing is a balanced Federal budget. He points out, as well, that if this goal is ever to be achieved, Members of Congress will have to give as much consideration to the public as a whole, and the national budget as a whole, as is given to the "sacred cows" of the budget picture.

Mr. President, recently I sent an opinion survey to some 60,000 of my constituents in Wyoming, and the results of that survey show in a number of ways that people are concerned about inflation more than about any other issue, and that they believe reductions in Federal spending are the answer to inflation.

When asked to rate in terms of priority a list of 14 national issues, including Watergate, the energy shortage and more funds to States and cities, 64 percent of the respondents said reducing inflation was absolutely vital and was more important than any other issue. 49 percent said reducing Federal spending was "absolutely vital."

I favor a balanced budget, and was pleased to join with 53 of my colleagues from both sides of the aisle in a recent request that the President submit a revised budget proposal for fiscal year 1975 that would reflect a balanced budget.

Mr. President, I ask unanimous consent that Mr. Nightingale's very excellent letter to Representative MILLS, the results of my recent opinion survey, and the text of the letter to the President about the fiscal year 1975 budget be printed in the RECORD at the conclusion of my remarks.

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

JUNE 28, 1974.

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

DEAR MR. MILLS: I am prompted to write you, not as one of your constituents, in terms of being from your state, but as a fellow American.

A good deal of confusion appears to exist at all levels of leadership in this country regarding the problem of inflation, and just where our economy is going. I personally am astounded at the disparity in thinking among well respected economists both in government and in the private sector.

It seems to me that some rather obvious points tend to get overlooked when the prime rate gravitates toward 12%, and the country appears to be in a runaway double digit rate of inflation.

The United States has not balanced its budget for the past 15 years, as you well know, and it seems elementary that we cannot continue to raise our national debt limit each year, adding a tremendous burden of interest on the national debt, and expect to get inflation under control. I personally feel it is a very unfortunate thing that the Federal Reserve Board has taken the position that they are the last and only bastion left in the battle against inflation. If this is true, statesmanship has given way to opportunistic politics. How long could you or I, or anyone in our society last if he conducted his own personal affairs in the way the government has over the past 15 years? Continuous refinancing of the national debt level of 15 years ago was bad enough, with no reduction on the debt, but to add multibillions each year to the national debt, would be like you or I owing $50,000 15 years ago, and adding $5,000 to $10,000 each year at the time we have to refinance to make our interest payment, plus buy new items for ourselves, many of which are not necessary at all.

If I recall in economics class at Yale University 25 years ago, the conservative wing of the faculty saw great inherent evil in deficit financing of any kind. On the other side, the most swinging liberal would say that in an expanding economy, the financial statement of the United States can support additional borrowing and that the only time the national debt is really a serious problem, is when the interest is burdensome. Well, I think we have come to the point where the interest is getting extremely burdensome, when the United States government is the severest competitor for private sector funds in order to rewrite and enhance the national debt. As a banker, I watch what is euphemistically called "disintermediation", which merely means that people take their savings out of our banks and the local savings and loans, where they are doing a first rate job in providing job opportunities for our young people through good lending practices to new businesses, and the many other things that local savings do in the area of where they work, and I see them running to six month treasury bills, which pay as much as two percentage points more to the saver over what the bank or savings and loan can pay. To me, this means that the interest rate is getting burdensome.

It seems to me that our progressive income tax system, our forever increasing governmental sector, which does so many things for people at the present time that they really could do for themselves, is heading us for a good deal of trouble. It seems to me that the "silent majority", which certainly is out there, and which represents in my opinion a most responsible group of citizens have become quite alienated from involvement in governmental processes because they must stay on the treadmill producing for the kids' college educations, a decent home, and the other rather outward appearances of the "American dream." It is not until these people are hit right in the pocketbook that they do rise up and make their real feelings known.

It would therefore seem to me that if we are going to straighten out the economy, it is going to be through the method of a balanced budget. Indeed, in times of inflation, revenues should definitely exceed expenditures, so that a portion of this debt can be retired. Even John Maynard Keynes, the English economist of many years ago, who fascinated Franklin Roosevelt with his theories of pump priming and deficit financing, advocated only deficit financing in periods of recession. He was a strong advocate of revenues exceeding expenditures in time of inflation, and a portion of the national debt being retired. In his day, he was considered a wild eyed liberal.

It would seem that a good deal of our federal spending has created a great number of sacred political cows. About the time you want to close the Veterans Hospital in Cheyenne, Wyoming, and fly the veterans to Minneapolis, where they have a much better hospital, all the people rise up and scream and yell and generally make it a politically unpalatable thing to do. Perhaps we should approach this problem by saying "all right, we are not going to wound anybody's sacred cows, we are merely going to increase taxes to the point where revenues at least equal expenditures." I think this is where statesmanship comes in, because it is obviously unpalatable to increase taxes as such. It may well be that your tax reform bill can plug some loopholes, but the fact remains that if you are going to really whip inflation into a manageable thing for a protracted period of time, you cannot live with this spread between revenues and expenditures.

My thought is that if the statesmanship came forth that would in fact increase revenues, the silent majority would respond with saying "well, perhaps you can gore one of my sacred cows, as long as you gore somebody else's cow." It is a time that tries mens' souls when what is absolutely necessary for the country economically, cannot be accomplished politically. Therein lies the seeds of destruction of our democracy.

Most sincerely,

W. T. NIGHTINGALE,
President.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., June 19, 1974.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned members of the United States Senate, are deeply concerned about the financial crisis confronting the United States.

We are convinced that the spending practices of the federal government are a substantial contributing factor to the intolerable inflation which the nation is now experiencing.

As a result of continuing budget deficits, the debt of our country has risen almost $200 billion in the last ten years. We have sustained annual deficits, with a few notable exceptions, for the last 43 years. It is estimated that the national debt will exceed one half trillion dollars by the end of this year.

Respected economists are sounding dire warning of the results of continuation of our past and present spending practices.

We believe remedial, dramatic action is called for by the Administration and the Congress.

We believe the only way to turn the situation around is to bring an immediate halt to government spending in excess of government income.

Therefore, we respectfully request that you submit to us a proposed balanced budget for fiscal year 1975, incorporating changes in programs and funding of programs you believe necessary to meet that objective.

With such a budget available, we will be able to intelligently offer proposals for appropriation reductions, with the goal of attaining a balanced budget.

We consider this project of utmost importance and will appreciate your cooperation.

Sincerely,

Dewey Bartlett, Paul Fannin, Clifford P. Hansen, Pete V. Dominici, Jesse Helms, Henry Bellmon, James L. Buckley, William L. Scott, Peter H. Dominick, J. Glenn Beall, Jr., Sam Nunn, Wallace F. Bennett, Lawton Chiles, John Tower. Edward J. Gurney, Strom Thurmond, Bob Dole, Howard Baker, Charles H.

Percy, Robert Taft, Jr., James B. Allen, Ernest F. Hollings, Jennings Randolph, William Proxmire, Barry Goldwater, Roman Hruska.

John Sparkman, John L. McClellan, Bill Brock, Harry F. Byrd, Jr., Walter D. Huddleston, James O. Eastland, Hugh Scott, J. Bennett Johnston, Jr., John C. Stennis, Bill Roth, Mark Hatfield, Edward W. Brooke, Bob Packwood, Herman E. Talmadge.

Daniel K. Inouye, Alan Bible, Frank E. Moss, William D. Hathaway, Joseph M. Montoya, Howard M. Metzenbaum, Joe Biden, Alan Cranston, Hiram L. Fong, Carl T. Curtis, Quentin Burdick, Charles McC. Mathias, Jr., Norris Cotton, Jim McClure.

RESULTS OF SENATOR HANSEN'S OPINION QUESTIONNAIRE

In April, a list of questions about current national issues was sent to some 60,000 Wyoming residents. More than 13,000 persons answered the questions, and a tabulation of result samples appears below. I want to thank those who return the questionnaire. The results will be helpful to me, and I hope of interest to you.

[In percent]

	Yes	No	Uncertain
Daylight savings: Do you favor continuing daylight savings on a year-round basis?	41	54	5
Abortions: Do you favor amending the Constitution so that abortions would be prohibited?	26	62	12
Environment: Do you favor relaxing clean-air standards to permit greater use of coal to ease the energy shortage?	54	34	12
Campaign financing: Do you favor complete financing of Congressional and Presidential campaigns from the Federal treasury, and a ban on all non-Federal contributions?	28	59	13
Watergate: Do you feel President Nixon has been fairly treated by the news media during coverage of watergate?	36	57	7

President Nixon: Which of these most nearly expresses your view concerning the President?

(1) He should resign: 16 percent.

(2) He should face impeachment: 21 percent.

(3) He should be removed from office: 9 percent.

(4) He is doing a good job and should stay in office: 54 percent.

Energy Shortage: Which one of these is mainly responsible for the energy crisis?

(1) Government: 11 percent.

(2) Oil companies: 15 percent.

(3) Overconsumption: 10 percent.

(4) Environmentalists: 3 percent.

(5) Combination of these: 55 percent.

(6) Don't know exacly—too complex: 6 percent.

Economy: How do you view Wyoming's 1974 economy as compared with the national economy?

(1) Wyoming better off: 65 percent.

(2) Same: 28 percent.

(3) Wyoming worse off: 7 percent.

Defense: In regard to national defense and military preparedness, do you feel the United States should:

(1) Spend whatever necessary to insure superiority in any confrontation: 48 percent.

(2) Achieve a military power balance with the Soviet Union: 31 percent.

(3) Maintain defense capabilities at present levels: 16 percent.

(4) Reduce present preparedness levels: 5 percent.

NATIONAL PRIORITIES: HOW DO YOU RATE THESE ISSUES?

	Not Important	Somewhat Important	Important	Absolutely Vital
Reducing inflation	1%	4%	31%	64%
Welfare Reform	3%	13%	50%	34%
Environmental Protection	6%	35%	43%	16%
Energy Shortage	1%	11%	48%	40%
Consumer Protection	7%	23%	44%	26%
More funds to states, cities	22%	40%	32%	6%
Mass transit	16%	31%	38%	15%
Unemployment	6%	23%	52%	19%
National Health Insurance	33%	29%	29%	9%
Tax Reform	4%	13%	39%	44%
Watergate	45%	21%	18%	16%
Reduce spending	3%	12%	36%	49%
Campaign reform	9%	20%	36%	35%
Housing	13%	41%	38%	8%

Total surveys sent: 60,000.
Total number replies: 13,016.
Percent responding: 21.7.

JEFF COLEMAN'S DEDICATED SERVICE TO THE UNIVERSITY OF ALABAMA

Mr. ALLEN. Mr. President, each of us, I am certain, knows a teacher or principal, or a college professor or a school administrator whose name recalls fond memories.

Such a man lives in my home State of Alabama and news of his retirement on July 1, after almost 50 years on the administrative staff of the University of Alabama, caused his host of friends to remember happy events from a past that has gone by all too fast. I have known and admired him since my freshman days at the University of Alabama in 1928.

Jefferson Jackson Coleman, was a freshman at the university in January 1925, when then President Dr. Mike Denny, hired him as secretary to head football coach Wallace Wade. During the subsequent years Jeff Coleman moved to other jobs. He served as business manager for athletics for 27 years, was manager of the university book store, served as purchasing agent for the institution and then in 1954, was named director of alumni affairs, the position from which he retired.

Serving the university in good times and bad, working under every president since 1925, helping the university grow into one of the Nation's finest educational institutions and holding the Nation's leading position in athletics: these are among the attainments for which Jeff Coleman is known by tens of thousands of Alabamians, as well as by thousands of other Americans elsewhere throughout the land. These are the attainments which earned him a niche in the Alabama Sports Hall of Fame.

In its issue Sunday, June 30, 1974, the Birmingham News recounted the years of Jeff Coleman's service in an article, "Coleman: Half a Century of Service," written by Clyde Bolton, one of the paper's fine sports writers.

Mr. President, I am certain that many of those serving in this body will recall—some fondly and some not so fondly—some of the football history related in the article; including football games in which the Crimson Tide of Alabama engaged under the coaching of such giants as Wallace Wade, Hank Crisp, Frank Thomas, Paul "Bear" Bryant and others.

While his thousands upon thousands of friends will regret to hear of his retirement, they will be happy that Jeff Coleman's considerable abilities will always be at the beck and call of his alma mater.

Mr. President, I ask unanimous consent that the newspaper column from the Birmingham News be printed in the RECORD.

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

RETIRING MONDAY, COLEMAN: HALF A CENTURY OF SERVICE

(By Clyde Bolton)

TUSCALOOSA.—"Go tell Wallace Wade I sent you over there to work for him," Dr. Mike Denny, president of the University of Alabama, told freshman Jeff Coleman one day in January, 1925.

Thus began 49 and one-half years of continuous service to the university, much of it in athletics.

Jefferson Jackson Coleman officially retires Monday as director of alumni affairs, a post he has held since 1954. He was named business manager of athletics in 1927 while still a student and served in that capacity for 27 years. He also was manager of the college store (1930–44) and the university's purchasing agent (1944–54).

Coleman came to Alabama from Livingston, bearing homemade football shoes, a pair of Montgomery Ward football pants and high hopes of playing for the Crimson Tide. He soon learned there was no market for 125-pound quarterbacks.

"We called them Boy Scout shoes," Coleman recalled his footwear. "They were high-tops, and I took them to the shoe shop and the man put strips of leather on the bottom then trimmed the leather to the shape of cleats. Even at that, they were better than the shoes some of the football players had."

Thwarted as a player, Coleman went out for manager of the freshman team. So did another fellow. Both worked hard, and frosh coach Billy Van de Graaff kept both around.

At the end of the season Van de Graaff flipped a coin to determine which would receive the manager's silver football, and Coleman lost.

But it was during his freshman year that Coleman began to absorb administrative knowledge that would serve him well. Dr. Denny made him Wallace Wade's secretary.

AN UNSMILING FOOTBALL COACH

Wade was the unsmiling coach who originally made Crimson Tide football great. He took three teams to the Rose Bowl. Wade and Dr. Denny weren't on the best of terms, though. Coleman feels the main issue was money.

"Wade was suspicious of Dr. Denny," Coleman recalled. "Most of the people who didn't get along with Dr. Denny were overworked and underpaid or just underpaid.

"Thirty years later, when we had a reunion for Wade, he told me he and Russ Cohen (his assistant) thought Dr. Denny sent me over to spy on them.

"Wade and I got along, but it was at arm's length. But I used to babysit while he and Mrs. Wade went to the movies."

Coleman characterized Wade as "smart. He had a native intelligence, a keen mind, an analytical mind. He was a very hard-working man. He was very reserved, not an extrovert when it came to meeting the people. When he left Alabama for Duke he felt the need to get out and really know the people more."

Wade, most of all, was a disciplinarian. "The boys called him The Bear before anyone

ever heard of Paul Bryant," Coleman said. "But they didn't call him that to his face."

Dr. Denny, an unabashed backer of football, "lived for the university," Coleman said "He was an advocate of the university. It always came first."

Wade came to Alabama in 1923 and established the Tide as a powerhouse. His 1925 club was the first Southern team to play in the Rose Bowl. The 1926 team returned to Pasadena.

Young Jeff Coleman made that first California trip as a newspaper correspondent after Wade declined to pay his way.

"I borrowed the money from my father," Coleman recalled. "I had a relative connection on the New York Times and he got me a job as a correspondent. I also wrote for some of the papers on the coast. The New York Times paid me on how many words I wrote—and I soon learned they didn't want me to write very many words. But I got to sit between Grantland Rice and Howard Jones (USC coach) in the press box. They had to be two of the most important fellows in there. They probably wondered who in the world I was supposed to be.

"The studios sent a limousine around for me. They just read the list and saw New York Times beside my name and that impressed them."

That trip was a milestone in Southern football, Coleman feels. "It was the beginning of Southern football's national reputation," he said. "It had quite an effect on the image of the South. Here was a team that was the best in the West, and they had George Wilson, who was the greatest player in the world."

Bama upset Washington 20–19, scoring all 20 points in a seven-minute outburst in the third quarter. Southern footfall, which had not been considered as strong as that of the East, Midwest and West, achieved a new prominence.

HAS SEEN ALL BOWL GAMES

It was Alabama's first bowl game—and Coleman has seen every post-season match in which the Tide has been involved. In fact, he has missed only two regular season gan.es since 1926. "Once I was in the hospital, and the other time I went to the University of Southern Illinois to install a fraternity," Coleman said.

Wade's magic waned in 1927, 1928 and 1929. The team lost only 10 games those three seasons, but Alabama fans, intoxicated by super success, began griping.

"It was the people around the state, and Wade couldn't take it," Coleman recalled. "He bordered on genius, and he was a tense man."

In April, 1930, Wade resigned and accepted the job as head coach at Duke. He stayed on to coach the 1930 Tide to a 9–0 record and a 20–0 whomping of Washington State in the Rose Bowl.

"After he came up with the undefeated season, everybody was sorry he was going," Coleman said. "In the meantime, he had recommended Frank Thomas as his successor."

LAST CAR ON THE TRAIN

Thomas was backfield coach at Georgia. After Alabama beat Georgia in the final regular season game of 1930 Thomas came by the Tide dressing room to congratulate the players.

"Wade was in the frame of mind that he didn't want Thomas to talk to his boys," Coleman said. "Thomas went with us to the Rose Bowl, but Wade told me to put him on the last car of the train, away from the players."

Coleman recalled the story of Thomas being hired. After the contract was signed, Dr. Denny told him, "Mr. Thomas, now that you have accepted our proposition, I will give you the benefit of my views, based on many years of observation. It is my conviction that material is 90 per cent, coaching ability 10 per cent. I desire further to say that you will be provided with the 90 per cent and that you will be held to strict accounting for delivering the remaining 10 per cent."

Thomas was stunned as he and a newspaper friend, Ed Camp, left the meeting. "Those were the hardest and coldest words I ever heard," he told Camp as they left the meeting. "Do you reckon his figures are right?"

"I think the proportion was considerably off," Camp answered. "But there is no doubt the good doctor means what he said."

FULL-TIME BUSINESS MANAGER

The business manager of athletics post had always been filled by a student, and Coleman was an underclassman when he moved up to the job in 1927, but with the growth of Tide athletics it became a job for a graduate. Coleman stayed at it 27 years. Twenty-four of those 27 years he held other jobs, too.

"I had accepted a job with National City Bank of New York," Coleman said, "but Dr. Denny talked me into staying here and running the college store as well as being athletic business manager. Looking back, I don't see how I did both."

The arrival of Frank Thomas signaled the beginning of the second great era of University of Alabama football.

"Tommy was shrewd," Coleman said. "He was canny and he was penurious. He was not opposed to other sports, but he underlined football.

"Tommy would never get close to the boys. He left all the dealing with the players to Hank Crisp—except the quarterbacks. Crisp served that purpose with both Wade and Thomas.

"Thomas would get the quarterbacks, though, and they would take a walk on the morning of a game.

"The boys know Coach Bryant is tough, but they'll go talk to him. They were scared to see Tommy, though.

"He and Dr. Denny weren't getting along because he wanted more money, but Denny described him as the greatest football tactician. Tommy always came up with a new wrinkle that won the game, like the end-around out of the Notre Dame box."

"OUR WAY OF DOING THINGS"

Thomas, of course, coached Alabama through 1946 and took three Tides to the Rose Bowl. A lingering illness ended his career and eventually took his life.

"When he became ill Tommy recommended Alabama get a Notre Dame coach," Coleman remembered. "Of course, he went to Notre Dame. But he finally arrived at the idea that Red Drew would know more about our way of doing business."

Drew had been an assistant at the Captstone before becoming head coach at Ole Miss. He accepted the task of trying to replace Thomas.

"Drew was a very affable person, and he had some good years," Coleman said. Drew coached through 1954, the same year that Coleman became director of alumni affairs.

"I think that coming to this job has been the best thing that ever happened to me," he said. "I've had the opportunity to do more for the university here. It has given me an opportunity for a broader sphere of activity for the university."

ON ATHLETIC COMMITTEE

"I was on the athletic committee when the decision was made to hire J. B. Whitworth," Coleman said. "Whitworth was a lovable kind of guy." Whitworth, of course, won only four games in three years, and Alabama was coach-hunting.

Coleman was chairman of a subcommittee to recommend a coach. "I talked to the athletic directors and commissioners that I knew and tried to come up with a list of outstanding coaches in the country.

"Howard Grubbs (SWC commissioner) said Phil Cutchins was outstanding. Bobby Dodd said Ray Graves was fine but that he wouldn't leave Tech. Duffy Daugherty was high on Alex Agase.

"The subcommittee was about ready to recommend Graves, but Dodd had said he wouldn't leave. But Graves called and said he was interested.

"Somewhere along the line word came that Paul Bryant (then head coach at Texas A&M) might be interested. Dr. (Frank) Rose (president) asked me to get two round trip plane tickets to Houston for him and Fred Sington to have a preliminary interview with Bryant.

"Bryant wanted to be sure that Coach Hank wanted him before he came. Coach Crisp was serving as athletic director then." The athletic committee recommended Bryant, and the rest is history. Coleman began first-hand observation of the third great era of Alabama football.

FIRST ROSE BOWL BIGGEST

Coleman served on the first NCAA television committee and he was chairman of the committee to plan and build the 15,000-seat Memorial Coliseum. In 1972 he was named to the state's Sports Hall of Fame.

Coleman isn't one for comparing players and teams, though he selects that first Rose Bowl appearance as "the most exciting and memorable game."

He feels the 1934 squad "might be one of our greatest teams."

Pooley Hubert, star of that first Rose Bowl team, "would have to be one of our greatest players, but Holt Rast was one of the greatest players who received the least recognition.

"You talk about which team was best, but you're talking about different eras, one platoon and two platoon. Some boys had to play all the time, others didn't.

Coleman will still attend Alabama football games, and he'll wet a hook or two. "I'll be of assistance to the university anytime I can," he said.

"I feel I've had a very fortunate situation to have been associated with the University of Alabama in these capacities. Anything that has been done couldn't have been done except with the assistance of some very good people."

Dr. John Seymour will succeed Coleman as director of alumni affairs.

A U.S. NAVAL ACADEMY HERO RETIRES

Mr. HUGH SCOTT. Mr. President, one of the heroes of the U.S. Naval Academy has retired. He never wore the gold braid of the young men he helped train over these last 47 years, but he earned the respect of the men he sent into battle. The new class of midshipmen stood muster for the first time yesterday, July 8, at Annapolis and for the first time in nearly one-half century Rip Miller was not on station.

He has left his mark on the character of thousands. For his long service to the Academy, the Class of 1966 named him an honorary member while the Naval Academy Alumni Association cited him that same year for outstanding service.

Mr. President, Edgar E. "Rip" Miller, assistant director at the U.S. Naval Academy, has retired. He first served the midshipmen as an assistant football coach, became head coach and more recently was assistant athletic director.

His immediate boss, athletic director J. O. Coppedge, who incidentally was an outstanding player on "Rip" Miller-coached teams in the 1940's, said it best at Mr. Miller's testimonial dinner:

It is difficult to chronicle "Rip's" contributions to the Naval Academy and to the world of intercollegiate athletics in a biography of one volume.

Mr. Coppedge also said:

It is evident that he personifies the qualities taught by the game he loves so. He is, as his record on the field so dramatically shows, a winner. "Rip's" intelligence, intensity, his integrity, and his unwillingness to be beaten no matter what the odds have made him the Nation's No. 1 athletic recruiter. He believes in the product he sells. People believe in "Rip" Miller.

Vice Adm. William P. Mack, U.S.N., Superintendent of the Academy, also cited Miller's singular devotion to Navy athletics:

During the years to come in well-earned retirement, "Rip" Miller will be able to reflect with great personal satisfaction on the record of accomplishments he achieved during the 48 years of dedicated service.

He said:

In addition to the thousands of Naval officers who have profited by his wise counsel and guidance, his career is truly an inspiration to all with whom he served at Annapolis.

Admiral Mack noted:

"Rip's" contributions to the Naval Academy and the Navy are immeasurable.

A native of Canton, Ohio, "Rip" played at Notre Dame under Knute Rockne and helped the Irish to a 27–2–1 record in his 3 years on the varsity. He was a tackle on the Seven Mules Team that teamed with the Four Horsemen to give Notre Dame a national championship in 1924.

Miller was graduated in 1925 with a bachelor of arts degree in Foreign Commerce and was awarded the Byron Kanaley award, given annually to the top student-athlete at Notre Dame.

After graduation, "Rip" took a job with the Studebaker Co., in South Bend, Ind., but not for long. By that fall, he was an assistant coach under the late "Navy Bill" Ingram at Indiana University, having been recommended for the position by Rockne.

After the 1925 season, Ingram and Miller moved to the Naval Academy, the start of the latter's long association with this institution. In that first season of 1926, they guided the Midshipmen to the national championship.

Miller remained as Ingram's assistant at Navy and was appointed the Mids' head coach when Ingram left before the 1931 season. "Rip" served as head coach for 3 seasons, winning 12, losing 15, and tieing 2.

He had the distinction of being the first Navy coach to beat Notre Dame, that coming in 1933 in Baltimore when Buzz Borries tallied the only touchdown in a 7–0 Mid triumph.

When Navy returned to the graduate system of coaching in 1934, Miller remained as line coach for Tom Hamilton. He held that position for the next 14 years, developing six All-America linemen, including Slade Cutter in 1934, George Brown and Don Whitmire in 1943, Ben Chase and Whitmire again in 1944, and Dick Duden and Dick Scott in 1945. Two other Navy All-Americas, Frank Wickhorst in 1926 and Eddie Burke in 1928, were also Miller pupils. Cutter, later director of athletics at Navy, and Whitmire, now a rear admiral in the Navy, were both selected to the National Football Foundation Hall of Fame.

In 1948, Miller was elevated to his present position of assistant director of athletics, being put specifically in charge of athletic recruiting for the Academy, a responsibility he had been handling informally since the early 1930's.

Miller was the first of the Seven Mules to be selected to the National Football Foundation Hall of Fame, that honor coming in 1966. In 1972, the Washington Touchdown Club inducted him into its hall of fame.

His other honors include honorary membership in the Naval Academy Class of 1966 and the Naval Academy Alumni Association of New York's annual award for outstanding service to the Academy. In 1966, the Naval Academy Foundation's preparatory school program established an honor scholarship in his name.

"Rip" is married to the former Esther "Es" Templin, of Elkhart, Ind. They have three children: a son, Thomas, living in Severna Park, Md.; and two daughters, Mrs. Kim "Patricia" Schultz, of Ithaca, N.Y., and Mrs. James "Joan" Harden, of Annapolis.

THE ISSUE OF WORKER ALIENATION

Mr. ABOUREZK. Mr. President, the issue of worker alienation is one that must be brought to the forefront of national discussion. Thankfully some businesses are realizing this and are initiating attempts at removing worker discontent. Unfortunately, however, far too many industries are shying away from the challenge.

We, as a body and separately, have long discussed the merits and necessity of protecting workers both in the areas of personal safety and economic security. However, for too long we have neglected that aspect of a job for which neither money nor safety can replace—and that is personal fulfillment in one's work.

Mr. President I find calls for increased productivity to be highly presumptuous since the burden of such efforts fall upon America's laborers. It would seem to me that both the goals of increased productivity and worker satisfaction can be reached, but through efforts at decreasing worker alienation, rather than calls only for increased productivity. A case example is a Kaiser steel mill in Fontana, Calif., where workers' suggestions on how to better organize the work in the plant not only saved the plant from closing, but in fact raised productivity 30 percent.

Mr. President, an article by Tom Wicker in the New York Times, and Derek Norcross in Parade, are just two more examples of journalistic attempts to plant the seeds of curiosity in those who can make the investigations and changes in worker alienation. I hope these seeds are planted in fertile soil.

Mr. President, I ask unanimous consent that the articles by Tom Wicker and Derek Norcross be printed in the RECORD.

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

THE WORK AND THE WORKER

(By Tom Wicker)

AMSTERDAM.—Not long ago a management expert visited the typewriter assembly plant operated here by International Business Machines and denounced the plant's new production techniques as "Communism." He was followed by another outside expert, who looked over the plant and declared with disapproval that it was "producing neo-capitalists."

Both had taken note, from opposite points of view, of a striking fact, visible at I.B.M. here as well as at other industrial plants in Europe—notably in Sweden, at Volvo, Saab, Atlantic Copco and other installations. New methods of production being introduced and developed tend to "push decision-making down" within an industrial organization, reducing the demands on high-level management and increasing the responsibility of workers on the line.

Thus, the new I.B.M. production system relies on "mini-lines" which are, in effect, simplified business units making many of their own decisions on production, engineering, quality control and materials handling. And the firm is pleased enough with the results that it is planning a new parts manufacturing facility here, to be built from scratch on the new production ideas.

The Amsterdam plant has been I.B.M.'s primary European typewriter assembly plant since 1961, when it employed 600 people. Production expanded rapidly throughout the sixties, so that by 1969 the plant employed 1,600 people. Fifty thousand typewriters were put together in 1968, a goal of 80,000 was set for 1969, and about 100,000 were foreseen for 1970.

This rapidly expanding production was complicated by customer demands in an export market, with 90 per cent of production going to 75 different countries. There were eighteen basic typewriter models, each with about 2,500 parts, 25 special models, well over a hundred different keyboards and typeheads (the plant can turn out a typewriter with a Thai keyboard and a machine that types from right to left for Iran and Israel).

The I.B.M. plant then relied upon two conventional assembly lines, each nearly 200 meters long, with about seventy workers on each line. The method of increasing productivity was to lengthen the line, add workers, further simplify the job of each, and reduce the time it took to do it. By 1969, assembly line workers worked for an average of only three minutes on each typewriter coming down the line. Some felt themselves little more than robots.

The long lines were poorly adapted to the production flexibility I.B.M. required; worse, production quality was low and 12 per cent of man-hours went into overtime for the repair of defective machines coming off the line. Thirty per cent of the work force left their jobs every year; among the others absenteeism was soaring. Management had grave doubts that production could be sufficiently expanded under such conditions.

A survey disclosed that Dutch workers, particularly younger persons with higher levels of education than their parents, wanted more responsible jobs, a more sociable working climate, a better relationship to management and to the product—all taking precedence over higher wages and better career opportunities.

Now there are nine "mini-lines" each employing about twenty workers and each producing a complete and recognizable unit. Three months after the completion of the changeover, in August, 1971, production had

risen by 18 per cent (after an initial sag); by December, 1972, production was up by 35 per cent and by December, 1973, it had been by 46 per cent.

The new system sharply improved quality and reduced overtime. The mini-lines were easier to adapt to flexible production. Workers felt themselves more involved with a product they saw through to completion, rather than one they worked on for three minutes. Because of this increased responsibility and the longer work cycle, many annoying individual controls previously imposed by management could be abolished. Absenteeism and personnel turnover dropped. Many production decisions—for instance, the best way to incorporate a product change—now are decided on the line, by the workers involved. They also decided for themselves to take a vacation period between Christmas and New Year's Day and sufficiently increased production to make the time off possible.

The old system forced a worker to adapt himself to a set task. The mini-line system adapts the work to be done to the needs of the men and women who do it. Both the necessity for such a change, and the benefits to be derived from it, are widely recognized in Europe, and sooner or later will make themselves felt in the United States.

OPEN TO DISCUSSION: HOW TO MAKE WORK MORE ENJOYABLE

(By Derek Norcross)

LOS ANGELES, Calif.—Should work be democratic?

Should employees share decision-making power with management?

What is work for? Only to make money?

A better educated, more aware American labor force is currently raising such fundamental issues.

"The question of workplace democracy is rapidly becoming one of the major public issues of our times," says Jim O'Toole, a professor at the University of Southern California's Graduate School of Business. O'Toole, 29, a former track star and Rhodes Scholar, headed the Department of Health, Education, and Welfare's task force which last year produced the prestigious *Work In America* report. It showed job dissatisfaction developing ominously throughout America.

Other observers agree with O'Toole's assessment. For example, Chicago author and radio announcer Studs Terkel interviewed hundreds of average Americans for his best-selling book *Working*. He discovered an ocean of discontent among workers and found that most jobs were "too small," meaningless, and unfulfilling to afford them needed satisfaction and sense of achievement.

MANY NEW PROGRAMS

In response to mounting worker unrest, hundreds of businesses around the country are introducing new job enrichment and enlargement programs to provide workers with more freedom and additional responsibility. Business expert Peter Drucker, in his latest book, *Management*, advises businessmen to build organizations "in which every man sees himself a manager and accepts for himself the full burden of what is basically management responsibility."

Politicians have also gotten into the act. Sen. Ted Kennedy (D., Mass.) chaired hearings on worker discontent in 1972 and introduced in Congress the Workers Alienation Research and Development Act. In Ohio, Gov. John J. Gilligan, acting through his Business and Employment Council, established a state-financed Ohio Quality of Work Institute to foster labor-management experiments in democratic work arrangements. In Massachusetts, the legislature's Joint Committee on Commerce and Labor is planning a comprehensive study on the quality of work.

WAVE OF THE FUTURE

On the union front, Paul Schrade, former Western director of the United Auto Workers, who himself labors in a Rockwell International plant in Los Angeles, predicts, "Worker democracy and participation could well become bargaining issues for unions in the years to come, especially if union leaders properly respond to the needs of rank-and-file workers."

What is workers' democracy anyway?

At the very least it embraces the managerial view of employees as human beings not robots. When management accords workers more responsibility, their morale improves, and their productivity often skyrockets.

Last year, a Kaiser steel mill in Fontana, Calif. was slated for closing because of stiff Japanese competition. The local union asked Kaiser to keep the mill open and listen to workers' suggestions on how better to organize the work. Kaiser agreed, whereupon plant productivity leaped 30 percent. "It was historic," a company spokesman reveals. "Management heeded the workers, and it paid off."

A pet food factory in Topeka, Kan., owned by General Foods, has been specifically designed for worker participation. There, working hours are flexible. There are no time clocks. Workers operate in teams, rotating in different jobs.

"The goal in that factory," reports Professor O'Toole, who visited there, "is for every worker to be able to do every job. When I inspected the plant I was amazed to find that workers, even those with little formal education, were able to repair the most sophisticated electronic computers in the plant.

MORE EDUCATION

"The plant director, Ed Dulworth, told me that the number of workers who take advantage of the company's pledge to pay for the formal program of continuing education is three times the average for General Foods as a whole. Apparently, learning on the job has whetted the workers' appetite for more education. It has overcome the sense of educational inadequacy which afflicts so many blue-collar workers.

"A second positive effect," O'Toole points out, "is that the employees participate in community and civic activities at rates unexpectedly high for blue-collar workers."

Some companies have gone beyond job redesign and enrichment. In Washington, D.C., James P. Gibbons, Jr., president of international Group Plans, a prosperous insurance company, has turned over 50 percent of his company's stock to employees. Workers, many of them women and blacks, democratically elect management. They also enjoy the freedom to schedule their own vacations and set their own dress codes.

SUCCESSFUL EMPLOYEE-OWNERS

In the Pacific Northwest, a number of plywood companies owned and run by employees have successfully competed with more traditional firms.

There are also European examples. In England, a profitable chemical firm, the Scott Bader Company, is run democratically by its employees. In Yugoslavia, all large and middle-size firms are run by the workers who elect a council that hires managers and sets basic policy for the company. At Renault's auto plant in Le Mans, France, and at Volvo's auto plant at Kalmar, Sweden, assembly lines have been replaced with technology adapted to human beings. Teams of workers assemble entire cars from start to finish.

Many union leaders, ironically enough, are even more reluctant than management to embrace job democracy. They are suspicious that job enrichment is a management trick designed to prevent unionization, that it is fundamentally postured to create "speedup" and raise productivity and profits with no payoff for the workers. In truth, job democracy frequently threatens the power which many labor officials exercise in large, bureaucratic unions.

BENEFITS PREDICTED

As it spreads, job democracy should bring many benefits to the country. The nation's mental health could improve dramatically, and the crime rate may decline. People who enjoy and find fulfillment in their work also treat their children and spouses better. And most important, if work becomes democratic it is a good bet that employees will participate more frequently in public affairs. Democracy begets more democracy.

Professor O'Toole cautions that the Promised Land is still far away. Most workers believe that work organization is static and not subject to change, that it is their lot in life to learn and live with it. They seek escape from work through shorter hours, absenteeism and alcohol.

To alter that traditional philosophy, leaders in business, government, and labor must continue to show the way by supporting more democratic work experiments.

METHODS TO SOLVE OUR ENERGY PROBLEMS

Mr. COTTON. Mr. President, Gov. Meldrim Thomson, Jr., of New Hampshire, is among those who are prominent in actively seeking responsible methods to solve our energy problems. Therefore, his recent articles entitled "Scottish Oil Boom—With Lessons for America" are particularly important and timely, and I ask unanimous consent that they be printed in the RECORD.

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

SCOTTISH OIL BOOM—WITH LESSONS FOR AMERICA

(By Governor Meldrim Thomson, Jr.)

1. OIL COMES FULL CYCLE TO SCOTLAND

It was eerie and fascinating to look at the bings of spent shale that loomed on the moonlit Scottish countryside east of Edinburgh where the world's oil industry was born more than 120 years ago.

Our hospitable host and guide, J.A.R. Falconer, is one of Scotland's leading financiers. He had suggested as we finished supper about midnight, that he would like to show us the area where Dr. James Young, a Scottish chemical engineer, nicknamed "Paraffin", has developed a successful shale oil business in the 1850's and 60's.

It was Scottish oil produced first from cannel coal (the Scots' pronunciation for 'candle coal'), and later from shale, that fueled the lanterns for America's prairie schooners.

And it was later that shale oil produced by 60 American companies under a license from Dr. Young and a 2 cent per gallon royalty, produced for him an income from the States of more than $100 thousand a year.

In America shale oil production quickly disappeared with the discovery of oil by Edwin L. Drake at the base of a 59 foot shaft in Titusville, Pennsylvania, in August, 1859.

The tiny trickle of Titusville oil of 2,000 bbls. the first year rose to 3 million bbls. by 1864. The price of oil which at $20 a bbl. made shale oil production profitable fell to $1 a bbl. as derrick rigs began to spot the landscape of Pennsylvania.

Thus, Dr. James Young, born in Glasgow and trained by his father to the cabinetmaker trade, and who had worked his way through Anderson University, became the acknowledged pioneer of the modern oil industry.

"Paraffin" Young was a good businessman and skilled technician. By a patent he obtained in 1850 for "Treating bituminous coal to obtain paraffin and oil containing paraffin therefrom," he developed the basic principles of distillation and cracking still used in the oil industry.

In little more than a century the processing of oil from coal and shale in Scotland rose from a few thousand tons per year to more than 9 million tons.

More than one hundred years ago the oil refinery built by Dr. Young at Addiewell was reputed to be the biggest oil works in the world.

Since then a rising flood of oil has been pumped from the bowels of the earth—from Pennsylvania, Texas, California to fields flung round the world.

From lantern oil and candle wax the products of oil have multiplied a hundredfold. Fertilizer, proteins, heating fuel, industrial oils, and a host of plastic derivatives pour from a wide variety of sophisticated plants around the world.

The ghostly mountains of dull red, spent shale that have hunched the horizon west of Edinburgh for decades were unquestionably the first major pollutants of the oil industry.

Devoid of all nutrients, these huge red welts on the body of the greeen countryside, were occasionally used for road beds and in the composition of bricks.

But when oil and gas were discovered in the North Sea, "Paraffin" Young's beings once again became a part of the oil industry.

The imaginative engineers of British Petroleum decided to place a tank farm of 7 giant oil tanks with a capacity of 500,000 tons per tank inside a vast circle of burnt shale covering 100 acres of ground.

The top soil inside the circle of shale was spread on the barren red walls by giant dozers to a depth of 30 inches on the outside and 3 inches inside to support a vast green coverlet of grass and trees that will be planted soon.

Here in this attractive and safely walled tank farm, BP will store temporarily part of the 400,000 bbls. of oil per day that will begin to flow next year from the Forties Field, more than 150 miles N.E. of "Paraffin" Young's old oil works.

VISIT TO NORTH SEA

The impact of the North Shore oil boom has fallen most heavily on Scotland.

Here in the land of porridge and scotch where the sea falls away to a depth of 100 feet or more at the edge of hundreds of miles of exquisitely beautiful shorelines, unemployment was running as high as 30 percent before oil.

Scotland is about the size of the State of Maine. Its population of five and a half million is about five times that of the Pine Tree State.

It was to witness first hand the oil and gas boom developing in the North Sea and to visit modern refineries in crowded Europe that I decided on a personal briefing and inspection trip to the United Kingdom and several cities in W. Germany and Austria. We arrived in London May 5th and departed Frankfort for home on May 14th.

I had asked George Gilman, Commissioner of our Department of Resources and Economic Development, with his research aide, Charles Allen, to precede me and lay the groundwork for our visit.

It was, I felt, important to the State of New Hampshire, that Commissioner Gilman be thoroughly conversant with the dramatic economic effects of the North Sea gas and oil exploration and development.

I was confident that the North Sea boom held many valuable lessons for New Hampshire, our eastern seaboard states, and America, in terms of employment, economy, land speculation, and environmental and social problems.

It is only a matter of time—and very little time at that—before exploration for gas and oil on the Atlantic Outer Continental Shelf will begin. It is important that we be prepared for and able to control the great impact that the development of oil and gas resources on our OCS will bring to the Eastern seacoast.

Already plans are being made for tapping the great stores of oil and gas on our Atlantic OCS, estimated as capable of supplying New England with 30 percent of its petroleum and 70 percent of its gas needs by 1985.

The Report to the President by the Council on Environmental Quality on April 18, 1974, estimates that oil may begin to flow from Atlantic OCS wells by 1980.

Our trip began in London with visits to Lord Balogh, Minister of State at the Department of Energy, Rt. Hon. William Ross, Secretary of State for Scotland, and their aides.

2. ECONOMIC SCOPE AND IMPACT

"Don't do what we did;" Lord Balogh cautioned our New Hampshire party as he graciously dispensed dry sherry from his spacious office at the British Department of Energy Building in London.

"Take a lesson from the Arabs before you begin your oil development," Lord Balogh added.

He was suggesting that American government should get a large part of the anticipated oil bonanza from the Atlantic Outer Continental Shelf than the United Kingdom would get from the North Sea operations.

With lease payments, corporate taxes, a 12½% royalty, and other charges and interests, the British government expects to receive 50% of the value of the gas and oil returns from the North Sea.

Lord Balogh hopes that Parliament will change the law so that the gas and oil returns to the government will more closely approximate the 80% which the Arabs exact from their oil producers.

He also warned "You will have to take risks and there will be shocks as heavy industry comes to an area and an economy not prepared for it".

Two days after our visit to his office, Lord Balogh announced surprising new finds off the Shetland Islands that will raise North Sea oil production estimates to 200 million tons a year. At current barrel prices, this would be worth about $15 billion dollars annually.

Thus, for the next 30 to 50 years, oil from the continental shelves around the British Isles should keep the government financially afloat.

From a 70% dependence on foreign imports of oil at a cost of $3 billion dollars annually, Britain will by 1980 be self-sufficient in oil and gas. It might, with one or two more lucky finds, even become an oil exporter.

For some time Britain has suffered an adverse trade balance. In several recent months, it has run as high as a billion dollars a month. At present, it is borrowing heavily on expected oil revenues which should begin to flow in a substantial and ever increasing stream by next summer.

The British government was in no position to finance the exceedingly high cost of exploration and development in the North Sea.

Oil exploration is one of the riskiest investment for high venture capital in the world. Hence, Britain, in leasing drilling squares in the North Sea, made its proposals attractive enough to lure private capital. This explains its present 50% government return rather than the 80 to 85% demanded by the Arabs whose oil fields have been discovered and developed.

THE BOOM BEGINS

The Scottish oil boom really began in the province of Groningen, Netherlands in 1959.

The discovery of big gas fields in that year, and again in 1962, created great interest in the possibility that gas and oil might lie under the North Sea.

In 1958 United Nations Sea Conference resulted in a convention providing that a coastal nation has a right to the natural resources on its portion of the shelf around it. By agreement Britain, Norway, Denmark, West Germany and the Netherlands divided the North Sea between them.

In September 1964, Britain laid out and began to license sea areas of 80–100 square miles. The licensing was done by negotiation rather than by bidding as was the case in Alaska. It was required that the licensee had to drill within six years and at the end of that period, had to return to the government that half of the area least desirable.

The British government was financially desperate to find gas and oil. This extreme urgency explains its reasonable inducements to the oil companies.

As we shall see, it also explains why the British environmentalists have been unable to delay oil explorations and development.

From 1964 to 1972 the government has conducted four rounds of licensing. It plans more.

In 1965, British Petroleum discovered a giant field of gas in the southern basin of the North Sea just 40 miles offshore in water a little over 100 feet deep.

Eight years later, 90% of British gas needs were being supplied from this area of the North Sea. The gas reserves in the area are estimated to be 32 trillion cubic feet, enough to support a demand for 20 years of 4,000 million cubic feet of gas a day by next year.

British petroleum in 1970 also became the first to discover commercial quantities of oil. Its Forties Field in more than 30 feet of water is estimated to produce 400,000 bbls. per day or 29 million tons per year in peak production.

ECONOMIC IMPACT

The discovery of oil and gas in large quantities in the North Sea has brought an unprecedented economic boom to Britain, and especially Scotland. It has also brought acute social headaches, and faint rumblings for Scottish independence, "because it's Scotland's oil."

Just beyond Edinburgh, on the north shore of the Firth of Fourth, lies the old coal town of Methil.

Here the Redpath North Sea Company, a consortium of British-Italian interests found an ideal site for building the stationary production platforms that follow in the wake of the drillers.

The Redpath people purchased a worked out collier whose coal tunnels extended several miles underground and out to sea.

This 128 acre seaside site near deep water, and the unemployment in Methil, were ideal conditions for beginning the platform assembly business in this location.

Two platforms were under construction at the $29 million facility in Methil, providing employment for 660 people at salaries as high as $200 per week in comparison to former rural wages of $60 per week.

One platform lay on its side, being readied for shipment by barges to the Auk field. There the 6500 ton steel structure will stand on legs fastened to pilings driven through leg guides. This Auk platform will be 230 feet high with 50 feet protruding above the water.

A similar but more sophisticated rig was being assembled in the same yard for the Brent field. It will weigh 15,000 tons.

Four firms are building eight such platforms—three firms in Scotland, and one in England. The largest of these is being constructed at Nigg by 2,000 laborers working round the clock. The structure at Nigg will be 800 feet tall, stand in 500 feet of water, and will drill 36 wells.

The beautiful, flowered City of Aberdeen,

known as the Silver City by the Sea, has become the unofficial capitol of the North Sea oil boom.

In this ancient Scottish city of giant office buildings and homes more than 200 new companies, employing thousands of people, have located since 1970. They supply a myriad of services for the gargantuous needs of the new oil industry.

Aberdeen is the third largest fish port in the United Kingdom. The annual Scottish catch is worth $100 million. The total value of the fish catch in the United Kingdom is $375 million per year.

In Aberdeen and nearby communities about 10,000 people derive employment from the fishing industry.

While the fishermen welcome oil, they are unhappy with the high prices, tight labor market, and hazards posed to their trade by drilling rigs and pipe lines.

In discussions we had with officials of the Scottish Trawlers Federation and the Owners Association, we were surprised to learn that British fisherman considered the fishing activities of Russian fleets operating in the North Sea much more of a hazard to their business than the new oil industry.

The Trawlers hope to have representatives at the 200 mile offshore international conference meeting in Venezuela next month. They want their government to claim and defend up to 200 miles of sea surrounding their homeland.

About 40 miles north of Aberdeen, and also on the seashore, is the fishing town of Peterhead, with a population of 14,000.

Here in a state prison which housed about 1,300 prisoners a hundred years ago, state officials began the construction of a large granite sea wall as a means of keeping inmates busy.

This great sea wall gives Peterhead a sheltered harbor of 100 acres with 65 foot depth at the entrance and 24 foot depth at quayside.

In this ideal harbor two large service facilities have been built—one by the government at a cost of $7 million, and one by Arunta, Ltd., a private company.

Already the harbor is bustling with activity.

It requires 2½ service ships to keep an exploration rig operational, and there are 20 such rigs in the North Sea this year.

A whole fleet of new service ships capable of carrying 500 ton loads, including the 80 foot lengths of 32 inch in diameter pipes for the pipe lines, are being built in Norway and the Netherlands at an average cost of $4 million per ship. These modern supply ships carry a crew of eight.

Arunta stores pipes for oil companies, provisions their lay barges with crews of 250 men, rents corporate offices and warehouse space, and offers a number of related services to keep the drill rigs and production platforms going.

From Aberdeen we flew by helicopter to a semi-submersible drilling rig at Mobile's Beryl field southeast of the Shetland Islands.

3. OIL RIGS AND POLLUTION

In the language of oilmen "the window of the North Sea is only open from April to September".

The weather where the big oil finds have occurred off Scotland and the Orkney and Shetland Islands is the worse yet to test the ingenuity and endurance of the hardy race of oilmen.

The first offshore oil platform in the world was built off Santa Barbara, California in 1897. Fifty years later the first platform constructed out of sight of land began operation off Louisiana.

In the 77 year history of offshore oil production some 25,000 wells have been drilled around the world. But never have oilmen had to work in such adverse climatic and aquatic conditions as exist in the northern sector of the North Sea.

The Forties and Auk fields lie in about 400 feet of water. At the newer Brent field the water is around 600 feet deep. And farther north it is even deeper.

In the winter wave heights average 7 feet 50 percent of the time. For 20 percent of the time they exceed 15 feet. Sea temperatures are 37°F. and the air is well below the freezing point.

During storms the waves will roll as high as 100 feet and winds can gust as high as 100 miles per hour.

It is primarily because of the severe weather and sea conditions that the cost of oil production in the North Sea averages ten times similar costs in the desert lands of the Arabs.

Only big finds of large reserves could justify the very high investment of capital in the North Sea operations.

The estimated reserves of discovered fields in the North Sea to date are about 10 to 15 billion barrels or equivalent to those of the North Slope of Alaska. Privately, oilmen and government officials believe these reserves will be tripled by further discoveries.

Our helicopter flight was in a 14 passenger ship operated by Bristow Air Service departed from Dyce, Scotland, a few miles west of Aberdeen.

The heavy stamp of the oil boom lies on the busy airport of Dyce where chartered helicopters whir-r-r daily to and from oil rigs 100 miles or more away.

In the past two years the average growth in passenger traffic at the Aberdeen Airport has been an explosive 35 to 40 percent, against a national average growth of 12 percent.

Mobil Oil Company (North Sea) arranged to fly us out to its Beryl field in Block 9/13 to well No. 3A which lay N.E. of Aberdeen by about 190 miles.

In September 1972 Mobil discovered oil in the Beryl field estimated to yield 100,000 bbls per day at peak production.

The speck in the North Sea for which we were looking on a clear May day was the semi-submersible drill rig, Transworld No. 61. It was built several years ago in Japan at a cost of $8 million. To replace it today would cost about $30 million.

There are about 30 of these hulking, cumbersome exploration rigs in the world. Their number is expected to double in the next several years.

The semi-submersibles are dragged by tug at 3 knots an hour from one oil discovery area to another all over the world. They rest on submerged pontoons. They are anchored by heavy chains to the sea bed. They are the only drilling rigs that can work year round in the North Sea.

The Transworld No. 61 had a crew of 58 the day we visited it. Crew members work one week aboard and have one week ashore. A service ship from Aberdeen requires 16 hours for a one way trip to the rig. Our helicopter took 1½ hours.

As we approached the double-garage size heliport, we could see below a number of fishing vessels and one large mother ship. We were told by men on the rig that they were Russian ships and that several hours before our arrival one had come close to the rig to take pictures.

Drilling for oil is expensive business. To drill a 10,000 foot well in 60 days costs $2 to $3 million. The ratio of successful wells is about 1 to 6, but the ratio for commercially good wells is only 1 to 20 or less.

On board Transworld Rig No. 61 we saw the comfortable living quarters of the men, the giant generators that light the rig and power the drill, and the electrical, welding and other support shops.

The afternoon that we were aboard specialists were cutting around a six foot long pipe plug that had become jammed deep in the 10,000 foot long casing. The accident was estimated to cost an extra million dollars just to remove the malfunctioning plug.

Our two hour inspection of the rig was cut short by the setting of the sun. A cautious pilot was anxious to set down on Scotland before dark. We appreciated his concern when two days later we read of a chopper that disappeared in the sea.

POLLUTION

It is remarkable that in 77 years of offshore oil drilling only one case of serious pollution has occured. This was the blow out at Santa Barbara in 1969.

In that case the geological conditions were unusual due to natural seepage—a condition that does not exist in the North Sea.

This fine record is a great credit to drillers, operators, and government officials who have constantly tightened their practices and regulations against spills and seepages.

The work in the North Sea presents the oil industry with its greatest technological and environmental challenges. The procedures and preventions developed by our American oilmen in the Gulf of Mexico are inadequate for the much greater water depths and severe climate of the North Sea.

A pipe line that is welded together in 80 foot lengths from a lay barge and laid in 400 feet of water could conceivably break and oil escape into the sea. However, the flow of oil in the pipe is automatically controlled. Within minutes of a break the flow of oil would cease.

New techniques are being devised that would help further to guard against water pollution. These include dynamically positioned semi-submersible pipe-laying barges, two-men submarines using remotely operated arms, and a diving bell that would lock onto a capsule enclosing the wellhead and allow its occupants to work in deep water as they would on land.

The Institute of Petroleum has recently revised its manual of Safe Practices. It recommends, for example, that wellheads must be cased to resist all expected pressures.

Blowout prevention equipment must be used. Also a greater use of valves above and below water to cut the flow of oil automatically is urged.

The British government also insists on frequent critical inspections of equipment and operating procedures.

Finally, most major oil companies run their own strict training programs and issue their own detailed safety manuals on operations and maintenance.

There have been no spills in the North Sea. One could happen. But the possibility of oil pollution occuring in the North Sea is remote indeed, and the risk is one the government is prepared to take because of its urgent need to capture the sea of black wealth below the bed of the North Sea.

Environmental hearings are required at local level with local authorities convening and conducting the adversary proceedings and hearings.

However, the ultimate power to determine a dispute on planning, development, etc., in Scotland for example, rests with the Scottish Secretary of State. He has cabinet rank. His decisions are final. Interference with progress by the courts is not tolerated.

Thus, with reasonable speed and despite environmental protests, Great Britain has moved forward in developing its great new oil industry—moved forward cautiously but rapidly with a sensible view for the protection of its environment against the backdrop of its practical and urgent need for oil and gas.

THE ROLE OF CONGRESS IN CONTROLLING THE MILITARY

Mr. ABOUREZK. Mr. President, Pete Ognibene has been a brilliant analyst of U.S. military policy, a role which is strengthened by an article which appeared in the June 30, 1974, Washington

Post, describing the increasing activism of Congress in military affairs.

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:

THE ROLE OF CONGRESS IN CONTROLLING THE MILITARY

(By Peter J. Ognibene)

What is the role of Congress in military affairs? To hear Sen. Peter Dominick (R-Colo.) tell it, not much. When an amendment by Senate Majority Leader Mike Mansfield (D-Mont.) to reduce the number of U.S. troops stationed on foreign soil was being debated recently, Dominick argued that a congressionally imposed cut would amount to an unconstitutional usurpation of power.

"By putting this into law," he warned, legislators would be "acting as the Chairman of the Joint Chiefs of Staff and/or President of the United States. The Constitution clearly gives these the right to determine where troops ought to be stationed in order to defend the best interests of the United States."

Dominick's argument enjoys wide support on Capitol Hill even though it cannot be supported by the Constitution. The language could hardly be more explicit: "The Congress shall have power . . . to raise and support armies . . . to provide and maintain a navy (and) to make rules for the government and regulation of the land and naval forces."

By contrast, the President's power as "Commander-in-Chief of the Army and Navy of the United States" is not spelled out. The Joint Chiefs of Staff are nowhere mentioned in the Constitution because they were created by Congress in the National Security Act of 1947.

Because its authority is final, Congress could enact legislation dissolving the Joint Chiefs of Staff, or the entire Department of Defense for that matter. A President might veto such legislation, but an overriding two-thirds of both houses of Congress would make disestablishment the law.

As a practical matter, however, it is Congress which often appears to be a creature of the Defense Department. The Pentagon safeguards classified military information, as it must, by law but it also exercises considerable control over what unclassified information Congress may have.

In the annual budget "war," denial is a favorite tactic. An example from each house in this year's debate makes the point:

Rep. Otis Pike (D-N.Y.) noted that Congress had "not gotten a selected acquisition report . . . dated more recently than last Dec. 31." These reports, known as SARs, are the primary source of information legislators have to judge how well weapons programs are going and whether or not cost overruns are anticipated. The SAR for Dec. 31, for instance, showed 55 weapons systems with estimated overruns of $26.3 billion: a jump of $7 billion in just six months. But rather than demand a current accounting of how the armed forces are spending the taxpayers' billions, the House simply ignored Pike and passed the $22.6 billion military authorization bill.

On Feb. 26, Mansfield sent a letter to Secretary of Defense James Schlesinger in which he asked 111 questions about U.S. forces overseas and requested unclassified answers: his objective was to start a national dialogue on this important and controversial subject. An admiral replied to the letter and offered to send a Defense panel to discuss the issue. Mansfield declined, calling the admiral's response "unsatisfactory." He reiterated his request for a letter and answers from Schlesinger. He got neither.

COMPARISON MADE

More evidence of how well the Pentagon controls military legislation can be found in the pages of the House Armed Services Committee's report on the authorization measure. Using five pages of small print in the Congressional Record, Rep. Ronald Dellums (D-Calif.) took excerpts of the committee's section on aid to South Vietnam and compared it to the testimony of the Pentagon's witness, a major general. The committee had copied the general's statement nearly word for word.

If the House Armed Services Committee under Chairman F. Edward Hébert (D-La.) is incapable of writing a report in its own language, how inclined will be to exercise independent judgment on more substantive matters?

Pike, the committee's sixth ranking member and highest ranking maverick, indirectly supplied the answer in the course of the debate: "What is this bill? Is this a creature of Congress? This is the bill the Department of Defense sent over here . . . changed by the grand total of 2.2 per cent by the Committee on Armed Services. It is 97.8 per cent executive branch and 2.2 per cent Congress."

Instead of carrying out its responsibilities as the Founding Fathers intended, Congress has become a rubber stamp for the military. Yet, while the legislators have been supinely acquiescent, Schlesinger seems to have been listening to Congress. And, ironically, the voices he has been heeding have been those of Pentagon critics.

The Trident ballistic-missile submarine provides the most striking example. In 1972 and 1973, amendments to slow the accelerated pace of the new submarine's development were beaten in the Senate by close votes. How could the sponsors of these amendments, Pentagon supporters asked, possibly make an intelligent decision on so complicated a program when the Pentagon had "all the facts"?

Yet the Defense Department has since adopted the essential elements of Sen. Thomas McIntyre's 1973 amendment, and on the second day of this year's debate, the New Hampshire Democrat pointed them out: "My proposal to restore the submarine building rate to the original Navy plan of two per year instead of the proposed three per year has been adopted by the Navy. My proposal to backfit the Poseidon submarine with the Trident C-4 missile . . . has also been adopted."

In a colloquy with McIntyre, Sen. Lloyd Bentsen (D-Tex.), the sponsor of a similar Trident amendment in 1972, suggested that "the Trident debate marks a distinct departure from a time in the past when the Department of Defense was thought to have all the expertise and when many members of Congress thought of the Defense budget only in terms of contracts and bases for their own constituencies. "The Trident debate marks a juncture where the Congress will become more of a partner in the details of defense planning rather than being a mere automatic clearinghouse for defense spending."

PROGRAMS CHANGED

Although Bentsen's optimism may be premature, his point is well taken. Congress has shown it can intelligently establish the size, scope and pace of major weapons programs; and the informed judgment of individual legislators may often be superior to the collective wisdom of the Pentagon.

In the case of Trident, Bentsen and McIntyre had chaired the hearings of the Senate Armed Services Subcommittee on Research and Development when the program was being considered.

Their conclusion that the submarines were being built with undue haste has now been accepted by Schlesinger, who last year walked Senate corridors and knocked on doors in an intensive lobbying effort which succeeded in killing the McIntyre amendment.

There have been other instances where the informed criticism of individual legislators has apparently induced Defense to alter certain weapons programs. Here are three examples which have not been well publicized:

Last fall a General Accounting Office study showed the Surface Effects Ship research program had been going poorly. Following a letter from McIntyre, Defense ordered a reduction in funding. The effect was to shelve plans for a larger prototype.

Although an amendment by Sen. Birch Bayh (D-Ind.) to eliminate funds for the Army's SAM-D surface-to-air missile system was defeated by the Senate last year, he must have made a convincing case. Defense has since changed it from "a full scale engineering development program to an advanced development program with certain austere engineering development tasks to continue," the report of the Senate Armed Services Committee notes. As a result, Defense cut funds for SAM-D by 33 per cent this year.

Sen. Thomas Eagleton (D-Mo.) has been unable to get a majority of the Senate to support his efforts to kill the Airborne Warning and Control System. But he apparently induced the Pentagon to abandon as unfeasible the radar plane's primary mission of defending the United States against Soviet bombers. He also prevailed upon the Senate Armed Services Committee to add a provision to the authorization bill which will require the secretary of defense to certify that AWACS will be able to perform its new mission (tactical airborne command post in a European war) before production funds can be spent.

Taken by themselves, the foregoing are hardly spectacular examples of congressional control of the armed forces. However, they do suggest that individual legislators are capable of examining some of the most complicated military weapons and making intelligent decisions about these programs. Oddly enough. Schlesinger seems to appreciate this development more than Congress.

Defense has responded constructively to several congressional critics, but that is not enough. The watchdog role is certainly important, but it can be made ineffective when the Pentagon holds the leash and muzzle.

The President can exercise an effective check on the power of the military, but even that may be insufficient to restrain its strong bureaucratic urge for more *institutional* power. A case in point can be found in this year's Senate action on the military authorization bill.

In a move which took the White House and the Armed Services Committee by surprise, Sen. Henry Jackson (D-Wash.) introduced an amendment to give the secretary of defense veto power over the export of material or technology to the Soviet Union and six of her East European allies.

The veto power would be available if the secretary determined that it would "significantly increase the military capability of such country." The President and the Secretary of State, about to leave for the Middle East, opposed the amendment.

Before the vote June 11, Sen. John Stennis (D-Miss.), chairman of the Armed Services Committee, was visited by Deputy Secretary of Defense William Clements, but White House lobbyists were excluded from the meeting—an unusual step. Though he staunchly supports the White House on most military issues, Stennis emerged from his meeting with Clements advocating passage of the Jackson amendment. His move raised speculation that Clements was trying to get

more power for the Pentagon even though that meant lobbying against the White House position.

As a matter of law, the Jackson amendment was unnecessary. As a matter of bureaucratic politics, however, it would have given the secretary of defense primacy in the area of international trade.

In the end, the Jackson amendment was gutted by Sen. Alan Cranston (D-Calif.), aided by administration lobbyists. The incident revealed, however, that presidential control of the Pentagon is not enough.

While it would serve no purpose for Congress and the Pentagon to be constantly at loggerheads, Congress will never regain its constitutional power unless it is willing to assert itself. That means drafting its own military legislation in consultation with the executive branch instead of simply dropping the Pentagon's bill in the hopper. It also means exercising an occasional legislative veto over wasteful programs and delaying legislation to combat such Pentagon tactics as denying military information to Congress.

The legislative branch cannot immediately become "more of a partner in the details of defense planning," to use Bentsen's phrase, because powers "lost" by default are seldom easily regained. But members of Congress will be taking an important step in that direction if they will begin to give critics the same attention they now give only advocates of Pentagon programs.

GROWING UP IN AMERICA

Mr. HUGH SCOTT. Mr. President, in a July 5 column in the Christian Science Monitor, Roderick MacLeish, an author and radio-television commentator, reflects movingly on his own experiences in "Growing Up in America." His message is not only thoughtful but captures the American spirit appropriately as our Nation enters its 198th year. Mr. MacLeish wrote:

The essence of America is a lot more profound than all the flag-waving and self-praising oratory which are the common custom this weekend. "The essence lies in that dynamic which is nothing more than the belief that this imperfect system of ours contains its own possibilities for improvement. As long as that is demonstrable, we and the republic are well. It was demonstrated in my American past. It is being demonstrated today.

"We and the Republic are well," said Mr. MacLeish.

Mr. President, I share the faith in our country so eloquently expressed by this fine writer, and I ask unanimous consent that the full text of his testament to a great Nation be printed in the RECORD.

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

GROWING UP IN AMERICA

(By Roderick MacLeish)

WASHINGTON.—Those of us who are approaching or past 50 can remember a profoundly different America—at least we think it was different. For boys growing up in the Middle West that different country lingers upon memory in terms of the knickers and knee stockings we wore, high, board fences of the sort Tom Sawyer was supposed to paint, the nocturnal wail of trains crossing the American interior, the autumn haze which hovered west of Lake Michigan's bluffs, rendering the world's hard outlines into the blurred qualities of a daydream.

It is, by now, a cliche to say that the good old days weren't all that good. By and large that's true. Memory is a selective process; we keep upon its screen only those images and recollections which comfort us. But if I really try I can remember less pleasant aspects of America in the '30's—my mother sitting at a kitchen table and saying, sadly, "Someday we'll look back on all of this and laugh"; the lines of shabby men waiting on Chicago's littered, winter streets; alarming newspaper headlines as Japan expanded in Asia and Hitler's legions marched across Europe in search of Lebensraum. As Franklin Roosevelt told the nation that it had nothing to fear but fear itself, he was also telling a small boy that a lot of grown-ups were and had been afraid.

Today, as the man said, is the tomorrow you worried about yesterday. But, in the yesterday which preceded my American childhood, nobody worried and that was the whole problem. I was born in 1926. Three years later the bottom dropped out of the stock market and out of my parents' assumptions. There was a sense in the '30's that America was paying for the follies of the '20's and that when the payment was sufficiently made, things would be better.

People then, in other words, looked forward, not backward. They sensed something that people these days haven't yet grasped—that within our system of government and politics there exists the possibility of redemption as long as we believe that that possibility is there, as long as we react in a constructive and curative way against the woes of any particular moment.

Today we seem to have gotten the idea into our heads that the best of American history is behind us, that we are now and will be in the future the sum of our miseries, complications, and self-betrayals.

That is a foolish and deceptive view of American time. It presupposes that the crises of the present are a permanent condition, that nothing quite this bad ever happened before, that America never had a set of conditions quite this intractable from which to recover.

Well, of course, we have had crises worse than the present one that afflicts our politics with rancid revelation and the public with a bitter sense of disbelief in almost all the institutions of American life. We have had depression, Civil War, failed and absurd presidencies, scandal, hypocrisy, and national hysteria.

Growing up in America, growing up and living through the last 48 years, one has seen a lot of those bad things. But also, living here for most of those years, one has also understood that the genius of this country lies in its very sense of time and of the possibilities for recovery and improvement that are inherent in the particular American experience of time.

Such are our institutions—changeable and in a constant process of change while keeping their essential interrelationship—and such is the subtle nature of the public relationship to them, that the possibilities of redemption are most present when things are at their worst. Today, as controversy darkens Washintgon, reform is spreading in the states. Yesterday, in that evening of depression which was the result of the giddy afternoon of the '20's, politics and government were preparing for a better morning—which came.

One thinks about these things as Independence Day proceeds across the calendar. The essence of America is a lot more profound than all the flag-waving and self-praising oratory which are the common custom this weekend. The essence lies in that dynamic which is nothing more than the belief that this imperfect system of ours contains its own possibilities for improvement. As long as that is demonstrable, we and the republic are well. It was demonstrated in my American past. It is being demonstrated today.

We and the republic are well.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the United States has long been a champion of human freedom, of the right of any man to control the conditions of his existence. Our own Declaration of Independence speaks of "inalienable" human rights, and our Constitution's Bill of Rights is a profound summary of the scope of individual liberty. We have played a major role in the extension and protection of these freedoms around the world. The United States is one of the principal founders and supporters of the United Nations, whose charter pledges us to the promotion of "human rights and fundamental freedoms."

I submit that no right or freedom is more fundamental to any man of any nation than the right to live. It is a right that has been sorely tested in this century. Hundreds of thousands of Americans lost their lives in a war to halt Adolf Hilter's programs of mass extinction. Yet, even today, as reports from Uganda evince, genocidal horrors continue to blacken human society.

The International Convention on the Prevention and Punishment of the Crime of Genocide offers us an opportunity to take a strong position against such slaughters, a stand that is consistent with our noblest traditions. In these times of widespread public disaffection with the moral fiber of our Nation's Government, it is specially important that we reassume our place at the head of the struggle to preserve human liberty, that we make an ethical commitment to protect individual freedom on the most basic level. I urge you to grant speedy ratification of the genocide convention, not only for the sake of America and her citizens, but for the sake of all men in every land.

DEATH OF MAX ESPER

Mr. HUGH SCOTT. Mr. President, returning from recess, I note the untimely death of an outstanding photographer, gentleman, and professional, Max Esper. Members of the Senate who record radio and television shows in the Capitol and provide them to stations in our respective States knew Max who retired a year ago as director of photography for the Senate Recording Studio.

Too often we do not really know a person until his obituary is written. Too often we are not aware of his many accomplishments. Mr. President, to share with my colleagues these many accomplishments of Max Esper, I ask unanimous consent that the Washington Post story reporting his death be printed in the RECORD.

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

[From the Washington Post, June 30, 1974]

MAX ESPER DIES, EX-PHOTOGRAPHER

Max Esper, 65, former Washington-Times Herald photographer, and retired director of photography for the Senate Recording

Studio, died yesterday at Washington Hospital Center of cancer.

From 1935 until World War II, then after the war until 1954, when the Times-Herald was purchased by The Washington Post, Mr. Esper was a feature society and fashion photographer for the Times-Herald page, "These Charming People."

Since that time he was director of photography at the Senate Recording Studio in the Capitol, where he produced television programs for members of the Senate. In earlier years he worked for the Federal Housing Administration.

Enlisting in the Navy in 1942, Mr. Esper was a combat photographer on assignments for the Navy, the Marine Corps, and the Army. He served first at the Naval Photographic Center in Anacostia, then transferred to the Bureau of Medicine and Surgery of the Navy.

Mr. Esper's combat photography missions extended to the South Pacific, Australia, and Europe. He was on the Navy's landing at Saipan and photographed troops in action.

With the cooperation of the Marine Corps, he did several films shown across the nation during World War II. One of these on combat fatigue, "Remember These Faces," was highly acclaimed, and used to promote sales of war bonds throughout the United States.

His photographs in Europe included many shots of concentration camps in Germany. His assignments covered Presidents, members of Congress, government officials, military forces, and other Americans.

Mr. Esper was a longtime member of the White House News Photographers Association and the National Press Club. He was a member of St. George's Episcopal Church in Arlington.

He is survived by his wife, Vivian C., of the home in Arlington; a son, Vaughn C. of Musogee, Okla.; his mother, Elsie Winthers, of Jensen Beach, Fla.; three sisters, Rosamond Chambers, of Jensen Beach, Fla., Elizabeth Allan, Allentown, Pa., and Aljean Fuller, Columbus, Ga., and two brothers, Herndon C., of Stuart, Fla., and Charles L., of Vienna.

The family suggests that expressions of sympathy be in the form of donations to the American Cancer Society.

SOLAR ENERGY

Mr. ABOUREZK. Mr. President, while the Nation's electricity bills are soaring, while a few major oil companies reap unconscionable profits from higher fuel prices, and while more and more citizens are realizing the threats to our environment from nuclear power, strip mining and other such destructive technologies, there is still hope that other forms of cleaner and cheaper energy can supply the Nation's needs.

Solar energy is free, environmentally safe, and is not dependent on the energy delivery systems which are controlled by the major oil companies. Solar energy, according to a large number of scientists and engineers can be used to replace most, if not all, of the fossil and nuclear energy the United States consumes today.

A June 26, 1974, article in the Federal Times reports that the General Services Administration has broken ground in Manchester, N.H., for a seven-story building that will use solar energy and "consume at least 40 percent less energy than a comparable conventional structure."

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

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

[From the Federal Times, June 26, 1974]

SOLAR ENERGY FEDERAL BUILDING

WASHINGTON.—Federal, state and local officials have broken ground for a $6.5 million federal office building at Manchester, N.H., that will use solar energy and consume at least 40 percent less energy than a comparable conventional structure.

Arthur F. Sampson, administrator of the General Services Administration, told an audience at the ground-breaking ceremony that the building would serve as a prototype for the construction industry in saving energy.

He explained that as GSA's first energy conservation demonstration project, the building would serve as "a living, working laboratory designed to minimize energy consumption and recover heat that ordinarily would be lost in building operations."

GSA will construct the seven-story building in the heart of the Manchester's new civic center. When completed in 1975, it will incorporate more energy-savings features than any other federal building. It will include a 10,000 square-foot solar energy collector that will furnish nearly 30 percent of the building's power.

It is expected about 500 federal employees now scattered throughout Manchester will be consolidated in the new building.

Government agencies will be assigned office space on the basis of accessibility. Agencies that serve elderly or handicapped citizens such as the Social Security and Veterans' Administration will be on the ground floor.

Sampson also said the building will be constructed under a purchase contract procedure that allows the government to purchase it over a 30-year period. During this period, the property will remain on local real estate rolls.

SEX DISCRIMINATION IN EDUCATION

Mr. PERCY. Mr. President, after 2 years, on June 20, 1974, the Department of Health, Education, and Welfare published its long-awaited proposed title IX regulations for ending sex discrimination in education. These regulations, once implemented, would eliminate the arbitrary and outdated concepts and practices which have long restricted educational opportunities for women; however, they would not automatically end sex discrimination.

Earlier this year I introduced S. 2959 to help provide equal educational opportunity for women. During the course of my work on this legislation. I began to realize that ending sex discrimination in education would require much more than providing men and women the same oportunities to attend school, take courses, receive financial assistance and participate in extracurricular activities. At the root of the problem is the too prevalent attitude that females are somehow less intelligent, less able, less resourceful, thus less important than males. Sexism, unfortunately, is an integral part of the attitudes and actions which have relegated women to be secondary and inferior status in society.

Sex-role stereotyping in text books and educational materials is without a doubt a major contributing factor to the pervasiveness of sexism in education. In order to illustrate exactly what I mean, I ask unanimous consent to print in the RECORD a story from a Benefic Press grade school text published in 1967.

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

APRIL FOOL

Father walked out to the kitchen just as Mother was putting the last few sandwiches into the picnic basket.

"Are we ready to go?" asked Father.

"I'm ready," replied Mother. "I think Randy and Laura are in the back yard."

It was a beautiful Saturday morning, and the Stewart family had decided to go on a picnic. They were going to Gold Hill. Some of the people who lived in Bensenville thought there was gold up there, but no one had ever found any of it.

"Oh, Laura! Randy!" called Mother. "Come and help put all the things in the car so we can get started."

Just then, Randy came running into the kitchen from outside.

"Oh, Mother" he said. "The car has a flat tire. Father will have to fix it before we can go."

"Oh, no!" Mother said. "We just got these tires! They are new!"

"April Fool!" said Randy, laughing.

Mother had to laugh, too. That was the second time Randy had fooled her that morning.

It did not take long to get to Gold Hill. As soon as they got there, Father and Randy took a big bag out of the car.

"We are going up to the mine," they said. "Who knows? Maybe we'll even find some gold up there."

Laura and Mother decided to sit on a blanket and enjoy the sun until Randy and Father came back. They sky was clear and blue. Every now and then, a few white clouds went floating past in the blue sky.

"I wish I could think of a good April Fool trick to play on Randy," Laura said thoughtfully. "He has fooled me two times already today! He really knows how to trick me. I can never tell when he's fooling and when he isn't."

Mother laughed. "Me too," she said. "And your father is just as bad. They both like to play tricks. Do you remember what your father did to me last April Fools' Day?"

"Yes, I remember, Mother," said Laura. "He had a man call you on the telephone. The man said that you had won a mink. You thought it was a mink coat, and you were all excited."

"Yes," said Mother. "Then he had the man bring me the mink."

"Were you surprised when the man came with a real, live mink!" Laura said.

They both laughed.

Then Mother said, "Just wait until your father and Randy get back for lunch. This time we will have the last laugh for an April Fool trick! And the laugh will be on them."

"Oh, good! What are you going to do, Mother?" Laura asked.

"I have a surprise lunch all ready to eat," Mother said. "First, we will have chicken sandwiches. Then there will be cupcakes, rock candy and iced tea."

"But that sounds good," said Laura.

"Well, the chicken sandwiches are made with bread and real chicken feathers," said Mother. "The cupcakes are little cakes in real cups. I put some rocks in candy papers for the rock candy. And the iced tea is tea bags with ice around them."

"Oh, Mother," said Laura. "That's a wonderful April Fools' trick. I don't know how you ever thought of all those funny things! This is going to be a better April Fools' trick than any they have played on us."

Laura was laughing so hard she couldn't stop. Then she thought of something.

"But won't the real joke be on us, Mother?" Laura asked. "We have nothing good to eat."

"I have the real lunch in another basket

in the car," said Mother. "We will bring that one out after we fool them with the trick lunch."

"Oh, I can't wait for Father and Randy to get back!" said Laura. "Let's go and get the lunch basket right now."

Laura and Mother went to the car. They had just taken out the baskets when they saw Randy and Father coming. They were both running and waving their arms.

"Mother! Laura!" called Randy. "We found it! We found it!"

He almost fell over his own feet as he ran toward Mother and Laura.

Laura and Mother forgot all about the lunches. They put down the baskets and ran to meet Father and Randy.

"Found what?" asked Mother. "You don't mean that you really found gold up near that old mine!"

"We aren't sure," said Father. "There is a new spring up near the mine."

"The spring has a yellow look to it," said Randy. "It could be . . . ."

"Gold!" Laura exclaimed.

"How exciting!" said Mother. "Well, don't just stand there. Take us to see it, too!"

"We can't take time for that now," said Father. "Randy and I must hurry into town to lay claim to the ground. Once we have a claim, no one else can take anything from around that spring."

"But what if someone else finds it before you get back?" asked Mother.

"Say, that's right," said Father. "I had not thought of that."

Everyone thought for a minute.

Suddenly Mother said, "Tell us how to get to the spring. Laura and I will stay there until you and Randy get back. That way, if anyone else comes, we can tell them the land is already taken."

"That sounds like a good plan," Father said quickly. He pointed to a place through the trees. Mother looked as he pointed.

"It's right up there near the mine. I left my hat on a tree right near the place so we would be sure to find it again without any trouble," Father explained.

"Let's hurry, Laura," said Mother.

Mother and Laura hurried off. It was a long climb. The path was very rocky, and it was hard to walk. The sun was very hot, too.

Mother and Laura were getting very tired, but they were so excited that they kept on going.

"Oh, Mother," said Laura. "Just think! A spring with gold . . ."

Just then, Mother stopped. She stopped so quickly that Laura bumped right into her. Mother was looking up in a tree.

Laura saw what Mother was looking at. There was Father's hat. Then they looked down.

"Oh, those men!" said Mother.

"What a trick!" said Laura.

There was a spring, all right. And it was yellow, just as Randy said. It was a spring from an old bed, and it was painted yellow!

A little way away, Laura and Mother saw the sack that Father had with him when he and Randy went looking for gold.

Just then Mother and Laura heard some noise behind them.

"April Fool!" shouted Father and Randy. They had stayed a little way behind Laura and Mother all the way. They were both laughing so hard that they were crying.

"You tricked us again," said Mother. "You got that old spring from home and brought it all the way out here in that big sack just to fool us!"

Father and Randy couldn't stop laughing.

"Now we have that long walk back to get our lunch," said Laura.

"No, Laura," said Randy. "We saw the basket, so we picked it up and brought it along. We can have our picnic here. Let's sit down and eat now."

Mother and Laura looked at each other and smiled in a funny way.

"Now the trick will be on Randy and Father," thought Laura. "That is the trick lunch they brought."

Mother took the basket from Father. She opened it and started to take the things out.

"And now the surprise is on you two," said Mother. "I want you each to have a chicken sandwich. I think you will like these."

She gave Father and Randy a sandwich. They each took a big bite.

Nothing happened! Father and Randy just kept eating. Mother and Laura looked at their sandwiches. Father and Randy had brought the real lunch!

"We knew you were trying to fool us," said Father. "So we brought the right basket with the real lunch."

"You have done it again!" said Mother. "You are too smart for us! We can't fool you men."

"Oh well, maybe next April Fools' Day," said Laura. "Things may be different then."

They all laughed and took another *real* chicken sandwich.

Mr. PERCY. Mr. President, "April Fool" offers an example of why concerned individuals in Arlington Heights, Ill., as well as those in other communities across the Nation, have taken it upon themselves to bring about the necessary reform of children's texts. The Citizens Task Force on Socialization of School District 21, in January 1974, issued the following statement of purpose:

STATEMENT OF PURPOSE

We, as concerned parents in District 21, share your interest in seeing that education provide each child with the opportunity to reach the highest potential as a full human being, to fulfill aspirational goals, and to become productive people.

Sex discrimination in education still exists—a problem and a fact of which many people are becoming more aware. The need to eliminate dual standards and discriminatory attitudes and practices based on sex is evidenced by Executive Orders, State and Federal laws and regulations, and court decisions.

We realize your difficulty in finding quality educational materials, which provide sound skills and are also non-sexist. We appeal to you to insist on both criteria when selecting teaching materials. In short, good skills can be taught in a non-sexist way.

We have reached these conclusions after careful study of both the materials listed in the bibliography and our own study of selected teaching materials. We have interviewed students, teachers, parents, as well as administrators, who also view sexism as a real problem in education.

To start here, at the earliest years, is to bring results. To go on damaging future generations of children with these stereotypes is unthinkable. Educators, book publishers, editors, as well as curriculum selection committees, should be made aware of this entire situation.

We, therefore, believe that in your unique position as a unifying and guiding force in establishing educational philosophy within the District, you will share our concern. We ask that you assume the role of leadership in the state of Illinois by developing policy that will affect positive social change.

Further, the task force provided the following definition and recognition of sexism:

Social factors, pressures placed on human beings, learned behavior, attitudes and expectations, that define people according to their sex.

Sexism is not to be identified with sexual or innate differences, for we have never known a society of either women or men, living separately and apart, and, therefore, cannot possibly know the "true" nature of either sex.

Textbooks and teaching materials are sexist if they omit the actions and achievements of all people, women and men, girls and boys, if they demean people by using patronizing language, or if they show people only in stereotyped roles with less than the full range of human interest, traits, and capabilities.

The District 21 Task Force then set about analyzing and evaluating nine separate print and nonprint educational materials in use in the schools of their district. I ask unanimous consent that the task force's findings be included at this point in the RECORD.

There being no objection, the findings were ordered to be prined in the RECORD, as follows:

ELEMENTARY SCHOOL TEXTBOOK SUMMARY REPORT

The Task Force has completed its study of some of the texts, supplements, and sets of study prints approved for use in District 21 (see attached list).

We fully realize your difficulty in finding teaching materials which teach sound skills in a non-sexist manner, and appeal to you to insist that both these criteria be met by textbook publishers. We also realize that the schools have not created sexism or the double standards which exist for girls and boys. However, the schools can begin to eliminate the harmful effects of sexism by being in the forefront in providing equal opportunity to males and females alike. It is to this end this report is made.

METHODS

With the help of a set of guidelines the members of the Task Force reviewed 9 textbooks, supplement, and sets of study prints. It is our suggestion that these guidelines be used when considering purchase of teaching materials.

CHILDREN'S SEX ROLES

Among other things, one of the results of sexism is the belief that character is defined exclusively by sex. Such a belief is the basis for many of the stereotypes about females and males culturally imbued in all of us. One example of this stereotype which says men are by 'nature' strong, brave, and inquisitive—women by 'nature' are intended for the wife-mother roles. Long before children learn to read, they are exposed to these stereotypes through simple patterns most of us take for granted. The choice of 'sex-related' toys is another example of stereotyping. (For further reference see: Mary B. Munger, Sex-differentation in Pre-School Children: Sex typical Toy Preferences and Knowledge of Peers' Sex Typical Toy Preferences, Dissertation Abstract International, XXXII, 6-B, 3646, December, 1971.) Boys often receive erector sets and exhortations to become engineers; girls get dolls and encouragement to play house.

In textbooks, the most frequently acceptable roles offered to girls are those of passivity, dependence, incompetence, emotionalism and above all domesticity. The textbook male is creative, resourceful, assertive, brave and clever. Though he is more multidimensional than his female counterpart, he is provided with an almost impossible to achieve superboy/superman role model. (Economy, Cinnamon Peaks, "Marassa and Midnight", page 14).

One of the most obvious findings of our study was the great discrepancy between the numbers of females and males presented in both illustrations and content materials. Males outnumber females more than 3 to 1. There is a great lack of active participation by females in all texts.

In the 5th grade Ginn Science Program, 1973, man are predominately pictured and when women are pictured—they are outnumbered by men (pages 158, 170, 209).

Girls in this text are seen as timid observers while boys actively execute the experiments and projects. The authors and science advisors for the text are all men. No female scientists are mentioned or pictured. Can children conclude that science is a male field?

The message which searingly strikes out from the pages of these texts indicate that these readers not only reinforce sexism, but also limit girls' aspirations and lower self-esteem and stifle creativity. The following examples typify the display of this reinforcement: Scott, Foresman & Co., Teachers Annotated Edition—Level 5 "Next Door to Laura Linda", page 5.

while the main character is a girl—she is depicted as being dissatisfied about everything (her hair color, her eyes). wishing for things over which she has no control. wishing things were different, but nothing happened externally to change them. nothing to do but sit, swing and get dizzy. boy building treehouse—boy has all desired characteristics—see page 27, now she's completely satisfied with things as they are.

Summary: version of waiting for Prince Charming to come along and make everything fine.

In a 5th grade social studies text, *You and the United States*, Benefic Press, we again found a disproportionate degree of men to women. Mention is made of women "being given the right to vote," with no mention of the long hard struggle fought by people to obtain this right. Two paragraphs, discuss, in great detail, the dress style of the women of the day, but no mention is made of the male dress mode.

In this same book, pictures indicating government officials depicted only males, with no mention of the contributions made by women in government, or elected to community offices, as we see in our own village.

Of the women pictured or mentioned, children learn that Mrs. John Adams hung her laundry in the East Room of the White House, 90 women came to Jamestown so that men without families could have wives, Harriet Beecher Stowe wrote, *Uncle Tom's Cabin*, Clara Barton founded the American Red Cross, and Queen Isabella helped Christopher Columbus get ships to come to the New World.

Can girls help but get the impression, consciously or unconsciously, that boys are more important, have broader career opportunities and have considerably more fun. (See attached list of occupations listed in books for males and females.)

From the simple text of the beginning reader to the sixth grade math and science text, the activities of textbook boys and girls exemplify their personality traits. The girls, being passive, indecisive individuals, are seen standing or sitting still, watching the boys build, create or play games. (Scott, Foresman, *Bridge, Doors, Windows*, "The Princess from the Land of Silence", page 12.)

They keep house, give tea parties, play with dolls, or listen to records (Houghton Mifflin, *Modern School Math*). They often get themselves into situations where they are in need of help and it is most often a boy who solves the problem and comes to the rescue. (Houghton Mifflin, *Signposts*, "Hooray for Jasper", page 79.)

The textbook boys are vigorous and inventive individuals; if they find themselves in a fantasy, they have the ability to work the situation out for themselves, (Houghton Mifflin, *Signposts*, "A Long Long Time," page 8, Economy, *Cinnamon Peaks*, "Loner", page 118, "Comanche Country", page 390).

The Task Force points out that boy protagonists virtually monopolize traits like intelligence, creativity, bravery, perseverance, and industrious. The theme of one story, "Journey Into Space", page 110, *Cinnamon Peaks*, Economy, shows the boy characters exploring the sky, doing so happily—knowing he was right. Compare this with the story of "What Mary Jo Shared", *Houghton Mifflin*, page 153. Mary Jo had a great deal of difficulty in making her decision about show and tell.

In Images, *Houghton Mifflin*, "The Computer Triumphs Again", page 426, Miss Carmody is the coach of all male baseball team. While this appears to be a step in the right direction, the story is filled with many of the same attitudes about girls. For example, on page 430 Ollie asks Dusty, "What is square and has bats in the belfry?" Dusty grinned. "That's easy Scruggs—girls!" The girls simply giggled.

ADULT SEX ROLES

The adults who children see in their textbooks are as sex stereotyped as the children. Men are both fathers and job holders, seen in every conceivable occupations. (See list) Women are seen either in the house or in jobs traditionally acceptable for women—teacher, nurse, secretary, librarian or cook.

Example of a working mother is seen in Scott, Foresman, 1972, *Windows, Doors and Bridges*, "Song of the Empty Bottles", page 106. Not only is the working mother black, but also head of the household. Can children conclude that only black mothers work full time because they have to? Is this presenting working mothers in a positive way?

Despite the fact that 58% of working women have children under 18 years of age, we rarely see a working woman. Marriage and motherhood are goals of the textbook female, yet when she reaches these goals, she still possesses the textbook female personality traits of passivity and incompetence. (Houghton Mifflin, *Signposts*, "The Long Long Time", page 8). The textbook mother generally stays indoors, where she is in a dress, apron and high heels. Her activities consist of domestic duties; washing dishes, cooking, sewing and cleaning her always tidy house. (Economy, Cinnamon Peaks, "White Deer," page 42)

There is no challenge to her life, no humor, warmth, or flexibility. (Houghton Mifflin, *Signposts*, "Long Time Ago," page 25). There is a double fault here; women are seen in predominantly one role and this is obviously stereotyping; unfortunately, this portrayal also denies status to the job of child-rearing. Dr. Jo Ann Evans-Gardner, psychologists, states, "Even if most women are content with housework as their career, it would still be wrong to present this stereotype."

Mothers do a great many things. Some work outside the home in nontraditional roles, some work part-time, make purchases, invest money, work with schools, build bookcases, paint furniture, go to conventions, in general make great contributions to society. Children do not get this image of their own mothers in the textbooks they are learning their basis skills from.

Fathers are the exciting members of the family. (Houghton Mifflin, Signposts, "What Mary Jo Shared," page 153.) He does the fun things with the children, solves problems, makes decisions and seems to know a great deal about something of everything. (Houghton Mifflin, *Signposts*, "Are you Lost Daddy?," page 48).

Textbooks are not mirrors of reality. They abound in distortions. They do not deal with real life issues or situations that confront young lives today. They do not deal with the career choices children will be making. (See report on World of Work). On their pages children don't wear glasses or braces and they don't take music lessons, or have babysitters. There is no human warmth in the textbook children's relationship with family or friends. There is no human warmth seen in their parent's marriage. The non-emotionalism in all textbook relationships make them shallow, unrealistic and uninteresting. The portrayal of adults is also greatly distorted in texts. Marriage, though it appears as an inevitable step in every adult's life, seems quite joyless in the textbooks. All demonstrations of affection are off limits, as are quarrels. Parents rarely get sick, engage in artistic activities, adopt children or hire a teenage babysitter. Even though one finds no closeness between husband and wife, single parents are not presented in a positive manner.

Distortions of reality and rigid sex role stereotypes are very harmful and when they are presented to children at their most vulnerable and malleable stages of development they can stifle the personality.

The textbooks do not encourage a girl to develop to her maximum potential and place unrealistic demands on boys. In effect, such texts program girls not to achieve. ("Next Door to Laura Linda"). The textbooks have a powerful message for the boys as well. The passive and dependent portrayal of the female coupled with the almost "superbeing" of the male, strongly implies that boys must prove themselves by being strong and brave. (Economy, *Cinnamon Peaks*, "Rescue", page 234) Textbooks continually reinforce the belief that boys shouldn't show any type of emotion. Stereotyping of males in this way creates an artificial barrier between males and females leading ultimately to the mistaken belief that, because males show no emotions, they have none. Limiting a boys personality in such a way can only stifle growth and maturity.

It is the conclusion of this Task Force that all the texts reviewed are sexist and must be revised before going into new printing. It is our suggestion that the District refuse to buy any new textbooks for any area of study, until they meet guidelines, e.g., those attached.

In the meantime, however, there are a great many positive things the District can do immediately and the Task Force makes the following suggestions:

WORLD OF WORK PROGRAM

In reviewing the teacher handbooks used in the World of Work Program, i.e., *Getting it all Together*, Northwest Educational Cooperative, and *World of Work*, ABLE Model Program, Northern Illinois University, the task force has formulated suggestions to change educational methods to eliminate sex stereotyping.

Through the use of language, subtle sex stereotyping occurs. Throughout the handbook, *Getting It All Together*, the pronoun used to refer to the child was 'he'; the pronoun used to refer to the teacher was 'she'. Subtly the handbook is designating teaching as a female occupation and at the same time opening the door of other occupations to males only. This also occurs when discussing objectives of the program; again 'he' is used. In discussing parent related subjects, the handbook automatically assigns male and female roles by the use of 'mother' and 'father'. We suggest replacing pronouns wherever possible with the use of child, student, teacher, instructor, etc., and the use of work parent instead of mother/father.

A sample question from the *World of Work* handbook is "How much can a man earn in this kind of work?" We suggest the word man be changed to person. By simply replacing male-oriented words with people-oriented words we open the World of Work Program to another half of the students, the girls.

The occupational designations used by the World of Work Program should be those used by the United States Census Bureau. Thus police officer would replace policeman, firefighter replace fireman, and letter carrier replace postman. In the service occupations in the program, most were described by female roles, i.e., waitress. As the Census Bureau is currently using non-sex identified titles, it is reasonable to request the District to also employ these titles in their school programs. In

the World of Work handbook, seven sketches were used to portray various occupations throughout the book. In every sketch, the person portrayed was a man. We suggest the depiction of men and women equally in sketches.

Many of the activities suggested in the handbook were blantly sexist. A unit on good grooming for girls was carefully outlined; it slyly suggested that girls should rely on looks rather than skills in occupations. At the same time, no mention was made of the need for good grooming for boys in occupations. Programs are suggested for mothers but not for fathers. Working mothers are made to feel guilty about not attending programs while it is accepted that fathers cannot attend because they are working. Programs should take into consideration the need for father-participation and should also gear programs to working mothers as well as non-working. In essence, parent-related programs should be emphasized. Skills and not sex.

Many career patterns are discussed, but a very important one, the 'interrupted' career pattern is not even mentioned.

Industrial arts and home economics seem to be patterned on the age old adage of boys only, girls only. This program does not equip boys and girls for the new life style in which we suburban residents live. Home management should replace the archaic home economics and industrial arts programs at the Jr. High level, in a co-educational class.

Mr. PERCY. Mr. President, the task force also analyzed the materials to determine the number and types of activities in which boys and girls and men and women were shown participating. They state:

This list is only one example of how completely we channel the aspirations of our female children. It is not difficult to understand why, after this socialization process, only the most enterprising of young women dare to challenge the established patterns of male-dominated activities.

They found women engaging in only 20 separate occupations, while the men engaged in 102. The activities boys were shown participating in numbered 96, while activities for girls were only 56.

Their evaluation of school texts led the District 21 Task Force to present the following proposed affirmative action program:

In order that School District 21 might offer its students truly equal education, it is suggested that the following affirmative action program be undertaken to rid the district of any sexist practices.

District level: conduct an in-depth study and evaluation of all policies and practices of the district to document any sexist practices and/or stereotyping that might exist and formulate plans for rectifying such situations. This Task Force is willing to serve as consultants for such a study.

Administration: all actions of the administration should reflect a sensitivity to sexism. Internal and external communications should reflect their concerns in this area. Administrators should provide leadership in all efforts to realize non-sexist education, most notably in their capacity of policy and program formulation.

Staff: all staff should participate in in-service programs to acquaint them with the causes and effects of sex stereotyping and discrimination, as well as the necessary solutions.

Materials: every effort should be made to render educational materials free of sex stereotyping and discrimination. Non-sexist content should be established as a criteria for material selection, and this concern communicated to publishers and suppliers. Currently used materials may be temporarily rewritten, amended or abridged until proper materials are available. Libraries should purchase and display non-sexist books. (Selected bibliographies of such books are available from a variety of sources.)

Curriculum: Curriculum content should be expanded to include a more complete presentation of women and their accomplishments. "Symposiums" should be offered on the role of women and women engaged in non-traditional activities recruited for assemblies, class lectures, etc. All subjects offered in the schools as well as extra-curriculum activities should be open to all students and the classroom should be integrated.

Class practices: Teachers should make every effort to establish a non-sexist classroom atmosphere. Participation in special tasks, study projects and other activities should not be limited by sex. The physical plant of the classroom should be free of sexism in terms of seating arrangements, activity corners, etc. Integrated activity should be actively encouraged and certainly never held in ridicule or used as a disciplinary measure. Students must be encouraged to value each other as individuals and not taught to assign sex stereotyped characteristics to others.

Mr. President, I believe the District 21 Task Force on Socialization in Arlington Heights, Ill., and the many similar groups around the country are to be commended for their active participation in efforts to eliminate sex bias from curricula and educational materials. Their activities are all the more critical, since there is no provision in the proposed HEW title IX regulations which would prohibit discrimination in textbooks and other curricular materials. HEW has left the choice of appropriate teaching materials to local teachers, school administrators and parents, pledging, however, increased Office of Education research efforts, guidance and assistance. I would, therefore, encourage parents and concerned individuals in every community in this country to determine for themselves the pervasiveness of sexism and sex-role stereotyping in their schools and make use of HEW's pledge. For my own part, I will work to enact S. 2959, the Women's Equal Educational Opportunity Act, an important provision of which would insure that Federal funds spent for school library and textbook grants are used on a priority basis in the acquisition of non-sex-biased materials. For essential background reading on the subject, the District 21 Task Force provides a bibliography which I ask unanimous consent be included at this point in the RECORD.

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

ESSENTIAL READINGS ON SEX ROLE STEREOTYPING AND SEXISM IN SCHOOLS

Dick and Jane as Victims: Sex Stereotyping in Children's Readers, 1972. A lengthy and detailed report on widely-used series of elementary school readers. $1.50. Available from North Suburban Chicago N.O.W. The booklets and slides were produced by a Central New Jersey Task Force on Socialization.

Sexism in Education, 1971. A booklet full of ideas and materials for classroom use and resource lists for elementary and high school education. $3.50, from Emma Willard Task Force on Education—28 E. 1520 W. 27th St., Minneapolis.

Report on Sex Bias in the Public Schools, rev., ed., 1972. A variety of articles and documents pertaining to elementary and secondary education. Available for $2.25 from N.Y.C. N.O.W.—56th St., New York 10022.

Unlearning the Lie: Sexism in Education, 1973. Barbara Grizzuti Harrison. (Liveright). This book is reviewed in the Nov., 1973 issue of MS. magazine.

Little Miss Muffet Fights Back, 1971. A bibliography of recommended non-sexist books about girls. Send 50c to Feminists on Children's Media, P.O. Box 4315, Grand Central Station, N.Y. 10017.

Let Them Aspire: A Plea and Proposal for Equality of Opportunity for Males and Females in the Ann Arbor Public Schools, 1971. $2.00 from Marcia Federbush, 1000 Cedar Bend Dr., Ann Arbor, Mich. 48105.

Pennsylvania Guidelines. Recommendations for the elimination of sex discrimination in all of their state education institutions (by mandate of the governor). Write Commonwealth of Pennsylvania—Box 911, Harrisburg, Pa. 17126.

Guidelines for Improving the Image of Women in Textbooks. Scott, Forseman Publishers. 1900 Lake Ave., Glenview, Ill. 60025.

Elementary English—October 1973. A special issue on Women & Girls. Published by National Council of Teachers of English, 1111 Kenyon Rd., Urbana, Ill. 61801.

PTA Magazine: March, 1972, October, 1973, February, 1974.

Colloquy—November, 1973. United Church Board for Homeland Ministries—1505 Pace St., Philadelphia, Pa. 19102. 60c copy.

Phi Delta Kappan—October, 1973. 8th & Union, Bloomington, Ind. 47401. Single copies $1.00.

Sex Differences in the School, *National Elementary Principal.* Articles by Munnchin, Sears, Feldman, Brederick, Bentson.

Scholastic Teacher, November, 1971.

School Library Journal, January, 1971.

Citizens Task Force on Socialization Outline of Presentation to Ad. Council.

RETIREMENT OF HARRY B. CALDWELL—NORTH CAROLINA AGRICULTURE LEADER

Mr. ERVIN. Mr. President, I have spoken often in this Chamber of the gifted and dedicated leadership of individuals who have contributed so much to the development and progress of our States and Nation. But when I think of Mr. and Mrs. Harry B. Caldwell and what they have done for their State, I believe that North Carolina has been uncommonly blessed.

Together and individually, Mr. Caldwell and Mrs. Caldwell, the former Margaret Virginia Hood, are giants in North Carolina agricultural development. For more than four decades, the Caldwells have given of themselves tirelessly on behalf of North Carolina agriculture, and each has served State and national agricultural organizations in numerous capacities and with boundless energy.

Harry Caldwell was one of the organizers and founders of the North Carolina Farmers' Cooperative Council and the North Carolina State Grange, which he served as Master for a total of 22 years, and which Mrs. Caldwell currently serves as Master.

On June 30, 1974, Harry B. Caldwell retired as executive vice president and treasurer of the Farmers' Cooperative Council. I have greater admiration for no man, and I know of no individual more deserving of the gratitude and respect of the agricultural community of North Carolina and the Nation than Harry B. Caldwell.

Besides helping found and direct the State Grange and Farmers' Cooperative Council, during his career Mr. Caldwell has served as chairman of the foreign relations, legislative, cooperative, transportation, and executive committees of the National Grange; chairman of the National Agricultural Advisory Commission; director of the North Carolina Farm Labor Commission during World War II; and as a member of the North Carolina State Planning Board, the State Advisory Budget Commission, and the North Carolina Tax Study Commission. He has been recognized and honored repeatedly for his service to agriculture, having received an honorary degree of doctor of humanities from North Carolina State University, the distinguished service award from the faculty of the University of North Carolina's School of Medicine, man of the year award in North Carolina agriculture, and an American Legion citation for service to North Carolina.

In addition to these and other professional endeavors, Mr. Caldwell has been active in the First Baptist Church in Greensboro, N.C., where he and Mrs. Caldwell live, and the North Carolina Baptist State Convention, and he has owned and operated his 120-acre farm outside of Greensboro.

Recently, Mr. Caldwell was honored by a resolution of the North Carolina Agricultural Foundation and an award of appreciation from the North Carolina State University. Mr. President, I ask unanimous consent that these testimonials to the contributions and service of this great North Carolinian, Harry B. Caldwell, be printed in the RECORD.

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

May 30, 1974.

RESOLUTION

Whereas, Harry B. Caldwell is a man for all seasons, a son of the soil in the classic mold, who shares in full measure mankind's long and enduring empathy with Mother Earth—knowing history's ebb and flow, the hunger of barren times, the fulfillment of bounteous harvests, tides that have shaped man's heritage; and,

Whereas, Harry B. Caldwell, a leader on the land in our time, has beckoned us onward with visions of a more promising and plenteous future, ever serving the people of North Carolina and the nation, most especially those who till the land; and,

Whereas, this man of letters has earned honors and accolades from students, educators, civil authorities, and his fellow citizens, an honorary Doctor of Humanities, North Carolina State University; the Distinguished Medical Service Award, University of North Carolina; Man of the Year in North Carolina Agriculture, The Progressive Farmer magazine; Award of Merit, professional agricultural society, Gamma Sigma Delta; "Who's Who in America;" and citations and awards from The American Legion, the North Carolina Dairy Producers Federation, the agricultural honorary fraternity of Alpha Zeta; and the State of North Carolina; and,

Whereas, he now holds positions of major responsibility as Executive Vice President and Treasurer, Farmers Cooperative Council of North Carolina; President and Treasurer, North Carolina Grange Mutual Insurance Company; Executive Committee member, North Carolina State Grange; and Director, Farmers Cooperative Exchange, Inc.; and,

Whereas, his dedication to democratic institutions, tolerance of opposing viewpoints, and support of the participation of all citizens in the framing of public policy, has strengthened our democracy and its values; and,

Whereas, Harry B. Caldwell's firm support of North Carolina State University, the Agricultural Extension Service, the Agricultural Experiment Station, and the North Carolina Agricultural Foundation has contributed markedly to the success of these institutions in serving the State and Nation; and,

Whereas, his record of distinguished public service is lengthy and continuing, and is appended herewith; and,

Whereas, Harry B. Caldwell and Mrs. Caldwell, the former Margaret Virginia Hood, have been inseparable on the stage of public life and he has amply demonstrated his wisdom in counselling with Margaret; and,

Whereas, Harry B. Caldwell will soon reach a milestone in stepping down from some of the major responsibilities he has carried with such outstanding success through the years;

Now, Therefore, be it resolved by the Directors and Officers of the North Carolina Agricultural Foundation, that this Resolution, dedicated to the high standards and progress he epitomizes, be entered in the record for posterity.

RECORD OF SERVICE

Chairman, National Agricultural Advisory Commission, 1961–65.

Member, National Advisory Commission on Food and Fiber.

Chairman, Executive Committee of the National Grange, 1960–1967.

Member, Agricultural Committee, National Planning Association.

Member, Board of Trustees, National Planning Association.

Secretary, Executive Committee, the National Grange, 1956–1960.

Lecturer, North Carolina State Grange—1929–1937.

Master, North Carolina State Grange—1937–1946, 1948–1961.

Director, North Carolina Farm Labor Commission (World War II).

Executive Secretary, N.C. Good Health Association, 1946–47.

Public Director, Hospital Savings Association—1948–62.

Chairman, Policy Committee IFAP, Rome, Italy, 1953.

Delegate, IFAP, Lafayette, Indiana, 1957, Dublin, Ireland, 1963.

Member, State Planning Board—1943–45.

Member, State Advisory Budget Commission, 1949–53.

Member, General Board of N.C. Baptist State Convention, 1947–51, and Vice President of the Board in 1951.

Member, National Rural Housing Commission, 1930.

Member and Chairman, National Cotton Research Advisory Committee—1940–52.

Member, National Research Policy Committee, 1953–61.

Member, Interim National Agricultural Advisory Commission—1952.

Chairman, Agricultural Committee, National Grange, 1938, 1942 and 1947.

Chairman, Foreign Relations Committee, the National Grange—1939.

Chairman, Legislative Committee, the National Grange—1943.

Chairman, Cooperative Committee, the National Grange—1945.

Chairman, Transportation Committee, the National Grange—1948.

Member, Monetary and Banking Committee, the National Grange—1938.

Served as Member United Forces for Education in North Carolina, and as Trustee of Meredith, Mars Hill and A&T College.

Served as Insurance, Area Vocational Education, Health, Agriculture and other Special State Commissions.

Trustee, American Institute of Cooperation.

Member, North Carolina Tax Study Commission—1965–66 and 1967–68.

Participant, Canadian American Assembly—"Overcoming World Hunger"—1969.

State Convention, 1947–51.

NORTH CAROLINA STATE UNIVERSITY

In Appreciation to Harry B. Caldwell for his notable contributions in a long and distinguished career of service to North Carolina agriculture and for his loyal and substantial support to the agricultural teaching, research, and public service programs of North Carolina State University as a Director of the North Carolina Agricultural Foundation and in many other capacities.

Awarded this 30th day of May in the year of our Lord 1974.

Mr. ERVIN. I also ask that an article about this remarkable couple by Mr. Bill Humphries of North Carolina State University, entitled "Caldwells' Careers Cover Four Decades of Service," be included at this point.

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

CALDWELLS' CAREERS COVER FOUR DECADES OF SERVICE

(By Bill Humphries)

GREENSBORO.—When the history of 20th century agricultural and rural progress in the Tar Heel state is written, among the names that will loom large are those of a Greensboro husband and wife who, in the words of a recent citation, "have been inseparable on the stage of public life."

They are Mr. and Mrs. Harry B. Caldwell, whose efforts to improve the lot of North Carolinians have spanned more than four decades.

Both have held positions of major responsibility in many organizations and on numerous committees, commissions and councils. Time and again, each has been honored individually for work on both state and national levels.

Caldwell will step down Sunday (June 30) as executive vice president of the Cooperative Council of North Carolina, whose member organizations serve more than nine of every 10 Tar Heels. Mrs. Caldwell will continue in her post as master of the State Grange.

At a recent meeting of the N.C. Agricultural Foundation, Caldwell was cited for his long record of service, including his "firm support of North Carolina State University, the Agricultural Extension Service, the Agricultural Experiment Station" and the foundation.

The Caldwells are closely identified with the work of the Grange, a national organization of farm and rural families in which both have been active since 1930. It was the Grange, in fact, that brought the two together.

On assignment from the National Grange, tall and youthful Harry Caldwell came to North Carolina from his native Ohio in the spring of 1929, to spend a few months organizing local Grange units.

He began work in Wilkes County but soon moved on to Greensboro, where he met a pretty young miss from North Carolina College for Women, now the University of North Carolina at Greensboro. She was Margaret Hood, who had grown up in Johnston County.

As the Grange movement prospered, romance blossomed between the two young people and in April 1930 they were married.

From that day to this, they have made their home in Greensboro, but their many activities as Grange and farm leaders have taken them on frequent trips throughout the state and nation and to several foreign countries.

After a seven-year period as lecturer of the State Grange, Caldwell in 1937 was

elected to succeed the late W. Kerr Scott as the organization's state master. Except for the period 1946–48, when his wife was elected to carry on his duties while he was on special assignment in Washington, Caldwell remained head of the Grange until 1961.

Robert W. Scott, who like his father later served as governor, was state master during 1961–63. When he resigned to pursue a political career, Mrs. Caldwell was elected to succeed him in the Grange post and she has served continuously since. Her present term runs until 1975.

During the "Caldwell era" the Grange, along with the North Carolina Farm Bureau and other organizations, has worked for commodity programs to bring fair and stable prices for farmers and thereby assure an abundant food and fiber supply at reasonable costs for consumers.

Other Grange goals have included rural electrification, conservation, expanded agricultural research and education, improved rural education and medical services, fair tax policies, rural credit services, better rural roads, and many others.

The recent NCSU citation described Caldwell as "a leader on the land in our time (who) has beckoned us onward with visions of a more promising and plenteous future."

Among his many posts, Caldwell was executive secretary of the N.C. Good Health Association, 1946–47, and chairman of the National Grange executive committee, 1960–67. He served as a member in many cases chairman of the national agricultural advisory boards and commissions under every U.S. President from Herbert Hoover to Lyndon B. Johnson.

Mrs. Caldwell's record is almost as impressive. She is one of only a few women who have served as state Grange masters and as chairman of various committees of the National Grange. She was a member of U.S. Labor Secretary Frances Perkins' advisory committee on maternal and child welfare, 1941; secretary of N.C. Highway Users Conference, 1946–57; member of the State Constitution Study Commission, 1968, and has held many other posts.

She is a member of the Council on State Goals and Policies, and teaches a large Bible class in Greensboro's First Baptist Church.

Both Caldwells have been awarded honorary doctorates, he from NCSU and she from UNC–G. Both have served as trustees or on the board of visitors of various colleges and universities. On separate occasions each was named "Tar Heel of the Week" by The News and Observer, Raleigh, and each has been honored as "Man of the Year" or "Woman of the Year" by The Progressive Farmer.

Their biggest challenge over the years, they say, has been "stimulating enough interest to get people involved in doing something about the things that concern them." Their greatest satisfaction has come from "seeing the progress, economic and otherwise, that has occurred in North Carolina" in the past 40 years.

After having lived in Greensboro all these years, the Caldwells are building a comfortable, rustic type home on the tenant-operated 120-acre farm which they own a few miles from the city and will move there as soon as it is completed.

Then they will have more time for their sons, Harry Jr. and Robert, and their sons' families, including three granddaughters. There also will be time for Mrs. Caldwell to do more cooking, refinish furniture, and play the piano, and for her husband to watch sports events on television. Caldwell once enjoyed fishing, tennis and golf but has found little time for recreation in recent years.

A TRIBUTE TO JAMES H. KOCHER

Mr. PERCY. Mr. President, I wish to express for myself and for my colleague Senator McGOVERN our profound sadness upon the death of Mr. James H. Kocher. Our work in the Select Committee on Nutrition and Human Needs has made us very much aware of Mr. Kocher's special contributions to our national efforts to eliminate hunger and malnutrition in America.

Mr. Kocher was national director of the Food Stamp program from 1972 until his death June 25. He had worked for the program for the past 12 years, displaying exemplary leadership and professional skill. Under Mr. Kocher's direction, the Food Stamp program has achieved unparalleled success in alleviating hunger for millions of needy Americans. Since Mr. Kocher joined the program, the number of persons enjoying food stamp benefits has increased from less than 50,000 to over 13.5 million today. And the program is expanding geographically. Mr. Kocher's death, regrettably, occurred on the eve of a nationwide food stamp program, mandated by this Congress to begin July 1. In the short span of 2½ years under Mr. Kocher's leadership the food stamp quality control program was greatly improved and implemented; a system was developed to monitor State claims for operating the Federal Food Stamp program; and armored cars were used to ship food coupons, saving $2 million in fiscal year 1973 alone. But Mr. Kocher's achievements were not limited to management improvements or savings. His deep and real concern for people contributed enormously in developing a staff with high morale and performance.

I know my colleagues will wish to join me in paying tribute to James H. Kocher and in expressing our sympathy to his family and friends.

Senator McGOVERN regrets he is unable to deliver his remarks in person. I ask that his statement be printed in the RECORD.

STATEMENT OF SENATOR GEORGE McGOVERN

I note with deep regret the passing of James H. Kocher on Tuesday, June 25. Few Federal administrators have ever attained the level of success or experienced the self-satisfaction that Mr. Kocher did with the national food stamp program. Mr. Kocher was in a sense a father to the program. He entered the program during its infancy, helped it grow from its pilot stage, and developed it into a full-fledged feeding operation in the U.S. Department of Agriculture. Mr. Kocher saw the program take flesh in the form of the 1964 Food Stamp Act and watched it grow through increased annual appropriations.

I am reminded of a salute to Mr. Kocher by Secretary of Agriculture Earl Butz last month. In presenting USDA's Superior Service Award, the Agriculture Secretary saluted Mr. Kocher "for ably and perceptively directing the Food Stamp Program while developing a professional staff and strengthening staff morale."

I offer a sincere tribute to this outstanding public servant.

FAIRNESS DOCTRINE IS UNFAIR

Mr. PROXMIRE. Mr. President, in May, I conducted a poll of daily newspaper editors, syndicated columnists and heads of journalism schools and departments on the fairness doctrine and the equal time provision which govern this country's broadcasters.

There were nine questions, of which the first five, taken together, were a restatement in question form of the basic points of the fairness doctrine. The sixth was a restatement of the equal time requirement. But those answering the poll were not informed of that.

Here are the questions and the answers I got from 515 respondents, some 28 percent of the 1,813 who got the questionnaires:

(Answers in percent)

1. Should a broadcaster be required to afford reasonable opportunity for discussion on the air of a contrasting viewpoint on a public issue? Yes 52.4; No 43.1; Undecided 4.5.

2. Should the FCC examine a broadcaster's judgment in presenting public interest programming only after complaints have been received? Yes 51.1; No 41.1; Undecided 7.8.

3. Should broadcasters be required to seek out opposing points of view on public issues? Yes 25.4; No 70.5; Undecided 4.1.

4. Should broadcasters be required to present the opposing viewpoint even if it might mean doing so on unsponsored time? Yes 31.8; No 61.0; Undecided 7.2.

5. If a person is attacked personally on a broadcast, should the broadcaster be required to seek out that person and afford him a chance to answer on the air? Yes 27.2; No 67.4; Undecided 5.4.

6. Should broadcasters be required to grant mathematically equal air time to candidates for the same public office? Yes 15.7; No 78.8; Undecided 5.4.

7. In view of your answers to the above questions, should radio and television news operations have the same First Amendment rights in fact as well as in law as do the print media? Yes 80.4; No 15.7; Undecided 3.9.

8. Should radio and television entertainment producers have the same First Amendment rights as the print media? Yes 60.2; No 33.0; Undecided 6.8.

9. If the electronic media had the same rights as the print media, should the FCC licensing period be changed to make it longer? 41.4; shorter? 14.0; permanent? 19.6; same? 5.4; undecided? 19.6.

I know that in 1968 the Senate Communications Subcommittee conducted a similar poll of license holders and found that only 20.5 percent believed that the fairness doctrine should be discarded.

The contrast with the 80 percent in my poll is extraordinary, considering that the newspaper editors are in competition with the broadcasters.

For a long time I have believed that broadcasters should have the same first amendment rights de facto as publishers. I am aware of the court decisions that have held that the fairness doctrine "enhances" the first amendment. But frankly, those court decisions, Red Lion and the rest, seem to overlook the obvious: a license holder is not likely to argue with the Government that licenses him.

William S. Paley, chairman of the Columbia Broadcasting System, made a sound argument last Saturday in the New York Times for abolition of the fairness doctrine.

Mr. President, I ask unanimous consent that Mr. Paley's article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I agree with Mr. Paley. We cannot have a first amendment that is qualified. By definition, freedom cannot be shackled.

Recent Supreme Court decisions on the printed press have made that clear. In Miami Herald against Tornillo, decided on June 25, the Court made a compelling argument that could and should apply equally to broadcasters. The unanimous decision said, in part:

Even if a newspaper would face no additional costs to comply with a compulsory access law and would not be forced to forego publication of news or opinion by the inclusion of a reply, the Florida statute fails to clear the barriers of the First Amendment because of its intrusion into the function of editors. A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to limitations on the size of the paper, and content, and treatment of public issues and public officials—whether fair or unfair—constitutes control and judgment. It has yet to be demonstrated how governmental regulations of his crucial process can be exercised with First Amendment guarantees of a free press as they have evolved to this time.

Mr. President, the time will come—despite past Court decisions—when the Supreme Court will have to make the same declaration for broadcasters.

I am planning a series of speeches to show why that should be; why the first amendment must be made de facto as well as de jure the protector of free broadcasting.

We saw recently what Government control of broadcasting means. Correspondents for all three American networks were cut off by Russian technicians—and can we really believe that Soviet explanation?—when they tried to cover dissident physicist Andre Sakharov. We would like to believe that could not happen in America. Certainly, it could not be so blatant here.

Yet, when the fairness doctrine is examined for what it is, it is not fair at all. It is a form of prior restraint which does not square with first amendment freedoms.

Exhibit 1 follows:

EXHIBIT 1

AN ARGUMENT FOR ELIMINATING BROADCASTING'S FAIRNESS DOCTRINE

(By William S. Paley)

A free press must include all journalism if it is to serve its common purpose in a free society. Journalism transmitted over the air should no more be inhibited by government than the print media from informing the people, from stimulating discussion and from helping citizens thereby to take the action essential to effective self-government.

Broadcasting's fight for this recognition has not been easy, broadcasters being licensed by the Government, originally for technical reasons—to avoid chaos in the use of the airwaves—a fact often forgotten. A quantitative factor was also involved—"the scarcity principle." There was a limit on the number of broadcasting stations possible.

The struggle has centered very largely on whether problems of fairness should be left, under First Amendment principles, to broadcasters, answerable to their audiences, vulnerable to their competitors and exposed to constant public criticism, or whether under the fairness doctrine the problems should be left to the Federal Communications Commission.

The danger implicit in the latter course lies in giving a Government agency the power to judge a news organization's performance.

Misapplication of the power furnishes a springboard for efforts to restrict the freedom of broadcasting from operating fully in the public interest, as the press always has, unhampered by judicial commands, bureaucratic reviews, administrative probings and executive reprisals.

"Personal attack" rules impose on broadcasters automatic requirements for time to reply whenever the character of a person or group is questioned, compromising First Amendment values by making a governmental commission the arbitrator of fairness. For it is equally an abridgement of freedom to compel publishing something as to forbid it.

Attempts have been made to extend the enforced fairness principle to entertainment and advertising. "The Autobiography of Miss Jane Pittman," the story of a former slave shown on television, was the subject of a complaint, wisely rejected by the F.C.C., alleging that it reflected unfavorably on whites.

In commercials, complaints assume the militant guise of "counteradvertising," demanding, on the vaguest grounds, free time for replies to specific advertisements. This could endanger broadcasting's economics enough to reduce its ability to carry out its journalistic responsibilities.

Government's intrusion upon broadcast journalism has led to open attacks upon the basic principle of the free press, which is that the value of whatever is published—whether printed or over the air—is best left to the people.

Attacks on the Administration have been directed at impugning the integrity of able reporters; setting up monitoring systems to determine whether Government agencies could be used to intimidate offending media; splitting affiliates from networks by threatening nonrenewal of licenses; and weakening the economic base of news operations by clumsy appeals to advertisers to boycott broadcasters failing to report the news as the White House sees it.

The inescapable impression emerges that there are those in positions of power and trust who oppose a free press because they think it will distort some facts and know it will disclose others.

To strengthen broadcast journalism's freedom, it is time to repudiate the fairness doctrine, specifically immunizing the news and public affairs broadcasting from any form of governmental supervision.

As for the scarcity principle, the arithmetic of communications today reveals no grounds for enforced fairness. When broadcasting was first regulated, there were 677 broadcasting stations and 1,949 daily newspapers. Today there are 8,434 broadcasting stations, two-thirds unaffiliated with networks, and 1,774 daily newspapers. Most broadcast news originates with these local stations. And there are as many television networks as there are news services or national news weeklies.

Broadcast journalism must also compete for public confidence with the vast output of printed and oral communications constituting the giant mix that conveys information. This pluralism constitutes the strongest safeguard a free society has against abuses of freedom of the press.

A further check on broadcast journalism is its constant subjection to review and criticism in publications, letters and public forums.

In a free society, this pluralism, watchfulness and competition for public confidence constitute the true judges of broadcasting's fairness and should be the only ones.

If there is any risk in this belief that, in Jefferson's words, ". . . the people . . . may safely be trusted to hear everything true and false, and to form a correct judgment"—and there is—then it is the risk inherent in any free society. But a free society is not the safest way of life. It is only the best.

NATIONAL DIABETES RESEARCH AND EDUCATION ACT

Mr. TAFT. Mr. President, as the Senate committee report points out, some investigation into the efficacy of the "team approach" to the management of diabetes would be appropriate and desirable. It states:

With this approach, the patient is educated in the techniques of self-care, and he himself becomes a key member of his own health care team.

With this in mind, it was with some apprehension that I read the statement of Dr. Heskel M. Hadad, who testified during the hearings in behalf of Diabetes Research, Inc. He said:

Current studies estimate that 50 percent of diabetics who have had diabetes for 20 years will develop retinopathy, a blood vessel disease of the eyes' retina, as will 50 percent who have had diabetes for 30 years. There is no cure for diabetic retinopathy, a disease classified into progressive stages, the last being blindness.

One may then ask, how can a blind diabetic become involved in a 'self-care' program? I am delighted to report that a company from my own State, the Med-E-Jet Corp. of Cleveland, Ohio, is working on this very issue. They have developed a jet inoculator with a gauging device, which will enable an individual to administer the precise amount of insulin required. I am informed that this device can be operated by a blind person, after proper instruction.

I am hopeful that this bill will be passed and signed into law with haste, and the Med-E-Jet concept will be tested thoroughly, in order to determine its effectiveness in preventive medicine, to avoid unnecessary admission to the hospital, and to provide better quality health care at lower cost.

I ask unanimous consent to have a paper entitled "Clinical Experience with Jet Insulin Injection in Diabetes Mellitus Therapy: A Clue to the Pathogenesis of Lipodystrophy", by Major L. Cohn, Ph. D., Robert A. Hingson, M.D., and Joann V. Narduzz, M.D. printed in the RECORD.

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

CLINICAL EXPERIENCE WITH JET INSULIN INJECTION IN DIABETES MELLITUS THERAPY: A CLUE TO THE PATHOGENESIS OF LIPODYSTROPHY

(By Major L. Corn, M.D., Ph. D.)

SUMMARY

The insulin requirements of diabetic patients were administered with a Med-E-Jet inoculator in the clinic, office and home settings for a period of two years. Patients receiving insulin by jet inoculation remained in carbohydrate control. Significantly, 55 percent of the clinic patients who utilized the needle and syringe technique made insulin dosage errors of at least 10 percent. Even more serious errors of dosage should be expected in this group of patients with the availability of U-100 insulin. Although accuracy, rapidity, ease of administration, reliability as well as maintenance of sterility over long periods of time were the primary reasons for the utilization of the jet inoculator, more indications for its use were noted. Following continuous administration of insulin for one year, biopsy examination of

needle and syringe injection sites were compared to jet inoculation sites. With the former technic, marked fibrosis, atrophy and scarring were present, whereas the jet inoculator sites were free of such findings (Diabetes, 23:1974).

For patients requiring a daily dose of insulin, the method of introducing the inoculum subcutaneously is injection with a needle and syringe—a practice that has remained unchanged since the availability of insulin in 1925. The pain and anguish associated with daily needle and syringe injection, among the greatest inconveniences noted by new and long-term diabetics, were accepted as a small price to pay in order to remain in carbohydrate control and to avoid diabetic coma.

Although Hingson and Hughes [1] made considerable progress in recent years with the introduction of a new method of administration of insulin by jet, little clinical interest has been generated by this technic among the physicians treating patients suffering from diabetes mellitus. Hingson and Hughes first described the advantages of the jet: convenience for the patient, which includes accuracy of dosage, less pain, speed of inoculation, and sterility. The disadvantages cited by the authors included the high initial cost, difficulty of manipulation and frequent mechanical failures. No significant difference in the comparative efficiency of needle and syringe versus jet inoculation as measured by levels of glucose in the blood were reported.[2]

In our previous publication, we described the types of updated jet inoculators and their modes of operation. We have reported the availability of the Med-E-Jet,* a new jet inoculator with a reciprocating piston powered by carbon dioxide gas.[3] The purpose of our present study is to evaluate clinical usefulness and indications for the injection of insulin by Med-E-Jet inoculator in diabetic patients.

METHODS

Clinical Experience—In a two-year study, 56 patients, varying in age from 13 to 82 years, with histories of diabetes of 1 year to 38 years' duration, were seen regularly at the Medical Clinic of Mercy Hospital, Pittsburgh, Pennsylvania. Initially, each patient was thoroughly examined and basic information recorded. Current practices of self-administration of insulin were identified: whether glass or disposable syringe was utilized, method of sterilization (for glass syringes), method of disinfecting the skin, sites of injections, frequency of bleeding, inflammation, leak-back of insulin and degree of acceptance of daily injection with needle and syringe. The patients were also examined for evidence of induration, scarring, lipodystrophy and hypertrophy. Under the supervision of the physician, each patient was asked to draw, as carefully as possible, with a needle and syringe, his own prescribed dosage of insulin. The percentage of error was estimated.

Under medical supervision, the patient was taught to measure his dose of insulin by setting the gauging mechanism, and to self-administer insulin with the jet inoculator.

Following each jet injection, the quantity of insulin prescribed and the actual delivery of insulin were recorded in percentages. Pain and ease of administration as well as each patient's preferred mode of treatment were recorded. For the 24 hours following the jet injection of insulin, each patient tested his own urine, for glucose and keto acids, with a Glucostix and Ketostix (Ames Test Strip) and reported these values on the next visit to the Clinic.

Plasma Insulin and Levels of Glucose in the Blood—Eighteen patients were selected in order to determine whether the use of the Med-E-Jet caused alteration of levels of insulin and glucose in the blood. The fasting levels of insulin and glucose were ascertained first. Subsequently, each patient was injected with a prescribed dosage of insulin by either needle and syringe or Med-E-Jet. On the succeeding day, the identical dose of insulin was administered by the alternate method (*i.e.*, not used the previous day). Thus, all patients served as his or her own control. Levels of insulin in the plasma and glucose samples were measured at 0, 1, 2, 4 and 6-hour intervals. Following the administration of the drug by both methods, the plasma insulin uptake and glucose responses are outlined in the graphs of four representative patients.

The glucose values in the blood were measured with a Technicon Auto Analyzer by the method of Hoffman.[4] Levels of insulin in the plasma were determined by the radioimmunoassay method of Hales and Randle,[5] using the Schwarz/Mann Radioimmunoassay Kit.

Diabetes Control—Diabetic patients were selected to self administer insulin with a Med-E-Jet inoculator for a period of at least one year. Daily urine sugar and acetone results, general physical states and weekly weights were recorded. Degree of acceptance of the inoculation of insulin by jet as well as the reliability and ease of usage of the instrument were noted. Patients showing advanced lipodystrophy or scarring at the sites of previous injections with needle and syringe were instructed to avoid inoculating insulin in the same area.

Tissue Necrosis—At the end of one year of injection of insulin by jet, "Informed Consent" was obtained from a pediatric diabetic patient for biopsies and photographs of the injection sites. Under local anesthesia, two specimens were obtained by wedge biopsy: one from the site of needle and syringe injection and one from the site of jet inoculations.

The material obtained by wedge biopsies was examined under the microscope by the pathologist at the Magee-Womens Hospital.

RESULTS

Inquiries on technics used by patients yielded the following information: methods of sterilization of glass syringes were less than adequate, ranging from 5-to-20 minutes boiling to taking tap water to just boiling. Several patients used alcohol swabs to clean their needle and syringes. Alcohol was most often utilized to disinfect the skin; some patients used soap, others nothing. One patient reported no clinical history of infections or localized abscesses, although she had neither sterilized the needle or syringe nor disinfected the skin for the last 24 years. Physical examination of the injection sites on the limbs of this patient revealed localized pitting and scarring. None of the patients in this group complained about local infections at injection sites despite poor technics of sterilization of equipment and skin.

Fifty-five percent of patients erred by at least 10 percent while using a needle and syringe to measure the prescribed amount of insulin. Greater than 80 percent error occurred in ten percent of the patients. In cases where large dosage errors were made, patients were told to repeat the measurement. In most instances visual handicaps prevented these patients from correcting the errors. An inability to see air bubbles in the syringe was the most frequent cause of difficulty.

Clinical Experience—After instruction in the use of the Med-E-jet, a small group of patients, not included in this series, found the jet inoculator unsuited and refused to participate in the study. They were all long-term diabetics who did not welcome a change in the administration of their daily insulin requirement.

Among the patients inoculating insulin by jet, a small group requested that the physician administer the drug. Most often, they were patients to whom other people administered insulin at home. The thighs, deltoid region of the upper arm, and the abdomen sites were normally utilized by patients, were inoculated by the physician. Prior to the administration of insulin, the area of the skin was wiped with isopropyl alcohol and permitted to dry. The delivery of the drug caused no pain in most patients but rather a stinging sensation which had a higher incidence in the deltoid region of the arm than in the thighs or abdomen. The most objectionable feature of the Med-E-Jet was the hissing caused by the CO_2 gas released by the firing of the gun.

Occasionally, the incidence of a small drop of blood-tinged fluid oozing from the hair-thin puncture occurred 10-to-30 seconds after injection. This small drop of blood, caused by the jet stream puncture wound, was controlled by gentle compression with a sterile dry sponge. In the absence of blood-tinged fluid, no leak-back of inoculum was seen. The incidence of bleeding following needle and syringe injection is difficult to ascertain. Patients who suffered from ecchymosis following a needle and syringe injection reported that the incidence of bleeding did not exceed 2-to-5 times per month, while in our clinic experience, leak-back of insulin from the needle and syringe injection site is a frequent occurrence with or without blood-tinged fluid.

For the 24 hours following the jet injection of insulin, the patients kept a record of four fractional urines. Values of glucose and acetone levels were unremarkable. More important is the fact that patients in the group remained free of clinical diabetic symptoms, with the exception of one male patient, who returned to the Emergency Room complaining of symptoms related to severe hyperglycemia and weakness. This incident occurred early in our clinical experience and was caused by the malfunction of the nozzle of the jet. Such complications as severe ketonuria or glycosuria, infections, lacerations, or malfunction of the jet injector did not arise during the entire last year of our study.

Levels of Glucose and Insulin in the Blood—Most patients involved in the study were severe diabetics with fasting blood sugars above 200 mg percent. Alternately, with needle and syringe one day and by jet inoculation the next, or vice versa, they were administered either regular insulin or NPH insulin or mixtures. Blood insulin and glucose samples of four of these patients are shown. Whereas results differed significantly between the two methods of administration, statistical analyses of the data were not conclusive. On two occasions, jet inoculations of equivalent doses of insulin resulted in hypoglycemia. Whether such complications resulted from inadequate dietary caloric intake, differences in rate of absorption of insulin due to jet injection as compared to needle and syringe, or poor diabetic control of the patient were not determined. All other patients remained free of symptoms.

Home and Office Experience—The patients referred to the Clinic belonged to one of three groups: (1) those fearful of needle puncture, most of whom were juvenile diabetics; (2) functionally sightless individuals; (3) young females showing a marked tendency to scarring, atrophy and lipodystrophy. The juvenile group objected to the needle and syringe method but readily accepted inoculation with the Med-E-Jet. The functionally sightless patients were taught to use the jet which was preset for them at the Clinic. Once the acquired skills were judged sufficient, the patients were returned to the care of their physicians. The physicians re-regulated the insulin requirements of each patient to avoid the possibility of severe hypoglycemia. The patients with subcutaneous tissue damage were advised to inject insulin into other sites than those previously used for needle and syringe administration. In the last two years we remained in constant contact with the treating physician as well as with the patients who were self-inoculating insulin with the

Footnotes at end of article.

jet at home. All patients kept records of daily urine glucose and acetone values, physical condition and weekly weights. During the two-year study, all patients remained free of symptoms and in satisfactory physical condition. Although several mechanical failures of the jet inoculator occurred, the nozzle (medicinal head) was the only deficient part involved. Since each patient was provided two nozzles along with the instrument, such failures were corrected without detriment to the treatment.

Tissue Necropsy—Several patients with marked fibrosis and lipodystrophy due to daily needle and syringe injections of insulin were maintained in carbohydrate balance by the daily administration of prescribed doses of insulin with a Med-E-Jet injector. As stated before, inoculation of insulin by jet was administered at sites not previously utilized for the needle and syringe injection. Following one year of daily jet administration of insulin, "Informed Consent" was obtained from a patient for photographs and two wedge biopsies, from the sites of the needle and syringe injection and the jet inoculation.

The microscopic study of the biopsies of the sites of (1) needle and syringe injection of insulin and of (2) inoculation by jet were taken from a 12-year-old boy known to be a diabetic for four years. The histologic studies of the site of injection by needle and syringe showed marked chronic inflammatory changes in all tissue sections, characterized by round cell infiltration with granulation tissue formation in the subcutaneous and superficial muscle. The sections of the jet inoculation sites showed minimal inflammatory chronic changes. Neither sites of injection showed any gross skin necrosis or clinical evidence of local infection or local ecchymosis.

These histological studies may explain in part the gross observations made in several patients, *e.g.*, marked atrophy of the subcutaneous tissues of a 26-year-old female patient following injections of insulin with a needle and syringe. Such atrophy was not observed after similar doses of insulin were inoculated by jet for a period of one year. The patient reported no differences in the control of her diabetes between the two methods of injection.

DISCUSSION

The clinical results suggest that jet injection of insulin is a safer and more effective method than needle and syringe for the parenteral delivery of insulin. Although we have noted some increased bleeding at the hair-sized puncture wound caused by the jet stream, leak-back of insulin was unusual, whereas such leak-back occurred with great frequency whenever the patients self-administered insulin with needle and syringe. Freeing the patient of hyperglycemia and ketosis is the most important goal in the treatment with insulin. All patients using the Med-E-Jet, either in the Clinic or at home, were symptom-free for the entire study period. Although early models of the Med-E-Jet suffered from splashback of insulin and blocked nozzles, the redesigned nozzle (medicinal head) used in the Clinic for the last 18 months delivered insulin without any significant splashback. Several months of repeated use may result in the clogging of the nozzle. To prevent such an occurrence and to avoid interruption of treatment, each instrument is provided with two nozzles. Maintenance is not the patient's responsibility; the clogged medicinal head is returned to the manufacturer for repair. No local injection, no lacerations, and no eccyhmoses due to the jet inoculator have been reported in our study. Though elderly diabetics found the hissing noise following the inoculation of insulin the most objectionable feature of the Med-E-Jet, young diabetics did not mind it. Juvenile diabetics preferred the jet inoculation technic to the needle and syringe method of injection while many elderly diabetics accustomed to the latter method did not welcome any change.

Prior research involving injection of insulin by jet showed that the instrument was a useful alternative to the needle and syringe. The limited qualifications of the expensive jet inoculator, convenience, lack of pain, speed of inoculation and sterilization, seemed to confine its usage to mass vaccination where the cost per injection becomes cheaper than with the needle and syringe.

The clinical and home experience we gained with the jet inoculator demonstrated several important areas where the jet inoculator is superior to the needle and syringe. At least half of our diabetic patients were functionally unable to measure accurately the dosage of insulin with a needle and syringe, committing errors ranging to well over 100%. These findings were similar to those of Watkins *et al.*[6] who observed that 33-to-64 percent of their patients were unable to self administer insulin accurately. Long-standing diabetic patients, of over ten years, committed larger errors of dosage. Among other findings, the present study demonstrated that in poorly regulated diabetic patients, it is mandatory for the physician to check whether the prescribed self-administered dose of insulin is measured accurately before making any change in the treatment. Moreover, improper technics with a needle and syringe result in significant amounts of leak-back of insulin.

With the introduction of U–100 insulin, significance of dosage errors will increase over the U–40 and U–80 insulin concentrations. Therefore, the clinical useful jet inoculator becomes a vital tool in the insulin treatment of visually handicapped patients. By presetting the gauge of the Med-E-Jet inoculator to the prescribed dose of insulin, the physician or nurse avoids the errors inherent to the self-administration of drugs. With the introduction of U–100 and U–200 insulin, measuring gauges allowing the delivery of smaller increments have been made available by the manufacturer of the instrument. For patients who require mixtures of insulin, the physician may solve the problem by premixing insulin in the proper concentrations in a single medicinal vial. With a more extended utilization of the jet, prepackaged insulin mixtures may become available.

The jet inoculator is less satisfactory for the treatment of unstable diabetic patients requiring frequent changes in types of insulin injected. This kind of patient has to be taught to change vials and to set gauges accordingly. Two inoculations might be required in order to obtain proper treatment.

The studies of uptake of insulin and of glucose in the blood show that the rate of absorption following jet inoculation is similar to that following needle and syringe injection. Patients remained free of symptoms, with the exception of the two patients who became hypoglycemic, a complication which might have been caused by an inadequate caloric intake following the administration of insulin. Although it is impossible to determine the exact cause of the hypoglycemic bouts, in the light of the data obtained in the insulin uptake studies, it seems improbable that jet inoculation is accountable for the increased uptake of insulin into the bloodstream. All patients who change the method of inoculation of insulin from a needle and syringe to a jet inoculator should be re-regulated for their insulin requirements by the physician to avoid the possibility of hypoglycemia.

To most diabetic patients the self-administration of insulin with a Med-E-Jet inoculator at home was completely acceptable. Neither the treating physician nor the patients reported changes of physical condition, weights, hyperglycemia, or ketosis in the urine. There were no reports of local tissue injury or sterilization problems. The Med-E-Jet appeared to function reliably during the two-year study.

Several patients requested a jet inoculator because of marked changes in the subcutaneous tissues at the sites of needle and syringe injections of insulin. The exact incidence of lipodystrophy and scarring is unknown but severe body disfigurement may occur. Previously, local inflammation and trauma were incriminated as the casual factors of this condition. Inoculation of insulin by jet showed minimal scarring and lipodystrophy. Even in the patient who showed severe scarring and lipodystrophy following daily injections of insulin with the needle and syringe, the inoculation of the drug by jet did not cause such complications. These observations are in agreement with the findings of Perkins[7] who reported that jet inoculation reduces subcutaneous tissue damage; the latter result is due to the wider distribution of insulin in the subcutaneous tissues, whereas the needle and syringe lead to puddling of insulin at the site of injection.[7] These observations support the contention that scarring and lipodystrophy are the consequences of local metabolic effects resulting from high concentrations of insulin in the area and are not due to local inflammation or trauma.[8]

IN BRIEF

1. The Med-E-Jet, a multidose jet injector, is a light weight practical instrument for the repetitive administration of insulin in man. The instrument is reliable and convenient to use.

2. Clinical studies show that patients receiving prescribed doses of insulin by inoculation with the jet remain in carbohydrate control.

3. Functionally sightless patients unable to measure accurately insulin dosage and patients with marked scarring or lipodystrophy are clinical subjects for whom insulin by jet administration is strongly indicated.

4. Biopsy of the injection sites revealed greater incidence of tissue damage with the needle and syringe method of injection of insulin than with Med-E-Jet inoculation in patients prone to subcutaneous tissue scarring or lipodystrophy.

ACKNOWLEDGEMENT

We are indebted to Doctor Hector Tobon, Pathologist at Magee-Womens Hospital, Pittsburgh, Pennsylvania, for his pathologic description of the skin biopsy specimens.

FOOTNOTES

*Med-E-Jet Corporation, 12900 Triskett Road, Cleveland, Ohio 44115.

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MILITARY SURVEILLANCE BILL REPORTED FROM SUBCOMMITTEE

Mr. ERVIN. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Rights has recently reported an amended version of S. 2318 to the Judiciary Committee. This bill, which I introduced last August, is an effort to curb the intrusions of military intelligence agents into the political and private affairs of American citizens.

It is a proposal which seems eminently in keeping with the traditional principles which have guided this country throughout her history. The military has no place interfering in civilian affairs, and certainly has no business invading the privacy and assaulting the constitutional liberties which are secured to us all.

When military surveillance was uncovered 4 years ago by the Subcommittee on Constitutional Rights, there was virtually unanimous condemnation from the Congress and the general public. President Nixon also declared himself to be "totally, completely, and unequivocally" opposed to military spying, and pledged that none would be conducted in his administration. The Defense Department then promulgated new regulations which put an end to these repulsive practices, its representatives telling the subcommittee that it had been a "damn waste of time."

More recently, we have had the White House launch a privacy initiative. The President told us that "a government that fails to respect the privacy of its citizens, fails to respect the citizens themselves." In February, a new privacy panel was created to study the area and make legislative recommendations.

The public is obviously concerned. In a recent survey prepared by Louis Harris for the Government Operations Subcommittee on Intergovernmental Relations, he found that 75 percent of those surveyed thought that wiretapping and other governmental surveillance constituted a "serious" threat to people's privacy.

I therefore find it absolutely astounding that despite its public pronouncements and the obvious concern of the public, the executive branch cannot bring itself to disavow once and for all the use of military agents to conduct surveillance of the political activities of civilians. Such pernicious practices have no place in a free society either now or henceforth. It is useless for military purposes, and positively harmful to the liberties of American citizens.

And yet, as we noted in the Washington Post a few weeks ago, we have the Department of the Army in court defending its widespread surveillance of Americans in West Berlin during the early 1970's. These were a group called Democrats for McGovern who had adopted the Bill of Rights as their constitution. The Army itself described the group as little threat to it, but continued its spying using all sorts of reprehensible techniques.

Then, in regard to the pending legislation, both the Defense Department and the Department of Justice have expressed their opposition to S. 2318, apparently because it makes the conduct of military surveillance a crime. They say they do not like surveillance, that they do not want it or need it, but they refuse to go so far as making it a criminal violation. Then, when we ask if there is objection to the bill without a criminal sanction, they talk about not liking the civil remedies. Then they start objecting to the phrasing of the prohibition and the exceptions. In point of fact, the Department does not want any bill, I suspect, and is just searching around for justifications for their opposition.

They oppose the bill despite their own regulations which prohibit surveillance. The reason for this opposition is not clear. Perhaps it is only the result of shortsighted bureaucratic opposition to any legislation which purports to limit the Defense Department's discretion to resume surveillance, even when there is no stated intention of exercising that discretion. On the other hand, perhaps there are elements within the Department which are not yet reconciled to the ban on surveillance. It may be that these persons look toward the day when public attention will be diverted elsewhere, and the Department rules can be softened. So long as we rely only on a changeable Department of Defense regulation there will always be this danger. The history of this kind of surveillance goes back perhaps a century. This history shows that the military always retreats in the face of public concern with its domestic spying activities, and then resumes when the climate is favorable. If the administration is serious about its opposition to such surveillance, it is time they supported the bill. The White House should make it clear that it does not endorse the opposition of the Defense Department.

I am simply at a loss to understand the Department's thinking. If you want something stopped, you impose a penalty for doing it. In my opinion, a military surveillance bill without such a sanction is not worth the paper it is written on. What deterrent is there to future surveillance? Only the threat of a civil suit? This has always been an implicit threat, but experience has shown it has meant very little in deterring the colonels and the generals from doing what they pleased. And, under present decisions of the Supreme Court, such a suit is difficult to attempt.

Why is it that government is so reluctant to make itself subject to a criminal statute? If we have seen anything over the last year, it is that those in government are capable of illegal conduct and of making illegal and unconstitutional decisions. When we can identify a certain type of governmental misconduct—such as military surveillance—as having no place in our society, why do we not outlaw it?

Certainly, Congress was not so reluctant when it passed the Posse Comitatus Act (18 U.S.C. 1385) in 1878. That act makes it a crime for anyone to use the Army or the Air Force to execute the civil laws. The penalty for doing so is a fine of $10,000, 2 years in jail, or both. I would be the first to point out that there has not been a prosecution under this statute in its long history, but that does not mean it is meaningless. It serves as an ever-present deterrent, a bulwark of civilian supremacy over domestic affairs, a guard against military domination. We cannot overlook the fact that many nations of the world are ruled by the military. Here, the military has always been subordinate to civilian control, but unless we are sensitive to those actions which threaten to undermine that control, we risk having that heritage repudiated.

Making military surveillance a crime is a step in the direction of securing civilian control. Symbolically, it would do much toward assuring the American people that Government is not getting out of hand. I think my colleagues would be surprised at the number of letters still being received by the Subcommittee on Constitutional Rights from those who still think the Army spies on civilians, and think they are still subject to it. I am not speaking of crackpots. The best way we can assure these people that military surveillance has ended, and partially put an end to the paranoia that affects these times, is to make such activity a crime.

I call upon the Departments of Defense and Justice to reconsider their objections to this legislation. I furthermore call upon the White House to consider giving its support. I can think of no better way for the President's privacy panel to begin business than by endorsing the passage of this legislation.

THE ILLINOIS LEAGUE OF WOMEN VOTERS OUTSTANDING PRIVACY RESEARCH

Mr. PERCY. Mr. President, on June 20, Donna Schiller, the president of the League of Women Voters of Illinois, and Doris Bernstein, the vice president of the league, appeared before the Government Operations Committee hearings on privacy and personal information. I want to commend them for the extensive research they and the league have done in Illinois to uncover abuses of personal data. I am, myself, a member of the League of Women Voters of Illinois and I take particular pride in knowing that this organization is contributing to public awareness of a serious problem. Because there was not sufficient time at the committee hearings to permit Mrs. Schiller to read her full prepared statement and in order to give my colleagues the opportunity to learn of the Illinois League's truly original and important work in this field, I ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY PRESENTED JUNE 20, 1974, TO SENATE COMMITTEE ON GOVERNMENT OPERATIONS

(By Donna Schiller, President, League of Women Voters of Illinois)

I am Donna Schiller, President of the League of Women Voters of Illinois and I am speaking in support of S. 3418. For the past three years our 83 local Leagues and many of our 10,000 members have studied the question of individual privacy in relation to data collection systems both manual and elec-

tronic, and we have conducted over 300 personal intrviews with record-keeping organizations. This background has led our members to a strong concern for the right to privacy for the individual in the collection, maintenance and use of personal information by governmental and private organizations.

We acknowledge that the keeping of records is necessary, and of benefit to both the individual and the record-keeping organization. To the extent that people want or need to obtain the benefits of dealing with record-keeping institutions governmental or private or are required to do so by law they must expect to give up some control over the information recorded about them. However, it has been our experience that record-keeping organizations generally concede the individual very little if any control over the collection, storage and use of information about himself.

Our members agree that legislation is needed to give an individual a share in controlling collection and use of personal information about himself. Certain basic rights must be guaranteed to the individual, including the right to know what records exist, to examine, challenge and amend the contents of his record, and to be told in advance the extent of its use. His authorization should be obtained before the information is released to another party or used for other than the stated purposes. Furthermore, legislation should require procedures to guarantee that records are accurate, pertinent, objective, current, and purged at regular intervals, with penalties for failure to comply. Our members agreed that the best control would be federal legislation affecting government agencies as well as private organizations.

The personal interviews which our members conducted with more than 300 record-keeping organizations produced a clear, general conclusion: at this time, there are very few legislative controls or administrative guidelines to protect the rights of the individual, to guarantee the accuracy of the data, to guarantee the confidentiality of the data, or to prevent information being used for purposes other than which it was originally gathered, despite the fact that the amount of personal information being recorded and exchanged is constantly increasing. This is tantamount to asking us to play a game with no rules, or a game in which one player makes up the rules as the play proceeds.

When the League of Women Voters of Illinois decided to conduct these interviews, we laid out our rules: the replies would be confidential; they would be used to prepare an analysis of record-keeping practices throughout the state; no individual would be directly quoted without his specific permission.

In our interview we concentrated on three main aspects of record-keeping:

1. The content of the record;
2. The fights of the data subject rights;
3. Disclosure of the information (confidentiality).

No interviewed local organizations, such as banks, schools, credit bureaus, law enforcement agencies, libraries, and also some of our state government agencies.

CONTEST OF THE RECORD

Some major problems regarding the content of records containing personal information arise in files of a cumulative nature, where an organization continuously adds information but where the data subject does not have frequent access to the record. School records and personal records are examples of this type of record, as are the records of some of the smaller credit bureaus. When there is constant interaction between the individual and the organization concerning records, such as, in banking or charge accounts, there is a constant check on the accuracy of the records.

Virtually all school systems we interviewed now maintain extensive records containing not only attendance and achievement records and standardized test scores, but also personality data, information on family background and current status, health data, teacher and counselor observations, and anecdotal material. Few of the school systems have clearly defined what goes into the record, how it is to be used, and when it should be purged. In short, almost anything can be included; almost nothing is ever eliminated.

Many small, local credit bureaus still compile gossipy files based on local newspaper clippings, reports of vital statistics and court proceedings, incomplete arrest records and use of the "buddy system" of sharing information with local businesses and the police department. Purging of records is done on a sporadic basis, if at all. Bureaus which do investigative reporting for employment and insurance purposes often make reports which are far from "opinion-free, objective" accounts, and the sources of their subjective information do not have to be identified under current Fair Credit Reporting Act provisions.

Regarding law enforcement information, one police chief told us, "We can put information into national data banks right now with no questions asked . . . we are coming into data banks so fast we are forgetting to maintain controls."

When there are no administrative procedures regulating what information goes into a record and providing for regular purging, there is an opportunity for abuses. The provisions of S. 3418 requiring record-keeping organizations to consider in their administrative procedures that the information collected match a specific purpose and that it be maintained with accuracy, completeness, timeliness and pertinence, Sec. 201(a)(1) and Sec. 201(a)(4) are at least a beginning in controlling the content of records.

RIGHTS OF THE DATA SUBJECT

With the notable exception of the Fair Credit Reporting Act, we found no legislation and few administrative procedures which affirmed the rights of the data subject to see his record, even to know of its existence in some cases, and to challenge its accuracy. In the absence of legislation and administrative guidelines many persons are denied these rights, and some persons are hesitant about attempting to exercise them.

For example, there are no uniform guarantees that parents may see the complete records which schools accumulate on their children and pass on to other schools and organizations, even though important decisions regarding their children are being made, at least in part, on the basis of these student records. Some administrators require that a professional interpet the record for a parent who wishes to see it. One desperate woman called the League for help after she had twice been denied the right to see her child's record. She asked us to "do something about her school district" but was afraid to give us her name. Countless parents are hesiant to ask to see their children's complete records, lest they be characterized as troublemakers, with resulting adverse affects on their children. Openness and a published procedure for seeing student records would eliminate this problem.

A special law enforcement file in Illinois concerns may of our members. Through this central file system, individual police departments share information on their contacts with juveniles. This file contains information on more than 350,000 children. Juveniles and their parents have no access to this file, and their awareness of this record depends entirely upon the policy of their local police department. A child is not notified if information is disseminated about him. There are simply no state laws guiding or controlling this sensitive operation.

The possessive attitude of most organizations toward the personal information they keep is exemplified by the response of one credit bureau manager when we asked about the confidentality of credit bureau records. Misinterpreting our question, the manager replied with scorn. 'Nothing is confidential any more! Anyone can come in and ask to see his record." It took the Fair Credit Reporting Act to accomplish that, and it will take further legislation to create the same stitution in other organizations and government agencies, that "Anyone can come in and ask to see his record."

We feel that S. 3418 would be particularly effective in affirming the rights of the data subject, both through its provisions for notice to the Board and public notice under Section 201(c) and through its guarantees of individual access and challenge under Section 201(d). We consider the provisions of Section (e), requiring that current data subjects be informed of the existence and uses of their records and the place at which they may access such records, to be an ideal method of affirming the rights of the data subject. The two year period allowed for compliance with this provision should allow most organizations to accomplish this notice through a regular mailing. Perhaps the Board could be empowered to recommend exceptions if instances should arise in which this would be too great a hardship, or the existence and uses of the file were already common knowledge.

DISCLOSURES AND CONFIDENTIALITY

Abuses in disclosure of personal information occur when individuals furnish such information for a purpose that seems desirable, without the opportunity to know in what ways and for what other purposes that information will be used.

In most instances the individual should be asked for permission to use the information in other than stated ways. In some instances, such as law enforcement records, society may need to decide how information may be used through its legislative systems. But our members insist that this decision is too important to be left to systems managers, administrators, technicians, or clerks.

For example, among the 62 law enforcement agencies we interviewed, there was no agreement on how available law enforcement records should be used outside the criminal justice system. Some agencies furnish information to credit bureaus, insurance companies, banks, employers, the IRS, and military intelligence. One police chief told us he regularly obtains "rap sheets" from the FBI on persons applying for local solicitors' licenses and on prospective employees of a local restaurant. Statements about the confidentiality of records within local law enforcement agencies ranged from "police records are kept closed to the public," to "all are public records," We conclude from these interviews that, while computerized criminal histories are being compiled now with the help of federal LEAA grants to state and local computer systems, there are no effective controls on the use of these histories at the local level.

Of the 46 banks which we surveyed, almost all freely pass information to credit bureaus. Aside from credit bureaus, personal information is divulged by banks in varying degrees, with the only consistencies being that "some legitimate reason is required and that information is only given to organizations, not to individuals." Many banks say they obtain blanket permission from the customer to give out information. Most banks, but not all, say they give information to the IRS or government agencies only with a court order. Most, but not all, say they will inform the customer if the IRS makes a request.

Despite the fact that school administrators expressed high standards of confidentiality regarding the great amount of information

retained in students' records, we found no evidence to support these standards. There are no written guidelines for the handling of student files in many districts. No records are kept on who uses student files or what information is extracted. We found no firm statement of professional ethics regarding the use of student files, and we found no evidence of in-service training of employees regarding their use. With these deficiencies, a high standard of confidentiality would be a miracle. Police departments, credit bureaus, and employers often obtain personal information from schools. In fact, in one small community, the local merchants receive an annual list of the "troublemakers" in the high school graduating class as a guide in hiring.

There is a clear provision of the Fair Credit Reporting Act that personal information in credit bureau records shall not be used for government agency or law enforcement investigations. Yet several credit bureau managers told us they would cooperate with any law enforcement or government inquiry. The data subject, of course, has no way of knowing that this is taking place.

SUGGESTIONS FOR IMPROVING—S. 3418

We have some specific suggestions to offer to clarify and improve this bill.

First, S. 3418, is directed against "organizations". Non-governmental organizations are defined in Title III as "any public or private entity engaged in business for profit, as relates to that business." We believe "organization" should be more broadly defined and that exemption from coverage should not be determined on the profit purpose of the entity maintaining or disseminating personal information.

Second: The term "person" is used throughout the bill without definition, but apparently referring to those having access to or receiving information. In Section 201 (a) (9) it is juxtaposed to the term "organization", hence must have a broader meaning. We suggest the term "person" be specifically defined to include individuals, firms, corporations, governmental agencies and voluntary associations.

Those provisions of S. 3418, requiring organizations to define the allowable uses of personal information, and to declare specifically which organizations or systems will have "regular access authority," should help to protect the confidentiality of personal information by assuring that organizations have formal written procedures for disclosure.

Section 201(a)(2) requires an organization to request permission of a data subject to disclose information to another organization or system not having regular access authority. This is a key provision of the bill and it needs clarification. The bill should clearly require explicit written consent, not merely a request of permission, of the data subject. It should cover intended disclosure to all persons, not only "other organizations", particularly in light of the narrow definition of organization in the present bill.

We also feel that organizations should be required to make a reasonable effort to notify the data subject if his record or any part of it is demanded by a compulsory legal process.

Section 201(d)(5)(B) requires purging of the system upon receipt of notice from the data subject. We suggest that the keeper of the system be required to periodically review and purge inaccurate, irrelevant and outdated information for all data subjects, not only for those from whom it receives notice. This may be implicit in other sections of the bill—e.g., 201(a) (44 and 201(c) (5)(E)—but periodic purging is necessary and should be mandated clearly as a matter of routine.

The bill does not spell out the criteria for determining who has regular access and who does not have regular access to the information. See 201(a)(8.9). This distinction is crucial for it is only with respect to persons not having regular access authority that the data subject must be notified. See 201(d) (2) & (3C). Are regular customers of a credit bureau or members of a trade association persons with regular access? Would the FBI have regular access to what it determines to be relevant files? Or is regular access intended to refer only to technicians or other employees of the information keeper who are responsible for entering, retrieving and purging information? If regular access is not a clearly defined as well as restricted concept, then the protection of the bill is illusory.

We firmly support the provisions of Section 201(a)(9) requiring a record of every access to any personal information in a system, and Section 201(a)(10) requiring rules of conduct and training of employees. These provisions should help to stop those informal or unofficial disclosures of personal information which Alan Westin refers to as the "information buddy system".

The exemptions of Section 202 appear to be broader than the purpose for which they are intended. This bill regulates both personal access by a data subject and dissemination by the organization to third parties. The exemption appears to be for the purpose of limiting mandatory access, yet would, in fact, allow voluntary disclosures. We suggest that the exemption extend only to mandatory access. There is no apparent valid reason to allow unlimited disclosure, and these limitations of the bill should be retained in the circumstance covered in 202.

CONCLUSIONS

At this time record-keeping organizations are not creating the administrative procedures we feel are needed to protect the rights of the data subject and to guarantee the confidentiality of the information which they are recording and exchanging in ever-increasing amounts. Studies such as Alan Westin reported in *Data Banks in a Free Society*, show us that file information is being used more extensively, more effective inter-organizational data networks are operating, and larger data bases are being created than were feasible in the pre-computer era.

Attention to questions of privacy cannot wait until all the conversions are completed and all the systems are functioning smoothly. If these considerations are not part of the original policy, it may be too late to "fit them in" later.

Our members strongly support S. 3418 as a vehicle which can require that individual rights and confidentiality be made an integral part of every personal information systems from the planning stages on.

Thank you for permitting us to appear.

THE 1974 HOUSING ACT AND URBAN HOMESTEADING

Mr. TAFT. Mr. President, the House and the Senate will soon go to conference on the Housing and Community Development Act of 1974. One of the provisions in the bills which has drawn considerable attention nationwide would encourage adoption of the "urban homesteading" concept of donating abandoned housing to those who will rehabilitate it and live in it for a specified period of time. I was pleased to author part of the Senate proposal, which was formulated to a large extent by the Senator from Delaware (Mr. BIDEN).

Mr. Phillip C. Laurien has been studying the feasibility of the urban homesteading concept as part of the requirement for a master of community planning degree at the University of Cincinnati. During the course of his work, Mr. Laurien made contact with my office to insure that his work would be considered in the legislative process.

Although I do not necessarily endorse all of Mr. Laurien's conclusions, little analytical work on this problem has been done and I feel that the Congress should be interested in this work. Furthermore, I commend Mr. Laurien's attitude that his work and the work of other scholars should be considered by legislators rather than simply sitting on a shelf. I believe strongly that this kind of input is most helpful and constructive.

I hope that the abstract of Mr. Laurien's thesis will be considered carefully by the Senate and I will be pleased to provide more information should any Senator request it. I ask unanimous consent that the abstract be printed in the RECORD.

There being no object, the abstract was ordered to be printed in the RECORD, as follows:

ABSTRACT

Residential abandonment of the inner city is a major problem of the large American metropolis. Existing simultaneous with annual increases in inner city abandoned housing are shortages of safe, sanitary, and decent inner city housing for low income inner city residents. Urban homesteading, a system of housing redistribution which gives abandoned properties to heads of families who are financially and technically capable of rehabilitating them, has been nationally publicized as a possible solution to the problems of inner city abandonment and housing shortages, and was first implemented in Wilmington, Delaware, in May 1973. The urban homesteading concept has become a bandwagon issue because of its simplicity and the pioneer connotations inherent in its name.

Because of urban homesteading's rapid development from a slogan to a program, questions of the feasibility of such a program have arisen. Cities have begun copying Wilmington's ordinance without evaluating it or researching the problems of the inner city housing market. The clamor for urban homesteading action reached its zenith when a primitive urban homesteading act was introduced in the Senate by Robert Taft, Jr. of Ohio. There is a need to study the viability of private, inner city rehabilitation in the context of the problems of the inner city housing market, and relate the findings to a program of urban homesteading: this is the problem.

In order to determine the problems of abandoned housing, rehabilitation, and the inner city housing market, a literature review was undertaken, along with correspondence to officials participating in current urban homesteading programs, and interviews of local housing experts. The research reveals that artificial restraints in the inner city housing market, such as social prejudices, unavailability of financing, lack of community services and facilities, slow title acquisition processes for abandoned properties, and unstable property taxes prevent normal market forces of supply and demand from correcting the inner city housing shortage. Reduction or removal of these restraints can be accomplished through modification of an existent homesteading act, such as Wilmington's, by satisfying criteria for a normative urban homesteading concept, developed from the documentation of inner city housing and rehabilitation problems in the literature. Such modifications include guaranteed low interest mortgages available to all races and classes, implementation of a rapid title acquisition system for acquiring abandoned properties, encouragement of, and provision for, necessary neighborhood services and facilities, stabilization

of property taxes, and provision of free educational services and counseling in needed homesteading skills.

The economic feasibility of such a modified urban homesteading act was tested on a privately rehabilitated inner city house in Cincinnati. It was found that only one economically feasible urban homesteading situation existed for low income homesteaders—the homesteading of two family housing while renting one half while living in the other half. In general, urban homesteading of single family houses by heads of low income families is economically infeasible. It is recommended that urban homesteading be implemented only if all the following criteria are satisfied:

1. The housing stock of the neighborhood to be potentially homesteaded should be largely made up of two family houses, with a sprinkling of one family, and three to four family houses.

2. equal opportunities for all races and income groups must exist in receiving federally insured 3-5 percent interest, long term mortgages.

3. homesteading of blocks and neighborhoods should be bi-racial.

4. groups as well as families should be allowed to qualify for homesteads.

5. preference for homesteading of duplex apartment houses should be given to small, low income families.

6. free counseling and educational services, should be available to teach necessary skills.

7. abandoned houses not practical for homesteading should be razed.

8. a rapid title acquisition system should be implemented.

9. property tax incentives should be provided to homesteaders.

10. federal low interest loans should be made available for development by the private sector.

Urban homesteading is only feasible for a very limited section of the inner city housing market. It, alone, cannot solve the problems are not insurmountable, but require a change in the policies and ideologies of wealthy Americans, that presently treat inner city residents, especially blacks, as expendable commodities. What must occur is an awakening of the wealthy American to the fact that he has a social and economic responsibility to the less fortunate that cannot be ignored.

SAN FRANCISCO EXAMINER PRAISES SENATOR LLOYD BENTSEN'S PROPOSAL TO INCREASE AGRICULTURE RESEARCH

Mr. TUNNEY. Mr. President, as the Committee on Appropriations marks up its bill for fiscal year 1975, I would like to bring to the attention of the Senate a recent editorial of the San Francisco Examiner.

The Examiner gave strong support for Senator BENTSEN's proposal to expand this country's agricultural research budget. As Senator TALMADGE pointed out in the May 2 CONGRESSIONAL RECORD, Senator BENTSEN has made an excellent case for increasing our agricultural research budget and I hope that each of my colleagues will have the opportunity to study Senator BENTSEN's proposal. It is a proposal for lowering our food prices through increased production, and certainly this is a laudable goal.

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

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

NO TIME TO SCRIMP ON FARM RESEARCH

Senator Lloyd Bentsen (D-Texas), has provided the Senate Appropriations Committee with some sound information and a timely warning. He cited world food needs and called for restoration of deleted budgetary funds for agricultural research.

Americans are accustomed to farm surpluses, which came about in good part because research enormously increased farm production. But the food demands of a rapidly growing world population today grow more urgent while surpluses threaten to become deficits. A half to three-quarters of our wheat crop now is exported. So is a fifth of our corn, a third of our cotton and more than half our soybeans. The export demand extends across the full range of crops, as California growers will testify.

The U.S. responsibility as a food producer is bound to increase in the coming years. Research is essential if the farms are to meet these higher production goals.

Director of the State Agricultural Experiment Stations and university agriculturalists are urging a $27 million budget increase for farm research. Bentsen put their case eloquently. We hope the appropriations committee will respond to the need.

DESIGNATION OF THE J. CALEB BOGGS BUILDING IN WILMINGTON, DEL.

Mr. ROTH. Mr. President, my colleague the junior Senator from Delaware (Mr. BIDEN) and I have recently received a resolution from the Delaware State Senate requesting that the Delaware congressional delegation have the New Federal building in Wilmington be named for J. Caleb Boggs.

J. Caleb Boggs served Delaware and the Nation for 30 years. He served as Governor of Delaware for two terms, Congressman from Delaware for three terms, and as a U.S. Senator for two terms. Throughout his career, Senator Boggs has exemplified the best ideals in public service while maintaining an exemplary public life.

Senator Boggs deserves the credit for moving the Federal building in Wilmington from the planning stage into actual construction. Cale was Delaware's Governor when the building was authorized and he was U.S. Senator when the building was funded. It was due largely to his efforts on the Senate Appropriations Committee that the funds were finally appropriated for its construction in 1970.

Because of Cale Boggs' service to the public for so many years Senator BIDEN and I wished that the building be named after him. As I stated at the dedication of this building I took definite steps to have this building named after Cale Boggs but these efforts were blocked by an unofficial rule that no Federal building can be named after a living person unless that person has reached age 70.

Senator BIDEN and I join in supporting the Delaware State Senate resolution introduced by Senator Holloway that the new Federal building be named for J. Caleb Boggs, and request unanimous consent that it be printed in the RECORD.

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

SENATE RESOLUTION NO. 233

Requesting the Delaware congressional delegation to have the new Wilmington office building named for J. Caleb Boggs, an outstanding citizen of Delaware for the past 30 years

Whereas, the career of the Honorable J. Caleb Boggs has been associated for nearly 30 years with the progress of the State of Delaware; and

Whereas, during his 30 years of public service, J. Caleb Boggs, of Green Acres, served in World War II, served as Governor of Delaware for two terms, served in the U.S. House of Representatives for three terms, and served as a United States Senator for two terms; and

Whereas, throughout his career J. Caleb Boggs has exemplified the best ideals in public service while maintaining an exemplary private life; and

Whereas, the said J. Caleb Boggs continues as an attorney practicing in Delaware and Washington, D.C., to make friends for this state because of his modest and genial approach to people and problems; and

Whereas, the General Services Administration has now completed construction of the New Wilmington Federal Building; and

Whereas, this building has been dedicated but not named; and

Whereas, it would be fitting and in the public interest to recall the outstanding career of J. Caleb Boggs by naming the New Wilmington Federal Building the J. Caleb Boggs Building; now therefore, be it

Resolved that the Senate of the 127th General Assembly of the State of Delaware does by this resolution request the members of the Delaware Congressional Delegation, U.S. Senator William V. Roth, U.S. Senator Joseph R. Biden, Jr., and U.S. Representative Pete duPont to act in concert have the New Wilmington Federal Building named the J. Caleb Boggs Building in honor of Delaware's former United States Senator, U.S. Representative and Governor, be it further

Resolved that copies of this resolution be properly addressed and sent to His Excellency, Richard M. Nixon, President of the United States, with whom Mr. Boggs served in Congress, and that other copies be sent to members of the Congressional Delegation.

REPRESSION OF SOVIET JEWS

Mr. TUNNEY. Mr. President, I am shocked and outraged by the widespread repressive measures which the Soviet officials took against Soviet Jews to prepare their "welcome" for President Nixon. Over 50 Soviet Jews who been seeking permission to emigrate were arrested. Others were called up for military duty, in order to take them away to a "safe" place during the visit of the President. Many Jews were forced into hiding to avoid being arrested or shipped off to the military.

Soviet authorities feared that the presence of these Jews in public might call attention in the West to the unsolved problem of Soviet emigration practices about which the U.S. Congress and the American people have voiced deep concern. The Soviet officials preferred to keep these Jews in prison or in the military reserves during the President's visit so as not to remind the world that Soviet citizens were not free to exercise the internationally recognized human right to emigrate.

Some of the Jews arrested were Moscow scientists who have been waiting for years for permission to emigrate and who have been dismissed from their jobs for applying to leave. They, together with prominent scientists from various other countries, planned an international scientific seminar, July 1-5, in Moscow, in order to provide the long out-of-work

Moscow Jewish scientists the opportunity for professional exchange with their peers. Soviet officials prevented this seminar from being held by imprisoning the Moscow scientists who were organizing the seminar and by forcing them to withdraw their plans for the meeting.

One of those Moscow scientists arrested was Aleksander Luntz, a mathematician, with whom I spoke directly by phone only a few months ago and with whose plight I have been deeply concerned. During my conversation with Dr. Luntz, he told me.

I want to tell you that all of us are being held hostage here. . . . We will not cease our struggle for our basic human rights, and to emigrate to Israel.

Today, Dr. Luntz is no longer simply a hostage within the U.S.S.R., unable to obtain an exit visa; he is a prisoner of the KGB, to insure his silence and invisibility during President Nixon's visit, and to force a halt to the seminar plans.

A similar series of arrests and military callups of Soviet Jews occurred before the President's last Moscow summit meeting in May 1972. This time, the officials' "protective round-up" is even more widespread and blatant. Reportedly, agents searching recently for one Soviet Jew told the man's brother that they had an order to hold him for 15 days, which would cover President Nixon's visit of June 27–July 3.

But arrests and persecution of Jews trying to leave the U.S.S.R. are not reserved exclusively for summit meetings. They are ongoing. More than 30 Jews are languishing in Soviet prison camps, sentenced to long prison terms, for their efforts to emigrate to Israel. Late reports indicate more than 30 arrests in recent days in Moscow, an additional 17 in Kishinev, and detentions reported in Leningrad, Odessa, and Kiev. And the trial preparations continue. Events unthinkable under a judicial system such as ours are commonplace, everyday occurrences in the lives of Soviet Jews. Yuri and Anna Berkovsky of Novosibirsk, for example, whose only "crime" is that of seeking to emigrate, were arrested, subjected to police investigations, and now finally served with false criminal charges. It is expected that the Berkovskys will be brought to trial shortly to serve as a warning to other Jews from their city who may be thinking of applying to emigrate.

Are these actions by the Soviet authorities measures to inspire the confidence of the U.S. Congress and the American people in détente? If suppression of the rights of individuals is a necessary component of the new relationship between the United States and the U.S.S.R., we need to stop and rethink what the United States is attaining by pursuing a "détente" with the Soviet Union.

I am all for improved relations and eased tensions between our two countries, but such improved relations must include not only increased trade and economic exchanges, but also a guaranteed basic respect for the internationally recognized human rights and individual liberties of those within our countries' borders. The Soviet press gave widespread coverage to the remark made by President Nixon at the Naval Academy graduation in Annapolis, that emigration was an internal Soviet affair. This stance has apparently encouraged the Soviet authorities to continue and even to enlarge upon their crackdown on those Jews who have indicated a desire to emigrate. Clearly, the U.S. Congress and the American people are outraged and appalled at the policies being pursued within the Soviet Union, and we would not wish to give the Soviet Government the impression that the free world condones this blatant denial of basic human rights.

I urged the President and the Secretary of State to protest these arrests and violations of the rights of Soviet Jews, and to impress upon the Soviet officials the widespread American concern that they correct their repressive emigration practices before seeking further economic concessions from the United States. Therefore, I joined with a number of my colleagues in the Senate to send a telegram to President Nixon, before his departure, to reiterate the importance which we place on this issue.

Mr. President, I ask unanimous consent to have the text of that telegram printed in the RECORD.

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

"Dear Mr. President,

"We are greatly concerned at reports of a Soviet round-up of dissidents and Jewish activists in preparation for your visit. This is an appalling beginning for a visit that is aimed at improving U.S.-Soviet relations and easing tensions.

"We strongly urge you protest this action to Soviet leaders and publicly reject these repressive tactics. The argument in your Annapolis speech that so-called domestic affairs are beyond the reach of détente could give the Soviets the false impression that they can persecute minorities and dissidents with no adverse impact on American opinion and on support for détente. This is an additional reason to put this issue high on your agenda in your talks with General Secretary Brezhnev."

NEBRASKA REPUBLICANS SUPPORT PRESIDENT NIXON

Mr. CURTIS. Mr. President, on June 29, 1974, the Republican Party held their State convention in Lincoln, Nebr. It was well attended and an enthusiastic spirit prevailed throughout the convention. The delegates were interested in the business that was conducted and a sense of determination was evident.

This convention adopted a resolution supporting President Nixon. It is a fine resolution and I think that it belongs in the CONGRESSIONAL RECORD.

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

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

Whereas, Richard M. Nixon had the wisdom and courage to act decisively, in spite of popular disapproval, to bring to an end the protracted conflict in Viet Nam, which two previous administrations had failed to resolve over an extended period of years, and,

Whereas, he was instrumental in making the big decisions which resulted in a truce between the hostile nations of the Middle East, and laid the ground work for a complete political solution of a struggle which has plagued that part of the world for over a quarter of a century, and,

Whereas, in spite of political opposition from within and without his own political party, he has continued to lead our nation courageously and decisively, and has commanded the respect of the majority of the thinking people in our country; while at the same time maintaining his own personal poise through political crises that would have destroyed a less disciplined and durable leader; therefore be it

Resolved, that we reaffirm our continuing confidence in the leadership of Richard M. Nixon and pledge our loyal support to him as President of the United States. May God bless him with wisdom, courage and strength to lead our country; be it further

Resolved, that a copy of this resolution be sent to the President of the United States and the Omaha World-Herald, Senators Curtis and Hruska, and Congressmen McCollister, Thone and Martin.

THE PROBLEM OF RECIDIVISM

Mr. STEVENSON. Mr. President, a key and chronic problem in our criminal justice system has been recidivism. At the Cook County jail in Chicago, however, there is an organization which is doing something about this problem. That organization is the PACE Institute. PACE stands for Programed Activities for Correctional Education, and it offers a basic academic program as a prelude to vocational training. It was founded in 1967 by the Reverend John R. Erwin, a jail chaplain, and the present project director of PACE is Jack Solomon.

On June 17, an article written by Bob Wiedrich about the PACE Institute appeared in the Chicago Tribune. The article is entitled "Inmates get key to the outside," and it details PACE's enormous successes. I believe the PACE program offers an example to all of us of how a good rehabilitation program can work, and how it can offer new hope to the inmate. So that all my colleagues can have the benefit of understanding the PACE program, I ask that Mr. Wiedrich's article be printed in the RECORD.

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

INMATES GET KEY TO THE OUTSIDE

(By Bob Wiedrich)

What's happening around town, you say? Plenty, boy, at the Cook County Jail.

PACE Institute. That's the place where the action is. And plenty of it, especially if you're a young white or black, Chicano or anything else, doing jail time for a misdemeanor, and probably functionally illiterate to boot.

That's a lot of strikes in your personal ballpark. But PACE Institute is the place to start hitting home runs. Lots of guys before you have done just that. And with worse criminal records than yours.

According to Jack Solomon, project director of PACE [which happens to mean Programmed Activities for Correctional Education], most of those enrolling in this continuing seminar on escaping the lawless wilderness have already been housed behind bars six or seven times. Only about 10 per cent are first offenders.

So you see, fella, there is hope for you, too, if only you'll knuckle down in this jailhouse school and take a crack at learning to function on the outside without stealing.

How's that grab you?

No more knowing that fear when the police arrest you for ripping off a TV set. No more being dumped into a stinking paddy wagon or a stinking lockup on a hot summer night.

No more lying on your back and staring at the bars. No more facing a judge and a jury with the sweat running down your back and your throat gagging on the lies you know no one will believe.

No more holes in your shoes, man. No more empty pockets. No more envy of the guy with an honest buck in his jeans. No more running down dark alleys. No more crying. No more pain.

Hey, man! Join the human race. Join PACE. And put those eight or nine months of time you gotta do to good use. That's what it's all about.

So far, 713 inmates of the County Jail have been graduated from the program which offers a basic academic program as the prelude to vocational training that might get you on your feet and out of the hoosegow for the rest of your life.

Founded in 1967 by the Rev. John R. Erwin, a jail chaplain, only about 22 per cent of the PACE trainees ever return to jail compared with an average of 75 to 80 per cent who once again hit the skids within a year after release, if they haven't had such training.

Sixty-five per cent of the men in the program have never had a single year of continuous work experience before joining PACE. Now 175 of the 713 trainees have been working at the same job for three or more years.

One is a former thief who went on to computer school after getting out of jail and has since become the top salesman of his alma mater, winning free trips to Acapulco as a bonus. Another ex-inmate, who studied carpentry at PACE, now has his own business.

Others are television and electric appliance repairmen, welders, auto mechanics, plant supervisors. And one already has a bachelor's degree in psychology and is working on his master's in criminal justice with the intention of becoming a lawyer.

Frankly, none of these men were any different from the 100 inmates or so who are constantly enrolled in PACE thruout the year, learning reading and writing and arithmetic before going on to shop courses that could make the difference between life or prison.

It's an individualized program for individuals, in which the trainees make their own decisions about which way to go, subject to a realistic staff appraisal of their abilities.

Trainees attend classes 40 hours a week, plus evening session with 178 community volunteers who offer practical experience and expertise to supplement textbook and shop learning.

The Rev. Mr. Erwin and Solomon estimate 7 to 8 per cent of those joining PACE are nonreaders, even tho many have passed the 8th and 9th grades. But they learn how to read and how to communicate and develop a vocabulary.

Once an inmate graduates, counselors and job placement personnel help them land employment outside the jail house walls, thanks largely to corporate supporters of the institute, which sustains itself with a dedicated blend of private, state, and federal funds. About a third of the annual $900,000 budget comes from private citizens.

The program has proven such a success in turning out productive members of society, County Corrections Director Winston Moore has asked Solomon to open a similar school for women inmates this summer.

Solomon figures it costs $3,750 per trainee to operate PACE annually. But Oscar Getz, chairman of the institute's fund raising Committee of 100 points out it takes about $12,000 a year to keep a man in jail.

So the comparative mathematics are relatively obvious. Train them and mold them into decent citizens. And they won't return to prison.

That's what's happening, man. You ought to try it. Or, better yet, if you're not in jail, support it.

LOOKING TO THE SUN FOR ENERGY ANSWERS

Mr. HUMPHREY. Mr. President, on July 5, an interesting article entitled "As Energy Grows Scarcer, Science Again Looks to the Sun," written by Bayard Webster, appeared in the New York Times. This article emphasizes what I have maintained for a long time; namely, that solar energy deserves very serious consideration as a potentially key ingredient in the solution of our Nation's long-term energy problems.

Development of solar power in the sixties was very slow, due in part to a broad based lack of public support. In the past 2 years, appropriations have increased substantially, but we must do much more if we are to tap the great potential of the Sun.

The demand for energy in the United States is growing annually at a rate of 5 percent. Our oil and gas reserves are being depleted at a rapid pace. We must begin now to alleviate our dependency on oil as the primary energy source. Power from the Sun is a logical alternative.

Presently, the main obstacle in the expanded utilization of solar energy for home heating and cooling is the high level of initial costs. However, with a boost from the Federal Government, private research would soon develop cheaper methods to make solar energy more economically feasible. Even at present prices, long-term use of solar energy to heat and cool homes would be less expensive than traditional methods, due to the lack of any charge for the use of fuel.

Recent studies by NASA and MIT have projected that within 45 years, the Sun will provide between 25 and 35 percent of the energy required for home heating and cooling. We in Congress must do our part to see that this figure is reached, and in less than the projected 45 years.

As author of the Solar Energy Research Act of 1974—S. 3234—I am pleased to report to my colleagues that a very positive hearing on this bill was held by the Senate Interior Committee on June 27.

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

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

SCIENCE AGAIN LOOKS TO THE SUN AS ENERGY GROWS SCARCER

(By Bayard Webster)

While the sunne shineth—make hay.—John Heywood [1546].

The sunlight that most people take for granted makes it possible to grow all the plants on earth, make skyscrapers appear to be spires of gold, produce air currents that turn 100,000 windmills and make dewdrops sparkle like diamonds.

To the layman it is usually something to enjoy.

But to solar and energy scientists, aware of the growing worldwide shortage of power, sunlight is a form of electromagnetic radiation that, in the space of about eight minutes, reaches from a star across 93 million miles of space and descends on the earth with a tremendous energy that has yet to be tapped in any significant amount.

In the United States alone, it has been estimated that some 9,000 trillion kilowatt-hours of solar energy are received annually, the equivalent of power available from 1.15 trillion tons of coal. That is almost 2,000 times as much as current annual United States production.

SCIENTISTS SENT SCURRYING

Today, as the prices of conventional fuels go up and supplies go down, it is not hard to see why the promise of power from the sun has aroused the interest of governments and industries, home owners and utilities, and has sent scientists scurrying into labs and deserts and onto roofs to see how this energy source can be captured and used efficiently on a broad scale.

How soon the promise will become a reality for the average home-buyer is a matter of conjecture, but one major concern announced a few weeks ago that it expected to enter the solar-heating field for homes this month.

Such a move, the first by any large industry, is regarded as a strong indication that within the next year or two a majority of new home buyers will have the option of installing a solar-heating unit. The unit would be relatively expensive initially and would provide no more than 50 to 85 per cent of the total heating requirements.

Although solar applications range from simple hot water heaters and crop dryers to home heating and cooling and from electricity produced by solar cells to large power-plant installations, the center of attention today is how to achieve commercial production of cost-competitive solar heating units for residences in the near future.

At a National Science Foundation solar-energy workshop held a few weeks ago in Arlington, Va., most of the 500 architects, engineers, homebuilders, Government officials, planners and researchers who attended shared the belief that commercially designed components and systems for solar heating of new homes would be relatively commonplace in a few years.

They felt that it would be from three to five years before combined—and more sophisticated—heating and cooling systems would be available. And it will be much further into the future before such application as solar cells for home electricity production and multi-megawatt solar plants for large-scale electrical output come into being.

But, for the new-home buyer, the most encouraging note sounded at the conference was an announcement by PPG Industries in Pittsburgh that it was going to start production of solar-heat collectors for sale on the commercial market within the next few weeks. This is the first move by a major industrial concern to get into the solar-energy field.

This commercial activity has been triggered by a combination of problems that are compounded because the demand for energy in the United States is growing close to 5 per cent a year.

These problems include sharp rises in costs for oil, gas and electricity, depletion of oil and gas reserves in a few decades, despoliation of land by coal mining, increasing problems with nuclear power, a lack of additional hydroelectric power plant sites and the realization that geothermal power can provide only a small fraction of future needs.

As a result, alternative power sources are now being intensively investigated, with solar energy leading a list that includes production of hydrogen, methane and methanol,

oceanthermal and tidal-energy conversion and wind conversion.

In the United States there are already some two dozen solar homes, mostly experimental installations constructed by engineers with funding and technological aid from universities, private business and the Federal Government. Ten to 20 other solar-heated homes are known to exist in other parts of the world.

In one of its simplest forms, the home solar-heater comprises a collector box, or boxes, usually on the rooftop facing south, containing black-coated waterpipes over a black surface. The box is covered with one or several layers of glass. The glass permits sunlight to enter but keeps radiant heat emitted by the pipes and black surface from escaping into the atmosphere.

The water in the pipes is heated by the sun and is circulated through the house by a small pump using an auxiliary power source. The water may be stored in a heavily insulated tank where it can retain its heat for one to five days. It would thus furnish heat at night or when the sun is clouded over.

Some plans call for circulating air around the hot water tank and heating the house with warm air driven by a fan that uses auxiliary power. Still others circulate air directly over the black collector plates and distribute it around the house.

The cost of any of these units, which provide from 50 to 85 per cent of a home's heating needs, would range from $2,000 to $5,000 depending on the size of the home and other factors. Installation of units in older houses would be even more expensive. This initial outlay compares with a cost of $1,000 to $2,000 for a conventional furnace heating system.

Solar energy advocates are quick to point out, however, that over a 20-year life-cycle solar heating would be cheaper than the conventional units because there would be no fuel costs.

The PPG Industries collector boxes are expected to retail about $5.80 a square foot. Solar engineers' rule of thumb says that present-technology solar-collectors should equal about a third of a home's internal square footage.

By that rule, a 1,000-square foot home would need some 3000 square feet of solar collectors. This would cost $1,800 alone, plus charges for shipping, storage tank, plumbing and installation.

Many proponents of solar energy say the Federal Government's lack of interest and its stinginess over the last few decades are responsible for the still-high initial cost of solar-energy technology. They often cite a General Accounting Office study that shows that from 1950 to 1970 Federal spending averaged $100,000 a year for solar-energy research.

Allocations since then have risen steadily to a current total of $50-million, although not in increments large enough to please solar-power enthusiasts.

Even so, the National Science Foundation is funding and testing a variety of solar-energy applications across the country.

Among these is the nation's largest solar project, now under construction in Denver. A $747,000 solar plant will be used to heat a 278,000-square-foot classroom center at Denver Community College. The total cost will be about $10-million, and the solar system designers claim that with the rising cost of conventional fuel, it will pay for itself in 10 years. Fuel costs for the plant, of course, are zero.

Also on the drawing board or already in work are such industrial and institutional projects as a new conservatory and administration building for the New York Botanical Garden in Millbrook, N.Y.; four public schools in Maryland, Minnesota, Massachusetts and Virginia, and a project at Arizona State University that will attempt to determine how best to deploy photovoltaic (solar) cells for optimum efficiency.

Most researchers believe that, eventually, electrical generation by solar cells will become cheap and efficient enough for general use. Now used mainly in outer-space vehicles or other applications where relatively little power is needed, the cells' main drawback is high cost. But new methods of mass producing the silicon cells—now manufactured individually—by a low-cost, continuous-ribbon technique are being developed.

On a more immediate level, Arthur D. Little, Inc., the industrial consultant firm in Cambridge, Mass., is conducting a study for some 80 commercial concerns to define the technical, economic and marketing prospects for solar climate-control technology.

* * * study so far indicates that there is considerable market potential for solar energy devices, especially the smaller home heating devices that could be sold at relatively low cost.

According to Dr. Peter E. Glaser, vice president of Arthur D. Little, who is conducting the study, commercial development could be so rapid that in 20 years the saving in conventional fuel sources in the United States alone could equal two million barrels of oil a day—the amount expected to be flowing through the Alaska pipeline.

OUTPUT IS SMALL

At present a score of industrial concerns, mostly small, declare themselves to be in the solar home heating field, but their output is tiny.

Why, then, with the technology available, with the desire of hundreds, and probably thousands, of homeowners to build solar homes, and with the fast-rising costs of oil, gas and electricity, isn't solar heating already a major factor in the marketplace?

According to observers in the field there are many reasons. Among the main reasons is lack of availability and a scarcity of sales outlets for them. As one witness who testified at a recent Congressional solar-energy conference said: "There isn't any friendly, neighborhood, solar energy store you can go to when you want a new heating system or you want some advice about one."

But despite these obstacles, the prospects for the immediate future of solar heating are not unbright, as the following indicate:

The Government has already earmarked $200-million solar-energy programs over the next five years and may provide more.

There are 16 bills before Congress designed to support solar energy. One of them, the Solar Heating and Cooling Demonstration Act, passed by both Houses, will provide $50-million to subsidize development and use of solar units in 2,000 homes, schools and factories.

Two states, Indiana and Arizona, offer reduced property-tax assessments for homeowners who buy and use solar heating and/or cooling equipment.

At least two bills have been prepared in Congress proposing individual income-tax reductions of up to $3,000 to help defray costs of installing solar units in homes.

A few decades ago, thousands of solar home and water heaters were in use in this and other countries. But, as gas and oil became readily available and cheaper to use, solar heaters became a costlier and less convenient alternative. Today the situation is slowly but inexorably reversing itself.

GOVERNMENT AID FAVORED

Three recently made independent studies project different, but extremely optimistic, forecasts as to the future viability of solar heating and cooling.

Two of these studies—one by the National Aeronautics and Space Administration with the National Science Foundation, the other by TRW Systems—estimate that solar energy, if given strong support, could supply up to 35 per cent or more of the nation's heating and cooling needs by the year 2020, little more than four decades hence.

The third study, by Walter E. Morrow Jr. of the Massachusetts Institute of Technology puts the figure at 25 per cent power by 2020.

Today, the advocates of solar energy feel that its practicality and benefits have been demonstrated and that its technology for simpler application is now available. What remains to be done, they say, is to make it available to the consumer, a job best done by private industry with the help of Federal and local governments.

Then it can be used, they add, first by hundreds, then by thousands and more, to provide a continuous, non-depleting energy source.

The original small band of solar partisans is now being joined by scores of representatives from the fields of science, government and industry who say that the sun—the engine that drives the earth—can now be harnessed to provide non-polluting energy.

AVERAGE SOLAR ENERGY RECEIVED AT SELECTED CITIES

(Million kilowatt-hours per acre per year)

El Paso, Texas, 9.5.
Fresno, California, 7.8.
La Jolla, California, 7.0.
Miami, Florida, 7.0.
Salt Lake City, Utah, 6.7.
Lincoln, Nebraska, 6.3.
Cleveland, Ohio, 6.1.
Washington, D.C., 5.8.
Seattle, Washington, 5.4.
Boston, Massachusetts, 5.2.
New York City, 4.9.
Source: Daniel S. Halacy Jr.

THE DEATH OF FORMER SENATOR ERNEST GRUENING, OF ALASKA

Mr. MONDALE. Mr. President, it was with great personal sorrow that I noted the death of former Senator Ernest Gruening, of Alaska. As one who was privileged to serve with Senator Gruening, I can personally attest to the fact that Alaska, this entire Nation, and the world have lost a great citizen.

Senator Gruening lived a multifaceted life. He was an honored journalist with the Boston American, the Boston Traveler, the New York Herald Tribune, the Nation magazine, and the New York Post. His journalistic crusades on behalf of civil rights and social causes and against governmental corruption brought him fame beyond the boundaries of his journals' circulation. He was a diplomat who served as official adviser to the Pan American Conference at Montevideo at which the foundations of lasting friendships with our Latin American neighbors were laid.

Ernest Gruening went on to serve as Director of the newly created Division of Territories and Island Possessions within the Department of Interior. In 1939, President Roosevelt appointed Ernest Gruening Governor of the Territory of Alaska, beginning an association with Alaska that was to extend over a 35-year period.

As Governor, Gruening championed the interests of Alaska and its citizens. He fought to preserve Alaska's valuable natural resources, to improve the education and public services available to

Alaskans, and to make Alaska our 49th State.

Ernest Gruening probably did more than any man to bring Alaska to full partnership in our United States. When his dream was realized, he went on to serve as U.S. Senator and to continue his fight for Alaska's progress.

As a Member of this body, Mr. President, Senator Ernest Gruening's concern was for all Americans. He fought for civil rights for all Americans; he worked for improved education and health care for all Americans; and he dreamed of a peaceful world and never stopped working toward that goal.

Senator Gruening was one of the Senate's earliest and most outspoken critics of the American involvement in Vietnam. When, at age 81, Ernest Gruening left the Senate, he continued to bring his views to the American people as a tireless speaker and campaigner. All who knew him admired his energy, his dedication, his leadership, his intelligence, and his integrity.

I wish to extend my condolences to his wife, Dorothy, to his son, Huntington, and to the many relatives and friends of this great man.

REAL ESTATE SETTLEMENT PROCEDURES BILL

Mr. TUNNEY. Mr. President, I am voting against the Real Estate Settlements bill, S. 3164. I ask unanimous consent that an article by Kay Mills of the Newhouse News Service be printed in the RECORD.

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

SETTLEMENT COST FIGHT CONTINUES

(By Kay Mills)

Virtually anyone who has ever bought a house still winces at the words "settlement costs."

Settlement costs are the charges the buyer pays to close a deal—payment for such items as checking records to determine that the title to the house is clear, insuring that title, orginating a loan and recording the deed. A 1971 federal survey showed closing costs across the country varied from $200 to $5,000.

Why, then, are consumer organizations and some labor unions mobilizing to fight legislation which ostensibly would reform settlement procedures?

Because, says Elizabeth Langer, legislative director for the Consumer Federation of America (FCA), pending bills would repeal what little federal authority there is to regulate settlement costs without substituting any real reforms. So CFA has asked Sen. Robert C. Byrd (D-W. Va.), the majority whip, to postpone consideration of one of the measures to allow time to educate senators on what legislation it thinks is really needed.

The bills to which CFA objects are sponsored by Sen. William Brock (R-Tenn.) and Rep. Robert G. Stephens, Jr. (D-Ga.). They would repeal a provision of the 1970 Emergency Home Finance Act that allows the Department of Housing and Urban Development (HUD) and Veterans Administration to set standards to regulate settlement charges for homes backed by FHA or VA mortgage loan guarantees. That is about one-third of all home mortgages.

HUD has never used the authority. Brock argues that his bill, which would require notice of settlement charges at least 10 days before closing and prevent kickbacks from settlement companies to attorneys referring clients, would go more directly to the closing cost problem.

The Brock bill also would limit the amount of money a bank could require the buyer to put up at settlement to be held to cover future property taxes.

"Any reduction in settlement charges resulting from the Brock-Stephens reforms would be many times offset by the increase in settlement charges" triggered by the repeal of HUD's authority, CFA said in a position paper submitted to Byrd. The statement was co-signed by the National Consumers Congress, Ralph Nader's Congress Watch and the meat cutters, communications, steel and garment workers unions.

CFA added that while HUD has not used its authority, "a future secretary might be more consumer-minded."

Sen. William Proxmire (D-Wis.), soon to become head of the Senate Banking, Housing and Urban Affairs Committee, which handles such legislation, agrees with the consumers. "He simply doesn't think disclosure will do the job," an aide said.

If a consumer learns 10 days ahead of closing that costs are much higher than he anticipated, the aid added, he has little time to shop for another title company before his contract requires him to conclude the deal. He could jeopardize his financing—hard enough to come by today—and the contract and his deposit as well.

Retaining the authority HUD does have, Proxmire said, keeps some ceiling on settlement costs. While he has questions about federal regulation in this field, Proxmire favors that approach or requiring the lender to pay some or all of the closing costs.

Rep. Leonor K. Sullivan (D-Mo.), a high-ranking member of the House Banking and Currency Committee, agrees. She wrote recently that the HUD authority is "the main item that is now motivating" settlement reform legislation at the state level.

"In effect, real estate developers, lawyers, residential mortgage lenders, title insurance companies and others have been placed on notice that settlement transactions for federally insured and guaranteed residential mortgages could be regulated by a simple administrative decision to do so," she added.

Mr. TUNNEY. Settlement costs—what the consumer pays to close a real estate transaction—have been a serious problem for many consumers. There are tremendous disparities in what a consumer is charged in different areas of the Nation. For example, according to a recent study, the costs of title assurance, which include survey fees, title insurance, title examination, conveyancing, closing fees, recording fees, escrow fees, and other fees, varied in 1972 from $186 in Denver to $482 in Los Angeles to $560 in Washington, D.C. Kickbacks—payment of referral fees by settlement companies to lawyers referring clients—boost settlement costs in some States. Other hidden costs are usually not itemized on the consumer's settlement bill.

S. 3164, the Real Estate Settlement Procedures Act, is designed to protect the consumer by prohibiting kickbacks and requiring itemization, in advance of actual settlement, of all settlement charges. These provisions are meant to let the consumer know exactly what he is paying for.

Unfortunately, this bill is critically defective because it also repeals the authority of the Secretary of Housing and Urban Development to regulate settlement rates. The bills antikickback and cost-disclosure provisions would fail, I think, to guarantee fair market prices in an industry which is both inherently uncompetitive and not well understood by the average home buyer. Since the consumer is not usually able to shop around, fair and competitive prices are, in some States, the exception rather than the rule.

Although the regulatory authority now on the books is not presently used, its very existence serves and should continue to serve as a deterrent against grossly unfair settlement charges. Moreover, the existence of this authority is apparently motivating real estate transaction reform on the State level.

Since the present bill would repeal the HUD Secretary's authority to regulate settlement rates, I must vote against it.

FOOD FOR PEACE OR WAR?

Mr. McGOVERN. Mr. President, as one who had the privilege of directing the U.S. food for peace program in 1961 and 1962 under the late President Kennedy, I am increasingly disturbed by the perversion of this program.

In recent years, it has come to be used as a device to generate budget support for corrupt warlike regimes, especially in Indochina. The Congress last year passed legislation to prevent this misuse of the program, but the administration has found new ways to bypass the intent of the Congress.

The fact is that in the fiscal year just ended, more than half of all food for peace aid was used to back military regimes in South Vietnam and Cambodia. In these two instances, American food was sold for local currency, with the currency then being donated by the United States to pay military costs. It is outrageous that more than half of our dwindling food for peace aid should be sent to areas where there is actually a food surplus; namely, Indochina.

The House has wisely passed an amendment that would prevent the administration from allocating more than 10 percent of our food for peace appropriations to any single country. This would put a $42½ million ceiling on food for peace aid to South Vietnam and Cambodia. It is very important that the Senate retain this provision in the agricultural appropriations bill as passed by the House.

I ask unanimous consent that an editorial in the Monday, July 8, 1974, issue of the Minneapolis Tribune on this question be printed in the RECORD.

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

[From the Minneapolis Tribune, July 8, 1974]

FOOD FOR PEACE OR WAR?

For years one of the least-questioned forms of U.S. foreign aid was the Food for Peace program. Set up 20 years ago under Public Law 480, it was aimed at making use of surplus U.S. food production to develop markets overseas, help feed the world's hungry and "promote in other ways the foreign policy of the United States." But whatever its first altruistic aims, Food for Peace had been turned by the late 1960s and early

1970s mainly toward supporting American war efforts in Indochina.

More recently the Nixon administration has used it to circumvent congressional limits on military aid to countries in Indochina. In the fiscal year just ended, for example, half of all Food for Peace aid was allocated to the pro-U.S. forces in South Vietnam and Cambodia. In each country the food was sold for local currency. Much of this currency was then given by the United States to the local governments to pay soldiers' salaries and other military costs.

Last December—angered by the administration's use of Food for Peace—Congress passed legislation prohibiting any military use of funds generated by the program unless specifically authorized by Congress. That ban went into effect last Saturday. In its legislation, however, Congress had failed to take account of the ability of Saigon and Phnom Penh—aided by U.S. officials—to get around the intent of Congress. Saigon did this by channeling its aid-generated funds into other non-military areas of the economy, freeing up equal amounts of money for military purposes. Phnom Penh did it by simply allowing the funds to pile up in government bank accounts and then printing an equal amount of new money to pay soldiers.

Congress now is considering a further restriction: a House-passed amendment that would prevent the Nixon administration from allocating more than 10 percent of PL 480 appropriations to any single country. This would put a $42.5-million 1974–75 ceiling on Food for Peace aid to South Vietnam and Cambodia, the two main targets of the program's critics. We hope it passes.

The responsibility for deciding who gets what out of Food for Peace lies with a Washington interagency body that consistently has bowed to Secretary of State Kissinger's demands for massive shipment to Indochina. Pleas for a bigger share for some 90 other poor countries receiving little or no U.S. food aid have been largely ignored. The administration has shipped millions of dollars worth of food aid to South Vietnam and Cambodia, where there is no serious food shortage. And yet it is planning to spend only $4 million for food for the Sahel region of Africa, where drought has brought widespread suffering. If this is what the Nixon administration thinks Food for Peace is all about, then its priorities are out of whack.

AN INTERVIEW WITH HENRY JACKSON

Mr. HUMPHREY. Mr. President, I call the attention of my colleagues to an article by Geri Joseph, contributing editor of the Minneapolis Tribune, which appeared in the June 16 issue of that newspaper. The article reflects Mrs. Joseph's interview with our distinguished colleague from Washington, Senator HENRY JACKSON. It perceptively captures the basic integrity and strength of this dedicated and competent public servant whose leadership capacities are becoming increasingly evident to the American public.

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:

[From the Minneapolis Tribune, June 16, 1974]

AN INTERVIEW WITH HENRY JACKSON

(By Geri Joseph)

Old-fashioned virtues have not counted for much in the recent, media-minded world of American politics. They have been, for example, no match for the vague but much-sought-after quality known as charisma. Further, a suspicion lingers that to be old-fashioned is to be obsolete in terms of today's problems.

It is possible, however, that Sen. Henry (Scoop) Jackson, an old hand on Capitol Hill, is out to prove that charisma is not everything, and old-fashioned virtues have a place in the modern world after all.

Disciplined and hard-working, as unassuming as a next-door neighbor, the senator from the state of Washington has earned his share of news stories over the years. But nothing in the past can compare with the attention he is getting now.

At a remarkably youthful 62, when others begin to think of retirement, Jackson has reached an apex in his admirable career. Probably no other man or woman in Congress has so powerful—though not uncontroversial—a voice on so many leading issues. It is as if all the pieces of his 34 years in public life have fallen suddenly, luckily, into prominent place. Oil and energy, detente and trade policy with the Russians, nuclear weapons and land use, to name a few.

And there are some Democratic politicians who figure that the presidency, too, may be in Jackson's immediate future. Certainly he is one of two or three Democrats at the top of everybody's list of possibles.

In a recent interview with Jackson in his comfortable, uncluttered Senate office, conversation covered many subjects—from adverse effects of affluence on young people, to the opposition his nomination is likely to arouse from his party's left wing.

But again and again, he came back to two issues on which he has been catching plenty of heat. One is his outspoken skepticism about the value of detente as pursued by the Nixon administration. The other is his trade-bill amendment that requires countries seeking most-favored-nation trade status with the United States to allow free emigration. The amendment is worded generally, but applies clearly to Soviet Jews who wish to leave Russia.

For his critical questioning of detente, Jackson has been called a Cold War warrior, a hard-liner and a man who cannot change with the times. He shrugs at those descriptions, although the cold-warrior phrase slightly ruffles the usually calm manner. He is for detente, he explained, but he wants it to mean not just better business and the movement of commercial cargo, but the movement, too, of people and ideas.

He would take a tougher bargaining stance than Secretary of State Henry Kissinger. "Henry does not pick on those things he thinks the Russians won't accept or like. I say the whole purpose of negotiation is to discuss hard things on which we differ."

Jackson wondered frankly if the Cold War "is really over" or merely disguised. He referred several times to the Russians' desire for "primacy." When you examine detente, he said, "What have we achieved since that great and glorious word came into the vocabulary? He listed what he regards as benefits to the Russians. There was the wheat deal. ("We were had.") Another example: the joint space venture in which the United States will put up $240 million, the Russians nothing. ("I call it 'wheat in the sky.'") Further, in trade agreements and the strategic arms limitation talks, Jackson claimed the Russians have come out ahead.

"Kissinger says the United States is benefiting from detente through a better world climate and good will," Jackson said. He snorted, "Good will? Like being eyeball to eyeball in the Middle East? With the Russians telling the Arabs to keep the price of oil high? With Gromyko doing everything he could to break up the negotiating efforts?"

As for his insistence that the Russians change their emigration policy before getting most-favored-nation status, Jackson said quietly, "This is a moral, civil-liberation issue." He denied that his amendment is a calculated play for Jewish votes. His Norwegian heritage taught him respect for human rights and liberties, he said, and his horrified reaction to Buchenwald concentration camp in 1945 reinforced that belief. From that time on, he became a staunch supporter of the state of Israel.

"Where I get in trouble on foreign policy," he added, "is I have very strong views on individual liberties. But at least I'm consistent. I voted against aid to Greece and for the embargo on Rhodesia." He spoke with feeling of Soviet emigres who visit his office to thank him. "I feel a personal responsibility not to let these people down," he explained. "You know, it says in the Talmud that if you save one life, you help save the world."

Jackson critics fault him—oddly enough in these times—for his consistency and his unwillingness to compromise. But the senator pointed out that he has changed his mind many times during his long career, and he has had to compromise on almost every bill he has introduced. The time may have arrived when he will have to compromise on his trade-bill amendment.

"But I am not a bowl of mush," he asserted. "And I do have strong convictions." He also has a blunt directness to his speech, a respectful regard for the rights of others and a solemn belief that the right of free speech means "the right to sound like a fool on occasion."

If all those old virtues ever replace charisma, Scoop Jackson could be a prime beneficiary.

THE NEED FOR BUDGETARY BALANCE

Mr. TUNNEY. Mr. President, the White House recently announced its intention to trim $5 billion from its budget for fiscal year 1975. This would reduce the deficit from $11 to $6 billion.

We are belatedly seeing some administration leadership on the problem of inflation. With prices rising by 14.2 percent in the first quarter and 13.2 percent in May, there can be no higher priority than swift action to relieve inflationary pressure.

I have opposed and will continue to oppose tax cut proposals which promise only short term, essentially illusory succor to the taxpayer.

If these proposals offered genuine and long-term relief to the hard-pressed middle- and lower-income earners, I would support them wholeheartedly, for millions of taxpayers desperately need pocketbook relief. I am convinced, however, that once the tax cut-increased spending-higher prices cycle has run its course, those who might initially benefit from a tax cut would be worse off than before.

The only sure path to real and lasting relief from today's rampaging inflation is through spending cuts and the closing of tax loopholes so as to bring the Federal budget more nearly into balance.

I have joined in sponsoring three measures which together would increase Federal revenues by $3.9 billion. Combined with the administration's proposed $5 billion spending cut, these tax reforms would reduce the administration's planned deficit to only $2.1 billion. I intend to support additional tax reforms and spending cuts in order to eliminate totally the deficit in the 1975 fiscal year.

The measures I have joined in sponsoring are:

First. Repeal of the Domestic International Sales Corporation. This would raise $815 million in additional revenues for the Treasury.

Second. Repeal of percentage depletion for oil and gas production. This would raise $1.9 billion in additional revenues for the Treasury.

Third. Imposition of a minimum tax on foreign source income. This would raise $1.2 billion in additional revenues for the Treasury.

Bringing the Federal deficit closer to balance will relieve inflationary strain in several critical ways. By taking the Federal Government out of competition for the billions of credit dollars which would otherwise be needed to finance a deficit, budgetary balance will significantly reduce interest rates and substantially increase the availability of loan money for housing and for expansion of badly needed industrial capacity. Ending the Federal deficit also will eliminate the unnecessary net stimulus to aggregate demand which results from an excess of expenditures over revenues. Nothing the Federal Government can do will be as important or effective in the battle against inflation as restoring balance to the Federal budget. As far as I am concerned, there is no higher priority than the restoration of reasonable price stability without further delay.

OPERATION ANESTHESIA

Mr. McGOVERN. Mr. President, the July 1, 1974, issue of the New Yorker contains a most perceptive commentary on the current impeachment issue facing the Congress and the Nation.

The editors contend that the evidence of Presidential wrongdoing is so overwhelming that it delays the impeachment process. As they put it:

> It is as though we had too much evidence to convict, and had been condemned to eternal impeachment.

I ask unanimous consent that this article be printed in the RECORD.

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

THE TALK OF THE TOWN

NOTES AND COMMENT

Just about everything that is happening in Washington these days is of such startling strangeness that it seems to be happening for the first time anywhere. Now the White House has hit upon still another unheard-of tactic in the President's defense strategy. It is to beat the public senseless with more news of Presidential wrongdoing than it can endure.

The President's release of his transcripts is a case in point. Recently, two White House aides spelled out the new White House thinking for Philip Shabecoff, of the *Times*. After it had been made known that the President had been named unanimously by a grand jury as an unindicted co-conspirator in the Watergate coverup, and after the President had sent off his letter defying the House Judiciary Committee's subpoena of more tapes, Raymond Price, a speechwriter for the President, said,

"These recent disclosures are not damaging," and added, apparently approvingly, that the public was now "anesthetized." Operation Candor had given way in Operation Anesthesia. Ken W. Clawson, the President's communications director, observed that "the impact isn't there anymore," and he explained, "Last fall, we used to talk about what the next bombshell would be. But now there aren't any more bombshells." If there aren't, the reason, of course, is not that no more bombs are being dropped but that the public's sensibilities have been bombed out.

In the new White House strategy, everything that once hurt the President can now be used to help him. Revelations that were once damaging serve only to promote the supposed public unconsciousness on which the White House is now relying as the President's best protection. (Recent polls, however, seem to show that the unconsciousness is to be found more in the Congress than in the country at large.) What stands between the President and impeachment is not a scarcity of evidence but a mountainous superfluity of it. The evidence is all around us, in the wreckage of our institutions as well as in the Judiciary Committee's thirty-six volumes. The evidence is so pervasive that many of us can barely remember what innocence is. It is as though we had too much evidence to convict, and had been condemned to eternal impeachment. Once, the bombshells harmed the President's cause. For the moment, it seems that the more wrong he does, the safer he becomes.

Not long ago, it was reported that the Democratic Party, by making a show of opposition to calls for the President's resignation which had come from within the Republican Party, was trying to use the issue of impeachment for political advantage. Now, as the House Judiciary Committee moves toward a vote on whether or not to recommend articles of impeachment to the full House, there have been reports that some of the Republicans on the Committee may, for political reasons of their own, vote against any articles of impeachment. If all these reports are correct, it means that both parties are maneuvering around the issue of impeachment purely for short-term political gain. There is another school of thought in the matter, however. It holds that the members of the House Judiciary Committee will rise above petty political interest, because they know that the eye of history is on them. According to this school, the members will reflect that whereas everything they have done as representatives so far is likely to be forgotten, this one vote will surely be remembered. And since on this single occasion the spotlight of history will penetrate the convenient obscurity in which representatives normally act, the committee members will be on their best behavior. This school of thought, no less than the school holding that the vote will reflect poltical calculation, belittles the members of the Judiciary Committee. "History," in this connection, is nothing more than the future's image of the present. By invoking the judgment of history—a judgment that, in any case, is unknowable to us—we rely on a deferred form of public relations in which the images are merely more lasting than contemporary images. In doing so, we pass the buck to the future. We mentally remove ourselves to a point outside the corrupt present, as though by this operation we could gain access to a fund of wisdom unavailable to us in our time and could use the future to gain moral leverage on the politicians of the present. But in performing this trick we overlook the fact that the representatives in our era have mental and moral equipment, too. The men and women of the House Judiciary Committee, who will have to cast the first votes on the question of impeachment, have minds and consciences of their own to consult, and need not try to peer into unwritten history books. The evidence is spread out before them, the vastness of the stakes is inescapably plain, and the decision is theirs—to be made not in remote periods by reasons unknown but here and now by the thirty-eight members of the Judiciary Committee.

CHILDREN'S HEALTH

Mr. MONDALE. Mr. President, as we look toward the enactment of national health insurance legislation, no element should concern us more than the health of America's children.

The Federal maternal and child health program conducted under title V of the Social Security Act has shown that adequate medical services to children and expectant mothers can dramatically improve child health—cutting infant mortality rates by 50 percent and more, and sharply reducing the incidence of serious illness and hospitalization. But these programs—funded at less than $250 million in the last year—are only a drop in the bucket.

The facts are shocking:

As many as 10 million children each year fail to see a doctor at all.

A recent survey conducted in Washington, D.C., found that more than 25 percent of children aged 6 months-3 years suffered from anemia, more than 25 percent had untreated vision problems, and 20 percent suffered from middle-ear disease. And while poor children suffered most, rates were high for all children.

I am deeply concerned that the proposals now before the Congress contain serious shortcomings in the area of child health, and I hope to soon introduce provisions designed to assure American families of access to quality health care for their children.

Mr. President, the health status of this Nation's children was recently explored in two excellent and eloquent Reader's Digest articles by Lester Velie, "The Shocking Truth About Our Children's Health Care" and "Needed: Quality Health Care for All Our Children." I believe these articles will be of interest to the Senate, and I ask unanimous consent that they may appear in the RECORD at the conclusion of my remarks.

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

THE SHOCKING TRUTH ABOUT OUR CHILDREN'S HEALTH CARE

(By Lester Velie)

Seven-year-old Philip has a strange family doctor. He doesn't know Philip or his family, and they don't know him. The best time to see him is at midnight. Sometimes he plays blindman's buff with patients, for, not knowing their full medical history, he diagnoses and treats by guess and by hunch.

Philip's family doctor is the emergency clinic at Jackson Memorial Hospital, in Miami. Few of the 33,000 children treated there yearly are accident victims. Most are sick youngsters whose mothers have nowhere else to turn.

There's a doctor three blocks from Philip's home and a private clinic a mile away. But they charge $10 cash in advance, plus the cost of lab tests and prescriptions, which the family can't afford on the father's $100-a-week take-home pay. So when Philip or either of his two sisters suffers a scrape, fever, diarrhea or any ailment short of a true emergency, his mother heads for the county hospital—eight miles, two buses and one hour away. Most of her 30-odd visits over the last three years have been in the

middle of the night; at other hours, she has found, the waiting can take the better part of a day.

Ours is a two-class medical system. First class is for those who can pay, directly or with insurance, for private care. The others, like young Philip, rely on a subsystem of emergency rooms, "free clinics" manned by volunteers, and federally funded neighborhood health centers—or get infrequent health care or none at all.

Price is one barrier to adequate health care. Some 25 percent of children under 21—about 20 million in all—are "medical indigents": their families earn less than $6,000 a year. In big cities, the percentage is higher. Of Baltimore's 320,000 children, fully half are medical indigents.

To this, add the barrier of acute doctor scarcity in inner cities and rural areas. The Kingsman Park section of Washington, D.C. (population 85,000), for example, has no pediatrician. Its only general practitioner has a case load of 9,500 patients, who must make appointments three months in advance! As for rural areas, the American Medical Association reports 140 counties (total population, a half-million) with not a doctor among them.

The consequences? A recent Health, Education and Welfare poll of 40,000 households, ranging from poor to middle class, found that 29 percent of the children had not seen a doctor for a year, and 14 percent not for two years.

To break the cost and scarcity barriers, then, more and more of the poor, near-poor and even lower-middle-class have turned to "emergency-room medicine" as a stopgap. Use of emergency rooms more than doubled during the 1960s. At the Children's Hospital Medical Center in Boston, it nearly tripled in a decade. And what kind of health care does this mean for children?

OUT OF GEAR

"I come here so often I feel I own the place," said one mother of five, who lives 17 miles from Jackson Memorial. "But I don't ever get the same doctor or nurse. So each time we start all over."

A young intern said, "I've taken an oath to give quality care. But how can I, without more observation and knowledge of the child? I don't know if this is a kid whose sore throat turns into something more serious, or whether his mother is hysterical and runs to the doctor every day. We have to discount so much, and guess so much."

"No doctor should work more than six hours straight in an emergency room," said a resident (a medical-school graduate studying a specialty). "But I work 24, with every other day off, and interns work a 15-hour day. A tired doctor cuts corners, misses symptoms. It's hard to spot typhoid after you've seen 50 cases of diarrhea in one day."

From observing emergency rooms in Los Angeles, Washington, D.C., Chicago, Miami and Brooklyn, I've learned that many children come in with diseases that are supposed to be obsolete—measles, mumps, sometimes diphtheria and polio. Why? Because only a minority of children who come have received their immunization shots.

Last year, only 43 percent of preschool children in inner-city areas had been fully immunized against polio, according to Dr. John J. Witte, director of the Immunization Division of the U.S. Center for Disease Control. Only 55 percent had been immunized against measles, diphtheria, whooping cough and tetanus. Crisis-oriented, emergency-room medical care is simply not geared to medical-history keeping. Says Dr. Witte, "A child with a dog bite or puncture wound will get a tetanus shot. But a parent who brings a child with a rash or stomach ache is not likely to be asked what immunizations the child has had or when."

Neglect of pregnant mothers—on whose health the health of the newborn child depends—compounds the problem. In Wisconsin, the state Division of Health and Academy of Pediatrics found that some 70 percent of all obstetrical emergencies in 1970 could have been predicted—and many of them averted—with proper prenatal care. Yet in some low-income areas in Brooklyin, Chicago and Washington, D.C., almost 33 percent of pregnant mothers get *no* prenatal care. So a baby born in Iceland, Japan or any of 12 other countries has a better chance of surviving its first year than one born here.

Even more scandalous: The U.S. mortality rate for children in their first year who were born to poor or near-poor parents is twice as high as for middle-class children. Further, some 200,000 children a year are born blind, or deaf, or with muscular dystrophy or impaired hearts—many for want of proper care prenatally and at birth.

Who is to blame?

Curiously, we have the best-equipped hospitals, the best-trained doctors, the most advanced biomedical research in the world. All these are a part of a $94-billion health-care industry. The trouble is, as Dr. George Silver of Yale University Medical School says, "This giant industry relies on an inefficient, corner-grocery distribution system." Or, as former U.S. Surgeon General Dr. Jesse L. Steinfeld puts it, what we have is "not a medical system, but high-priced chaos." No group—whether the doctors, hospitals, health-insurance industry or federal government—takes responsibility for the distribution of medical resources, or for setting a national health strategy that would include health care for all our children.

FEDERAL CRUMBS

Consider the federal government, which via Medicare, Medicaid and other programs foots the biggest share of our country's total hospital and doctor bills —40 percent. (Private insurance covers about 27 percent, direct cash payments cover the remaining third.) Who heads the line for the federal dollars? Not the children. The aged and the war veterans shared more than half the 1973 federal health budget of $24.6 billion. The children, one third of our total population, got the crumbs—12 percent. For every 65 cents spent on an elderly person, the government spent a nickel on a child. The elderly do not have to take a means test to qualify for Medicare, but children must be paupers to qualify for Medicaid or for care in the federally funded neighborhood health centers.

Few would suggest that we diminish our health care for the aged. But should a country put its past—the retirees—first, and its future—the children—last?

It is clear that children don't vote but adults do. The elderly have two principal sets of lobbyists, maintained by the National Council of Senior Citizens and the American Association of Retired Persons. They also have an effective policy-making voice in government through HEW's Administration for the Aging, headed by ex-HEW Secretary Arthur Fleming. Meanwhile, the Children's Bureau, which spoke for children and handled all federal child-health programs from 1912 onward, was gutted in 1969 and its functions were scattered throughout HEW.

The Office of Child Development, which inherited some of these functions, has had no permanent director since June 1972. The Maternal and Child Health Service, which was supposed to administer the health programs, was slashed last year from a staff of 130 to a staff of six. This is the agency that conceived and nurtured the model maternity-and-infant-care programs as well as the comprehensive health programs for preschool and school-age children acclaimed by the American Medical Association and the American Academy of Pediatrics. In July, the federal funds earmarked for children's-health projects will be replaced by formula health grants, which give the states some freedom in spending. To date, the states have been notoriously neglectful of child health.

DEPRESSING PERCENTAGES

Nobody is minding the children of the poor and near-poor in health insurance, either. Of families earning between $3000 and $5000 yearly, only about 42 percent are even partially covered (usually with health insurance purchased by employers). Among families earning between $5000 and $10,000 the figure is about 77 percent. But, as the American Academy of Pediatrics recently charged, "Insurance programs are designed primarily for the care of adults." Most policies provide for hospital care only. What children need chiefly is "well-care"—checkups, treatment of minor ailments before they escalate. Since most policies don't cover doctors' visits, children of the working poor are unlikely to see a doctor until they become seriously ill.

Meanwhile, our medical schools are not providing enough "primary child-health caretakers" to keep pace with the rising population. Of 10,391 medical-school graduates in 1973, fewer than ten percent are training in pediatrics. And the combined number of general practitioners and pediatricians per 100,000 children has declined since World War II.

Furthermore, the supply of U.S. medical-school graduates flows to where the most dollars are—in the suburbs and middle-class neighborhoods. Inner-city parents, turning to county-hospital emergency rooms, find these largely staffed with the products of medical schools in such underdeveloped countries as the Philippines, Korea, India, Pakistan.

TOWARD "WELL CARE"

As noted, what children mostly need is preventive care. (For example, early attention to strep throat in children could markedly reduce cases of heart-damaging rheumatic fever.) But medical-school emphasis is not on prevention; it is on treatment and cure. "Physicians contribute little to good health," Dr. Marvin Cornblath of the University of Maryland Medical School said to me, "We're trained to treat sickness."

"Our medical system is able to meet with high efficiency the kind of medical problem that was dominant until about 40 years ago," says Dr. William E. Glazier of the Albert Einstein College of Medicine. But the diseases that once killed us have been brought under control. Today we need a new approach, an improved health-care-delivery system to deal with today's problems. Specifically, we need a medical system geared to periodic checkups, screening, early intervention, maintenance care—*i.e.*, a system in which we pay the doctors to keep us well. Such a system would help put our children first instead of last.

When it comes to environment and energy resources, concern for our future results in national action. Our children, our most precious resource, deserve the same.

NEEDED: QUALITY HEALTH CARE FOR ALL OUR CHILDREN

(By Lester Velie)

Millions of our children—perhaps as many as half of them—are trapped in a cruel paradox. Most of the child cripplers and killers of the past—polio, diphtheria, measles, influenza-pneumonia—have been conquered. But not necessarily for the children of the poor, near-poor and even lower-middle-class. These families may lack the price of admission to a private doctor's office or live in medical wastelands in our inner cities and rural areas where few doctors can be found. Instead of the preventive "well care"—the immunizations, checkups and attention to minor ailments—that these children need, many get "crisis care" only, obtained chiefly in overcrowded, understaffed emergency rooms of public hospitals.

Almost a fourth of our pregnant mothers don't get the prenatal care that could significantly reduce premature births and other birth-time emergencies. And the mortality rate for children in their first year of life who are from poor or near-poor families is double what it is for those from the middle class. Later, children may die prematurely because they are denied the preventive care that would nip rheumatic fever, chronic infections or asthmatic attacks.

Does this mean we don't know how to provide the lower-income and rural child with quality health care? Not at all. Indeed, models abound. Two of the most successful involve local-federal partnerships in neighborhood health centers:

FOR INFANTS: M&I'S

When Social Security Act amendments in 1965 made federal matching funds available, local health departments, medical schools, hospitals and community groups set up demonstration Maternal and Infant Care Centers (M&I's) to serve low-income neighborhoods. Unlike the present medical system that waits for patients to knock on a doctor's door, the M&I's made all of the neighborhood's expectant mothers and infants their concern, reaching out to bring them in if necessary. The doctor's reach was extended, too, by use of pediatrics nurses, medical social workers, nutritionists and family counselors. These medical teams offered comprehensive well care aimed at bringing sound babies into the world and keeping them that way through the first, hazardous year of life.

Florida's Dade County M&I, for example, funded cooperatively by the federal and state governments and the county health department, provides anyone eligible—for a family of four, the annual income can be no more than $6300—with person-to-person concern along with the latest in medical technology. We met six-months-pregnant Mrs. Alma M when she came in for her regular monthly checkup. An obstetrician found her overweight and counseled a diet high in nutrition for the baby, low in calories for Alma. A nutritionist then explained the diet and told her how to cook it; for example, broiling instead of frying to reduce calories by half. If Alma had been a "high risk" mother—one suffering from venereal disease, diabetes or hypertension—faculty members of the Miami University Medical School were available as a back-up advisory team. After delivery, Alma's baby would get the same quality care from the M&I health team as that available to the well-to-do child.

The Miami M&I has achieved a remarkable turnaround. In 1965, infant mortality in the neighborhoods it serves was 96 per 1000 live births; since last July, that rate has dropped to 3.6 per 1000. Unfortunately, there are but 56 such M&I's scattered through 34 states—caring for only ten percent of the country's eligible mothers and infants.

FOR KIDS: CHILD-CARE CENTERS

Local-federal cooperation has also shown how children of the poor and near-poor can be cared for beyond infancy. At San Francisco's Mt. Zion Hospital, a comprehensive child-care project has aided some 3600 youngsters from birth to 18 years old, and their families as well. Here, too, emphasis is put on preventive care. Says project director Rosalind Novick, "We call up our families to remind them to bring in their children for checkups and immunizations."

For Anne Bryant, her husband and their seven children, the Mt. Zion program has been "family doctor, counselor, advocate and friend." Last year, for example, when the Bryants' six-year-old entered school, he was so disruptive that Mrs. Bryant was told he would have to be put in a class for problem children. She took the child to her project center, where doctors and psychologists found that he was of above-average intelligence but hyperactive. Mt. Zion social workers and the boy's teacher worked out a special comprehensive program, and he was soon doing well in a regular class.

Another system of preventive care, Child & Youth Health Centers (C&Y's) has, in the last six years, reduced by half the hospitalization of children in the program. Together with the use of paraprofessionals, this has lowered the taxpayer cost per child to about $10 a month—less than the cost of membership in most prepaid group-health organizations.

But, as in the case of the Maternal and Infant Care Centers, the C&Y's provide token relief. There are only 59, scattered through 28 states and the District of Columbia, and they reach fewer than five percent of the eligible children. In 1973, the Nixon Administration proposed that support for C&Y's (all M&I's and C&Y's cost the government some $111 million this year) be shared by the states, as called for in the original legislation. Only the vigorous lobbying of the M&I and C&Y program directors and by the American Academy of Pediatrics won extension of the federal grants for the child health centers for another year. As of July, the states must match a lower federal quota. The doctors argued that good health is the right of every child and that the centers were a historic beginning toward achieving that right—with more desperately needed.

DOCTORS' COUNTEROFFENSIVE

Meanwhile, the doctors of one state have shown that the medical profession itself can mobilize against maternal and infant deaths. Five years ago, the Wisconsin Academy of Pediatrics and the state health department surveyed 35 hospitals and found that 15 of every 1000 infants born live there did not survive the first four weeks of life. Dr. Stanley N. Graven of the University of Wisconsin Medical School, who headed the survey team, then helped launch a low-cost statewide "newborn program" that reduced the newborn death rate to nine per 1000.

How? At first, the solution seemed simple. All you had to do, Dr. Graven felt, was set up several centrally located intensive baby-care units and organize a transportation system to get high-risk mothers and newborns there. But then Dr. Graven made two startling discoveries: Outlying hospitals did as well in saving high-risk babies as urban hospitals, where conflicting demands on the time of highly trained obstetrics and pediatrics specialists kept them away when needed most—so that interns and nurses had to cope with emergency-delivery problems. Dr. Graven also found that at least two thirds of such emergencies were due to inadequate prenatal care.

Dr. Graven organized a "flying circus" of pediatricians and obstetricians to barnstorm the state's hospitals, inculcating a team approach to the delivery and care of newborns. This meant training special pediatrics nurses, doctors' assistants and associates to undertake much of the normal-delivery care so that doctors could attend to high-risk cases when they occurred. This, in turn, meant educating doctors to relinquish some of their traditional chores to nurses and paraprofessionals.

Since only a handful of hospitals had the new machines that measure the fetal heartbeat, or the respirators and other equipment needed for intensive care of ill newborns, Dr. Graven negotiated with eight of them to develop themselves as regional centers for high-risk mothers and infants. Then a statewide ambulance service was organized that put pregnant mothers or ill newborns no more than two hours away from a center.

THE OKLAHOMA PLAN

The trouble is that even the most efficient use of medical resources can't deliver health care to mothers and children unless sufficient doctors are available to provide it. Consider Oklahoma, which ranks 41st among states in the ratio of doctors to population: 1 to 900. Worse, 66 percent of these doctors are concentrated in six of the problem of cost. For example, Dr. Graven recalls a $28,000 hospital bill presented to the Wisconsin parents of twins who were maintained in an intensive-care respirator. All but $1800 had been covered by insurance. But for a young couple, $1800 on top of doctors' costs is a financial disaster. And how shall we provide the children of the poor and near-poor with continuing, preventive well care as well as sick care?

Virtually all authorities believe that some form of national health insurance is necessary. But unless we expand medical services to absorb any new medical purchasing power we provide by legislation, we will have more medical-cost inflation. For instance: since Medicare increased medical purchasing power without increasing the supply of medical resources, it helped quadruple hospital costs and triple doctor costs. And since private doctors continue to be scarce in low-income areas, many Medicaid card holders have been unable to purchase care, turning to hospital emergency rooms instead.

Clearly, a new national strategy is needed. One approach, favored by former Secretary of Health, Education and Welfare Wilbur J. Cohen, who was a principal architect of the Social Security Act of 1935 as well as Medicare and Medicaid, is a "junior Medicare." This would not only pay medical bills for all children under six but help make additional health care available with loans from a new insurance fund to community groups, doctors, hospitals and medical schools to set up additional neighborhood health centers. These would then bill junior Medicare for services to children just as doctors and hospitals now bill Medicare for services to the aged. Such billings would also help repay the start-up loans.

Another approach, favored as a minimum measure by the American Academy of Pediatrics, is national health insurance for children under six, requiring employers to buy Blue Cross, Blue Shield and commercial health insurance for the children of their employes. Such coverage for children could be coupled with federal action to expand the present neighborhood health centers and so meet the special needs of poor and near-poor children.

As Congress ponders the various health reform bills now before it, we should all remember that children don't vote and don't lobby. The health needs of almost half our children will continue to be neglected unless we speak up for them.

WORLD HUNGER

Mr. HUMPHREY. Mr. President, a compelling editorial, "II—Hunger in the World," appeared in the July 9 edition of the New York Times.

The editorial quotes Dr. Norman Borlang, father of the green revolution, as recently saying that "only a famine and widespread death of millions would bring the world to an understanding of the enormity of the problem."

Four steps are outlined to deal with the world hunger problem which is barely recognized at the highest Government levels. Clearly, much more needs to be done to alert our citizens and the Government to the extent of the food crisis, and the editorial makes an important contribution in this direction.

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

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

II—HUNGER IN THE WORLD

Impending or even possible world calamities are hard to visualize in good times and almost impossible to cope with in bad. Yet, as Americans reel under the impact of double digit inflation and stumble benumbed through the Watergate fog, they are beginning to be confronted with the specter of a global food shortage that could rival a massive war in ghastly impact.

The underpinning of the calamity is fairly clear. It is an implacable increase in the demand for food. The world's population continues to grow at a frightening rate of 2 per cent a year while at the same time there is a rising demand for richer animal protein diets in the more developed countries.

Simultaneously, the optimism of a few years ago in respect to the race between food supply and rate of population increase has been vitiated by two powerful trends. First, the "green revolution," which offered so much promise to the impoverished agricultural countries in particular, depends on the availability of fertilizer at the right time. The development of the capacity to produce fertilizer has lagged and the price has quadrupled. Second, population control efforts, enthusiastically undertaken in the sixties, have not lived up to expectations and seem to have slipped from the high priority positions they once occupied in critical developing nations around the globe.

Dr. Norman E. Borlaug, father of the green revolution, told the Senate Select Committee on Nutrition and Human Needs recently that he thought only a famine and widespread death of millions would bring the world to an understanding of the enormity of the problem.

The general outlines of possible solutions are as easy to visualize as they are hard to achieve. They involve the increase of food production in the poorer countries, a decrease in consumption in the richer countries and a sharp curtailment of world population growth. Prospects for all are slim.

Senator George McGovern, chairman of the Select Committee, and the panel of experts which studied the problem at the committee's request have attacked the production aspect of the problem. Their proposals graphically demonstrate its dimensions. They have put forward a four-pronged worldwide plan designed to enable poor countries to develop self-sufficiency in food production:

1) An intensive twenty-year global agricultural research program costing a billion dollars a year for the first decade and a half-billion dollars a year for the second;

2) A crash effort to develop national fertilizer-production capacities which would cost $8 billion annually for the next six years and $12 billion a year in the next ten;

3) An expanded technical assistance program in which the United States alone would increase its aid for this purpose to $1.5 billion a year for the next twenty years.

4) Establishment of an international food reserve kept "solely for meeting the emergency needs of the developing countries."

Despite the experts' gloomy forecasts, it is not apparent that the scope of the problem is even now recognized—or admitted—at the highest levels of the United States Government. The responsibility for formulating policy is fragmented and diffused. If headway is to be made toward solutions of the problem at the United Nations food conference in Rome in November, significant leadership will have to be exerted by the United States.

Somehow, between now and November, the United States will have to recapture and sustain the level of concern which prompted Secretary Kissinger to propose the conference in the first place. The effort will require the urgency and application of will and ingenuity that have been invested in détente and the Middle East. The problem is that big.

CONDOMINIUM OWNERSHIP

Mr. TUNNEY. Mr. President, condominium ownership has become a significant trend in the housing field during the past few years. It is estimated that, by 1980, nearly 50 percent of all new housing construction will be directed to this type of development.

However, because of its newness, serious problems have evidenced themselves in respect to such ownership. These problems, in fact, have caused the Federal Trade Commission to instigate an investigation of the practices of builder-developers and other commercial firms involved with the construction and sale of condominium units. Many questions also have arisen regarding management and other services firms in this field. California is one of the major locales for condominium projects and, thus, I have special concern in resolving what inequities do exist.

It has been brought to my attention that a new public-service oriented group is being formed to represent the interest of condominium owners throughout the Nation. I commend such an action, for it provides an ongoing, nongovernmental entity to which condominium owners may turn for the solution of both present and future concerns relating to condominium ownership. This group, the National Association of Condominium Owners, a nonprofit corporation, will have its national headquarters in Washington and will house its corporate headquarters in Los Angeles. I want to take this opportunity to recognize its aims and purposes to congratulate its founders on their forthright action in offering needed representation in a field that will be significant to the people of California and the Nation, as well.

OUTSTANDING ACHIEVEMENT IN VISION CARE

Mr. STEVENSON. Mr. President, each year the American Optometric Association makes an award for outstanding achievement in vision care. This year, the AOA Apollo Award honors the members of Lions International.

Lions International, with more than a million members, has reason to be proud of this tribute to its long record of humanitarian service. This remarkable work was begun soon after the founding of Lions International when, in 1925, Helen Keller challenged the new organization's members to become "knights of the blind in the crusade against blindness."

In the half-century since that day, Lions International has done much to foster vision care, eye research, and public education. In announcing the award to Lions International at the American Optometric Association's annual meeting in Washington recently, Dr. Robert E. Day, AOA's retiring president, described some of the activities of the 27,000 Lions clubs which have taken part in the "crusade" proposed by Helen Keller. These activities have ranged from assistance to individuals—supplying a needy child with eyeglasses, for example—to the establishment, as a joint project of 150 clubs, of the multimillion-dollar Southern California Lions Eye Institute.

I am proud to claim Lions International as a constituent—its international headquarters is located in Illinois—and I am pleased to congratulate its members throughout the Nation on this recognition of their service to mankind.

INTERNATIONAL NARCOTICS DIPLOMACY—A BREAKDOWN IN THE LONG LINE TO TURKEY

Mr. HARTKE. Mr. President, my concern in the Senate for the illicit production of opium and its derivatives has a long history to the adoption last year of my amendment to the Foreign Assistance Act clarifying the U.S. position relative to production by other countries of opium and the need for those countries to take adequate steps to prevent the illicit distribution of dangerous narcotics into the United States. My amendment was not adopted by the Conference Committee, and we now are experiencing the resumption of opium production in Turkey in violation of an agreement between the United States and Turkey.

Mr. President, for the purpose of accurately reflecting the decision of the Government of Turkey, I ask unanimous consent that the decree issued on July 1, 1974, by the Council of Ministers be printed in the RECORD following my remarks as exhibit 1.

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

(See exhibit 1.)

Mr. HARTKE. Mr. President, the clear meaning of the decree is that Turkey has decided to resume the cultivation of poppies and the production of opium. Yet many have asked, and may still ask, why should the U.S. Congress and people be interested in a decree issued from Turkey? The answer to that question can best be answered by the law enforcement officials, drug treatment officials, addicts, former addicts, educators, parents and all those within our society who has seen or known anyone within the grasp of heroin. An editorial in the Washington Post summed up the interests of the United States and its people best:

> Indeed, if the Turkish government had announced that it intended to land secret agents at night on American shores to poison and kill thousands of Americans and to subvert the foundations of American society—which is, of course, exactly what heroin does—then that would be regarded as an act of war and handled accordingly.

While the Turkish Government did not announce a decision to land human agents of war on the shores of the United States, there is no other interpretation to their decree than an announcement that they intend to land dangerous drug agents of war, equally lethal, to ravage the unsuspecting citizens of our society.

We in the Congress have an obligation to act in the best interests of our people to prevent the landing of those agents on the shores of the United States. We in the Congress also have a duty of prohibiting any assistance of whatever form from flowing from our people and Government to the Turkish people and government while this latest decree remains in effect.

Mr. President, I ask unanimous consent that the Washington Post editorial "Turkish Politics and American Heroin" be printed following my remarks in the RECORD as exhibit 2.

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

(See exhibit 2.)

Mr. HARTKE. My amendment adopted in the Senate during the 93d Congress, first session, and rejected in conference has again been introduced to the Foreign Assistance Act of 1974 as amendment 1453. In summary, my amendment calls upon the President to make an affirmative finding that each country is taking adequate steps to control illicit opium. The Secretary of State shall set forth the measures which constitute a good faith effort to control illicit opium and its derivatives. My amendment does not immediately suspend aid and assistance to any country but establishes a two-level approach; first, within the administration, which has the authority to immediately suspend all forms of assistance in the national interest; and then after a report has been made to the Congress, by resolution adopted by both the House and Senate certifying that a country is not taking adequate steps to control the illicit production of opium.

Mr. President, the administration has deemed it necessary to recall the Ambassador to Turkey to "review" and study the meaning of the decree. I would suggest to the administration that they study the details and implications of the addiction problem during the past 5 years. When there was little concern within the administration for the problem of narcotics and dangerous drugs, the number of addicts rose at an alarming rate. When the Drug Enforcement Administration was formed, now headed by an able prosecutor, Mr. John Bartels, the number of addicts and the control of the illicit distribution of opium and its derivatives, mostly heroin, in the United States decreased and became manageable.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post, "Envoy to Turkey Recalled by U.S." be printed following my remarks in the RECORD as exhibit 3.

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

(See exhibit 3.)

Mr. HARTKE. Mr. President, the Government of Turkey is not without internal political interest in the cultivation of poppies. It was believed by the Congress and the administration that the agreement entered into between our governments, furnished money and assistance to the farmers of Turkey to change over their production and cultivation of poppies to nutritious food and fibre to feed the people of Turkey. It has been rumored that the reason the farmers of Turkey have expressed their desire to resume the cultivation of poppies is that the Government of Turkey has not distributed U.S. assistance nor has it planned the transfer of production for the farmers to nutritious necessities.

While we in the Senate do not control the motivations of Turkish farmers, we should not acquiese in the destruction of American lives at the expense of the American taxpayers. We must inform the Government of Turkey in no uncertain terms that the cultivation of poppies as planned will result in the suspension of all foreign aid until such time as they continue with the agreement earlier entered into with the United States.

Mr. President, I ask unanimous consent that my amendment to the Foreign Assistance Act of 1974 and an accompanying statement be printed following my remarks in the RECORD as exhibit 4.

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

(See exhibit 4.)

Exhibit 1 follows:

EXHIBIT 1

The Council of Ministers decided on July 1, 1974 to put into effect the following decree on the "decision on the issuance of permission for the cultivation of the opium poppy in seven provinces during the 1974–1975 season," upon the recommendation of the ministries of commerce and food agriculture and livestock, in accordance with article 1 of law No. 1470.

DECREE NO. 7/8522, DATED JULY 1, 1974

Decision on the issuance of permission for the cultivation of the opium poppy in seven provinces during the 1974–1975 season

Article 1—Permission has been granted for opium poppy cultivation and the production of raw opium during the 1974–1975 season in the provinces of Afyon, Burdur, Denizli, Isparta, Kutahya and Usak, and in the districts of Aksehir, Beysehir, Doganhisar and Ilgin in Konya Province, in order to improve the living conditions of the farmers whose livelihood depends on this cultivation and to meet the requirements of raw material for pharmaceuticals.

Article 2—The soil products office (TMO) shall issue licenses permitting cultivation to the opium poppy farmers and raw opium producers of the provinces and districts listed in article 1 in accordance with the principles of law No. 1470 and the regulation on the enforcement of this law.

Article 3—The farmers who have been issued licenses permitting cultivation are obligated to comply fully with the provisions of the law and the regulation in question on opium poppy cultivation and raw opium production. The Penal provisions of law No. 1470 and other related laws shall be enforced against the farmers who do not comply with these provisions and the licenses permitting cultivation issued to them shall be canceled.

Article 4—Priority in issuing licenses permitting opium poppy cultivation and raw opium production shall be given for the lands traditionally set aside for such farming and production, and also to the farmers who depend for their income solely on this activity. Each farmer shall be issued a cultivation license for a maximum of 5 decares.

Article 5—The soil products office is authorized to make advance payments to the opium poppy farmers and raw opium producers in cases of necessity and within the limits of their needs.

Article 6—Opium poppy farmers and raw opium production are banned in the provinces and districts outside of those listed in article 1. Opium poppy cultivation shall be controlled with the cooperation of the ministeries of interior and food-agriculture and livestock by using all available means. Additional measures shall be taken rapidly to assist the ministry of interior in its efforts to impose a more effective control for the prevention of narcotic drugs smuggling.

Article 7—Paragraph 2 of article 2 of council of ministers decree No. 7/2652 of June 20, 1971 concerning the total ban of opium poppy cultivation and raw opium production in Turkey is hereby repealed.

Article 8—This decree takes effect on the date of its publication.

Article 9—This decree will be enforced by the ministries of interior, commerce, and food-agriculture and livestock. End quote Macomer.

EXHIBIT 2

TURKISH POLITICS AND AMERICAN HEROIN

Turkish politics is savagely aggravating the American narcotics problem. Premier Erkit, needing to broaden his support to sustain his rule, has lifted the three-year-old ban on legal cultivation of opium poppies. This apparently will please poppy farmers and, as well, nationalists who equate the American interest in halting poppy cultivation with interference in Turkey's domestic affairs. But it will also push more heroin into the United States, which until the ban got 80 per cent of its illegal heroin from Turkey. The Turks contend that their legal opium goes exclusively into legal pharmaceuticals. Corrupt Turkish officials, international drug peddlers and American addicts know better. Even before the new Turkish crop comes in next spring, stockpiled heroin is expected to flow more copiously into American city streets. Many of the gains of the last three years, in getting the narcotics traffic in hand and in providing services to addicts threaten to come undone.

In their rage and despair over the Turkish decision some drug officials and legislators are now suggesting that the United States halt its aid. They would cut off not only regular military aid going to Turkey as a fellow member of NATO but the special economic aid offered three years ago in order to help cushion the economic effects of stopping poppy cultivation. The impulse to punish Turkey, to end special favors and to apply pressure to reverse the poppy decision is entirely understandable. A good argument can be made that no conceivable contribution which Turkey makes to the common NATO defense can outweigh the harm which the Turks do the United States by letting poppies grow. Indeed, if the Turkish government had announced that it intended to land secret agents at night on American shores to poison and kill thousands of Americans and to subvert the foundations of American society—which is, of course, exactly what heroin does—then that would be regarded as an act of war and handled accordingly.

The relevant question, however, is whether an aid cutoff will or will not likely lead to the desired result of a restoration of the poppy ban. Given the volatile condition of Turkish politics, one cannot be sure. Perhaps the more effective response, rather than ending aid, would be double aid: blackmail, but for a worthy end. Perhaps military and counter-poppy aid to Turkey, instead of being offered separately, should be offered in one package—to force a debate within the Turkish government. In any event, the American response, whatever it is, must proceed not just from a sense of outrage, however well justified, but from a precise feel for the Turkish scene. If Turkish politics is the source of American heroin, then only Turkish politics can stop the flow.

EXHIBIT 3

ENVOY TO TURKEY RECALLED BY UNITED STATES

(By Dan Morgan)

The State Department announced yesterday that it had called home the U.S. Ambassador in Turkey to "review" that country's decision to lift its ban on the growing of opium poppies, the source of much of the heroin that reached the United States in the past.

The move, following earlier official expressions of American "regret" at the Turkish decision, was a fresh sign of the seriousness with which Washington views the resumption of poppy cultivation by its NATO ally.

State Department spokesman John King said that Ambassador William B. Macomber would start a review of "the whole situation" beginning Monday.

Earlier in the week, the State Department had described the Turkish move as a "breach" of a 1971 agreement providing for the phase-out of poppy growing in exchange for compensation. The 1971 agreement had been hailed by the Nixon administration as a model for its worldwide program of nipping the heroin problem at the source.

In authorizing the resumption of poppy cultivation in six provinces and four administrative districts of a seventh, Prime Minister Bulent Ecevit said:

"Poppy cultivation will be limited, and will be done only by license under the stringent measures and effective control of the State. Our government, while resuming limited opium cultivation, will take most effective measures as a humanitarian duty, in order not to harm humanity at all. We hope nobody in the world will be in doubt of the goodwill and determination of the Turkish government in this respect."

American officials have been skeptical in the past about the efficiency of the Turkish control procedures. Prior to 1972, the last year in which the poppies were grown, the government inspections were said to have been spotty, and black market and smuggling operations were reported to have been widespread.

Ecevit said that, if necessary, the government would seek "new powers" from parliament to enforce its controls.

The main incentive offered by the United States for the 1971 agreement was $35.7 million in compensation, $15 million to pay farmers for their losses and $20.7 million to develop replacement crops.

So far, $15 million of that has been paid and U.S. officials indicated that further payments would now be held up.

The dispute has long aroused strong emotions on both sides, with ramifications for NATO security arrangements.

Several years ago, some congressmen called for a curtailment of American military aid to Turkey if the country continued to allow poppy growing. This provoked angry reactions from nationalist-minded Turkish politicians, who said the United States was trying to dictate the country's internal policies.

That, in turn, provoked jitters in the North Atlantic Treaty Organization because of the importance of Turkey as the cornerstone of the southeast flank of the alliance, and a principal outpost for monitoring Soviet air and sea movements in the eastern Mediterranean and Middle East area.

The United States now stations some 7,000 men in Turkey with an equal number of dependents. Izmir, on the Turkish west coast, is the headquarters of the alliance's southeast land forces, and of the 6th Allied Tactical Air Force. Sensitivity to the foreign presence and foreign "interference" runs deep in Turkey.

In 1969, under pressure from the Turkish government, the U.S. bases in the country were renamed "common defense installations," with a co-equal Turkish commander assigned to each of them.

Since 1948, the United States has pumped some $3 billion in military aid into Turkey. It is also scheduled to commence delivery on credit terms, of 40 F-4 Phantom fighter-bombers there this summer.

Turkish politicians view the aid with mixed feelings. At the same time, all three political parties supported the resumption of poppy production.

The Turkish farm vote is a vital factor in the country's politics, and the ban was unpopular in many rural regions. Opium poppies have been a principal cash crop for centuries. For thousands of farmers, the poppy also has cultural significance. Many farmers use byproducts of the plant for harmless purposes, such as cooking oil.

EXHIBIT 4

[From the Congressional Record, June 13, 1974]

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

AMENDMENT NO. 1453

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

Mr. HARTKE. Mr. President, today I submit an amendment to S. 3394, the Foreign Assistance Act of 1974. My amendment is identical to the one I introduced last session which was adopted by voice vote in the Senate to the Foreign Assistance Act of 1973. Unfortunately, the Senate receded from the amendment in conference with the House.

Mr. President, as my colleagues are aware, I have long encouraged the legislation of stronger international narcotics control. There is no need to remind the addicts in the world of the mental destruction cognizant with opium and its derivatives.

In light of recent developments between several countries and the United Statese, the production of opium will increase rather than decrease during the very near future. We must not recede from the gains made to stem the flow of narcotics and dangerous drugs into the United States during the past year.

My amendment to chapter 8 of the Foreign Assistance Act of 1961, 22 U.S.C. 2291, will not terminate assistance to any particular country. It will only clarify the law as written; setting forth a clear mandate to those countries where illicit opium and its derivatives are transported, produced, distributed, and manufactured that adequate steps are to be taken in coordination with the Department of State.

My proposal clarifies the intent of Congress by calling upon the President to make an affirmative finding that each country is taking adequate steps to control illicit opium. The Secretary of State shall set forth the measures which constitute a good faith effort to control illicit opium and its derivatives.

Such measures may reflect the individuality of any country, but must reflect: The enactment of criminal law controlling illicit opium; a viable enforcement agency; the vigorous enforcement of the criminal laws; the full cooperation of the country with the Department of State; the establishment of border interdiction procedures; the destruction of seized illicit opium; and the establishment of controls for legal opium.

Mr. President, my proposal does not engage in foreign policy, but merely sets forth the intent of Congress to the President that unless countries are as concerned about the illicit flow of narcotics as is the United States, this country should not support their endeavors while they bankrupt the fabric of America.

Both treatment and law enforcement officials in the United States are becoming increasingly concerned with the sizable volume of dangerous drugs reaching our shores. While I do not believe my amendment should be extended to other dangerous drugs until evidence becomes available that the governments of other countries are not taking decisive action to curtail the transportation and manufacture of such drugs into illicit channels leading to the drug traffic in the United States, we may want to include the control of drugs other than opium and its derivatives in the near future.

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

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

AMENDMENT NO. 1453

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

TITLE V

INTERNATIONAL NARCOTICS CONTROL

SEC. 11. Chapter 8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), as amended, relating to international narcotics control, is further amended

(1) by inserting in section 481 "(a)" immediately after "International Narcotics Control.—";

(2) by inserting in section 481 "(b)" immediately after the first sentence and before the beginning of the second sentence which reads, "In order to promote";

(3) by striking out of section 481 the fourth sentence to the end which begins with "The President shall suspend" and inserting in lieu thereof:

"(c) The President (or his delegate) shall cause to be suspended all foreign assistance, tangible or intangible, including but not limited to gifts, loans, credit sales, or guarantees to each country, except as provided in (b) of this section, when such aid is rejected by the Congress in accordance with subsection (b) of section 482 of this chapter.";

(4) by striking "SEC. 482.", and inserting in lieu thereof "SEC. 483."

(5) by inserting the following:

"SEC. 482. (a) The President shall make an affirmative finding that a country is taking adequate steps, as set forth in (c) of this section, to control the production, distribution, transportation, and manufacture of opium and its derivatives within ninety days of the enactment of this section and each year thereafter, which finding shall be submitted to the Congress the first day of June of each year.

"(b) Within ninety days following the submission of such affirmative findings, the Congress may adopt a concurrent resolution rejecting such findings as to any or all countries, whereupon the President shall immediately suspend all foreign assistance to such country in accordance with section 481 of this chapter.

"(c) The Secretary of State, after coordination and consultation with all other departments or agencies involved with the control of the production, distribution, transportation, and manufacture of opium and its derivatives, shall set forth those measures which constitute a good faith effort to control illicit opium and its derivatives. Such measures may reflect the individuality of a country, but shall include the following:

"(1) the enactment of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(2) the establishment of a viable agency to enforce criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(3) the vigorous enforcement of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(4) the full cooperation of such country with all United States departments or agencies involved in the interdiction of the supply of illicit opium and its derivatives, into the United States;

"(5) the establishment of border procedures for the interdiction of opium and its derivatives, out of or into such country.

"(6) the destruction of all illicit opium and its derivatives after its evidentiary use has expired; and

"(7) the establishment of detailed procedures for the control of all legal production, transportation, distribution, or manufacture of opium and its derivatives.".

MAJOR SYSTEMS ACQUISITION

Mr. CHILES. Mr. President, the report of the Commission on Government Procurement has given rise to legislative programs for overhauling the way the Government spends over $60 billion a year.

The Senate, on March 1 of this year, passed legislation to create an Office of Federal Procurement Policy; and last month, a bill to expand the use of small purchase procedures. Our future plans include many other important recommendations which we hope to be dealing with soon.

Certainly, one of the most important packages of recommendations deals with major systems acquisition.

Mr. Thomas V. Jones, the president and chairman of the board of the Northrop Corp., has expressed his views on the subject, many of which directly support the Commission's position. A recent article in Government Executive magazine conveys his sentiments in support of the philosophy behind the Commission's recommendations. In short, Mr. Jones emphasizes the fact that superior systems can be developed only through a fully integrated design evolution. It is impossible to achieve this design integrity when the procuring agencies dictate the mix of innovations of be incorporated in it, essentially designing the system to reproduce it.

Mr. President, I ask unanimous consent that Mr. Jones' article be printed in the RECORD for the information of my colleagues.

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

NORTHROP'S JONES: "YOU END UP WITH AN INTEGRATED DESIGN"

Discoursing on DOD's present "prototyping," at least one veteran aeronautical engineer takes strong exception to the building-block philosophy. Thomas V. Jones, president and chairman of the board of the California-based Northrop Corporation emphatically states, "That was the wrong concept as it was applied. It is the inter-relation of the elements in a vehicle that technically determines what it is and operationally, what it does."

By example cites Jones, "In aerodynamics, we always believed at Northrop that thrust and drag are things that must be put into equilibrium. The basic principle contends you have thrust in an engine and the airplane goes as fast as it can until the drag of the airplane equals the thrust of the engine. So we felt anything you can do to reduce drag aerodynamically is a real money-saving way to go. When the thrust requirement is reduced, the size of the engine is reduced and the cost of the engine and the size and cost of the airplane is reduced. As a result, we believe in aerodynamic development as a means of getting performance as opposed to just sheer thrust. This means more lift with less drag for maneuvering and cruise so that the pilot can use the airplane throughout its flight envelope without restriction.

INTEGRATED DESIGN

"In prototyping, you end up with an integrated design. It takes the aerodynamic innovations and the power plant innovations to establish a configuration that best achieves a highly maneuverable, highly capable aircraft developed at a lower cost than using the more conventional 'brute force' method.

"But, you can't end up with that product by the 'building block' approach or by having the customer tell you what mix of innovations go into the aircraft. You can't determine the ultimate lift of a wing without the fuselage connected with it, or the nature of its engine. It simply is not the same wing. The flow field around the vehicle determines the characteristics of each of its surfaces. You can't determine the flow field without having the integrated whole."

Most aeronautical experts and top corporate officials in the industry tend to agree with Jones concerning the current "prototyping" in the Air Force's Light Weight Fighter program in which Northrop (YF-17) and General Dynamics (YF-16) are participating.

To the airplane designers and engine builders a return to old style prototyping is almost design utopia. It puts the technician and the user close together without a complex paper chain and myriad management levels in between.

A former scientific adviser to the Air Force as a member of RAND Corporation, Jones told Government Executive, "We've gone back to the days when airplanes were born of pilots and designers conversing with one another and then starting to draw pictures. We would then end up with an airplane the pilot wants to fly.

Referring to the late 1950s and 1960s, he points out that then real innovations were almost always included in planes that were stretching performance boundaries. Each generation of aircraft had higher performance characteristics but were also "unforgiving" airplanes. They so stretched the state-of-the-art to get into unknown areas of performance that the real progress being made in each of the separate technologies (propulsion, aerodynamics and structure) tended to be masked. "It was rather like having a good young ballplayer who was played only in the World Series," said Jones. "He didn't seem to do too well. If he had been used only where the demands were not so great, his performance, as compared to others, might have been absolutely outstanding. I'm thinking of such innovations as cokebottling and the use of sandwich materials in structures."

He further predicts that, now, without encumbering the designers with programmatic constraints that must attend major force structure endeavors, the contractors of the LWF prototypes can go forward with more confidence in bids and quotations. They won't be forced to come back and say that costs are going up because of "unknown-unknowns."

"The name of good management," he says, "is to remove the unknowns. We've finally got something that I think shoots down the 'unk-unk'. It may be one of the most useful things these prototypes will do; shoot down those little gremlins that cause over-runs and the lack of confidence the Congress has had in our industry.

"This complex age of ours," Jones contends, "requires complexity to get a major program started. Prototyping removes the complexity while getting at the essence of the solution. Working in this environment will not only give us knowledge but a confidence that will come out of understanding how all the elements have worked together as an integrated whole. I am delighted, and I'm sure General Dynamics is as well. This is the way we're going to stay ahead."

Sums the 55-year-old Californian-born executive, "I think frankly that the knowledge gained on both the Light Weight Fighters and prototyping contributes to a new platform of knowledge. Any good designers, whether from General Dynamics, Northrop, Boeing or some other firm, are certainly going to find value in this new knowhow—and they should. There are no secrets here. They should take advantage. I refer to knowledge, not pieces of the airplanes.

"As a result of flying these airplanes, we know that knowledge is going to be made available as knowledge, and at a higher level plateau. We think Northrop and General Dynamics are fortunate to be performing a task for the whole industry. It should result in better aircraft for the United States and make the nation more competitive in the international market."

WORLD FOOD SHORTAGE

Mr. HUMPHREY. Mr. President, the U.S. Department of Agriculture recently agreed with the assessment of Lester Brown of the Overseas Development Council that the Asian food deficit will reach an all-time high this year. This could place a world-wide strain on our already limited food reserves and challenge our ability to feed the hungry of this world. We, therefore, must work together with the less developed nations to solve food shortages.

Hopefully, the developing countries will place a greater emphasis on food production. This should be on the agenda of the World Food Conference this November, along with the questions of food aid from the United States.

An article in the Christian Science Monitor by John Dillin, entitled "Asian Food Shortage—World Threat," quotes Lester Brown as saying that "Political leaders may decide to cast Asia adrift." Hopefully, no part of the world will ever cast another adrift. We all depend on each other, and we must join together especially in the area of meeting vital food needs.

The article in the July 3, 1974, Christian Science Monitor is very informative about the Asian food shortage, and I commend it to my colleagues in the Senate.

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

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

ASIAN FOOD SHORTAGE—WORLD THREAT

(By John Dillin)

WASHINGTON.—The greatest food deficit in human history is unfolding in Asia . . . so warns a U.S. development expert.

Lester R. Brown of the Overseas Development Council says Asian countries may require imports to feed more than 200 million people within the next 12 months.

Fertilizer shortages are compounding Asian food problems that already were serious because of the Arab oil embargo and steadily increasing populations, Mr. Brown says.

U.S. Department of Agriculture officials, advised of Mr. Brown's predictions, agreed that Asia's food deficit probably will reach an all-time high of more than 50 million metric tons this year—even with favorable weather.

INDIAN NEED IMMENSE

India alone is expected to require 7.5 million tons of imported grains. And a failure of the Indian monsoon, which has been poor

so far, could add another 15 million tons to that deficit. The U.S. "couldn't meet" such an additional demand, says a USDA official.

The impending food crisis has developed at a time when world grain reserves are estimated at less than a month's supply—a modern-day low. Any major crop failure now in a principal producing country would immediately tighten food supplies around the globe, U.S. officials say.

Mr. Brown, a former administrator of the USDA's international agricultural development service, asserts that Asia's food troubles could challenge Western statesmenship.

"Political leaders," he says, "may decide to cast Asia adrift . . . and say it's too big. They may say the inflationary impact of shipping food out of the United States on that scale would be more than could be tolerated.

"Or, political leaders may go to people and ask for the food equivalent of turning thermostats down six degrees—one meatless day a week or skipping one meal a week."

Even those sacrifices might not be enough if the Soviet Union—as in 1972-73—moves strongly into the grain market. Soviet purchases totaled 28 million tons, including 18 million tons from the U.S., in those years.

Besides India, nations in need of large imports include the People's Republic of China, Bangladesh, Sri Lanka (Ceylon), South Vietnam, Indonesia, and South Korea.

In Cambodia, rice production has "gone to pot" since the war intensified, U.S. officials say. Output has dropped from 3.8 million tons in 1970 to 955,000 tons last year—and the deficit now must be made up by imports.

But it is India's monsoon which now bears the most careful watching, for a good monsoon could possibly rescue a difficult situation. U.S. officials are mildly concerned because in the early stages of the current monsoon, rainfall is down 87 percent in Tamil Nadu, India's largest grain-producing region.

In the 20 top Indian grain regions, rainfall is normal or above in only five, while it is below normal an average of 64 percent in the other 15. Without a turnabout this month, crop damage could be serious.

Mr. Brown, meanwhile, warns that these short-run considerations are only a part of what has become a long-term problem in world supplies of food, energy, land, and other resources.

"We are moving into a fundamentally new era in our food economy," he suggests. "I don't anticipate a return to the vast food surpluses of the 1950's and 1960's."

Population growth lies at the root of the problem, he says.

"We live on a planet of limited size and capacity, and yet the annual gain in the demand for food gets larger and larger.

"At the turn of the century, food demand rose on the order of 4 million tons a year; by 1950, growth was maybe 12 million tons a year; by 1970, about 30 million tons a year."

U.S. efforts to meet this rising demand by putting 50 million idle acres back into crops have "hardly gained an inch" in the battle with hunger, Mr. Brown says.

The nations most in need of the food are often those least able to pay for it—the developing countries of Asia, Africa, and South America.

The problems can all be traced back to population, Mr. Brown asserts. In the long run, nations like India, Pakistan, and Bangladesh must manage to feed themselves, and doing that will require controlling population.

Two developing Asian nations, he says, have achieved outstanding success in the population area—Singapore and China.

Limited success has been recorded in a number of developing countries—South Korea, Taiwan, Singapore, Hong Kong, Barbados, Mauritius, Tunisia, Egypt, Chile, and Costa Rica.

One of the most miserable failures, he indicates, has been India, where Prime Minister Indira Gandhi's leadership on this issue has been "sad."

"Not that they can stop population growth overnight; but Mrs. Gandhi is simply not making an effort now. It's difficult to imagine anyone being more indifferent to the problem than she is, unfortunately," Mr. Brown asserts.

India's attitude, he says, presents Western leadership with a dilemma. How can they ask their own people to plan their families, to eat less meat, to endure higher prices for food and cotton goods and shoes—unless other nations are willing to help themselves.

"It's not an unreasonable expectation," he says, "because the United States cannot feed India over the long term. India must feed itself. We can help out in the short run. But that help . . . is not likely to be forthcoming unless Americans get every assurance that India is doing everything it can."

CONGRESS SHOULD DELAY IMPLEMENTATION OF PROPOSED AMENDMENTS TO FEDERAL RULES OF CRIMINAL PROCEDURE

Mr. ERVIN. Mr. President, I want to call to the Senate's attention the fact that on June 20, 1974, Senator HRUSKA, Senator MCCLELLAN, and I introduced S. 3684, a bill to postpone until August 1, 1975, the effective date of proposed amendments to the Federal rules of criminal procedure which were transmitted to the Congress by the Supreme Court on April 22, 1974. Unless Congress takes such action, these proposed amendments will go into effect on August 1, 1974.

The House of Representatives on July 1, 1974, passed a bill exactly the same as S. 3684. It had the unanimous support of the House Judiciary Committee.

This 1-year delay is important if the Congress is to have ample opportunity to study these proposed changes in the Federal rules of criminal procedure. Members of Congress have received many comments and criticisms from practicing attorneys about these proposed amendments. As yet, however, neither the House of Representatives nor the Senate has been able to undertake a careful study of the amendments. Certainly Congress should allow itself a reasonable time to discharge its responsibilities with respect to these proposed amendments which so directly affect the process of criminal justice in Federal courts.

I want to emphasize that S. 3684 and identical legislation already passed by the House of Representatives does not delay indefinitely the effectuation of the proposed amendments. S. 3684 simply postpones until August 1, 1975, the implementation of the proposed amendments. If Congress takes no action before August 1, 1975, the Supreme Court's proposed amendments will then go into effect.

S. 3684 has been referred to the Senate Judiciary Committee. It is essential that this legislation be passed and signed into law before August 1, 1974, at which time the proposed amendments will otherwise become effective.

EFIM SLAVINSKY

Mr. CRANSTON. Mr. President, Soviet Jews who want to leave the U.S.S.R. deserve our continued intense concern.

I was proud to join a number of my colleagues in protesting the appalling action of the Soviet Union, on the eve of President Nixon's recent visit to the U.S.S.R., when Soviet officials began a roundup of Jewish activists in order to insure that Mr. Nixon's visit was not marred by any actions which would have embarrassed the Soviet Government.

We urged President Nixon to raise the issue in discussions with General Secretary Brezhnev.

Today, Mr. President, I would like to call the attention of the Senate to the plight of a particular individual, Efim Mikhailovich Slavinsky. Mr. Slavinsky is a graduate of the Philological Faculty of Leningrad University and a specialist in modern American literature. He has been subjected to imprisonment and forced resettlement in the provincial city of Vladimir. He has twice applied for an exit visa and has been twice refused, most recently in April of this year. His first application for permission to emigrate cost him his job.

Mr. President, Efim Slavinsky is just one victim of a repressive policy which must be changed. The Congress must continue to make clear its concern for the brave individuals in the Soviet Union who risk everything in order to live in Israel or elsewhere. Soviet officials must understand our firm opposition to repressive emigration policies of this type.

I strongly urge the Soviet Government to allow Mr. Slavinsky and other individuals who wish to emigrate from the U.S.S.R. to do so.

MICHIGAN STATE UNIVERSITY'S CLIFTON WHARTON FACING THE KNOWLEDGE EXPLOSION

Mr. KENNEDY. Mr. President, as you know, the Office of Technology Assessment was set up to research and report on various technological matters that affect the lives of all Americans.

The OTA has established various advisory panels to facilitate their efforts in achieving these goals. One of these groups is the Food Advisory Panel. We are very fortunate to have as chairperson of this panel, Dr. Clifton R. Wharton, who is currently president of Michigan State University.

Recently there appeared in the Tuesday magazine of the Washington Star-News an article that describes this extraordinary expert in person who is a leader in the field of food technology as well as an outstanding scholar and academician.

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

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

MICHIGAN STATE UNIVERSITY'S CLIFTON WHARTON FACING THE KNOWLEDGE EXPLOSION

When Clifton R. Wharton, Jr., was named the 14th president of Michigan State Univer-

sity in October 1969, the announcement generated a flood of news stories, thrusting Wharton and MSU into the national limelight. Up to that time, deservedly or undeservedly, MSU had not generated much copy in the news magazines or newspapers, outside of the sports pages. But the appointment of the tall, slim Bostonian brought a new eminence to MSU for one primary reason: Clifton Wharton was the first Black man to become president of a major college or university, at least in this century. (Wharton pointed out to reporters that a Black man, Patrick Healey, headed Georgetown University from 1872 to 1883.)

Ever since he joined the Harvard University radio station and became secretary of the National Student Association, which he helped found as a Harvard undergraduate in the mid-1940s, Wharton has rung up an impressive string of honors in one capacity or another. But after four years of trials and tribulations at the MSU helm, he earnestly wants to reach the national consciousness in areas which are primarily non-racial. Wharton once told a news reporter, "I like to express my militancy by meeting the competition totally on its own grounds without any special consideration. Meeting racism on these terms is what I call positive militancy."

Wharton calls his four years at MSU "challenging, exciting, and rewarding." Indeed, he has made an impact on the students, faculty, staff and trustees that few people will easily forget. This would seem to indicate that Wharton is the kind of freewheeling administrator who comes across with a flamboyant bang, but that is not the case. His style is low-key and somewhat cautious. He likes visibility, but eschews outspokenness or conflict situations that might focus attention on the combatants rather than on problem solving.

One of his major priorities (he refuses to call it the *top* priority) at MSU has been to move the university in the direction of what he calls "lifelong education." Under this concept, he explains, the university must prepare to meet the educational needs of people throughout their lives, not just grant them a degree after a certain number of years of study.

When discussing the concept, Wharton's eyes light up, his voice rises, his gestures become more pronounced, and it is obvious you are on his favorite ground.

"Lifelong education is a very central goal of the university. We must broaden our horizons beyond the campus and develop curricula to help people get beyond their degrees. The knowledge explosion makes it necessary to provide more than four years of learning. Universities must now serve people throughout their life cycles," he says.

Under this concept, he explains, institutions of higher learning would provide a wide range of educational services for people who have graduated from college, worked for some time, and developed a new set of needs: middle-aged profesionals who may want to learn new skills or update the old ones; workers whose skills are no longer marketable; or elderly people who want to spend their leisure years learning, rather than in a rocking chair, perhaps helping to rear and educate their grandchildren.

Having an idea for educational reform is one thing, but getting a huge bureaucracy, with various power centers and an assertive board of trustees, to go along with it presents a task of political diplomacy as well as leadership.

But Wharton seems to have met and conquered the challenge. Each of the 17 colleges at MSU is currently researching how it can contribute to a program of lifelong education. After he receives the recommendations of the colleges, Wharton and his staff will develop "broad educational policies and recommend them to the board. If the board accepts, then we'll begin to fund various programs," he says.

Though he declines to set a date for the completion of this job, it is obvious that the final phase—funding and implementation—is not that far away. When that time comes, MSU will have reached a milestone in the ever-widening challenge of higher education to meet greater and more complex needs of a restless and changing population.

The change will be an unglamorous one that may not make national headlines, nor even the front pages of some academic journals. But that does not seem to bother the tall, self-assured educator. The creation of "lifelong education" is consistent with his philosophy that universities must "identify areas of changing needs so we can be current and responsive," and Wharton will follow his philosophy regardless of plaudits.

Another area of "changing needs" that MSU has met head on under Wharton's leadership is that of educating the so-called disadvantaged students, many of whom are members of racial minorities. Rather than creating a Black studies program or department, MSU's answer has been the establishment of a College of Urban Development under the direction of an eminent Black scholar, Dr. Robert L. Green, who also has a long history of involvement in the civil rights movement with the late Dr. Martin Luther King, Jr.

The college has two main divisions—a Department of Race and Ethnic Studies and a Department of Urban and Metropolitan Studies. According to the 1974 *MSU Fact Book*, "The general objective of the college is to train individuals to produce, synthesize, and apply a body of knowledge related to identifying and solving urban and ethnic problems."

Wharton states that "we went in a different direction on this whole urban-race question than other universities." He vigorously opposes setting quotas for admitting Blacks or any other group. His emphasis with minority students, he says, has been "to get them into the university and to get them out. We have a good record of recruiting and *retaining* these students, and we've shown steady improvement in admitting and graduating them. In fact, MSU started its minority recruitment program about 1967 when hardly anyone else had developed one. I think we've done a good job of identifying minority youngsters who really want to go to college, and provided proper support services for them." According to the university's figures, Black enrollment at MSU has jumped from 690 (1.7 percent of the total student body) in 1967 to 2,573 (6.2 percent) in the academic year 1973–74.

Under Wharton's leadership and direction, minority students are actively encouraged to go into those disciplines where relatively few have concentrated. "Right now," he points out, "we have more than 100 Blacks in engineering—more than any other Big Ten university."

Wharton gets high marks from other university spokesmen for bringing minority students to MSU. Green declares, "Clif has done a very effective job of getting more Blacks here. He's low-key, but effective. We've got the largest minority enrollment of any non-urban, major White institution in the country."

Much the same assessment comes from Carl S. Taylor, 24, a former MSU campus militant whom Wharton named director of minority affairs three years ago. Taylor was among a group of students from low-income families in Detroit who were recruited to MSU "*before* the riots of 1967. That's important to remember. "When I first came here," Taylor said, "I considered myself a revolutionary. But Wharton has taught me a lot of things. He's done his job tremendously well. He interacts on all levels of the university with everybody. I'm amazed how he does all the things he does. He also has a definite concern for minority students, though he's not trying to gain popularity among them."

Instead, Wharton prefers the "low-key, but effective" approach of getting more Blacks to enter and graduate from the university.

This is also in line wtih Wharton's philosophy that the university must meet the needs of various segments of society—high achievement students from moderate or middle-income backgrounds, high potential students from low-income backgrounds, as well as disadvantaged students who want to go to college, but do not have the money.

When discussing MSU's record in this area, Wharton's eyes sparkle anew, and he speaks with a particular force and emphasis. "We have the largest number of National Merit Scholars of any American university," he declares, "but a somewhat similar number of special admission students with high potential. The really excellent university is one that can educate that diversity of students." Last fall, for example, 124 National Merit Scholars were admitted into the freshman class, along with 166 special developmental students—that category of students who are admitted not primarily on the basis of standard criteria like test scores. But Wharton is quick to point out that "the majority of minority students at MSU are not special admits, which dispels a fallacy about them."

This balance of high achievement and special potential students is an illustration of the kind of educational innovation at MSU that Wharton found when he arrived there and, in fact, was one reason why he had come in the first place. "I was interested in MSU because of its history of innovation and its tradition. It's got a lot of zing. Since I've become president, I've had feelers from other universities, but I'm not interested in moving. The university (MSU) is exactly what I thought it would be—innovative."

Some would argue that it was an "innovative" move to select a young, talented Black man with impeccable academic credentials and a broad background in foreign affairs as president of a university like Michigan State. Wharton argues strenuously that race had little or nothing to do with his selection. However, it would seem somewhat naive to discount race as a factor, just as it would be naive to presume race was the dominant one. The safest estimate is that Wharton's race might have caused the trustees some extra thought, particularly at the time when MSU was experiencing a high degree of campus militancy from Blacks and Whites, but that his education and background made the choice easier, particularly when a chief competitor for the job was Michigan's ex-governor, G. Mennen (Soapy) Williams.

Wharton's performance as MSU president seems somewhat more startling because he did not come right out of academia, nor was there anything in his background that seemed to qualify him to run a giant organization like one of the nation's largest universities.

MSU's current enrollment is about 41,500. The East Lansing campus—five miles long, one and one-half miles wide—has the second highest number of students (next to Ohio State) of any campus in the U.S., although some universities with multi-campuses have more students when the combined campus enrollments are totaled.

The entire MSU family swells to about 53,000—a fair sized American city—when faculty, staff and university employees are counted with students. Dealing with that number of people and administering a budget of well over $200 million per year require an accomplished administrative skill, which Wharton possesses along with his other talents.

Dr. Robert Perrin, MSU vice president for university relations, calls Wharton "a very interesting man to work for; very lively behind the scenes, and very innovative. He wants to move this university. And that's harder than it sounds. You have to be a pretty good politician to get all these elements together. There's a skill to getting people to work with you instead of against you." Perrin cites Wharton's success in implementing a program of lifelong education at MSU as an example of Wharton's ability to unify various forces.

Perrin lists Wharton's strengths as decision making ("He doesn't like to let things drag on"), ability to grasp problems, sensitivity to the effects his decisions will have on people, and ability to articulate his concerns and problems. "I enjoy working with him," continues the MSU vice president. "He wants results but he understands you're human."

Wharton came to MSU from the Agriculture Development Council (ADC), a New York-based, nonprofit organization funded by the Rockefeller family. The ADC, Wharton explains, specializes in training and developing technically competent personnel in agriculture and other fields in underdeveloped countries. Wharton went to work for the ADC in 1957—a year before he received his Ph.D in economics at the University of Chicago.

Exactly 10 years earlier—1943—Wharton had achieved another academic first in being awarded a master's degree at the School of Advanced International Studies at Johns Hopkins University.

Wharton's father, Clifton Sr., served 40 years as a career diplomat and foreign service officer—a rare achievement in his time. He later became U.S. ambassador to Rumania, and later to Norway. Wharton Sr. returned to the U.S. in 1964.

It was Wharton's work with the ADC, more than any other factor, that gained him the respect and admiration of many people in education, within the foundations as well as government. His earlier years, 1958 to 1964, were spent in Malaysia, where he administered the Council's programs in Thailand, Cambodia, Vietnam and Malaysia. According to an ADC fact sheet on Wharton, "He was a visiting professor at the University of Malaya and published many studies on the development problems of Southeast Asia."

He took a year's leave to teach at Stanford University in 1964, returned to the ADC to work in its New York headquarters in 1965, and was named vice president in 1967.

Wharton's work in Southeast Asia left an indelible impact on him; his wife, the former Dolores Duncan; and their two sons, Clifton III, 21, and Bruce, 15. Clifton III is a senior philosophy major at Oakland University near Detroit, and Bruce is a freshman at Deerfield Academy at Deerfield, Mass.

Dolores Wharton is an exuberant woman with an infectious smile, who enjoys her role as MSU's First Lady. She says, "We don't have much time alone. Almost all of our time is given to the university. We tend to take breaks in Manhattan—at a play, restaurant or museum."

They are known as constant companions, especially around the campus. For example, Wharton frequently visits and talks with groups of students in dormitories or frat houses (a radical departure from the practice of previous presidents who kept themselves cloistered in their offices). On most of these visits, Mrs. Wharton is right along, getting involved with and becoming known to the students. She is also something of an innovator in her own right. Once a year, she hosts a party for the widows of deceased university faculty members. Shortly after her husband assumed the MSU presidency in January 1970, Mrs. Wharton initiated a program of rotating the works of the members of the university's art department within their official residence on campus, Cowles House.

This was consistent with Mrs. Wharton's long interest in the arts. In 1971 she completed a book, *Contemporary Artists of Malaysia*, a survey of Malaysian artists and their works. She is also a member of the Bicentennial Committee of the National Council for the Arts, the Michigan Councils for the Arts, the Governor's Special Commission on Architecture, and the Michigan Bicentennial Commission.

Mrs. Wharton's most prestigious appointment, which was not in the arts, came earlier this year. She was elected to the board of the Michigan Bell Telephone Co. Wharton himself serves on nine major institutional or corporate boards. Just last year, he was named to the boards of the Ford Motor Co. and Burroughs Corp. In 1969 he was elected to the board of the Equitable Life Assurance Society.

Clifton Wharton, Jr., obviously enjoys being president of MSU and that is what he works at the most. MSU is his greatest challenge thus far, and he intends to leave his mark there. If ever he decides to move on to a higher challenger, friend and detractor alike will see the Clifton Wharton stamp at MSU. His innovations will live a long time.

THE COPYRIGHT BILL

Mr. HUGH SCOTT. Mr. President, I would like to bring to the attention of the Senate an excellent editorial which appeared in the New York Times on July 1, 1974.

The editorial noted with strong approval the action of the Senate Judiciary Committee in favorably reporting the copyright revision bill, S. 1361, last month. It commented that:

> Creators as well as the public would be protected by this measure which strikes a fair balance between the rights of the individual creative artist and the advent of the new technology.

The bill is largely the result of Senator JOHN MCCLELLAN's fine efforts over the last 7 years. Without his diligence and sincere interest in this very difficult area, a good copyright bill might not have been produced.

I would like to point out that the editorial did contain one mistake which was later corrected. The new term for copyright under the bill will be the life of the creator plus 50 years, not life plus 15 years as the editorial stated.

I fully agree with the New York Times that the 12-year-old struggle for a fair copyright law should be culminated as soon as possible. Hopefully, the Senate will vote favorably on S. 1361 later this month.

I ask unanimous consent for the editorial to be printed in the RECORD.

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

CREATIVITY AND COPYRIGHT

The revolution in communications in the last decade requires Congress to bring the Copyright Act of 1909 into the 1970's. Technological advances in cable TV systems, photocopying machines and computers are ingenious; but this hardware cannot function without the so-called soft ware, a technical term ironically standing for nothing less than the creative works of writers, editors, playwrights and composers. Without the human spark, the machines would only draw blanks. This elemental idea is at the heart of the twelve-year-old struggle for a fair copyright law.

The copyright bill now approved by the Senate Judiciary Committee represents a great advance. It would extend the term of a new copyright to last through the creator's lifetime, plus fifteen years. This extension would have the beneficial effect of bringing domestic law into line with foreign copyright laws. By providing for a single national system of protection for published as well as unpublished material, such as letters, the bill would help to prevent abuses of privilege and invasion of privacy.

Schools and libraries have been allowed the right to uncompensated reproduction of copyright material, provided that this is done by "fair use" instead of through indiscriminate copying. Substantial compromises have been made in this respect by authors and publishers. Any further exemptions would cripple the system of independent authorship and private entrepreneurial publishing.

Other sections of the complex bill protect composers, musicians, playwrights and scenarists. Composers would obtain a higher royalty rate for recordings and be compensated for the use of their music on jukeboxes. Film companies and broadcasters would have licensing arrangements for protection of original material picked up and played through cable TV systems. The difficulty of arriving at reasonable compromises on these complex questions has delayed the entire measure.

Now the Senate subcommittee on copyrights under chairmanship of John L. McClellan, Arkansas Democrat, has produced a sound bill. It moves to the floor of the Senate shortly, and deserves approval without further inroads. Creators as well as the public would be protected by this measure which strikes a fair balance between the rights of the individual creative artist and the advent of the new technology.

IMMIGRANT PASTOR—THE LIFE OF THE RIGHT REVEREND MONSIGNOR LUCYAN BOJNOWSKI OF NEW BRITAIN, CONN.

Mr. RIBICOFF. Mr. President, the life of the Right Reverend Monsignor Lucyan Bojnowski is the subject of a book, "Immigrant Pastor," written by Dr. Daniel S. Buczek. Having lived in New Britain, Conn., during many of the years covered in this book, I am well aware of the great contribution made by Monsignor Bojnowski to Roman Catholics of Polish descent and to the entire New Britain community.

I am taking this opportunity to print the preface of the book in the CONGRESSIONAL RECORD, and I highly recommend the reading of "Immigrant Pastor." There are many lessons to be learned from the life of a great religious leader and a great man, the Right Reverend Monsignor Lucyan Bojnowski.

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

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

PREFACE TO "IMMIGRANT PASTOR"

The history of the immigration of the Poles to the United States and of the communities they created here has yet to receive a serious, comprehensive study. This lacuna is particularly visible in the history of the Roman Catholic Church in the United

States, an institution to which over ninety percent of the Polish immigrants belonged, indeed centered their lives around. This biography of the Right Reverend Monsignor Lucyan Bojnowski of Sacred Heart of Jesus Church, New Britain, Connecticut is an effort to fill one small but significant part of that lacuna.

The life of Monsignor Bojnowski, however, possesses a significance far greater than this. Faced with the challenge of a new, often hostile environment, the poor, illiterate, disoriented Polish peasant immigrant looked to an "intelligentsia" to lead him, first to honorable status within the Church, then to middle class respectability in American society. Some of the representatives of this "intelligentsia," unknown thus far even to specialists of American ethnic studies, performed near-herculean feats in their efforts to help the Pole in American society achieve a viable community within the larger American community.

Some of these men were laymen: Jan Smulski of Chicago; Dr. Franciszek Fronczak of Buffalo; Dr. B. L. Smykowski of Bridgeport, Connecticut. Most of them, however, were priests of the Roman Catholic Church. Almost every sizeable Polish-American community could boast of the likes of one of these: Barzynski, Sztuczko, the Bonas of Chicago; the Pitasses of Buffalo; Kruszka of Milwaukee; Ignasiak of Erie, Pennsylvania; Dworzak of Yonkers; Puchalski of Staten Island; Bojnowski of Worcester, Massachusetts. The list is a long one. Even the schismatic Bishop Hodur of Scranton belongs in this company. Some of them were the stuff of which bishops are made. All of them possessed rare gifts of charity, understanding, leadership in facing the great problems of immigrant communities in the first half of the twentieth century.

Monsignor Bójnowski stands in this illustrious company, a leader among giants. His adopted city was a pygmy among giants. Yet, this great Polish immigrant priest and patriot led his parish and community to incredible heights of community achievement, to an influence over Polish-American life far out of proportion to its size. This biography of Monsignor Bójnowski is not only an essay in historical analysis and understanding. It is an encomium to unsung greatness.

Throughout the writing of this biography, I have tried to be mindful of two different kinds of audiences. This biography is respectfully written for the numerous friends, parishioners, and acquaintances of Monsignor Bójnowski who were inspired by his great example. Because the life of this great pastor and the parish-community he forged was a microcosm of the life of Polish America in the first half of the twentieth century, I have also written a chronicle for ethnic specialists, taking few liberties with the rigorous demands of scholarship. In the use of proper names I have adhered to the principle that the original Polish spelling would be retained if the person himself used that spelling in his public life. For instance, it is Lucyan Bójnowski, but Saint Lucian's Home for the Aged.

The main source of Monsignor Bójnowski is the weekly newspaper he published for over fifty years. Because of the frequency with which this newspaper is cited in the text, I decided to break one rule by referring to it in its English translation, the *Catholic Leader*, and to its original Polish in the notes—*Przewodnik Katolicki*. Other less utilized newspapers are cited by their original names in the text and the notes.

This biography could not have been written without the vision and aid of many persons. The vision belongs to the Rt. Rev. Msgr. John P. Wodarski, pastor of Holy Cross Church, New Britain, Connecticut and to the Association of Polish Priests of Connecticut of which Msgr. Wodarski was president at the time the project for the biography was conceived. To Msgr. Wodarski and the priests of the Association I owe a debt beyond material rewards for the honor tendered to me of being chosen the biographer of Msgr. Bójnowski. Two persons—Msgr. Alphonse J. V. Fiedorczyk, pastor of Holy Name of Jesus Parish, Stamford, Connecticut, altar boy, curate, confidante, and protegé of the late Msgr. Bójnowski, and Sister M. Innocentia of the Motherhouse of the Immaculate Conception, New Britain—are the sources of many of the anecdotes about Msgr. Bójnowski which lend so much of the "human touch" to this biography, without which it would have become flat. To both of them I extend a sincere Polish greeting, "Bóg zaptac!"

A scholar and biographer relies on the generosity of many other archivists, librarians, and colleagues. The burdens of research are onerous enough, rendered much lighter by the advice, time and patience of these kind and dedicated workers. I should like to single out, in particular, Mr. Ray Boylan, circulation librarian of the Center for Research Libraries, Chicago who sent me the files of the *Catholic Leader* without which this biography could not have been written and Father Donald Bilinski, O.F.M., curator of the Polish Museum and Archives, Chicago, who placed his staff at my disposal during my visit there in the summer of 1972. Mrs. Dorothy Kijanka, reference librarian of the Nyselius Library, Fairfield University is to be commended for the efficiency and dispatch with which she arranged my requests for interlibrary loans. Indispensable to the writing of this biography were the files of the *New Britain Herald* and the Polish-language newspaper, *Nowy 'Swiat*. I offer my heartfelt expression of appreciation to Mr. Richard F. Conway, managing of the *Herald* and to Dr. Eugene F. Kusielewicz, president of the Kosciuszko Foundation, for the use of these newspaper files.

I should also like to mention the help that I received from the persons who consented to sit with me in an informal interview: Msgr. George Bartlewski of Bristol; Rev. Francis A. Duch of New London; Rev. Anthony Smialowski of Union City; Messrs. Antoni Milewski and Jan Wojtusik of New Britain; the family of the late Msgr. Bójnowski; Mr. Henry Bójnowski and Mrs. Florence Waszkiewicz of New Britain; Mrs. Berttha Sokolski, secretary to Msgr. Bójnowski; and finally Rev. Theodore L. Zawistowski of the Polish National Catholic Church who guided me to an understanding of Bishop Hodur and the Polish National Catholic Church.

The preparation of the manuscript in its original draft was the work of two efficient, dedicated typists, Mrs. Blanche Favale and Mrs. Egea Logan of Fairfield University. The final transcript copy was in the capable hands of Mrs. Lynne Bennett of Fairfield, Connecticut. To these three professionals I express my esteem and appreciation.

To all these and other inadvertently missed, I express my sincere gratitude and hold their aid to me in fond memory. If errors there are, I alone am responsible.

Fairfield, Connecticut, January 26, 1974.

POLICIES OF THE EXPORT-IMPORT BANK

Mr. DOMENICI. Mr. President, recent actions by the Export-import Bank have greatly distressed me. I have spoken to my Senate colleagues before about the Export-Import Bank's willingness to give low-interest loans to the Soviet Union to develop natural gas in Siberia and elsewhere, while such resources languish in our Nation for lack of low-cost money. I expressed, at that time, the belief that the Export-Import Bank should review its policy toward such loans.

The Export-Import Bank, we should all recall, is a creature of Congress, established more than 25 years ago to aid in overseas trade for American business. At that time, it was a legitimate and reasonable venture on the part of the American Government. Low-interest loans to help expand our overseas trade was, and still is, a good concept, within limitations. But, it is time for reevaluation of Export-Import Bank's operating procedures, as I called for earlier this year.

It is in a similar vein that I make my remarks today. I have been disturbed by a recent Eximbank loan of $180 million to the Soviet Union, at 6-percent interest, to strip mine phosphate from Florida and send us in return ammonia, urea, and potash fertilizers. While much has been made of the potential military applications of superphosphoric acid that the Russian will get, and I admit my concern in this regard, but my most specific complaint revolves around the potash we are allegedly going to receive from the Soviets in return for our phosphate.

My State contains large potash mines. An ammonia fertilizer plant is under construction in the same area, near Carlsbad. Our domestic potash industry is already under pressure from Canadian production. Why, when so many jobs in my State depend upon a healthy potash industry; when so much tax revenue comes from that industry; and when unemployment in my State is running at more than 6 percent, why is an agency of this Government encouraging the import of potash? Why is not the Federal Government loaning money to the potash people in my State, at that very low 6 percent interest, to increase jobs and tax revenues? Why are we exporting phosphate, needed for fertilizers, when this nation is already fertilizer short? How can I explain this kind of approach to those thousands of New Mexico farmers and ranchers who don't have enough fertilizer for this fall's crops?

Mr. President, I understand the need for overseas trade. I am willing to accept that this nation must be a dependable supplier. But, this phosphate-potash machination, financed by American tax dollars, is unacceptable.

I understand that this body will soon have before it a new piece of legislation dealing with the Eximbank and imposing new restrictions on such loans as this most recent one to the Soviet Union. I fully support, and was an original cosponsor of, the Jackson-Stevenson amendments—that is, that a new ceiling be put on credits to the Soviet Union; that Congress role in Eximbank loans of more than a certain level be increased; that a limit be imposed on credits to all Communist nations except Yugoslavia and Romania; and that Presidential national interest determinations be clarified for loans to a Communist country. I understand that many of these proposals will be incorporated in the bill to come out of committee.

Let me point out to my colleagues that the $180 million loan in question involves some particulars that I believe congressional oversight would correct. Specifically, the Eximbank apparently have never been given financial information it has requested concerning the

Soviet Union's ability to repay. You will recall that this was one of the big sore spots in the natural gas proposal funded partially through Exim. Secondly, there is some serious question about whether the steel to be used in constructing a large pipeline for this project will be bought from the United States. This provision is supposed to be a strong positive factor in granting the loan.

Third, the ammonia and urea plants will not be bought in this Nation, sources indicate. Yet, Ex-Im, in announcing this loan this past May, said that materials purchased from American companies will be used in construction of the ammonia plants, storage facilities, pumping stations, railroad tank cars, and the pipelines.

What all these unresolved questions lead to, of course, is the need for greater accountabiiity by Ex-Im to the representatives of the people—the U.S. Congress. I would hope that the committee bill will meet this need and I am confident that it will. I know that the concern of many Members of this body about Ex-Im loans to the Soviet Union has already been expressed. I am glad that this concern has been bipartisan. The question is not one of partisan maneuvering, but of economic and political common sense. Simply: is it reasonable to help the economic development of the Soviet Union while the economic development of this Nation lags in some of the very same economic areas—in this case, fertilizer plants, potash mining, and, earlier, natural gas.

My fellow New Mexicans don't mind paying their taxes as much when they know that their tax money is being used for the good of the Nation. I have serious doubts about New Mexicans accepting, however, the use of their tax dollars to import potash when good jobs are lacking in the potash industry in their State.

To show the extent of this concern in my State, I ask unanimous consent that a letter from a constituent, Mr. W. E. Whitfield of Albuquerque, be printed in the RECORD.

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

TRAMMELL-WHITFIELD PROPERTIES,
Albuquerque, N. Mex., June 26, 1974.

Senator PETE DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR PETE: I bring this article to your attention because I think it typifies how many non-elective agencies of our bureaucracy dramatically affect our day to day lives without we, as individual citizens, or you as our representative, even knowing about it until after the fact.

Initially, for all practical purposes, this transaction started out as a "basic barter/trade" wherein we are to take ammonia, urea and potash fertilizers for super phosphoric acid. Theoretically, such a transaction is to aid our exports and thus is being done by the Export-Import Bank under the guise of national interest. As the deal proceeds it seems that the United States ends up making a loan of $180 million to the Soviets, with no definitely determined means of repayment, as the Soviets have no obligation to deliver products if the price for them falls below a certain level. I don't see how this can be in the national interest.

First off, I do not believe that the Federal Government should be involved in this type business transaction, but that these types of trades should be required to be effected in the private market, and stand or fall on their respective individual merits. Obviously, a transaction such as this, lacking the means of repayment will not "swim on its own".

What additionally seems incongruous to me is that at the very time when money conditions are very critical for the financing of domestic industry that we through the power of government would be withdrawing from the banking system $180 million to fund projects in a foreign country, to a government who has notoriously neglected to repay its obligations. Not many years have passed since we settled a Russian debt for a few cents on the dollar.

The net effect is that we have a shrinkage in the available funds for lending in the private sectors within the United States, which puts additional pressure on already rising rates of interest as domestic users of funds are subjected to additional competition for funds. Correspondingly, these loans are being made at a preferential rate of interest which is about 50% below what even the most qualified businesses can obtain in the United States at this time.

Furthermore, in all likelihood the loan will be defaulted which then means that we will just have destroyed the purchasing power of the dollar to the tune of another $180 million, which may seem insignificant, but it is typical of those type transactions that generate dollars into foreign markets through foreign aid programs, which then gives rise to additional claims against the United States Treasury. I see neither of these avenues as being in the national interest. I would firmly hope that you, together with other members of Congress would be able to cause disbursement of funds in this transaction to be held up and thus collapse this proposed trade, unless accomplished in the private sector and thus not subjecting us to inflationary forces.

Additionally, I would propose the demise of the Export-Import Bank. If this does not seem politically possible at this time, then I would propose a cut in its budget from $20 billion to $10 billion or so, and make provisions for the phasing out of the bank. Currently, they are attempting to have their budget raised to $30 billion.

I would also propose in conjunction with any extension of the life of the bank that Congress be given veto power over any export/import credits to any country, not only communist block countries, where the credit in question exceeds $10 million dollars.

Frankly, members of the Congress are going to have to face the fact that they are going to have to take the responsibility for shrinking the purse strings on the non-elective agencies of government. They are literally out of control. Inflation is world-wide and without the United States Congress taking a tough stand on monetary policy and the transactions thereunder, there is not much hope of developing monetary stability. Without monetary stability there is no hope of political stability, at least not in the free world.

Your special attention to this matter would be greatly appreciated.

Sincerely yours,

W. F. WHITFIELD.

FREEDOM OF SPEECH FOR PRISONERS

Mr. KENNEDY. Mr. President, a principal responsibility of government is to provide for the welfare of all citizens. And that responsibility carries with it the obligation to protect those who do not have the power to influence decisions affecting their lives. Instead, what has evolved, is that we assign a low priority to the segments of our population that do not constitute a substantial power bloc. Invariably the poor and minority populations do not receive the protection to which they are entitled. Not until a crisis confrontation is posed by those groups do we turn our attention to their conditions.

Historically one of the most overlooked minority groups in our country has been the imprisoned. Only until very recently in our history has the matter of prison reform been given even a minuscule portion of the regard that it deserves. Again, crisis confrontation provided the stimulus. Prison riots and boycotts, with accompanying violence and death were needed to make government begin to respond.

Mr. President, how many Attica's do we need to awaken us to the need for prison reform? How many more needless deaths inside our prisons will occur before our Government will uphold the rights and interests of our imprisoned citizens?

Regrettably, Congress has not responded to this national crisis. But public knowledge of these shameful prison conditions may begin to arouse the action needed for meaningful prison reform. The lack of public knowledge breeds a lack of public sentiment and concern for the need to do the right thing.

Demonstrations other than violent conflicts must be used to awaken the public to the ignominous plight of the inmate. However, on June 24, the Supreme Court succeeded in providing an almost insurmountable roadblock to this goal. The court ruled it is constitutional to bar interviews between reporters and inmates.

On June 27, an editorial appeared in the Washington Post that addresses this issue. I hope the article will provoke my colleagues into heedful consideration of this question. For if we do not make conventional means of gaining public attention available to prisoners, then they will continue to be forced to use whatever other means that are available to achieve their goals.

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:

AND ACCESS TO THE PRISONERS

Just about a year and a half ago, Chief Justice Warren E. Burger, took the occasion of a speech in Philadelphia to address one of his favorite topics: the need for reform of the American prison system. He chided the society and its courts for ignoring the prisons and the fate of prisoners once they have been convicted and sentenced; these were his words:

We continue to brush under the rug the problems of those who are found guilty and subject to criminal sentence. In a very immature way, we seem to want to remove the problem from public consciousness. It is a melancholy truth that it has taken the tragic prison outbreaks of the past three years to focus widespread public attention on this problem.

We agree wholeheartedly with those sentiments. And that is why we disagree wholeheartedly with Chief Justice Burger and four of his colleagues in a decision the Supreme Court announced on Monday. The Court found, 5-4, that prison regulations barring interviews between reporters and inmates did not violate the constitutional guarantee of free speech and free press.

When Justice Burger pointed out that the prisons were far away from public consciousness, his observation coincided with that of several commissions, citizens groups and prison rights groups, all of whom have argued that one of the reasons for prison outbursts is the feeling among prisoners that they are locked away where no one can see what is happening to them. One of the reasons they riot is to forcibly call public attention to the shame of the prisons. It is one of the arguments of the prison reformers that great damage done to the prisoner is not only from society's inability to see in, as well as from the inmate's inability to see out.

It was against this background that a group of West Coast journalists and a Washington Post reporter, Ben H. Bagdikian, sued the California prison system and the U.S. Bureau of Prisons to end the practice of denying journals the right to interview individual inmates with a specific story to tell. They argued that one of the best ways for the rest of society to understand what was being done behind those walls in all our names would be for the press to be able to conduct face-to-face interviews. Furthermore, they argued, such interviews should be the First Amendment right of the inmate and the press alike.

The Supreme Court, however, found that prisoners were not cut off from the public because they could always write letters to reporters and others, if they so chose. It held that the rights of the prison administrators had to be balanced against the rights of the prisoners and the press. It noted the policies of the two prison systems permitting reporters to tour the facilities and talk to the prisoners at random—but often in the company of guards and other officials. The key phrase is "at random." While the court recognized the value of the pre-arranged face-to-face interview arising out of some prior insights to a particular circumstance, it said this was not a value of overarching importance when balanced against the interests of the prison officials. And it said, finally, that the right of the press to scrutinize the prisons was no greater a right than that of the public, and that the public was not granted such access to the prisons.

And that is just the point. The public cannot regularly tour the prisons and interview inmates any more than the public could be expected to learn all it needs to know about Congress by attending all its hearings. It could not master the issues of the city council by going to all its deliberations. That is the role of the press—to obtain and convey that vital information required by a self-governing people if they are to make wise decisions.

Justice Lewis Powell, in a noteworthy dissent, reminded his colleagues of the vital issues at stake for the whole of the society in the prison decisions:

The people must depend on the press for information concerning public institutions. The . . . absolute prohibition of prisoner-press interviews negates the ability of the press to discharge that function and thereby substantially impairs the right of the people to a free flow of information and ideas on the conduct of their government. The underlying right is the right of the public generally. The press is the necessary representative of the public's interest . . . and the instrument which effects the public's right.

We can only add our hope that Justice Powell's moving and wise dissenting view will someday prevail.

ADMINISTRATOR JOHN SAWHILL STRESSES IMPORTANCE OF COAL IN ADDRESS TO THE WEST VIRGINIA ASSOCIATED PRESS BROADCASTERS—CITES CONCERN OF HUNTINGTON EDITORIAL

Mr. RANDOLPH. Mr. President, on June 29, 1974, I traveled in West Virginia with Federal Energy Administrator John C. Sawhill. While en route to a meeting of the West Virginia Associated Press Broadcasters Association at North Bend Park, near Parkersburg, we met with members of the press at the Benedum Airport serving Clarksburg and Fairmont, W. Va.

FEA Administrator Sawhill predicted "a surplus of petroleum on the world market in the next few months." Also, he did not foresee any shortage of gasoline this summer.

In a later luncheon address to the West Virginia Associated Press Broadcasters Convention, Administrator Sawhill declared:

> It is fitting to speak of Project Independence to a group of newsmen, especially here in West Virginia—a state whose 55 billion tons of coal is indispensable to our search for energy self-sufficiency.

Mr. Sawhill added:

> The Project Independence Blueprint, which I submit to the President on November 1, will call for coal production in such great volume that to speak of simply revitalizing the industry would be an understatement. Our efforts will seek to make coal, once more, a prime energy source.
>
> We may ultimately have to double or triple coal production. And we will surely seek an annual increase of 10 percent.
>
> In manpower and money, this means twice the number of miners presently employed—almost 300,000 by the late 1980's—and perhaps four times the industry's current capital investment over the next ten years alone.
>
> But increased production will not be attained without improved mining techniques, and that means a continuing program of research and development.

In recognition of the need to develop Eastern as well as Western coal resources, "one should not and will not be developed at the expense of the other", declared Mr. Sawhill.

However, the Huntington, W. Va., Herald Dispatch stated in a June 27, 1974, editorial:

> The nation's current energy crisis . . . doesn't mean that coal from the West isn't going to be a major threat to West Virginia coal. . . .

As the editorial noted—

> Coal from the West can be mined and sold cheaper (than West Virginia coal) because this is where the strip mining issue enters the picture. Most coal here in West Virginia and Eastern Kentucky is deep mined. Most coming out of the West and Midwest comes from strip mines, and these are the operations that the mining interests would like to see expanded. Strip mining, of course, is cheaper than deep mining. Thus, the coal from the West would be cheaper—but only if the consequences to the environment are ignored. . . . the expansion of strip mining in the West—linked with the opening of Federal land there to the strippers—could be a body blow to West Virginia's deep mines.

FEA Administrator Sawhill observed:

> West Virginia is a microcosm of the American coal industry. The fortunes of the area have prospered and declined with coal . . .
>
> West Virginia is a leading indicator of the industry's health, and there is every indication that it is beginning to improve.

However, as the Herald Dispatch noted further that there is room for improvement, particularly regarding the development of eastern coal resources under regional energy policies to satisfy eastern energy demands.

During our personal discussions, I urged Administrator Sawhill "to expeditiously designate more potential electric powerplants that will be considered for converson from oil and natural gas to coal. For this would enable the coal industry to undertake the planning necessary to assure that the required coal supplies will be available." Such conversions can be ordered under the Energy Supply and Environmental Coordination Act of 1974 signed by the President on June 26.

In his address, Sawhill said that:

> The Federal Energy Administration now can and will order major fuel burning facilities, such as utilities to stop using scarce natural gas and petroleum products as primary energy, and convert to coal. This can be done wtihout sacrificing primary standards and air quality.

However, Administrator Sawhill observed:

> The coal industry lives on long-term contracts. And while the utilities could undoubtedly save oil and natural gas until 1979, the bill would do little to stimulate the steady expansion of the coal industry.
>
> To achieve the goals of Project Independence, it is important that any conversion of electric generating plants to coal be for the long term—preferably matching the life of a coal mine. Utilities must be prepared to enter into long-term contracts so that a mine can be amortized over a minimum of 15 years.
>
> . . . we obviously will have to integrate our economic and energy policies so that they are both directed toward achieving the national energy goals of Project Independence. And those goals require a continuing and expanding commitment to coal.

Mr. President, Administrator Sawhill is to be commended for an in-depth perspective of the energy problems with which the United States must cope in the years ahead.

I also extend my appreciation to the members of the West Virginia Associated Press Broadcasters Association. In particular, I wish to thank the then-President Jerry Kelanic of WWVA Radio in Wheeling; the new president, Roy Brassfield of WCHS-TV in Charleston, and Tom Briley, bureau manager, and Steve Shipp of the Associated Press in Charleston.

Mr. President, I ask unanimous consent that Administrator Sawhill's remarks be printed in the RECORD at this point, along with the editorial from the Huntington Herald Dispatch.

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

REMARKS OF THE HONORABLE JOHN C. SAWHILL, ADMINISTRATOR, FEDERAL ENERGY ADMINISTRATION

Thank you very much, Senator Randolph, for your warm introduction. It's a pleasure to share a platform with a man who possessed enough foresight to call for a national energy and fuels policy 13 years ago.

I would also like to thank the members of the Associated Press Broadcasters—and particularly Tom Braily and Steve Shipp—for inviting me to join you at your annual convention. It is fitting to speak of Project Independence to a group of newsmen, especially here in West Virginia—a state whose 55 billion tons of coal is indispensable to our search for energy self-sufficiency.

As journalists, you are, I am sure, fully aware of your profound impact on the attitudes of the American public. In exercising your function, I would ask you to bear in mind the fact that this nation has left the era of cheap and plentiful energy behind.

For the American people this will necessitate a radical departure from past presumptions and outworn practices. From an economy geared to squandering energy, we must make the transition to a conservative ethic—a national frame of mind which instinctively seeks to husband precious energy resources.

I would like to suggest that journalists have some role to play in engendering this conservation ethic. Let me emphasize that no one expects newsmen to become spokesmen for the Federal Energy Administration. But my hope is that reporters in covering their beats will be aware of precisely how important energy conservation is, and that saving energy is newsworthy.

For our part, the Federal Government is committed to providing leadership in conservation with a continuing program of energy conservation in commercial buildings, in industry, in transportation, and in the home.

Our blueprint for Project Independence will emphasize both increasing supplies and curtailing demand. But, at least in the short term, we must focus our efforts on demand. The importance of conservation can be measured by the amount of time it takes to develop energy supplies: 4 to 5 years for a new refinery; 2 to 3 years for a new oil field; and up to 5 years for a deep coal mine.

We will need time to develop more oil, more natural gas, and a greater nuclear capacity.

We are already beginning to see some results in our effort to build supplies with a 40 percent increase in exploratory drilling for oil and gas over last year. And greater progress will be made with more aggressive development in the Outer Continental Shelf.

Natural gas reserves, too, could be expanded if Congress would agree with the Administration proposal to deregulate the price of new natural gas.

We will also see greater generation of electricity with nuclear power once the problems of siting, standardization, construction, and licensing are solved.

But still, we know from past experience that translating nuclear technology into the marketplace is no easy task. Moreover, for the next few years, expanded domestic oil and gas production will probably do no more than slow the rate at which these resources are being depleted.

The inexorable depletion of our domestic oil and gas, and the awesome dominance of the Mideast oil producers demands an increasing reliance on our only abundant energy resource—coal. The nation's only alternative is an energy future dominated by the imperative of securing foreign oil, with all that implies for our balance of payments, the value of our currency and, indeed, for our economic and national security.

The Project Independence Blueprint, which I submit to the President on November 1, will call for coal production in such great volume that to speak of simply revitalizing the industry would be an understatement. Our efforts will seek to make coal, once more, a prime energy source.

We may ultimately have to double or triple coal production. And we will surely seek an annual increase of 10 percent.

In manpower and money, this means twice the number of miners presently employed—almost 300,000 by the late 1980's—and perhaps four times the industry's current capital investment over the next ten years alone.

But increased production will not be attained without improved mining techniques, and that means a continuing program of research and development. In fiscal '75, the federal government will spend almost $47 million on coal R & D, more than seven times the appropriation in fiscal '74. And $35 million of that will go to research and development in deep mining.

R & D for surface mining will receive slightly more than $8 million. But that does not evidence any neglect of surface mining; it is still seven times the amount spent in fiscal '74, and reflects the fact that surface mining is basically simpler, and benefits from borrowed technology used in other industries.

For coal to become a truly viable industry in the future—one capable of responding to the demands of Project Independence—we will have to develop all of our coal resources. And that means in the east as well as west. It means deep mines as well as surface mines. One should not and will not be developed at the expense of the other.

It is particularly significant to speak of coal here since West Virginia is a microcosm of the American coal industry. The fortunes of the area have prospered and declined with coal. It possesses some of the world's best steam coal in the Pittsburgh seams and the best metallurgical coal in the world can be found in the Pocahontas seams.

West Virginia is a leading indicator of the industry's health, and there is every indication that it is beginning to improve. Exxon Corporation, for example, has announced plans to build two deep coal mines in southern West Virginia.

Those two mines will produce more than 4 million tons of coal annually and will represent an initial investment of close to $100 million. For coal to attract that kind of capital, the industry will have to have the fixed certainty of long-term markets, and that means contracts.

Simply stated, we have got to assure the coal industry that it will be allowed to mine and sell coal. And the only way this can be done is by assuring potential consumers that they can burn it.

A major factor in fostering this growth of the coal industry would be a revision of the Clean Air Act along lines proposed by the Administration last March, to allow greater use of coal by utilities.

In addition to being a clear signal of a stable and promising future for the industry, such an act on the part of Congress would go far toward eliminating the clean fuels deficit of 220 million tons which could be incurred with the implementation of the state emission standards.

Congress recently took a step in this direction—all too timid a step I might add—by enacting the Energy Supply and Environmental Coordination Act of 1974. The Federal Energy Administration now can and will order major fuel burning facilities, such as utilities to stop using scarce natural gas and petroleum products as primary energy, and convert to coal. This can be done without sacrificing primary standards of air quality.

However, since the bill would reinstitute stringent emission standards after January 1, 1979, it is only a vehicle for the short-term conversion of utilities to coal. And, unfortunately, there is no such thing as a short-term coal mine.

The coal industry lives on long-term contracts. And while the utilities could undoubtedly save oil and natural gas until 1979, the bill would do little to stimulate the steady expansion of the coal industry.

To achieve the goals of Project Independence, it is important that any conversion of electric generating plants to coal be for the long term—preferably matching the life of a coal mine. Utilities must be prepared to enter into long-term contracts so that a mine can be amortized over a minimum of 15 years. But, can we really expect utilities to commit themselves to purchasing a product that may be rendered useless in 5 years?

In addition to providing a stimulus for added coal production, long-term coal conversion would also give us time to develop and introduce cleaner burning technology.

The only alternatives are the use of stack scrubbers, whose effectiveness is open to question, or the production of more low sulfur fuels, in itself a long-term process.

I intend to work with Congress for passage of the package of amendments we submitted last March—legislation which would eliminate the uncertainty presently surrounding the market for coal.

Regrettably, uncertainty about how we use coal is further complicated by controversy over how we mine it.

I am referring, of course, to the Surface Mining Control and Reclamation Act of 1973. If it is passed in its present form, it will undermine our efforts to restore the vitality of the coal industry.

Strictly interpreted, the bill could conceivably cut coal production by several million tons in 1975 and even more by 1980. We might reduce those losses significantly depending on how the law is interpreted.

But, either scenario is unacceptable.

There is a manifest necessity to regulate surface mining and reclamation practices. But, I firmly believe that environmental and energy concerns can be accommodated, and that we need not accept the drastically reduced coal production predictable under the Surface Mining Control and Reclamation Act.

I sincerely hope that some compromise can be reached on the bill. I will work with Congress for a prudent accommodation that will serve the legitimate interests of our environment, while maintaining our vast coal deposits as an alternative to foreign oil supplies, whose availability is doubtful and whose price is exorbitant.

Because of coal's potential as a source of synthetic fuels, Congress, last Monday, passed an energy research and development appropriation, including more than $300 million for gasification and liquefaction.

The technological problems of coal conversion will be explored by government in partnership with industry. There is, I believe, both room for—and value in—expanding that commitment to coal in the near and long terms. The time has come to move toward larger demonstration plants and more sophisticated technology.

This partnership raises some pointed questions about the government's relationship to the energy industry. For instance, as the price of oil has increased, alternatives such as coal conversion have become more economically attractive. However, as industry moves further into gasification and liquefaction, costs will begin to rise, leaving us vulnerable to the manipulation of world oil prices by the oil producing states to undercut the development of domestic gasification markets.

In that event, the federal government must be prepared to consider appropriate

steps to insulate the industry from the consequent shock. We are exploring a number of ways to accomplish this.

But, nevertheless, we obviously will have to integrate our economic and energy policies so that they are both directed toward achieving the national energy goals of Project Independence. And those goals require a continuing and expanding commitment to coal.

It is fitting that our commitment should be reemphasized and reiterated here in West Virginia, where coal—an irreplaceable element of Project Independence—is as vital to the economic development of one state as it is to the country generally.

But our commitment goes beyond the mere production of British Thermal Units.

For in the final analysis, Project Independence means greater economic opportunity for Americans, it means continuing productivity for our economy; it means the strength of our policy abroad, and of our position among nations.

For these reasons, I am confident that the United States will develop those resources, such as coal, which we can truly rely on—those within our own borders—those that lie under our own land.

Thank you.

SAWHILL HITS FOOT DRAGGING BY MAJOR OIL COMPANIES

One of the linchpins of the petroleum regulations is the crude oil allocation program which requires the major international oil companies to sell crude oil to small and independent refiners. I have recently become greatly concerned that this program may be threatened by what appears to be a pattern of foot dragging and calculated resistance to compliance with the program by the majors. Because of the importance of this program to a stable and viable petroleum industry in the United States, I would like to spend a a moment with you discussing this subject.

As you know, crude oil is used to refine the gasoline, heating oil, diesel fuel, and all the other petroleum products which the American people depend upon. When Congress passed the Emergency Petroleum Allocation Act in November, 1973, it expressly required the allocation of crude oil among refiners, and established a statutory priority for small and independent refiners who depend upon crude oil and who, as a group, do not have the same access to crude oil supplies, both here and abroad, as the major oil companies.

In January, 1974, FEO established a crude oil allocation program which, in essence, provided for sales and purchases of crude oil among all refiners such that all would have access to available supplies up to the national average. This program was criticized as creating disincentives to importing additional quantities of crude oil at a time when we desperately needed more supply. In addition, it had the anomalies of requiring one major to sell crude oil to another, and requiring some small or independent refiners to sell while permitting some of the majors to buy.

FEO recognized these deficiencies and amended its regulations during the first quarter allocation period which extended from February through April. We also proposed a thorough-going revision of the program, and after reviewing comments on the proposal from over a hundred interested firms and individuals, we issued a revised crude allocation program, on May 14, to cover the period beginning June 1 through the end of August.

In simplest terms, the new program operates this way: Those firms which fall within the Congressionally-mandated priority class of small and independent refiners are entitled to purchase crude oil to make up for the shortages they have experienced up to a maximum of their current refinery capacity.

The 15 major refiners are obliged to sell crude oil to the refiner-buyers at their weighted average price. Their sales obligations are proportional, based upon each company's share of the total refining capacity of all of the sellers. The sales obligations of the major refiners total about 83 million barrels of crude oil during the three-month period—a sizeable amount, but still only 6.8% of the total crude oil supplies that will be used during that period.

Several comments seem in order on this program. First, companies are naturally loath to share scarce and valuable resources like crude oil with their competitors. But this is the explicit purpose of the statute which mandates the crude allocation program.

Second, it should be pointed out that the average crude costs of the major oil companies is lower than the average costs of the small and independent refiners who are entitled to make purchases under the allocation program. Were FEA simply to scrap the crude allocation program at this time, crude-short refiners could be thrown into the world market where the prices are higher and their competitive position vis-a-vis the majors would deteriorate. We believe this would be an undesirable result and, in any event, it would conflict with our statutory mandate to protect the viability of the small and independent sectors of the petroleum industry.

Finally, it is true, as critics have charged, that the class of companies, defined as "small or independent refiners" includes some very large oil companies, and major oil companies are understandably chagrined at having to allocate crude oil to competitors who are not only large but important factors in the market by any general measure. I tend to share that view and believe that changes in the definitions are warranted. Nonetheless, Congress has decreed a class of customers which is entitled to preference and FEA is determined to carry out that mandate.

With that as background, I want to express my concern at the reaction of many of the major oil companies to the crude allocation program. In doing so, I want to emphasize that, during the difficult period of the energy shortage which we experienced last winter, the cooperation and assistance of the petroleum industry was outstanding. But recent events have indicated resistance to the crude allocation program on the part of some of the majors. Reports reaching the Agency indicate that several large sellers of crude on the buy-sell list have slowed down their negotiation of sales. As the July 8 deadline for completion of allocated crude sales approaches, certain major companies have announced plans to sue FEA over the validity of the entire crude program—thereby creating a climate of uncertainty and potential chaos in which the ability of FEA to carry out its statutory mandate is called into question. While we do not deny anyone the right to seek judicial redress for grievances either real or imagined, we will not allow ourselves to be threatened or coerced into compromising the mandate of Congress. We are fully confident that any court challenges to our crude oil regulations will prove unsuccessful and that our programs will go forward on schedule.

My purpose in raising this issue with you today is not to attack the major oil companies or to throw down the gauntlet. Any allocation program of this type is bound to create stress and unhappiness among those who are forced to dispose of valuable resources. Rather, my purpose is to express my concern and to call upon the companies to continue that spirit of cooperation which has characterized our relationship during the past seven months and to urge the companies to fulfill their obligations in good faith. It may be that unusual circumstances affecting some of the major sellers require that we should modify their sell obligations. We have pending before us several requests for relief. I want to provide every assurance that the Agency will carefully consider these petitions and grant relief where failure to do so would impose a serious hardship or gross inequity on any company. Further, we will move promptly in acting on these petitions. But in the meantime, the program must go forward and I am asking the companies to assist us and the American people in implementing it as smoothly and quickly as possible.

[From the Huntington (W. Va.) Herald-Dispatch, June 27, 1974]

ENERGY WOES MEAN A "NEW DAY" FOR COAL, BUT WILL THAT COAL BE WEST VIRGINIA'S?

The nation's current energy woes have sparked a new interest in coal, but there seems a real threat that West Virginia might not benefit from that interest.

The reason has to do with a number of factors—the cost of mining, air pollution requirements and the like—but basically it involves a coming contest between coal from the East and that from the West.

Some months ago, you'll recall, there was much talk of hauling low-sulfur (thus, nonpolluting) coal from Montana to West Virginia to fire electric generating plants. Fortunately, assurance that sufficient reserves of low-sulfur coal are available here in the Mountain State has caused the plan to at least be shelved, if not abandoned.

But this doesn't mean that coal from the West isn't going to be a major threat to West Virginia coal in other markets. Indeed, as reported last Sunday in The Herald-Advertiser by Staff Writers Harry L. Baisden and Bill Lucht, the U.S. Bureau of Mines has projected that by 1980 some 22.6 million tons of coal from the West will be shipped into areas now using West Virginia and Eastern Kentucky coal.

One would think that such a prospect would have West Virginia coal interests alarmed, but such is not the case.

Looking ahead to 1985, when government figures indicate the nation is going to need two billion tons of coal a year, Edwin K. Wiles, predicts that "there will be more than enough demand to go around."

Such is essentially the same position of National Coal Association President Carl Bagge, who says coal industry, in order to meet the coming demands, is "going to have to expand everywhere—in Appalachia, in the Midwest and in the West.

We wish we could be as confident as Wiles, Bagge and their fellows in the industry.

But somehow we keep returning to the basic fact that the list of firms now involved in coal development in the West reads like a roll-call of West Virginia mining concerns—including Consolidation Coal Co., Island Creek Coal Co., Westmoreland Coal Co. and Zapata Coal Corp.

If these firms can mine and sell coal from the West cheaper than they can sell West Virginia coal, what will happen to their West Virginia operations? The answer seems all too clear.

And coal from the West can be mined and sold cheaper because this is where the strip mining issue enters the picture. Most coal here in West Virginia and Eastern Kentucky is deep mined. Most coming out of the West and Midwest comes from strip mines, and these are the operations that the mining interests would like to see expanded.

Strip mining, of course, is cheaper than deep mining. Thus, the coal from the West would be cheaper—but only if the consequences to the environment are ignored.

It's the environmental damage resulting from strip mining that has prompted Rep. Ken Hechler and others to call for a federal ban on it. But, in arguing for such a ban,

Hechler constantly has warned that the expansion of strip mining in the West—linked with the opening of federal land there to the strippers—could be a body blow to West Virginia's deep mines.

While we fail to agree with the congressman that a total ban on strip mining is the answer to the problems involved, we share both his concern for the environment and for the economic health of the Mountain State coal industry.

We believe the imposition of strict federal controls on strip mining would be in the best interests of the nation. But such a move would be of special benefit to West Virginia. Without some such action, the company revolution in coal well could pass our state by.

THE ARMS RACE

Mr. KENNEDY. Mr. President, for more than a decade now, we have sought to place real limits on the nuclear arms race. We have made considerable progress, beginning with the Partial Test Ban Treaty of 1963, and continuing with agreements to limit the spread of nuclear arms, control the building of missile defenses, and to put a ceiling on the number of missile launchers built by the United States and the Soviet Union.

But where do we go from here? In the search for new agreements—new ways to put real limits on the arms race—it is important to have informed public debate, in order to seek popular support for the policies needed to put a halt once and for all on the deadly race in nuclear arms.

For this reason, I call attention to an article from Saturday Review/World, by Mr. William Epstein, who was formerly director of the disarmament division of the U.N. Secretariat. This is an interesting and provocative view of the steps needed to break the spiral of nuclear arms buildup, and a useful contribution to debate.

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:

THE ARMS RACE: WILL THE RUSSIANS PLAY "AMERICAN ROULETTE?"

(By William Epstein)

Many U.N. member countries, like many American taxpayers, were startled in January 1973 when President Nixon proposed an increase in the military budget from $76 billion to $81 billion. The President's action was startling because the Berlin and German 1972 accords were supposed to symbolize the end of the cold war in Europe, and the American-Soviet SALT I agreements the same year were supposed to replace the expensive race for nuclear superiority with cheaper as well as safer nuclear parity. Nonetheless, the total U.S. military budget approved in 1973 was $84.2 billion.

Last January, despite the American phase-out in Vietnam and the Nixon-Brezhnev agreement for preventing nuclear war, the President proposed a further increase to $99 billion! The amount asked for the U.S. Defense Department was $85.8 billion, but additional military outlays for the Atomic Energy Commission, for science and technology, and for supplementals brought the total to almost $100 billion.

The story is the same all over the world. No matter what the international climate—whether hot war, cold war, or détente—national and global military budgets keep right on escalating.

Apologists for the military like to point out that the defense budget of the United States represents only about 6 percent of the gross national product (actually, it is much more when all the "hidden" items are included) and that the military's proportion of the GNP and of the total federal budget is declining. This statement is arguable—but even if it is true, it is meaningless. It is not written in the stars that military spending should continue at such high levels or, indeed increase every year or keep pace with the GNP. No law or reason requires the open-ended accumulation of ever greater and more sophisticated killing capability.

It is, of course, true that part of the huge increase in the proposed budget—but only the smaller part—is due to inflation and to higher salaries and pay scales. U.S. Defense Secretary James R. Schlesinger recently acknowledged that $1 to $2 billion had been added to the defense budget to help stimulate the domestic economy—which is hardly the business of the military. Among the other reasons given for the increase is the need for replacement and new equipment because of the recent Middle East war. But Egypt, Israel, and Syria have already been dangerously overstuffed with new equipment. Each of them has more tanks and fighter planes than has Britain or France! If the Soviet Union and the United States have ever had any thought of maintaining the balance of forces in the Middle East at lower, instead of progressively higher, levels, they obviously have not acted on it.

Still another reason for the increased budget is the military's desire to move toward a counterforce posture in strategic nuclear missiles—that is, a force that could knock out Soviet nuclear missiles in their underground silos and not merely "take out" Soviet cities with their populations. It is, of course, claimed that this policy would make possible a limited strategic nuclear exchange, this side of an all-out nuclear war. But whatever language it is dressed up in, this counterforce concept harks back to the "first strike" idea, which means knocking out the enemy with a pre-emptive first strike before he strikes at you. This concept was rejected in the Sixties as being a provocative one that might induce each side in an acute crisis to strike before the other did. It was replaced by the "second strike" concept, which was based on the idea of mutual deterrence; it had the lovely acronym MAD, for "mutual assured destruction," but there was at least an element of stability in the mutual balance of terror.

If going back to the counterforce strategy merely meant re-targeting missiles away from the other side's cities to its missile silos, the strategy would still be useless, because the enemy could always retaliate with its relatively invulnerable submarine-launched missiles. However, such a return to the old strategy would at least require no new round in the technological arms race.

But the new counterforce posture means much more than that. It means more and better nuclear missiles, with greater accuracy and more maneuverability in order that they will be sure to avoid defenses and be able to land exactly on target. And what assurance is there that, in the cataclysmic horror of nuclear war, either side would be content to abide by the artificiality of such nuclear dueling and refrain from wiping out cities? Certainly, the possibilities of a nuclear attack as a result of accident, miscalculation, or mad intent would be increased. Why should the Russians be content to play this form of "American roulette"?

The dubious benefits that might follow from a revival of the discredited counterforce idea are, then, far outweighed by the assured disadvantages. If the United States embarks on this course, the Soviet Union will do likewise—as it has done with all previous American military innovations. Thus the only certain result would be the triggering of another expensive, and perhaps destabilizing, round in the nuclear-arms race.

A much better idea would be for both sides to phase out all their land-based nuclear missiles. These invite a preemptive attack, are vulnerable to such a first strike, and are therefore de-stabilizing and obsolescent. A phase-out of this kind was recently proposed by the Federation of American Scientists; it recevied the general approval of Fred Iklé, director of the Arms Control and Disarmament Agency. But, to no one's surprise, the Pentagon is not very enthusiastic about the idea.

Reasons, old or new, for continuing the arms race and crushing military expenses are easily invented, discovered, and periodically rediscovered. Social programs are starved while the military ones proliferate like an uncontrollable cancer. Somehow military establishments all over the world find persuasive pretexts for upping their budgets. To take the United States in the Fifties there was the evanscent bomber gap; when the Soviet Union launched the first *Sputnik* in Otcober 1957, the Pentagon promptly discovered the missile gap. Early in the Sixties, the cry went up for underground shelters, and by the end of that decade a "thin" defense, and then a "thick" defense, of anti-ballistic missiles was being hailed as the way to survive a nuclear attack.

There never was a bomber gap or a missile gap. Underground shelters and anti-ballistic missile defenses were useless—even worse, they were tranquilizing fantasies. All of these inventions were genuinely phony.

At sea, as on land, military hardware has been having a field day. With submarine-launched nuclear missiles we have progressed (if that is the appropriate word) from Polaris to Poseidon and now toward Trident. In fairly quick succession we went from multiple re-entry vehicles (MRVs) to multiple independently targeted re-entry vehicles (MIRVs) with as many as fourteen warheads on one missile. Now we are moving toward a third-generation maneuverable re-entry vehicle, to be known as MARV.

There seems to be no limit to the fertile imaginations of military-industrial or military-bureaucratic scientists. American scientists seem to have the edge in technology and to lead the way in developing new weapons, particularly in the nuclear field, but Soviet scientists follow close behind in the action-reaction chain. In this regard there is a remarkable symmetry between the United States and the Soviet Union. Only in arms control and disarmament, in finding ways and means of stopping the inexorable arms race, do imaginations seem to lose their fertility; in fact, sterility is compounded by impotence. But there is a noticeable asymmetry (a word much beloved by the military in describing presumed inferiority in any military arm or area) between the Americans and the Russians. The Russians find it easier to take the initiative and to come up with one disarmament proposal after another. Granted that all of the proposals seem to benefit the military posture of the Soviet Union; a disarmament proposal that is not to the advantage of the proposer is a rare thing indeed. The real rationale and importance of negotiations is to turn a one-sided proposal into an agreement that is mutually advantageous. Were this not possible, then none of the existing arms-control agreements and treaties would have been achieved. But far more proposals are destroyed by simple rejection or permitted to die from lack of consideration than are amended, improved and transformed into serious subjects, of negotiation.

The paradox of the spiraling arms race is all the more puzzling because of the recent improvement in the international climate and the fact that a number of arms-control

negotiations—multilateral, regional, and bilateral—are now taking place.

The Conference of the Committee on Disarmament (CCD) in Geneva is discussing an underground test ban and a treaty for the elimination of chemical weapons. At Vienna talks are underway for achieving the mutual reduction of forces and armaments in Central Europe. Another conference on security and cooperation in Europe is now going on at Geneva. And the resumed SALT II negotiations are seeking agreement on the limitation and reduction of offensive strategic nuclear missiles.

What is most discouraging about the outlook for the future is that *if the negotiations in all of the above conferences are to be successful* (an eventuality much to be desired), *the technological and qualitative arms race and the massive military expenditures* will probably continue to escalate. The agreements already achieved and those now being negotiated seem to be designed, not to halt or reverse the arms race, but rather to allow it to continue in *relative* security.

THE PROBLEM should be met head on, not by interminable debate about limiting or reducing specific weapons and the number of troops, but by cutting military budgets. The big two—the United States and the USSR—should take the lead. Next should come the three other nuclear powers, followed by all the NATO and Warsaw Pact countries, and eventually by all countries. It would not even be necessary to specify how and where military budgets should be cut, it would be better to leave it to the individual countries to decide in which sectors they would carry out the agreed reductions. Each country would, no doubt, regard itself as the best judge of *where* and *how* to apply or cut its funds; it will be difficult enough to get them to agree on *whether* and *by how much*.

In the past the Western powers were always concerned about how to ascertain the contents of the Soviet military budget and how to verify any Soviet budget cuts. Nevertheless, in 1963–64 both the United States and the USSR carried out budget reductions, not by agreement, but unilaterally by what Khrushchev called "the policy of mutual example" and the Americans called "reciprocal unilateral acts." And there were no charges of bad faith by either side.

Moreover, times *have* changed, not only with respect to the international climate but also regarding verification of any agreement for mutual reductions. The great powers now have a much better knowledge of each other's economic systems and technologies and have developed new techniques of economic monitoring. In the last few years advances in satellite surveillance and telecommunications monitoring have been truly remarkable. They are sufficient to alert each side to any significant changes in the other side's activities. And the secret intelligence-gathering agencies provide an additional deterrent or alert to any contemplated evasions. It is notewrothy that U.S. intelligence sources confidently reported last fall that the Soviet Union had spent the equivalent of $45 billion on manned space flight since the program started 15 year ago, compared with $25 billion spent by the United States. The Soviet space program and budget are no less secret than its military budget.

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

The developing and Third-World countries, of course, supported the idea, and it was approved by the General Assembly by an overwhelming vote of 83 in favor, 2 against, and 38 abstentions. China was hostile to the proposal, calling it fraudulent and hypocritical, and voted against it together with its ally, Albania. The United States, together with Britain and France and their NATO allies, abstained; they regarded the proposal as a Soviet propaganda move and as an attempt to isolate China.

The Mexican ambassador, Alfonso Garcia Robles, one of the best and most dedicated of the "old disarmament hands," recognized that the Soviet proposal would remain a dead letter, so he presented a new proposal. He requested that Secretary-General Kurt Waldheim set up an international group of experts to carry out a study on reducing the military budgets of the five nuclear powers and of other states "with a major economic and military potential," and on using part of the funds saved for aiding the developing countries. One would have thought that a proposal for an impartial *study* of these questions would have been able to rally unanimous approval. The Mexican resolution did in fact get more support than the Soviet one did—93 votes in favor, 2 against, and 26 abstentions. China again was negative. But what was more surprising was the fact that the United States and its allies abstained, though in the past they had always supported impartial studies.

Ambassador William Schaufele, speaking for the United States, explained that he could not support the Soviet proposal. Why? Because, he said, there was, first, no common standard for comparing the military budgets of different states. Second, there was no system for verification of the budget cuts. And third, the United States opposed linking additional development aid to a reduction in defense budgets. Schaufele agreed that the Mexican proposal was otherwise a non-controversial procedural resolution. But he thought some of the paragraphs in the preamble added an element of contention and an exaggerated sense of urgency by describing the question as one of "urgent necessity." They created, he felt, a distinction between the five permanent members of the Security Council and other militarily significant states. And they implied a linkage between development aid and budget cuts. All of these arguments are, of course, themselves arguable, and they were rejected by the great majority of countries. It may also be of some significance that the United States made no attempt to move any amendments to the Mexican proposal.

Nonetheless, the United States did say it would cooperate with the study and would nominate an expert to participate—on the assumption that the group of experts would "examine carefully the various issues involved . . . and that the Secretary-General would request member states to provide data necessary to make that examination meaningful."

In order to ensure that the study is successful and can lead to action, the superpowers must play fair and approach the task with a real will to succeed. The Americans, for their part, must not block progress by placing undue stress on the technical difficulties of ascertaining or verifying what exactly is included in the Soviet military budget. And the Russians must not use their penchant for secrecy and their fears of divulging military information as excuses to abort the study. With serious effort by both the study. With serious effort by both sides, the study *can* show the way to begin grappling with the problem of military expenditures and thus with the arms race.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for the transaction of morning business has expired.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON THURSDAY AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. PROXMIRE on tomorrow be vacated, and that on Thursday and Friday, after the two leaders have been recognized under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes on each of those 2 days.

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

AMATEUR ATHLETIC ACT OF 1974

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the unfinished business, S. 3500, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON), with 30 minutes on any amendment except an amendment to be offered by the Senator from Kentucky (Mr. COOK) on which there is to be 1 hour of debate, with 30 minutes on debatable motions or appeals.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that during the consideration of S. 3500 my staff member, James Thurber, be permitted the privilege of the floor.

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

Who yields time?

Mr. TUNNEY was recognized.

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

Mr. TUNNEY. I yield.

Mr. BEALL. Mr. President, I ask unanimous consent that during the debate and voting on this bill, Philip Grill of my staff be granted the privilege of the floor.

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

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

Mr. TUNNEY. I yield.

Mr. PEARSON. Mr. President, I ask unanimous consent that during the consideration of this bill, Mr. Arthur Hill of my staff be allowed the privilege of the floor.

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

Mr. TUNNEY. Mr. President, I ask unanimous consent that the time for the majority be under the control of the Senator from California, myself.

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

Mr. HANSEN. Mr. President, I ask unanimous consent that Mr. Paul Holtz have the privilege of the floor during the debate on the pending bill.

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

Mr. TUNNEY. Mr. President, I ask unanimous consent that during the consideration and voting on this bill, Mr. Dan Jaffe, of my staff, be granted the privilege of the floor.

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

Mr. GRIFFIN. Mr. President, in the absence of the Senator from New Hampshire (Mr. COTTON), I ask unanimous consent that the time on this side be under the control of the Senator from Kansas (Mr. PEARSON).

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

Mr. TUNNEY. Mr. President, today the Senate can take a crucial step to solve the crisis in amateur sports. If we pass S. 3500, the Amateur Athletic Act of 1974, we will begin to break the stranglehold that the massive amateur sports bureaucracies have held for over 70 years in America. S. 3500 is the one piece of legislation that assures that amateur athletes will be given sufficient rights to protect themselves from the arbitrary and capricious harassment that has unfortunately become an endemic part of the amateur sports scene.

Mr. President, it is time that we come to grips with the causes and not merely the symptoms of our amateur sports problems.

S. 3500 will bust the monopoly power that certain groups have gained over the U.S. Olympic Committee. But this legislation will do far more, it will assure that no group ever again can gain such unbridled power. This legislation by requiring that no chartered sports association can govern more than three international sports assures that it will be impossible to ever again stack the Olympic Committee.

Furthermore, this legislation mandates vastly increased representation of athletes in the athletic bodies that control amateur sports. In other words for the first time amateur athletes will be assured a meaningful voice in their own affairs.

Also this legislation will end once and for all the sanctioning wars that have marred the history of amateur athletics in this country. Now international athletic events must be given a sanction if they meet the following criterion:

First. Appropriate steps have been taken to protect the amateur status of athletes who will compete in such competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic competition;

Second. Appropriate provisions have been made for validation of records which may be established during such competition;

Third. Due regard has been given to any international amateur athletic requirements specifically applicable to such competition;

Fourth. Such competition will be conducted by competent officials;

Fifth. Proper medical supervision will be provided for athletes who will compete in such competition; and

Sixth. The sports organization or other person conducting such competition has submitted an audited or notarized financial report of the immediate past event.

Finally, if a chartered sports association fails to adequately carry out its duties, provisions have been made for the challenge and replacement of such an association.

Therefore the key focus of S. 3500 is to end the causes of amateur athletic strife. If the causes of the problem are removed the amateur athlete will have to rely on legal remedies only on rare occasions. If we fail to remove the causes of the crisis, we will force our amateur athletes and our amateur athletic organizations into an endless series of legal and extra-legal battles, whose ultimate outcome cannot yet be predicted.

Let us not delude ourselves that these issues will be resolved without strong affirmative action by the Congress.

The Commerce Committee over a period of 10 years has suggested voluntary reforms and enlisted the aid of such distinguished Americans as Douglas MacArthur and Archibald Cox. But the reforms have not been forthcoming.

Now it is time that the Congress take strong affirmative action to solve these problems once and for all. S. 3500, the Amateur Athletic Act of 1974, I believe will go far toward fulfilling this goal. S. 3500 is the outgrowth of 4 days of hearings last session and constant discussions with all of the major groups involved in amateur sports.

The act would establish an Amateur Sports Board as an independent agency in the executive branch of the Government. The five members of the board, including among them one amateur athlete, would be appointed by the President with the advice and consent of the Senate. The primary function of the board would be to issue charters designating private, nonprofit amateur sports organizations as chartered sports associations.

Within 2 years of the passage of the act, no unrestricted amateur athletic competition could take place in the United States without the sanction of an association.

At one time reckless charges were made that the provisions of this act would require the Federal regulation of all amateur sports from the Olympics down to the sandlot.

Mr. President, let me make it emphatically clear that "unrestricted competition" as utilized in this act means amateur competition among teams representing different nations, or domestic competition among members of more than one sports organization for the purpose of qualifying athletes for international competition, such as trials for the Olympic and Pan American games. The scope of "unrestricted competition" is limited even further so as to apply only to competition involving sports on the Olympic program. Unrestricted competition would not include competition between or among teams in a high school or in an intercollegiate league or conference, postseason competition between conference champions, competition between members of athletic clubs and other organizations, or competition among teams from two nations which do not represent those nations; that is, local clubs or schools which cross international boundaries to compete with a local club or school in another nation.

Therefore, clearly these charges are utterly unfounded. In fact, I believe that, though this legislation is being considered by a legisative body of the Federal Government, it will lessen, rather than increase the political aspect of sport by returning the focus to its proper place—the sacrifice and dedication of the individual athlete striving to exceed his personal goals.

Millions of Americans who dedicate large parts of their lives to the pursuit of sporting excellence will be profoundly affected by this legislation, and that effect will be all to the good. It will insure that those who compete stand as the centerpiece of our Olympic sports.

In our hearings it was brought out clearly that in many parts of the country athletic facilities for the average person are totally inadequate and that only the rich can afford the athletic facilities that are available. Therefore, title II of S. 3500 first suggested by Senators GRAVEL and THURMOND would establish the National Sports Development Foundation. The foundation would not be an agency or establishment of the U.S. Government, but members of its board of trustees would be appointed by the President of the United States.

The Foundation is authorized to use the proceeds from its trust corpus to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States. The committee heard testimony from knowledgeable witnesses to the effect that relatively small grants of funds could be effectively used to develop amateur sports at the local level. These witnesses stated that an indirect consequence of the Foundation's development aid would be an improvement in the performance of American teams in the Olympic games and other international competitions.

Foundation grants could be used to provide athletic instruction, facilities, and programs for many Americans who do not benefit from participation in amateur sports. The Foundation would provide funds to open underutilized athletic facilities, attract coaches for children and promising young athletes, and improve the opportunities for participation in sports by the handicapped and the urban and rural poor.

The bill provides that the corpus of the trust fund established by the Foundation be composed equally of private gifts and matching public funds, up to a limit of $100 million.

In addition to its funding responsibilities, the foundation is authorized to gather and disseminate information relating directly to the development or modernization of athletic facilities. Similarly, the Foundation will develop a body of information on safety and health, an

important element of sports development which has received growing attention in recent years.

The Foundation is required to submit an annual report of its activities to the President and Congress. An annual audit and report on such audit are also required.

Mr. President, I should like to compliment the Senator from Kansas for the work he has done in bringing this measure to the floor of the Senate. If it had not been for the Senator from Kansas, this bill would not be here. He has devoted many, many hours to trying to handcraft this measure so that it would accommodate the various interests which are affected.

It is recognized by everyone that if we are going to have legislation that is meaningful, it is not going to meet with the 100 percent approval of every interested party. After all, the whole purpose of the proposed legislation is to guarantee that amateur athletes in this country are not going to be faced in the future with the situation they had in the past, whereby they have been caught in the midst of an internecine war between various athletic associations.

The Senator from Kansas, through his leadership and his wisdom, has been able to bring to the floor of the Senate, a bill which I believe goes as far as possible to protect the vital interests of the sporting associations that have contributed much to the country. I am thinking of the NCAA and the AAU, in particular.

Yet, the bill does achieve its purposes—namely, to prevent athletes from being adversely impacted in future years due to the competition or warfare that continues to exist between these two associations.

So I should like to conclude my remarks by saying that as a result of the hard work of the Senator from Kansas and others, S. 3500 has gained widespread support in the athletic community. The NCAA strongly endorses S. 3500, which represents a significant change from a position they held last year on similar legislation.

The NCAA now has come out strongly for the legislation. I think that the reason why they have done so is that modifications have been made in the bill to make it absolutely clear that in no way are we trying to denigrate the responsibilities of the NCAA in regard to maintaining a high level of excellence in intercollegiate competition. We have attempted to accommodate the universities and colleges and high schools around the country, and their legitimate interests, in being able to exercise an influence over the scholastic life of a student and his athletic life while at the college.

Mr. President, I ask unanimous consent to have printed in the RECORD a resolution that was adopted by the NCAA council at Kansas City, Mo., on May 4, 1974, affirming this endorsement.

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

RESOLUTION

Whereas, there currently exists on the floor of the Senate of the United States legislation designed to solve many of the problems of this nation's international sports programs; and

Whereas, the National Collegiate Athletic Association's primary goal in this area is to ensure America's athletes are provided opportunities to enjoy meaningful international athletic competition under equitable competitive conditions, free from concern about the caliber of administrative support they receive; and

Whereas, it is apparent some of the organizations and individuals currently representing this nation in international amateur athletic administration have failed to provide leadership for our athletes, articulate presentation of our philosophies and goals to other nations, and competent management for our competitive groups; and

Whereas, the bills proposed by Senators James B. Pearson and John V. Tunney offer means for resolution of these problems while limiting Federal involvement to international programs;

Whereas, these bills offer the only available, effective vehicle for improving conditions under which America's athletes compete internationally, and which will ensure adequate athlete representation on sports governing bodies, and, if passed promptly, should achieve improvement before the 1976 Olympic Games; and

Whereas, schools and colleges have concluded after years of private efforts at conciliation no reforms of these amateur sports organizations and problems can be accomplished without some form of Federal intervention;

Therefore, be it resolved, the National Collegiate Athletic Association endorses these bills and urges their passage by the Congress; and

Be it further resolved, this Association commends Senators Pearson and Tunney, their colleagues on the Commerce Committee, and other involved Senators for their interest in these matters involving young people and national prestige;and

Be it finally resolved, this Association earnestly hopes this legislation will lead to new organizations, new leadership and new programs which will provide America's athletes the support they deserve and the resources this country can deliver through responsive, knowledgeable leaders.

Mr. TUNNEY. Mr. President, I ask unanimous consent to have printed in the RECORD the endorsement of the National Federation of State High School Associations. This endorsement specifically recommends S. 3500 to the Senate and urges that the bill be passed forthwith.

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

RESOLUTION

Whereas, the National Federation of State High School Associations through its member State Associations represents the athletic programs of approximately 22,000 high schools of the United States, and

Whereas, those high schools sponsor the largest well organized competitive program of athletics in the United States, and

Whereas, Senate Bill 3500 is structured so it will avoid government control but will establish a national public vehicle through which authority to manage individual sports will be given to the best qualified private organizations, and

Whereas, Senate Bill 3500 offers an effective method of resolving franchising disputes, and

Whereas, the proposed Amendment 1530 would enable an incumbent governing body to perpetuate itself,

Now be it hereby resolved that the Council of the National Federation of State High School Associations assembled in Louisville, Kentucky on this Sixth day of July, 1974, urges the Senate of the United States to adopt Senate Bill 3500 as reported out of Committee without amendment.

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

Mr. TUNNEY. I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I ask unanimous consent that the name of the distinguished Senator from California, to whom I am most grateful for his comments, be added as a cosponsor of the bill, together with the names of the senior Senator from Washington (Mr. MAGNUSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Alaska (Mr. GRAVEL).

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

Mr. PEARSON. I should say that it was the Senator from South Carolina and the Senator from Alaska who offered the so-called Foundation proposition which was inserted in this bill as title III.

Mr. President, in May, the Senate conducted a brief but constructive debate on the Amateur Athletic Act, S. 3500. At that time, and on occasions since that time, certain allegations concerning the scope and intent of the bill were made. Before we continue debate on the bill, I feel it would be helpful to review these allegations so that the record can be made clear on the intent of this legislation.

First of all, Mr. President, I want to lay to rest permanently the myth that this bill authorizes disproportionate Federal expenditures on amateur sports. Normally responsible critics have changed—without providing supporting documentation—that if adopted, the bill would cost the taxpayers $1 billion a year. This is not true. I would ask my colleagues to review the authorization in the bill, where they would find an annual expenditure of $1.1 million each year, together with a one-time-only appropriation of $50 million in matching funds for the National Sports Development Foundation, authorized in title III. This sum is only a small fraction of the amount claimed by the proposal's critics.

Another argument which has been put forward is the supposedly arbitrary nature of the one sport, one charter concept. Mr. President, there is nothing arbitrary about this concept. Under the provisions of S. 3500, the Amateur Sports Board would grant a charter to a sports organization meeting certain criteria for one sport only. Exceptions are made only in sports which are closely connected, or which would clearly benefit from common administration. But in no case could a Chartered Sports Association control more than three sports.

One of the major faults of the present system is the way in which one group, the Amateur Athletic Union with its nine franchises from international sports federations, has abused its power on the U.S. Olympic Committee by blocking consistently any attempt to reform the manner in which individuals and teams are chosen to represent the United States in international competi-

tion. There can be little doubt that the AAU, in fact, controls the USOC, and therefore this Nation's involvement in international competition. This is accomplished through the AAU's systematic accumulation of voting strength on the USOC, more by far than any other group. This has been done at the expense of the many other franchise holders, all of whom control international competition in one sport only.

Because the AAU claims jurisdiction in all the international aspects of the sports it governs, it has claimed control, through its dominant position on the USOC, of key aspects of domestic management as well. Yet, the AAU has made it increasingly difficult—if not impossible—for the many other sports organizations which contribute significantly to these sports to share in policymaking and administrative decisions. Because of its "go it alone" attitude, the AAU has failed to take advantage of advanced and sophisticated management techniques, not only domestically, but in international competition as well. Because of its complacent and self-serving attitude, it has continually ignored the needs of its athletes, whom it is meant to support, and the sports public, which supports it. One need only recount the shocking blunders by the AAU-dominated Olympic Committee in its handling of American athletes during the 1972 Olympic games to see how far the once premier position of the United States in international athletics has fallen in recent years.

The Amateur Athletic Act is designed to correct these serious deficiencies in a number of ways. First of all, the amateur athletes of this country are guaranteed a voice in the management of amateur sports at all levels by direct representation on not only the Amateur Sports Board, but on the Chartered Sports Associations as well. Second, the bill requires that any organization seeking a charter from the board be representative of all groups participating in the sport for which a charter is requested. Finally—and most importantly—by granting one group jurisdiction over the international aspects of one sport, we will have achieved a basic reform of the USOC by giving all its major members equal status and the opportunity to represent the interests of its sport in an atmosphere more conducive to sound management procedures.

Yet another criticism of the bill which has been made is that it contains no provisions of direct benefit to the athletes. This is perhaps the most unjustified and misleading statement of all. One need only read the bill's provisions to be convinced that it is designed with the athletes in mind. It requires that one of the five members of the Board be a "world class" athlete who has participated in recent international competition. Additionally, no less than 20 percent of the voting membership of each chartered sports association must consist of participating athletes in the sport it governs. Finally, the proposal mandates the right of amateur athletes to participate in any competition sanctioned by a chartered sports association, provided it does not conflict with normal seasonal events or violate a reasonable rule regarding academic eligibility. Finally, the bill provides an arbitration service through the Board in the event of a dispute between an athlete and a chartered sports association.

This bill gives our amateur athletes more rights than they have ever had. No more will athletes be helpless pawns in a power struggle between sports organizations insensitive to their concerns.

No more will those who have represented our country in international competition be shunted aside and forgotten by self-serving groups supposedly responsible for their welfare.

And no more will athletes be left with no one to whom they can turn to protest injustices such as those which plagued U.S. participation in the Munich games.

It is not coincidence, Mr. President, that athletes, many with national reputations, have endorsed S. 3500. It is not chance that the U.S. Olympic Athlete Advisory Council, an athlete group representing every Olympic sport, voted overwhelmingly to support the Amateur Athletic Act. It is, however, intended that this bill apply directly to the continuing welfare and development of our amateur athletes.

Mr. President, the last and probably most significant objection which has been raised is the possibility that because it violates international rules regarding government involvement in domestic sports activities, this bill will cause the United States to be excluded from competition under the control of the international federations, including the Olympics.

I hope this does not happen. But if it did, it would constitute an act of high hypocrisy. It is commonly known that the governments of many, many nations are more actively involved in the management of their amateur sports programs than this bill envisions, authorizes, or infers. For example, substantial amounts of money are being spent on sports, directly or indirectly, by the governments of such Western countries as Canada, Spain, Italy, West Germany, France, and Switzerland. In Finland, amateur athletes are paid for the time during which they train. The Finns, as in many other countries around the world, are utilizing the services of U.S. coaches to assist their athletes—all at government expense. Many countries have cabinet positions reserved for sports, thereby assuring governmental guidance and financial assistance.

In the Communist bloc countries, there is a total government subsidy for sports programs. In Russia, athletes are paid to compete and often rewarded substantially for achieving international recognition. In East Germany, families are often relocated at government expense so that particular athletes can take advantage of specialized training and coaching without disrupting normal family ties.

None of these activities is contemplated in S. 3500. Instead, a board, composed of five, part-time members, is appointed for fixed terms to choose, subject to certain criteria, who shall represent the United States in each Olympic sport. In granting a charter to such groups, in much the same way as Congress granted a charter to the USOC in 1950, the Board must take into account any applicable rules and regulations promulgated by the international federations. The Board may revoke a charter of any group not recognized by such federations.

The bill also provides, on a limited basis, funds for the development of sports at the grassroots level. This concept has received the endorsement of the International Olympic Committee, as well as many domestic sports groups.

Mr. President, it is understood that there must be some international understanding regarding rules of participation in international sporting events. But the basic question we must answer is this: "Should we, as a free and independent people, allow self-appointed international groups to dictate how our athletes shall be chosen to represent us in international competition?" I would think the answer to that question should be obvious. Yet, we have allowed this practice to exist for years through the perpetuation of unresponsive and self-serving representatives to these federations.

We cannot allow this intolerable practice to continue. We must insist on a fair and democratic selection process, one which incorporates the interests of all those involved, and one which does not submit to the interests of those who do not have the welfare of the Nation or its athletes at heart.

We can achieve this goal through the adoption of S. 3500, thereby restoring our position as a leader and innovator in amateur athletics. We have much to gain in the way of international peace and understanding through participation in world sports programs, and it is in the national interest to assure a place for the development of sound programs in this country and around the world. We have a chance to achieve that goal through the passage of this bill, and I am hopeful my colleagues will move to its adoption.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of national and local organizations and a list of individuals who have given indications or expressions of endorsement.

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

SUPPORTERS OF S. 3500, THE AMATEUR ATHLETIC ACT

NATIONAL ORGANIZATIONS

Basketball Federation of the U.S.A.

College Athletic Business Managers Assn.

College Sports Information Directors of America.

Collegiate Commissioners Assn.

Golf Coaches Assn. of America.

International Assn. of Approved Basketball Officials.

National Assn. of Basketball Coaches.

National Assn. of College Gymnastics Coaches.

National Assn. of Collegiate Directors of Athletics.

National Athletic Steering Committee.

National Collegiate Athletic Assn.

National Federation of State High School Associations.

National Fencing Coaches Assn. of America.
National Gymnastics Judges Assn.
National Junior College Athletic Assn.
National Wrestling Coaches Association.
U.S. Baseball Federation.
U.S. Cross Country Coaches Association.
U.S. Gymnastics Federation.
U.S. Intercollegiate Lacrosse Assn.
U.S. Judo Association.
U.S. Lacrosse Coaches Association.
U.S. Track Coaches Association.
U.S. Track and Field Federation.
U.S. Wrestling Federation.

OTHER ORGANIZATIONS

Alabama High School Athletic Assn.
Alaska High School Activities Assn.
Arizona Interscholastic Assn., Inc.
Arkansas Activities Assn.
Atlantic Coast Conference.
Big Eight Conference.
Big Sky Athletic Conference.
Big Ten Conference.
California Collegiate Athletic Assn.
California Interscholastic Federation.
California Junior College Assn.
Central Collegiate Conference.
Colorado High School Activities Assn.
Connecticut Interscholastic Athletic Conference.
Delaware Secondary School Athletic Assn.
District of Columbia Dept. of Health, Phys. Ed., Athletics and Safety.
East Coast Conference.
Eastern College Athletic Conference.
Eastern Intercollegiate Gymnastics League.
Eastern Intercollegiate Wrestling Assn.
Florida High School Activities Assn.
Georgia High School Association.
Gulf South Conference.
Hawaii High School Athletic Assn.
Idaho High School Activities Assn.
Illinois High School Association.
Independent College Athletic Conference.
Indiana High School Athletic Assn.
Iowa High School Athletic Assn.
Kansas State High School Activities Assn.
Kentucky High School Athletic Assn.
Louisiana High School Athletic Assn.
Maine Assn. of Principals of Secondary Schools.
Maryland Public Secondary Schools Athletic Assn.
Mason-Dixon Intercollegiate Conference.
Massachusetts Secondary Schools. Principals' Assn., Inc.
Michigan High School Athletic Assn.
Michigan Intercollegiate Athletic Assn.
Mid-American Athletic Conference.
Middle Atlantic States Collegiate Athletic Conference.
Midwest Collegiate Athletic Conference.
Minnesota State High School League.
Mississippi High School Activities Assn.
Missouri Intercollegiate Athletic Assn.
Missouri State High School Activities Assn.
Missouri Valley Conference.
Montana High School Association.
Nebraska School Activities Assn.
Nevada Interscholastic Activities Assn.
New England College Athletic Conference.
New Hampshire Interscholastic Athletic Assn., Inc.
New Jersey State College Athletic Conference.
New Jersey State Interscholastic Athletic Assn.
New Mexico Activities Assn.
New York State Public High School Athletic Assn.
North Carolina High School Athletic Assn.
North Central Intercollegiate Athletic Conference.
North Dakota High School Activities Assn.
Ohio Athletic Conference.
Ohio High School Athletic Assn.
Ohio Valley Conference.
Oklahoma Secondary School Activities Assn.
Oregon School Activities Assn.
Pacific Coast Athletic Assn.
Pacific-8 Conference.
Pennsylvania Interscholastic Athletic Assn.
Pennsylvania State Colleges Athletic Conf.
Rhode Island Interscholastic League, Inc.
South Carolina High School League.
South Dakota High School Activities Assn.
Southeastern Conference.
Southern Conference.
Southern Intercollegiate Athletic Conference.
Southland Conference.

OTHER ORGANIZATIONS

Southwest Athletic Conference.
State University of New York Athletic Conference.
Tennessee Secondary School Athletic Assn.
Texas University Interscholastic League.
Utah High School Activities Assn.
Cermont Headmasters' Assn., Inc.
Virginia High School League.
Washington Interscholastic Activities Assn.
West Coast Athletic Conference.
West Virginia Secondary School Activities Commission.
Western Athletic Conference.
Wisconsin Interscholastic Athletic Assn.
Wyoming High School Activities Assn.
Yankee Conference.

INDIVIDUALS

Ed Badger, Head Basketball Coach of 1972 World University Games.
Wayne Baughmann, 1968 U.S. Wrestling Champion.
Doug Blubaugh, 1960 U.S. Olympic Wrestling Champion.
Jim Bolding, American record holder in intermediate hurdles.
Bill Bowerman, Coach of U.S. 1972 Olympic Track and Field team.
Mel Brodt, President, U.S. Track Coaches Assn.
Doris Brown, 1968 and 1972 Olympic athlete.
Frank Broyles, Director of Athletics, University of Arkansas.
Paul (Bear) Bryant, Director of Athletics, University of Alabama.
Suzanna Chaffee, 1968 U.S. Olympic Skiing team.
Harold Connolly, 1956, 1960, 1964 and 1968 Olympic Track and Field teams.
Willie Davenport, 1964, 1968 and 1972 Olympic Track and Field teams.
Bob Devaney, Director of Athletics, University of Nebraska.
George Haines, Coach of former Olympic Swimming teams.
Jesse T. Hill, U.S. Olympic Executive Committee and Board of Directors, 1964–68.
Werner Holzer, 1968 Olympic Wrestling team.
Henry P. Iba, Coach of three Olympic Basketball teams.
Capt. Micki King, 1972 Olympic Swimming champion.
Terry McCann, 1960 Olympic Wrestling champion.
John McCann, 1960 Olympic Wrestling champion.
John McKay, Director of Athletics, University of Southern California.
Kenneth Moore, 1968 Olympic Track and Field team.
Ben Peterson, 1972 Olympic Wrestling team.
Myron Roderick, 1956 Olympic Wrestling team.
Adolph Rupp, former Basketball Coach at University of Kentucky.
Dwight Stones, World record holder and 1972 Olympic high jump champion.
Bob Timmons, Coach of 1971 U.S. Track and Field Federation team to Caribbean.
John Wooden, Basketball Coach at UCLA.

Mr. PEARSON. Mr. President, the Senator from California has indicated adequately and with great clarity the reasons for the proposed legislation and the important and relevant provisions thereof.

In the long history of this conflict, which dates back almost to the turn of the century, at a time when nations decided once again to participate in international athletics in the forum of the ancient Olympics, there has been a continuing and at times accelerating conflict between the amateur athletic governing bodies—all to the detriment of the athletes themselves and, of course, to the public interest.

Mr. President, this bill was offered after long years during which individuals and the Government itself, or agencies of the Government, sought to provide or offer their good offices in seeking some type of mediation.

The Senator from California has made reference to the efforts of the late Gen. Douglas MacArthur and the late Attorney General of the United States in the Kennedy administration, the Honorable Robert Kennedy. In 1965, because of the continuing disputes that arose, which did act to the detriment of individual athletes and the public interest, the Senate Commerce Committee undertook a series of hearings. Out of those hearings, a resolution was passed by the Senate which called upon the Vice President of the United States, the present Senator from Minnesota (Mr. HUMPHREY), to appoint a commission.

That commission came to be known as the Kheel Commission because of its Chairman, Theodore Kheel, a man of great experience in the field of arbitration and mediation. Other members were the Honorable Archibald Cox; General Shoup of the Marine Corps; Mr. Thomas Vail, of Cleveland, a publisher; and Congressman RALPH METCALFE, a man of great personal experience in amateur athletics.

So this bill is offered now, after that background of attempts at mediation and after a conviction, at least on my part and hopefully on the part of the committee that approved this bill, that a voluntary settlement is not possible at this time. Incidents continued to arise, such as those at Munich—we are aware of the great tragedy there—in track events between the United States and the Soviet Union, and at basketball events and swimming activities, provided under the auspices of the State Department, between the United States and the People's Republic of China.

Mr. President, I do not intend to reiterate all the matters outlined by the Senator from California. I only wish to emphasize that the bill seeks to provide for minimal Federal participation. It seeks to strip the rival governing parties of arbitrary power. It pertains only to international competition. It provides some reform of the Olympic Committee which is protected by the international rules. While it provides for administration by the most representative and capable private organizations, it seeks to protect the public interest and the rights of individual amateur athletes—those groups which are not subordinate or are not under the control of other organizations.

Finally, the foundation program I think is of great value. It provides a matching fund basis of Federal funds in the years ahead with private funds for the expanding of facilities and the instructions of athletic participation for the handicapped and for those who live in the rural and urban parts of this great country.

I am very hopeful that this bill will pass the Senate and become an instrument to settling disputes that have gone on much too long and which I think is the only answer at this time.

Mr. President, I desire to yield to the distinguished Senator from Maryland for such time as he may desire.

Mr. BEALL. Mr. President, I thank the distinguished Senator from Kansas for yielding to me.

I am not going to deliver another prepared speech in opposition.

I spoke on this subject on the 21st of May at the time the bill was put on the calendar and temporarily passed. It was then debated and withdrawn, and I continue to have the same opinion with regard to this legislation that I had at that time.

I find not much fault with the foundation section of the bill. I think it is a laudable program to be encouraging the development of athletic facilities and opportunities for those otherwise deprived from participating in athletics around the United States. I think it is a proper role for the Federal Government to supply money on a matching basis if it will assist in opening up opportunities to people to participate in athletics.

I do not subscribe to the argument that we should be opposed to this bill because it is going to cost a billion dollars. It does not cost a billion dollars. The bill authorizes the expenditure of about a million dollars the first year for the Amateur Athletic Board and then $50 million on a matching basis for the Foundation.

What I would point out is that, in my opinion, some day it could cost a billion dollars. When we start off spending a million, we should be concerned about where this initial expenditure is going to lead us.

But that is not my principal objection. I also do not subscribe to the argument that says we are going to be eliminated from future Olympic competition if we should get involved in legislation of this sort. There are those that feel that should we pass this legislation it would jeopardize our participation in the Olympic games; that the Olympic Board would disqualify us. I do not subscribe to that, either.

I think it would be rather two faced for them to take that attitude when other countries in the world are involved to a greater extent in athletics than the United States would be in this particular bill.

What I do object to, however, is what I consider to be a bit of legislative overkill. As I said on the 21st of May, it seems to me we are creating a cure that is perhaps worse than the disease.

The problem we have, in my opinion, is twofold. First of all, we were all disappointed by the U.S. participation in the recent 1972 Olympic games when our athletes, for various reasons, were not allowed to participate. Others did not get to the place of participation on time, and we had several very unsavory disruptions. It showed a lack of organization and the need, I think, for reorganization of the U.S. Olympic Committee.

We addressed this problem on the 20th of May when this Senate passed a bill over to the House that would call for a study of the U. S. Olympic Committee and asked for recommendations or changes in its authority.

This is perfectly proper.

The second part of the bill, Mr. President, results from the disputes that have been taking place over the year between the AAU and the NCAA.

Now, it seems to me that we do not solve this problem by creating a Federal Amateur Athletic Board. It seems to me we are going to solve this problem by creating the framework within which the disputes can be mediated. I do not think we solve it by creating a Federal bureaucracy which does not provide for the final mediation of the disputes.

Under the bill as now written, we are creating a Federal Amateur Athletic Board and the Board will have the authority to hire an executive secretary and to create a bureaucracy that will inevitably control amateur athletics in the United States, and I do not think this is the road to follow.

The advocates of this particular piece of legislation say that the Amateur Athletic Board will be able to negotiate the disputes that exist between the various parties. However, if you read the legislation you will find that the negotiations are purely voluntary. Under the section dealing with negotiation of disputes in the legislation as now written, both parties to the dispute must agree to the negotiation. Obviously, if one party is benefited by a particular action it is not going to agree to negotiate with another party for consideration of those aggrieved.

So, there is no basis for believing that in this proposed legislation we are going to be any more successful in dealing with the disputes between the sponsoring bodies than we have been in the past.

So we have not solved the basic problem. All we have done, in effect, is created another bit of Federal bureaucracy that is going to establish the payroll, create some jobs, get a Federal Government involved in an area where it has never been involved before, take the control out of private industry where it really belongs, and not solve the problem we should be addressing ourselves to.

So, for that reason, Mr. President, I must reluctantly oppose this bill and I am hopeful that the Senator from Kentucky is going to offer an amendment which will deal more adequately with the problems that we have at hand.

(Subsequently, Senator BEALL obtained unanimous consent to have the following list printed in the RECORD at this point:)

Potomac Valley Association of the Amateur Athletic Union.
National Junior Olympic Girls Basketball.
South Dakota Assn. of Amateur Athletic Union of U.S.
Central (Illinois) Association of the Amateur Athletic Union of the United States.
Junior Olympic Gymnastics for Girls.
United States Olympic Committee.
National Junior Olympic Synchronized Swim Chairman.
Southern Association.
National Weight Lifting Championship Committee.
National Masters Swimming Committee.
LUGE.
National Men's Track and Field Records Committee.
National Committee of Men's Gymnastics.
National Rifle Association of America.
National Greco-Roman Wrestling Committee.
National Junior Olympic Trampoline and Tumbling.
National Junior Olympic Girls Trace and Field.
AAU Women's Gymnastic Committee.
National Junior Olympic Boys Volleyball.
National Committee of Age Group Diving.
National Committee of Basketball Officials.
National Age Group Junior Olympic Swimming.
Southeastern Association Amateur Athletic Union.
Wyoming Association of the Amateur Athletic Union of U.S.
Allegheny Mountain Association of AAU.
Florida Association of AAU.
FINA Synchronized Swimming Technical Committee.
National Junior Olympic Diving.
National Junior Olympic Boys Track and Field.
National Junior Olympic Boy Basketball.
Kentucky AAU.
Technical Committee of International Amateur Athletic Fed.
National Junior Olympics LUGE.
Women's National Karate Committee.
FINA Water Polo Committee.
National Junior Olympic Water Polo.
Metropolitan Association AAU of U.S.
U.S. National Committee for Synchronized Swimming.
National Junior Olympic Weightlifting.
Junior Olympic Boxing.
National Judo and United States International Judo.
National Junior Olympic Weightlifting.
Ohio Association of AAU.
Intermountain Association of AAU.
President's Council on Physical Fitness and Sports.
National Competitive Swimming Chairman—John B. Kelly, Jr.
FINA International Diving Chairman—J. Jackson Smith.
American Association of Presidents of Independent Colleges.
Churchill Downs, Inc.—Director of Publicity—William A. Toomey.
C. Thomas McMillen.
International Wrestling Representative—Joseph R. Scalzo.
James E. Lamy.
International Amateur Athletic Federation.
Tommy Kono—U.S. Olympic Champion.
Robert J. Surkein, USA Delegate AIBA.
Dr. Max Novich—Medical Commission AIBA.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. May I ask who is controlling time in opposition?

Mr. PEARSON. I am controlling time in opposition. I yield to him.

He has time of his own on this amendment, but I yield such time as he desires in opposition.

Mr. BEALL. I might say, it is very fitting that the Senator from Kansas should control time in opposition as he is a very fair person, he always treats problems very well.

Mr. COOK. May I have 5 minutes?

Mr. PEARSON. I yield to the Senator.

Mr. COOK. Thank you.

I am delighted to hear the remarks from the Senator from Maryland.

I may say as I evaluate this—and I will make my remarks on the amendment in a short period of time—I do not really deal with the problem as it presents itself here in the United States and as it presents itself particularly with what we call the NCAA, because, in effect, we have the language in it that says if they have such rules and regulations between universities and colleges and organizations that can be exempt. So really, we are freezing in, we are freezing in their present system and their present setup.

My 12-year-old would call this a cop-out. My 12-year-old would say that the American athlete, if we pass this bill in its present form, without my amendment, is going to be ripped off.

Now, let me tell you what happened, and I would like to refresh everybody's mind.

You remember in March of 1973 the AAU made arrangements to play a Russian basketball team and the AAU said that the Russian basketball team was coming here and there was going to be a series of games. Then, all of a sudden we found that the head of the NCAA said that no NCAA school or athlete of any NCAA school will be able to compete in those basketball games.

Now, that meant, in effect, there was not going to be a series. That meant, in effect, we were going to pick up some AAU teams across the United States. There would be athletes, very fine athletes, but they were not the best of our young basketball players in the United States. There was no question about that, we all knew that.

So, really and truly, we were looking forward to a series of six games of which it was conceivable the United States could not win one of them, and we were playing against the best basketball team that the Russian nation could put up and send to the United States.

Now, I want to remind some of my colleagues that it was at the insistence of my office that we prepared a letter on March 29, 1973, to Mr. Walter Byers:

COMMITTEE ON THE JUDICIARY,
Washington, D.C., March 29, 1973.

Mr. WALTER BYERS,
Executive Director, National Collegiate Athletic Association, Kansas City, Mo.

DEAR MR. BYERS: As a member of the United States Senate, in an effort to promote and encourage international athletic competition, and continuing the spirit of multinational cultural exchange, I respectfully urge you to permit athletes of NCAA member institutions to participate in the forthcoming series of basketball games with the Russian National Team, without fear of reprisal or penalty to those athletes or institutions.

Yours sincerely,

Marlow W. Cook, Barry Goldwater, J. Glenn Beall, James B. Eastland, Howard H. Baker, Edward J. Gurney, Robert T. Stafford, Strom Thurmond, Clifford P. Hansen, J. W. Fulbright, James A. McClure, Quentin N. Burdick.

Lowell P. Weicker, Jr., Walter D. Huddleston, Charles H. Percy, Henry Bellmon, Joseph M. Montoya, Dewey F. Bartlett, Frank G. Moss, John D. Pastore, John L. McClellan, William D. Hathaway, Carl T. Curtis, Wallace F. Bennett.

Mike Gravel, Harold E. Hughes, Adlai E. Stevenson III, Mark D. Hatfield, Ted Stevens, Lee Metcalf, George McGovern, Vance Hartke, Milton R. Young, Jennings Randolph, Hiram L. Fong, Walter F. Mondale.

Lawton Chiles, Gale W. McGee, Stuart Symington, Clifford P. Case, Hubert H. Humphrey, John V. Tunney, Thomas F. Eagleton, Birch Bayh, Roman Hruska, Alan Cranston.

Harrison A. Williams, Jr., Edward M. Kennedy, Gaylord Nelson, Bob Packwood, Bennett Johnston, Edmund S. Muskie, Thomas J. McIntyre, Hugh Scott, William Saxbe, Lloyd Bentsen, William Roth, Mike Mansfield.

They specifically said that if any of these young athletes competed in the name of their country against the Russian team, they could be expelled from competing in NCAA competition in the forthcoming basketball season.

All they wanted to do was represent their country. They did not want to represent the NCAA. They wanted to represent the United States of America. They wanted to represent their Nation in the best tradition of the best sports individuals that we could put forth against the Russian team.

The signatures that we got on that occasion were those of myself, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. BEALL), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mr. GURNEY), the Senator from Vermont (Mr. STAFFORD), the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. HANSEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Idaho (Mr. MCCLURE), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. WEICKER), my colleague from Kentucky (Mr. HUDDLESTON), the Senator from Illinois (Mr. PERCY), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. HATHAWAY), the Senator from Nebraska (Mr. CURTIS), the Senator from Utah (Mr. BENNETT), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Illinois (Mr. STEVENSON), the Senator from Oregon (Mr. HATFIELD), the Senator from Alaska (Mr. STEVENS), the Senator from Montana (Mr. METCALF), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Indiana (Mr. HARTKE), the Senator from North Dakota (Mr. YOUNG), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. FONG), the Senator from Minnesota (Mr. MONDALE), the Senator from Florida (Mr. CHILES), the Senator from Wyoming (Mr. MCGEE), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. CASE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from California (Mr. TUNNEY), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. BAYH), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Maine (Mr. MUSKIE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Ohio (Mr. SAXBE), the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. ROTH), and the Senator from Montana (Mr. MANSFIELD).

It was through that effort, and only through that effort, with pressure from Members of the Congress of the United States, that the NCAA finally decided, "We have got to give up and let these fine, remarkable athletes from the American collegiate system play against the Russian team."

As a matter of fact, Mr. President, we wound up that series having won four games and lost just one, against the champion AAU basketball team, which was held in Lexington, Ky.

Now, do we really want to go through that again? Do we really want to have to go through the process of saying to the power of these organizations throughout the United States, "We have got to get a whole bunch of names on a sheet of paper to scare you into cooperating with other athletic organizations in the United States"? Because, really and truly, if we pass this bill in its present form, we have not changed the necessity for having to do that again in the future.

I remind the Senator from Arizona (Mr. GOLDWATER) that we had young athletes come before us and testify about their lack of ability to participate, and they sat there and cried. They sat there and cried before our committee because they could not have the opportunity, because of the bureaucracy that had become so established and ingrained.

We had young people who wanted to compete, not to represent the Olympic Committee, but to represent their country, who had to travel at their own expense all the way to the west coast, eat hot dogs and Coca Colas and pay their own expenses, and compete; and yet the Olympic Committee, at the University of Oregon, charged people to come into the stadium and see the young American athletes who came there at their own expense to compete, not to represent the Olympic Committee, but to represent the United States of America.

Mr. President, I say today, I say for the record, to any young athlete who may be listening today, "If you think this is going to resolve any problem, you had better think again."

Mr. President, let me tell you what it will do to the young athlete. He will be denied by the Olympic Committees the opportunity to participate. He is told that, for some reason or other, he cannot.

He cannot arbitrate unless the association agrees to the arbitration. So, therefore, what is his recourse?

The major organization says, "No, we are not going to arbitrate. We are right and you are wrong. We are not going to arbitrate."

The young athlete looks around and says, "Where do I go from here?"

The association says, "Well, I'll tell you what you can do, young athelte, 19 or 20 years old. You can hire yourself a lawyer. Hire yourself a lawyer, go into Federal court, and seek a remedy."

He has been told he cannot compete in a particular activity in 2 days, in 4 days, or in a week.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. COOK. I ask for another 5 minutes.

Mr. PEARSON. Yes.

Mr. COOK. How does he get into Federal court? How does he enjoin this great organization? How does he get on the rolls so he can compete within 2 days, 5 days, or a week?

Mr. President, he cannot, and I think the sponsors of this bill know absolutely that he cannot. That is why, as my 12-year-old son would say, this is a rip-off from the American athlete.

In its resolution, the National Federation of State High School Association states that, through its member State associations, it represents the athletic programs of approximately 22,000 high schools of the United States.

I bet they contacted all those 22,000 high schools.

It states that the proposed amendment would enable an incumbent governing body to perpetuate itself.

I wonder how long the National Federation of State High School Associations has been in existence, and I wonder how many of the 22,000 high schools wish they had another organization. I will bet they cannot break it and get another association like the National Federation of State High School Associations today,

Let us ask ourselves, who is perpetuating what?

All we are asking through my amendment is a very simple athletic bill of rights. It says that if an athlete is denied the ability to participate, he can immediately ask for binding arbitration, that he can immediately submit his case, and that his case can be immediately decided, so that he in fact can participate if he is successful. If he is not successful, then he cannot.

I am amazed, when I sit here and think about those young, delightful, fresh faces that appeared before our committee and talked about the situation within the American athletic system, that we can sit here and say we are going to solve their problem by passing this bill. Those kids who came before us and said the girls on the track team were compelled to work out at some high school or grade school in Brooklyn, and they had a stone wall at the end of the track, and they finally had to put pads up there so the girls could bounce off those pads instead of crashing to a brick wall in an attempt to put themselves in condition to break a record for their country.

Mr. President, let us be fair. We know why the NCAA is for this bill now. It says they are exempt. Heretofore, they have had and enforced their own regulations. We are now going to give their regulations force of law. We are going to freeze-in their regulations, that have denied young athletes the opportunity to participate.

They cannot really mean that they want that. They themselves cannot honestly mean that. So, Mr. President, I am delighted to join with the Senator from Maryland in opposition to this bill in its present form. At the proper time, I shall bring my amendment up, and I thank the Senator from Kansas for the time on the bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I believe I ought to point out that although the Senator from Kentucky has not yet offered his amendment, it seems clear to me that the major fight that we are going to have concerning this bill is as a result of that amendment. If the Senator from Kentucky would care to offer the amendment now, I do not have any requests for time, and perhaps we could begin consideration of the amendment and move soon to action on it.

Mr. COOK. Mr. President, what I will do then, if the Senator from California does not mind, is to make my remarks, and then I will call up my amendment, but first yield to the Senator from South Carolina and the Senator from New Hampshire.

Mr. TUNNEY. That is fine.

Mr. COOK. Mr. President, is that agreeable with the Senator from Kansas?

Mr. PEARSON. Yes.

Mr. THURMOND. Mr. President, the Commerce Committee has ordered legislation to be reported to the Senate which will lead to a constructive and timely resolution of the major problems confronting amateur sports in the United States. In noting the lack of a national amateur sports program, I initially sponsored a bill to establish a National Sports Development Foundation. This foundation will be an overseeing organization to give the proper support and direction to amateur sports. By providing a vehicle for fund raising and coordination, this foundation will be a great step toward raising the health and well-being of our society.

Title III of S. 3500 would establish the National Sports Development Foundation. The foundation would not be an agency or establishment of the U.S. Government, but members of its board of trustees would be appointed by the President of the United States. The trustees would serve for one term of 6 years and would not be eligible for reappointment.

The foundation is authorized to use the proceeds from its trust corpus to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States. The committee heard testimony from knowledgeable witnesses to the effect that relatively small grants of funds could be effectively used to develop amateur sports at the local level. These witnesses stated that an indirect consequence of the foundation's development aid would be an improvement in the performance of American teams in the Olympic games and other international competitions.

Foundation grants could be used to provide athletic instruction, facilities, and programs for many Americans who do not now benefit from participation in amateur sports. The foundation would provide funds to open underutilized athletic facilities, attract coaches for children and promising young athletes, and improve the opportunities for participation in sports by the handicapped and urban and rural poor.

In addition to its funding responsibilities, the foundation is authorized to gather and disseminate information relating directly to the development or modernization of athletic facilities. Similarly, the foundation will develop a body of information on safety and health, an important element of sports development which has received growing attention in recent years.

The foundation is required to submit an annual report of its activities to the President and the Congress. An annual audit and report on such audit are also required.

The bill provides that the corpus of the trust fund established by the foundation be composed equally of private gifts and matching public funds, up to a limit of $100 million. However, the foundation may spend up to $1 million of private funds per year until the total of private donations has reached $15 million. Moreover, no Federal funds may be appropriated for the foundation until fiscal year 1977. The purpose of the latter restriction is to allow the sports structure envisioned in title I to be established prior to the infusion of Federal funds.

Mr. President, I am hopeful that enactment of our legislation will inaugurate a new era in the history of U.S. amateur sports. I believe it will bring all factions of the U.S. amateur sports world together in a manner which cannot help but foster better programs of development for the Nation's athletes. The influx of new money into currently existing or proposed development programs will help enrich the lives of our youth regardless of their educational, social, or economic background. Finally, the legislation we propose will guarantee that only those associations supported by athletes, administrators, and the Government can control their respective sports and represent the United States in the Olympics and other worldwide events.

I am very pleased to have taken part in the formulation of this most important legislation. I look forward to seeing the Amateur Sports Board and the National Sports Development Foundation help our great Nation in achieving a spirit of competition which we all desire.

Mr. COTTON. Mr. President, I wish to express my support for the bill, S. 3500—the Amateur Athletic Act of 1974.

In doing so, Mr. President, I believe that it is in order to acknowledge the yeoman labor on this measure by its principal sponsor, my distinguished colleague on the Committee on Commerce and the senior Senator from the State of Kansas (Mr. PEARSON). He has been particularly conscientious in the develop-

ment of the pending bill, and I wish to extend to him publicly my compliments in this regard.

Now, Mr. President, like no doubt several of my other colleagues in the Chamber, I previously had entertained some reservations about earlier legislative proposals on this same subject which had been debated by the Senate. However, I have examined carefully the statement made by my distinguished colleague from Kansas (Mr. PEARSON) in which he has sought with his usual thoroughness and effectiveness to rebut the several arguments and to assuage the several fears raised with respect to S. 3500. In addition, I have read with care the letter of July 8 which was sent jointly by the distinguished Senator from Kansas (Mr. PEARSON) and the distinguished Senator from California (Mr. TUNNEY) expressing their valid objections to amendment No. 1530 to S. 3500 proposed by my distinguished colleague from Kentucky (Mr. COOK).

Finally, Mr. President, and perhaps most important, I have been in communication with various schools and organizations within my State of New Hampshire, and the overwhelming result has been a strong endorsement of the pending bill, S. 3500, along with equally strong opposition to amendment No. 1530.

Mr. President, the sum and substance of S. 3500—the Amateur Athletic Act of 1974—was succinctly phrased in the following manner by its principal sponsor, the senior Senator from Kansas (Mr. PEARSON):

> This bill gives our amateur athletes more rights than they have ever had. No more will athletes be helpless pawns in a power struggle between sports organizations insensitive to their concerns.

In conclusion, Mr. President, I support the passage of the bill, S. 3500, and I ask unanimous consent that at the conclusion of these remarks the several letters from interested groups in my State of New Hampshire, expressing their respective support for this bill, be printed and made part of the RECORD.

The text of the communications follows:

DARTMOUTH COLLEGE,
Hanover, N.H., May 17, 1974.

Hon. NORRIS COTTON,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR COTTON: It is a pleasure to be writing to you to urge your support rather than opposition to legislation.

To that end, Dartmouth College is in favor of Senate Bill 3500, the Pearson Bill, and also Senate Bill 1018, the Tunney Bill. It is our understanding that S-3500 will be amended with S-1018, and I urge your support.

Thank you very much for your consideration.

Sincerely,

SEAVER PETERS.

DARTMOUTH COLLEGE,
Hanover, N.H., June 20, 1974.

Hon. NORRIS COTTON,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR COTTON: You may have received this pamphlet from other sources, but I did want to make sure you have a chance to study it.

Also, I am forwarding a newspaper clipping which dramatizes the need for S. 3500. This nation's best amateur track athletes are in rebellion against the AAU. Under present procedures, little if anything can be done about it.

In track and field for example, the AAU has exclusive authority as to whether an athlete may or may not compete in international competition and, yet, the AAU is answerable to no one in this country.

S. 3500 provides a needed review mechanism and, also, through matching public and private contributions, provides a source of financial aid for amateur athletics. Our cities and states spend tax money to build wonderful stadiums for professional, profit-making sports organizations, so it doesn't seem unreasonable to provide a vehicle for generating dollars for sorely pressed amateur sports.

Please guard against efforts to substitute S. 3273 for S. 3500. Apparently Senator Cook of Kentucky has this in mind. S. 3273 was written by the U.S. Olympic Committee and the AAU to give the impression that changes could be wrought through arbitration whereas in fact, the contemplated arbitration procedures are carefully slanted in favor of the organizations which now hold the international franchises. In fact, I am puzzled as to how the Congress can amend the public law which charters the U.S. Olympic Committee and thus require private, voluntary organizations to arbitrate their eligibility rules such as the state athletic associations for high schools and the various intercollegiate athletic conferences.

I would appreciate hearing from you as to your reaction to these matters and if I can provide further information, I would be happy to do so.

Sincerely,

SEAVER PETERS.

[Telegram]

HANOVER, N.H.,
July 8, 1974.

Senator NORRIS COTTON,
Capitol, D.C.:

Permit me to reaffirm our support of S. 3500, the Amateur Athletic Act of 1974. We oppose the Cook amendment, S. 1530. Thank you for your consideration, and hoped-for support.

SEAVER PETERS,
Director of Athletics,
Dartmouth College.

UNIVERSITY OF NEW HAMPSHIRE,
Durham, N.H., May 29, 1974.

Hon. NORRIS COTTON,
U.S. Senator, Committee on Commerce,
Washington, D.C.

DEAR SENATOR COTTON: I appreciate your kindness in allowing me to express to you my thoughts on Bill S. 3500 pertaining to the Amateur Athletic Act.

The University of New Hampshire, as a member of the NCAA, is committed to developing and maintaining amateur sport programs in this country. The programs at our university, and other major universities, have been responsible for the development of the best amateur athletes in the world. Due to unreasonable and arbitrary rules or sanctions, however, our international competition has frequently fallen far below our ability.

It has been my hope that reforms could come about within a short time so that we may have our best competitors at the next Olympic Games. This might have been done without government action, but it never was as the problem continues year after year.

The Commerce Committee's Bill S. 3500 is much better and much sounder than the earlier proposal which would have placed too much government control over domestic sports. The new form has minimum government involvement, and directs itself to the basic problem which is the need for the reorganization of U.S. representation on international sports-governing bodies. Bill S. 3500 also gives athletes representation and protection.

I strongly favor adoption of the new Commerce Committee's bill, and hope that you will give the bill your support.

Sincerely,

ANDREW MOORADIAN,
Director of Athletics.

SAINT ANSELM'S COLLEGE,
Manchester, N.H., May 27, 1974.

Hon. NORRIS COTTON,
U.S. Senator, New Senate Office Building,
Washington, D.C.

DEAR SENATOR COTTON: This will acknowledge your letter of May twenty-second with enclosures, concerning the bill S. 3500 sponsored by Senator James B. Pearson.

I wish to express my support for this bill and I might add, I endorse the position of the Council of the National Collegiate Athletic Association which is in support for S. 3500.

I take the liberty of enclosing a copy of the Council's resolution which may or may not have been brought to your attention.

Thank you very much for writing and for your attention to and support for S. 3500.

With very best wishes, I am

Sincerely yours,

(Rev.) BRENDAN P. DONNELLY, O.S.B.,
President.

[Telegram]

CONCORD, N.H., *May 28, 1974.*

Senator NORRIS COTTON,
Washington, D.C.:

On behalf N.H. high school athletics support both bills: Pearson, S. 3500; Tunney, S. 1018. Best regards.

WALTER SMITH,
Executive Director,
New Hampshire Interscholastic Athletic Association.

Mr. COOK. Mr. President, as you know, I have now been involved for nearly 4 years in attempting to resolve some of the serious problems which have plagued amateur athletics in this country for some six decades. These problems have not only affected adversely the Olympic efforts of our country, but also the very lives and futures of many of our dedicated and talented young athletes.

For years, organizational power struggles have hindered our national efforts, and have led to sporadic and arbitrary actions that have prevented many of our athletes from doing their best in representing the United States in international athletic competition.

At the beginning of this Congress, I was one of six Senators who introduced legislation designed to end this age-old controversy. At that point, Senators PEARSON, TUNNEY, THURMOND, GRAVEL, STEVENSON, and I decided to work together to assemble one proposal which would accomplish what we all had established as a common purpose. The result of that common effort was originally S. 2365, now before us as S. 3500. Unfortunately, the bill before us has been compromised to the point that it no longer would do anything to resolve our problems. In fact, by virtue of one provision in the legislation, we could actually be legislating for good one-half of the existing problem.

These considerations prompted me to propose legislation, S. 3273, with Senator HUMPHREY, which would attack directly the most serious problems confronting our national amateur athletic programs. I have now offered essentially the same proposal as a substitute amendment to titles I and II of S. 3500. I would like to briefly outline the concept of my substitute amendment, and explain the important differences in approach between my proposal and the bill before us.

First, and most important, is the mechanism for guaranteeing the athletes in this country the right to participate in international competition representing the United States. As you may know, the power struggles of the sports organizations have been fought with the athletes as pawns. In a seemingly endless series of controversies, the various organizations try to embarrass each other by refusing to allow athletes under their jurisdictions to participate in events sponsored by the other groups. A perfect example occurred only last summer when the Russian national basketball team was to tour the United States and play a series of six games against a representative team of Americans. The games were arranged by the Amateur Athletic Union, one of the most prominent athletic organizations, and one which has been deeply involved in many of the controversies which have arisen over the years. The National Collegiate Athletic Association, another such group, decided to thwart the AAU's effort, not to speak of embarrassing the entire country, by denying basketball players under their control the right to play in that series.

Mr. PEARSON. Mr. President, will the Senator yield? I may have a misunderstanding. Am I yielding time now on the bill to the Senator? Is that what the Senator wishes?

Mr. COOK. No; I think I am consuming part of my hour on my amendment and, at the end of my time I will then call up my amendment with that understanding.

Mr. PEARSON. Mr. President, I think the Chair wanted a clarification of this for the RECORD.

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

Mr. PEARSON. I thank the Senator.

Mr. COOK. Yes.

The NCAA hierarchy, not the individual colleges and universities, refused to relent until 57 of my colleagues joined me in sending a letter to Mr. Walter Byers, executive director of the NCAA, urging him to reconsider that decision. Finally he did so, and the U.S. team was able to defeat the Russians 4 games to 2. My point is that it seems incredible to me that it would take such an extreme action to accomplish something that is so obviously in the national interest.

For instance, we would not have seen Bill Walton play against the Russian team. We would not have seen Marvin Barnes; we would not have seen Ernie Di Gregorio play at all because they had been told they could not under any circumstances. And it was through our efforts that this was accomplished and they were allowed to represent their country.

Both S. 3500 and my substitute amendment purport to solve this problem by establishing an Athletes' Bill of Rights. However, I believe that the mechanisms for implementing this right to participate in my proposal is so superior to that in S. 3500, that to pass the proposal of the Senator from Kansas would be to effectively deny such a right to a major portion of our American amateur athletes. I say this for two reasons. First, my proposal provides that any athlete who is denied his right to participate in an authorized event can compel binding arbitration against the organization that is denying that right.

Such arbitration is to be conducted by the Independent American Arbitration Association, and may be expedited as quickly as 48 hours if necessary. On the other hand, S. 3500 requires that an athlete retain an attorney and institute an action in Federal court to exercise his right. Not only will this requirement pose an impossible burden on a good number of our athletes, who have no means of waging a law suit, but it will effectively prevent any action in a good number of cases, since many of these disputes arise in such close proximity to the date of the event, that a court action could not conceivably be concluded in time to do justice. And in these cases, as in probably no other, justice delayed is truly justice denied.

Another reason that S. 3500 would contradict its avowed purposes is that the rules and regulations of the NCAA, and other athletic organizations comprised of educational institutions, are exempted from the scope of the bill. By virtue of section 204(d), an athlete may be denied his right to participate if the basis of that denial is a rule or regulation adopted by an institution individually or in common with other institutions. That means that, for example the rule that was used to deny the basketball players the right to play against the Russians could continue to be invoked in the future. So we are right back where we started if we are trying to accomplish something for our athletes, how in good conscience can we let that broad exemption be enacted into law. The inclusion of this section is the only reason that the NCAA is now urging passage of this bill, which they strongly opposed when it did not include this exemption as S. 2365.

They finally decided they would be for something when they got excluded from it. Well, anybody would be for something of that nature. There would be no problem in that. I recognize the value of protecting the educational interests of the athletes and their schools, but not the value of protecting the broad rules of the organizational hierarchies, which bear only the vaguest relevance to legitimate academic interests.

My amendment does not allow an individual institution to deny any athlete the right to participate if the basis of such denial relates solely to the academic or athletic interests of the individual at that institution. That is the very thing the NCAA does not want. This is a relationship in which the Federal Government should not interfere. And it is also a relationship which has not been the source of the problems. In most instances the individual school wants its athletes to participate, but is forced by the hierarchies to deny the athletes that right. S. 3500 only codifies the power of the NCAA and other organizations, while my amendment transfers that power from the NCAA Headquarters at Kansas City, to the individual schools who know best what is truly in the academic or athletic interests of the athletes.

Another compelling reason that S. 3500 should not be enacted as written, and that my amendment must be adopted, is that the Pearson bill establishes a Permanent Federal Board, which will probably have very little to do. The only function of the Board is to determine, every 4 years, who will hold the membership on the International Federation for each of the Olympic sports. By the terms of S. 3500, such decisions shall be made within 12 months after the conclusions of the winter and summer games. In other words, the Board will only be functioning for a maximum of 18 months out of every 4 years.

I wonder whether it is necessary to create another Federal Board to perform such a limited objective. My substitute, on the other hand, provides a reasonable mechanism for the assignment of international franchises without necessitating the establishment of another agency, and without the expenditure of Federal funds. It sets the criteria by which a challenging organization may unseat the existing franchise holder through compulsory binding arbitration, again before the American Arbitration Association. If a challenging organization can demonstrate that it meets those criteria better than the existing governing body, then it will become the governing body. In this regard, we can better insure that the organization most capable of developing that sport will be the American representative. Under the Pearson bill, it is conceivable that the best qualified organization will be precluded from being the governing body for that sport.

Finally I would like to raise the question as to what the passage of either of these bills will do to the status of the United States in the Olympics. As you may know, the International Olympic Committee has a rule which prohibits government intervention in decisions affecting the participation of any country in the Olympic games. Lord Killanin, present chairman of the IOC, has said that the passage of S. 3500 could jeoparize the right of the United States to participate in the Olympics, but that the enactment of my substitute would not. Now I am not one of those who likes being blackmailed by anybody, and I would not vote against S. 3500 solely on that basis. However, I do think that since my substitute offers a solution to many of our current problems, and a more effective solution in several areas, that it would be foolish to risk expulsion from the Olympics by enacting S. 3500, which I believe to be an incomplete solution to our sports problems.

Now I am aware of the massive lobbying that has surrounded the legislative

history of these proposals. The NCAA supports S. 3500, and I think I have explained why.

Since additional Senators have entered the Chamber, I might digress for a moment to say that the NCAA wants S. 3500 because S. 3500 in its present form would compel us again to go to the Senator from Tennessee (Mr. BAKER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oklahoma (Mr. BARTLETT), and ask them to sign a letter again, just as they did last time so that NCAA athletes can play against the Russian basketball team because the NCAA has said, "Thou shall not and you will be expelled and your school will be expelled." Finally, 57 of us signed a letter and we got Walter Byers to act. Now we would freeze that in with S. 3500 in the future.

The Amateur Athletic Union and the U.S. Olympic Committee support my proposal, and I am not so sure that I know why. However, I do know that a considerable number of our Nation's greatest amateur athletes support my proposal. They include former Olympic medalists Bill Toomey, Donna DeVarona, and Tom McMillen. I know why they are supporting it.

I remember so vividly Donna DeVarona because she sat in front of our committee with the Senator from California and cried about the conditions that we were not doing anything about by the passage of this bill. That is why this bill is a copout. My proposal is a tribute to Tom McMillen, of the University of Maryland, who got to participate in those games. They support it because they realize it is a true guarantee of their rights.

They realize that it is a true guarantee that their rights and the rights of the thousands of athletes who want to represent the United States in international competition, will be protected. And this, in the long run, is the only thing I care about. I do not really care whether the AAU or the NCAA dominates amateur sports in America, as long as the athlete has the encouragement and protection of the laws of this country in his or her efforts on the athletic field. This should be the primary concern of every Member of the Congress, and that concern can best be reflected and realized by adopting my substitute amendment to S. 3500.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I would like to point out——

Mr. COOK. Mr. President, will the Senator yield so that I may call up my amendment?

Mr. TUNNEY. I yield.

AMENDMENT NO. 1530

Mr. COOK. Mr. President, I call up my amendment No. 1530.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 1, line 3, strike everything through page 23, line 24, and insert in lieu thereof the following:

"That section 3 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 373), is amended by striking out 'amateur representation' in paragraph (4) and inserting in lieu thereof the following: 'administrators, coaches, and amateur athletes'.

"SEC. 102. Section 4 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 374), is amended—

"(1) by inserting '(a)' before 'The corporation shall have perpetual succession';

"(2) by striking out paragraph (9);

"(3) by redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11), respectively; and

"(4) by inserting at the end thereof the following new subsection:

"'(b) The corporation shall have the power to adopt and alter a constitution and bylaws not inconsistent with the laws of the United States, except that the corporation may alter the constitution only if—

"'(1) the corporation publishes in a newspaper or magazine of national circulation or in any publication published by the corporation, and in the Federal Register, a general notice of the proposed alteration of the constitution including the terms of substance of such alteration, the time and place of the corporation's regular meeting at which such alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized by paragraph (2);

"'(2) for a period of at least thirty days after the date of publication of such notice in the Federal Register, the corporation gives to all interested persons an opportunity to submit written data, views, or arguments concerning the proposed alteration;

"'(3) the corporation decides upon the alteration for which notice was published under paragraph (1) only after the thirty-day period under paragraph (2) and only at a regular meeting (with or without opportunity for a written or oral presentation by any interested person whom the corporation may invite to such meeting); and

"'(4) the corporation mails the alteration to all persons who submitted any material under paragraph (2) and to all persons who submitted a written or oral presentation under paragraph (3).'.

"SEC. 103. The Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950, is further amended by inserting after section 4 the following new section:

"SEC. 4A. (a)(1) No individual who is eligible under applicable international or applicable national amateur athletic rules and regulations may be directly or indirectly denied his right to attempt to qualify for selection, or his right (if he so qualifies) to participate, as an athlete or coach, trainer, administrator, manager, or other official representing the United States in any international amateur athletic competition, if such competition involves any sport included on the Olympic games or pan-American games program during the Olympiad time period concurrent with such attempt to qualify for such participation. Notwithstanding the provisions of the preceding sentence, any university, college, high school, or other educational institution which an individual is attending at the time of such attempt to qualify, or (in the case of a coach, trainer, administrator, manager, or other official) which employs such individuals, may deny the individual the institution's permission and approval for such attempt or participation, except that no institution may deny any individual such right of participation unless the basis for such denial relates solely to that individual's academic or athletic interests at that institution.

"'(2) There shall be a reasonable number of amateur athletes (who have represented or are representing the United States in any international amateur competition in any sport included on the Olympic games or pan-American games program during the Olympiad time period concurrent with such representation) as members on the governing board of the governing body for that sport. For the purposes of this Act, the term "reasonable number" shall mean not less than 20 per centum of the membership of the governing body for that sport.

"'(b) Any national amateur sports organization may seek recognition as a governing body if it establishes by a preponderance of the evidence that it more completely meets the following criteria in comparison with the existing governing body:

"'(1) It provides, at the time of arbitration under subsection (d) more effective national competition in the sport (at appropriate levels of ability and for both sexes if appropriate) for which it claims recognition as the governing body, so that such competition will result in a higher quality of United States athletes in all international amateur athletic competition for such sport.

"'(2) It provides (without regard to race, creed, color, religion, or sex) equal opportunity, for competition in the sport for which it claims recognition as the governing body, to all individuals who are eligible under applicable international or applicable national amateur athletic rules and regulations; and it applies international rules and regulations concerning athletic eligibility and competition without discrimination to all such individuals.

"'(3) It has a reasonable number of amateur athletes (who have represented or are representing the United States in any international amateur athletic competition in the sport for which the organization claims recognition under this subsection, and which is included on the Olympic games or pan-American games during the Olympiad time period concurrent with or immediately preceding such claim for recognition) as members of its governing board for that sport.

"'(4) Its voting membership is open to any national amateur sports organization in the sport for which it claims recognition as the governing body under this subsection and to any amateur sports organization whose members operate statewide athletic programs which affect the selection or qualification of athletes to represent the United States in international amateur athletic competition in that sport.

"'(5) There are voting representatives of national amateur sports organizations (which represent the sport for which recognition is claimed under this subsection, if the sport is included on the Olympic games or pan-American games program during the Olympiad time period concurrent with such claim for recognition) as members of its governing board for that sport.

"'(6) Members on its governing board are selected without regard to race, creed, color, religion, or sex.

"'(7) The terms of office of such members are expressly limited to a reasonable period.

"'(8) It is financially able to perform the functions of the United States member of the international amateur sports federation recognized by the International Olympic Committee for the sport concerned, and it is able to comply with all applicable in-

ternational requirements (written and uniformly applied to all nations) relating to recognition as the governing body for the sport for which it claims recognition.

"'(c) Any individual who alleges he has been denied a right established under subsection (a) in violation of such subsection may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

"'(d) Any national amateur sports organization claiming recognition under subsection (b) shall submit such claim to any regional office of the association not later than one year after the termination of any summer Olympic games. The association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the association; except that (1) for any arbitration in which at least two of the parties are not individuals, there shall be not less than three arbiters selected by the association, (2) there shall only be arbitration of a claim under subsection (b) after the ninetieth day after the day that the national amateur sports organization submitted such claim to the association, and (3) the arbitration decision shall be served on the corporation in the same manner as it is to the parties to the arbitration.

"'(e) Any person whose claim is upheld by an arbitration decision under subsection (c) or (d) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the paragraph under subsection (a) or (b) upon which the person based his claim for arbitration under subsection (c) or (d). Any person who submits a claim for arbitration under subsection (c) or (d) may bring suit in such court to compel arbitration pursuant to subsection (c) or (d), and the arbiters of an arbitration under subsection (c) or (d) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under subsection (a) in violation of such subsection may (in lieu of seeking arbitration under subsection (c)) bring suit in such court for adjudication of such denied right.

"'(f) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim; except that when any individual seeks arbitration because of an alleged violation of a right established by paragraph (1) of subsection (a), the burden of introducing the evidence and the burden of proof shall be on the person who allegedly violated such right.

"'(g) If an arbitration decision upholds a claim of a national amateur sports organization for recognition as a governing body under subsection (b), the corporation shall (on the sixty-first day after such decision) recommend in writing and support in any other appropriate manner such sports organization to the appropriate international governing body for recognition by such international body as the governing body; except that if there is district court review under subsection (e), such recommendation and support shall occur immediately after the judicial review upholds such decision. Such support shall include, but not be limited to, providing such sports organizations voting membership in the corporation and on the governing board of the corporation proportionate to that of the internationally recognized national sports governing bodies in other Olympic sports, and restructing the membership of the games committee in that sport and other committees as appropriate to reflect that such sports organization is the sole sports body nationally recognized to govern in that sport. A governing body against which a successful challenge has been made by a national sports organization under subsection (d) shall not attempt to influence the international sports federation in that sport to reject the decision of the arbitration and shall (on the sixty-first day after such decision) send a letter to the international sports federation endorsing the national sports organization whose claim was upheld; except that if there is district court review under subsection (e) such a letter shall be sent immediately after the judicial review if such review upholds such decision.

"'(h) The arbiter of any arbitration under subsection (c), or a majority of the arbiters under subsection (d)(1), may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (e) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

"'(i) For the purposes of this section—

"'(1) The term "international amateur athletic competition" means any athletic event between an athlete or team of athletes representing the United States and an athlete or team of athletes representing any foreign country, conducted in compliance with applicable national and international requirements.

"'(2) The term "Olympiad time period" means the time period beginning at the termination of any summer Olympic games and ending at the termination of the following summer Olympic games.

"'(3) The term "governing body" means the national amateur sports organization which is recognized by the international governing body for a sport as the national representative for that sport for international amateur athletic competition in the Olympic games and pan-American games.

"'(4) The term "national amateur sports organization" means any club, federation, union, association, or similar group in the United States (A) which conducts regular national competition in a sport on the Olympic games or pan-American games program concurrent with such competition, (B) which is capable of holding an annual national championship in any such sport from which a team of athletes or a substantial number of athletes who are not members of a team could be selected to represent the United States in international amateur athletic competition, and (C) is capable of conducting international amateur athletic competition in any such sport.'.

"SEC. 104. Section 5 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 375), is amended by inserting after 'bylaws of the corporation' the following: ', except that any governing body may only be a member of the corporation if it files an annual financial statement with the Congress. Any such statement shall not be printed as a public document'.

"SEC. 105. Section 9 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 379), is amended—

"(1) by striking out 'the emblems of the United States Olympic Committee' and inserting in lieu thereof the following: '(1) the emblem of the United States Olympic Committee'; and

"(2) by striking out 'or the words "Olympic," "Olympiad," or "Citius Altius Fortius" or any combination of those words' and inserting in lieu thereof the following: '(2) five interlocking rings or any other symbol tending to represent such five interlocked rings (whether or not such symbol is a sign or insignia under clause (1), or (3) the words "Olympic," "Olympiad," or "Citius Altius Fortius, or any combination or confusingly similar derivation of any of these words.'.

"SEC. 106. The amendments made by this Act shall take effect on the date of enactment of this Act. However, the amendments made by paragraph (2) of section 105 of this Act shall not apply to any person that used the rings, symbol, or derivation of words proscribed by such paragraph (2) for any lawful purpose prior to the date of enactment of this Act if such person uses such rings, symbol or derivation for the same purpose and for the same class of goods after the date of enactment of this Act.".

On page 24, line 1, change "TITLE III", to read "TITLE II".

On page 24, line 4, change "SEC. 301." to read "SEC. 201.".

On page 30, line 5, change "SEC. 302." to read "SEC. 202."

On page 34, line 24, change "SEC. 303." to read "SEC. 203.".

On page 36, line 2, change "SEC. 304." to read "SEC. 204.".

On page 36, line 18, change "SEC. 305." to read "SEC. 205.".

Mr. PEARSON. Mr. President, would the Senator yield?

Mr. COOK. I yield.

Mr. PEARSON. This amendment would strike title I and title II of the bill.

Mr. COOK. The Senator is correct.

Mr. PEARSON. The Senator understands that would be very detrimental to the Pearson bill?

Mr. COOK. I understand it would be totally detrimental to the Pearson bill, which is the very reason I am here today.

Mr. TUNNEY. Mr. President, first of all I would like to point out initially that there are many athletes and sporting associations that have had the opportunity to analyze both S. 3500 and the Cook amendment that feel that the Cook amendment would be pernicious to the best interest of amateur athletics in this country and that S. 3500, on the other hand, would be an important guarantee of the rights of the amateur athlete, and that S. 3500 would protect those rights.

I am not saying that simply because we have a lot of athletes lined up on one side of the issue, and a lot of sporting organizations lined up on one side of the issue, that this part necessarily makes our position correct. However, I might point out to the Senate that what we are talking about today is protecting the rights of amateur athletes and we have the Amateur Athletes Adivsory Board to the

U.S. Olympic Committee, on record favoring S. 3500; we have such athletes as Lt. Micki King, who was a gold medal winner in the 1972 Olympics, such athletes as Bill McClure, John McKay, Bob Devaney and Willie Davenport.

Mr. President, I ask unanimous consent to have printed in the RECORD a pamphlet which has been prepared by a group of amateur athletes in the country expressing their support of S. 3500.

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

USA AMATEUR ATHLETICS NEEDS YOUR HELP

PREAMBLE

There have been repeated disputes among various United States amateur sports bodies concerning the management of USA athletes and teams in international competition for more than 50 years. The many attempts at ad hoc solutions have not resulted in a permanent resolution of the problems and, in fact, the "band-aid" treatments may have contributed to the more frequent confrontations and major controversies of the past decade.

Extensive private negotiations among the major amateur sports organizations of the nation have failed, and intensive efforts by the Federal government at the highest level to "work out" an answer have come to naught; e.g., Attorney General Robert F. Kennedy personally conducted negotiations in 1962; General Douglas MacArthur acted at the request of President John F. Kennedy in 1963; Vice-President Hubert H. Humphrey, after hearings conducted by Senator Warren G. Magnuson, charged a special sports arbitration board to find a solution based upon voluntary acceptance in 1966.

The points of conflict persistently occur in the scheduling of international competition for USA athletes and teams, their selection and preparation and the management of these competitors and teams in the events themselves. Amateur athletes, their coaches and experienced administrators, and the American public generally, clearly have called for a re-evaluation and reform of the organizations which operate these activities.

PROBLEM

Each international amateur sport is governed by an international sports federation. Each nation may have one representative organization as its member in the international federation, and the national member is called upon to verify that it is truly representative of the sport in that nation.

The problem in the USA is that there is no internal procedure available to determine which are the best organizations to represent the USA in the respective international federations. This determination was made for the United States when some international federations were formed (e.g., before the turn of the century) or—in more recent times—determinations have been made by foreign nations acting through the respective international federations. Many of these nations have clearly resolved to keep the USA in a weakened position in international competition.

Bear in mind, the USA organization which holds membership in an international sports federation gains life-and-death power over the selection, organization and eligibility of individual athletes and USA teams, and their right to leave the USA to compete in other countries in any form of competition (as well as their right to meet foreign athletes on USA soil). This awesome, exclusive authority for the USA, in some 30 sports, is not determined by the United States and its people, but through private negotiations with foreign agencies by USA groups which never have been authorized to perform this function by the Congress of the United States, by a referendum of the American public interested in the sports concerned or by a vote of the athletes, coaches and administrators participating in each sport.

When an ineffective organization represents the USA in an international sports federation, (1) that sport and its athletes are not given adequate management at the international level; (2) the USA's world class athletes become disenchanted and uninspired; (3) the major USA domestic groups with programs in that sport seek new international leadership; (4) the ineffective USA member of the international federation seeks support from foreign nations to bolster its membership, and (5) without any USA procedure to require new leadership in our international representation, when needed, the disputes and controversies flare and disrupt further the USA athletic effort. The result is poor management for USA teams and weak representation of USA interests in international sports councils.

SOLUTION

Immediate, effective procedures must be established so that the United States itself determines the best qualified organizations to represent it in the respective international sports federations. There must be assurances that qualified personnel, including athletes and women, are operating these USA organizations.

Since the various USA domestic sports organizations themselves cannot agree upon a fair, referendum process to make these determinations, the history of the problems and the resultant disputes make it clear that the United States Congress—as the most representative body of the American people—must establish machinery to accomplish this purpose.

Further, it is essential that additional financial support for USA amateur athletics be generated to offset the mammoth government subsidies being provided amateur sports by virtually every other nation of the world. Communist bloc countries totally subsidize their amateur sports; and in the Western sphere, government financial support in varrying forms and amounts is an accepted fact of life.

The solution for the United States does not lie in government control or in direct government subsidy. Recognizing the nation's traditions, Senate Bill 3500 provides simple answers through:

1. A Presidential Board to review the competency of USA organizations which hold memberships in international sports federations and to guarantee that they, in fact, are representative of the domestic USA citizenry they claim to represent, and

2. A national sports Foundation which would generate assistance for amateur sports through the income realized from matching funds from Federal and private donations.

ARGUMENTATION

1. A total national interest is involved when USA athletes and teams officially represent the United States in international competition. The nation's reputation is at stake in competition with other nations, and it is fitting that the private organizations responsible for the USA entries should be answerable to the American public.

2. The Presidentially appointed Board authorized by S. 3500 may NOT accept membership in an international sports federation; it may not operate sports competitions, and it may not inject itself into the management of USA domestic competition. The Board is authorized to settle disputes between and among private organizations which desire to be the USA member of an international sports federation and assure that such member is representative of all of the qualified United States interests in that sport.

3. The Board authorized by S. 3500 is NOT composed of full-time commissioners, but of members who are called to duty as problems arise. S. 3500 involves the Federal government to the minimum extent necessary to solve the problem.

4. The Board authorized by S. 3500 provides a mediation service for the settlement of amateur sports disputes.

5. The Foundation is designed to pool matching Federal and private funds so that income may be available to fund needed sports programs for disadvantaged youth, to propose ways of creating new amateur sports facilities and to provide financial assistance for world class athletes to train and compete in international sports competition when funds are not available from other sources. The Foundation is authorized only to provide grants to achieve these purposes and is not authorized to operate programs itself.

6. S. 3500 wisely establishes machinery to settle the USA's longstanding amateur sports disputes first, and then provides the financial potential to assist the USA to keep abreast of world competion.

7. There are continuing, annual world championship competitions in many sports in which the USA is challenged to present its best athletes in the name of the United States. These are separate and distinct from the quadrennial Olympic Games.

S. 1018, passed by the U.S. Senate May 20, makes a significant contribution by concentrating upon this nation's participation in the Olympic and Pan American games. S. 3500 deals, however, with the problems associated with these other important and much more frequent worldwide international competitions.

TIMING

The United States' premier position in international sports has deteriorated steadily year by year. Current USA management has attributed this to the increased efforts of other nations and the inroads of professional sports in the USA. These are secondary factors to the principal reasons for the United States' declining prowess—namely, inefficient and inadequate leadership for our international sports efforts; weak representation in international sports councils, and inadequate financial support for amateur athletics generally.

It is essential that the United States moves resolutely to correct these weaknesses, and we believe this can be done through the mechanisms provided by S. 3500. The issue is urgent.

The following individuals and organizations endorse the foregoing and support enactment of S. 3500.

INDIVIDUALS

Archie Allen, Springfield, Mass., Coach of 1963 Pan American Games Baseball team.

Ed Badger, Chicago, Ill., Head coach of 1972 World University Games Basketball team.

Samuel E. Barnes, Washington, D.C., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Gene Bartow, Champaign, Ill., Coach of 1973 U.S. Basketball Tour of Red China and coach of 1974 U.S. Basketball team in World Championships.

Wayne Baugham, Oklahoma City, Okla., 1968 U.S. Wrestling champion.

Doug Blubaugh, Bloomington, Ind., 1960 U.S. Olympic Wrestling champion and 1959 Pan American champion.

Jim Bolding, Stillwater, Okla., American record holder in intermediate hurdles.

Bill Bowerman, Eugene, Ore., Coach of the U.S. 1972 Olympic Track and Field team.

Mel Brodt, Bowling Green, Ohio, President, U.S. Track Coaches Assn.

Doris Brown, Seattle, Wash., 1968 and 1972 U.S. Olympic Track and Field teams.

Frank Broyles, Fayetteville, Ark., Director of athletics, University of Arkansas.

Paul (Bear) Bryant, University, Ala., Director of Athletics, University of Alabama.

Jim Bush, Santa Monica, Calif., Coach of three National Collegiate Track and Field Championship teams at UCLA and coach of 1973 AAU Track and Field team.

Suzanne Chaffee, Rutland, Vt., 1968 U.S. Olympic Skiing team.

Steve Combs, Stillwater, Okla., 1968 U.S. Olympic Wrestling team.

Harold Connolly, Santa Monica, Calif., 1956, 1960, 1964 and 1968 U.S. Olympic Track and Field teams.

Peter Daland, Westlake Village, Calif., Coach of 1964 Women's U.S. Olympic Swimming team and 1972 Men's Olympic Swimming team.

Willie Davenport, Baton Rouge, La., 1964, 1968 and 1972 U.S. Olympic Track and Field teams.

Bob Devaney, Lincoln, Neb., Director of athletics, University of Nebraska.

DeLoss Dodds, Manhattan, Kan., Chairman, NCAA Track and Field Rules Committee.

Brice Durbin, Topeka, Kan., Manager, 1968 U.S. Olympic Track and Field team.

William Exum, Frankfort, Ky., Assistant manager, 1972 U.S. Olympic Track and Field team.

Roy Griak, Minneapolis, Minn., Assistant coach of 1972 U.S. Olympic Track and Field team.

Harry Groves, University Park, Pa., Member of Track and Field Committee for 1973 World University Games.

George Haines, Westwood, Calif., Coach of 1960 and 1972 Women's U.S. Olympic Swimming teams and head coach of 1968 Men's U.S. Olympic Swimming team.

Russ Hellickson, Madison, Wis., 1971 Pan American Games Wrestling champion.

Jesse T. Hill, Los Angeles, Calif., Member, U.S. Olympic Executive Committee and Board of Directors, 1964–1968.

Werner Holzer, Chicago, Ill., 1968 U.S. Olympic Wrestling team.

Stan Huntsman, Knoxville, Tenn., Member of Track and Field Committee for 1973 World University Games.

Henry P. Iba, Stillwater, Okla., Coach of three U.S. Olympic Basketball teams.

James R. (Bud) Jack, Salt Lake City, Utah, Director of athletics, University of Utah, and 1972 USOC Olympic administrator.

Lt. Micki King, Colorado Springs, Colo., 1968 U.S. Olympic Swimming team and 1972 U.S. Olympic Swimming champion.

Dave Maggard, Berkeley, Calif., Director of athletics, University of California, Berkeley, and vice-chairman, USOC Track and Field Committee.

Terry McCann, Arlington Heights, Ill., 1960 U.S. Olympic Wrestling champion.

Bill McClure, Columbia, S.C., Assistant coach of 1972 U.S. Olympic Track and Field team.

Arad McCutchan, Evansville, Ind., Coach of five National College Division Basketball Championship teams.

John McKay, West Covina, Calif., Director of athletics, University of Southern California.

William Meade, Carbondale, Ill., Manager and assistant coach of 1968 U.S. Olympic Gymnastics team.

Julius Menendez, San Jose, Calif., Assistant coach of 1972 U.S. Olympic Soccer Football team and coach of 1960 U.S. Olympic Boxing team.

Kenneth Moore, Eugene, Oreg., 1968 U.S. Olympic Track and Field team.

Charles M. Neinas, Kansas City, Mo., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Ben Peterson, Ames, Iowa, 1972 U.S. Olympic Wrestling team.

Marcus L. Plant, Ann Arbor, Mich., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Myron Roderick, Stillwater, Okla., 1956 U.S. Olympic Wrestling team and three-time National Collegiate Wrestling champion at Oklahoma State University.

Nicholas Rodis, Waltham, Mass., USA international delegate to FISU.

Adolph Rupp, Lexington, Ky., Coach of four National Collegiate Basketball Championship teams at University of Kentucky.

Allen Scates, Westwood, Calif., Head coach of 1971 U.S. Pan American teams and 1972 U.S. Olympic Volleyball teams.

Edward S. Steitz, Springfield, Mass., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Dwight Stones, Glendale, Calif., World record holder and 1972 U.S. Olympic high jump champion.

Bob Timmons, Lawrence, Kans., Coach of 1971 U.S. Track and Field Federation team to Caribbean.

Robert Watson, Cambridge, Mass., Director of athletics, Harvard University.

Shelby Wilson, Boulder, Colo., 1960 U.S. Olympic Wrestling champion.

John Wooden, Westwood, Calif., Coach of nine National Collegiate Basketball Championship teams at UCLA.

Hoover Wright, Prairie View, Tex., Assistant coach of 1972 U.S. Olympic Track and Field team.

NATIONAL ORGANIZATIONS

Basketball Federation of the U.S.A.

P Edward Steitz, Springfield, Mass.

ED Norvall Neve, 4215 Tallwood, Greensboro, N.C. 27410.

College Athletic Business Managers Assn.

P James Pittenger, Lincoln, Nebr.

S William H. Aspinwall, University of Wisconsin, Madison, Wis. 53706.

College Sports Information Directors of America

P Jones Ramsey, Austin, Texas.

S Phil Langan, Princeton University, Princeton, N.J. 08540.

Collegiate Commissioners Assn.

P Wayne Duke, Chicago, Ill.

S Norvall Neve, Box 6271, Summit Station, Greensboro, N.C. 27405.

Golf Coaches Assn. of America

P Stan Wood, Los Angeles, Calif.

S Roderick W. Myers, Duke University, Durham, N.C. 27706.

International Assn. of Approved Basketball Officials

P Tony Senopole, Ford City, Pa.

ED Stewart C. Paxton, 1620 Dual Highway East, Hagerstown, Md. 21740.

National Assn. of Basketball Coaches

P Joe Cancisin, New Haven, Conn.

ES William L. Wall, MacMurray College, Jacksonville, Ill. 62650.

National Assn. of College Gymnastics Coaches

P Lt. Col. Karl K. Schwenzfeier, Air Force Academy, Colo.

S Art Aldritt, University of California, Santa Barbara, Santa Barbara, Calif. 93106.

National Assn. of Collegiate Directors of Athletics

P John Winkin, Waterville, Maine

ED Michael J. Cleary, 21330 Center Ridge Road, Cleveland, Ohio 44116.

National Athletic Steering Committee

P Vannette Johnson, Pine Bluff, Ark.

S Charles D. Henry, Grambling College, Grambling, La. 71245.

National Collegiate Athletic Assn.

P Alan J. Chapman, Houston, Tex.

ED Walter Byers, U.S. Highway 50 & Nall Avenue, Shawnee Mission, Kans. 66222.

National Federation of State High School Associations

P Loman F. Hutchings, Price, Utah.

ES Clifford B. Fagan, 400 Leslie Street, Elgin, Ill. 60120.

National Fencing Coaches Assn. of America

P Alfred R. Peredo, Mahopac, N.Y.

S John Geraci, 279 East Northfield Road, Livingston, N.J. 07039.

National Gymnastics Judges Assn.

P Frank J. Cumiskey, Tucson, Ariz.

S Jerry Todd, 1023 Don Diablo, Arcadia, Calif. 91006.

National Junior College Athletic Assn.

P Theo J. Heap, Mesa, Ariz.

ES George E. Killian, Hilton Place, Hutchinson, Kans. 67501.

National Wrestling Coaches Assn.

P John K. Johnson, Princeton, N.J.

S Casey Fredericks, Ohio State University, Columbus, Ohio 43210.

U.S. Baseball Federation

P William Fehring, Palo Alto, Calif.

S Lee Eilbracht, University of Illinois, Champaign, Ill. 61820.

U.S. Cross Country Coaches Assn.

P James Banner, Pittsburgh, Pa.

S Mel Brodt, Bowling Green State University, Bowling Green, Ohio 43403.

U.S. Gymnastics Federation

P Harry Fitzhugh, Chicago, Ill.

ED Frank Bare, P.O. Box 4699, Tucson, Ariz. 85717.

U.S. Intercollegiate Lacrosse Assn.

P Robert Shields, Madison, N.J.

S Edward L. Athey, Washington College, Chestertown, Md. 21620.

U.S. Lacrosse Coaches Assn.

P Ferris Thomsen Jr., Granville, Ohio.

S George C. O'Connell Jr., Washington and Lee University, Lexington, Va. 24450.

U.S. Track Coaches Assn.

P Mel Brodt, Bowling Green, Ohio.

ED Donald B. Canham, University of Michigan, Ann Arbor, Mich. 48104.

U.S. Track and Field Federation

P Donald B. Canham, Ann Arbor, Mich.

ED Carl Cooper, 1225 North Tenth Avenue, Tucson, Ariz. 85705.

U.S. Wrestling Federation

P Ken Kraft, Evanston, Ill.

ED Steve Combs, 4000 West 19th Street, Stillwater, Okla. 74074.

OTHER ORGANIZATIONS

Alabama High School Athletic Assn.

S Herman L. Scott, 405 State Office Bldg., Montgomery, Ala. 36104.

Alaska High School Activities Assn.

ES Richard Arndt, 5577 Abbott Rd., Anchorage, Alaska 99502.

Arizona Interscholastic Assn., Inc.

ES H. A. Hendrickson, 2606 W. Osborn, Phoeniz, Ariz. 85017.

Arkansas Activities Assn.

ED J. M. Burnett, 1500 W. 4th St., Little Rock, Ark. 72201.

Atlantic Coast Conference

P D. Alan Williams, Charlottesville, Va.

C Robert C. James, P.O. Box 6271, Summit Station, Greensboro, N.C. 27405.

Big Eight Conference

P Henry T. Lowe, Columbia, Mo.

C Charles M. Neinas, 600 East 8th Street, Kansas City, Mo. 64106.

Big Sky Athletic Conference

P John Barnes, Boise, Idaho.

C John O. Roning, 709 West Idaho, Boise, Idaho 83701.

Big Ten Conference

P Marcus L. Plant, Ann Arbor, Mich.

C. Wayne Duke, 505 North Michigan Avenue, Suite 1600, Chicago, Ill. 60611.

California Collegiate Athletic Assn.

P Glenn Arnett, Northridge, Calif.

C M. Edward Wagner, 11110 East Alondra Blvd., Norwalk, Calif. 90650.

California Interscholastic Federation

C. William W. Russell, 470 S. Patterson Ave., Santa Barbara, Calif. 93105.

California Junior College Assn.

P Reed Buffington, Hayward, Calif.

ED Lloyd E. Messersmith, 2017 "O" Street, Sacramento, Calif. 95814.

Central Collegiate Conference

P Harold Norris, DeKalb, Ill.

ED Robert D. Karnes, Drake University, Des Moines, Iowa 50311.

Colorado High School Activities Assn.

C Ray B. Ball, 11351 Montview Blvd., Aurora, Colo. 80010.

Connecticut Interscholastic Athletic Conference

ED John T. Daly, 60 Connally Pkwy., Hamden, Conn. 06514.

Delaware Secondary School Athletic Assn.

ES Dale C. Farmer, P.O. Box 697, Dover, Del. 19901.

District of Columbia Dept. of Health, Phys. Ed., Athletics and Safety

ED Frank P. Bolden, 4121 13th St., N.W., Washington, D.C. 20011.

East Coast Conference

P Robert A. Latour, Lewisburg, Pa.

C Ernest C. Casale, Temple University, Philadelphia, Pa. 19122.

Eastern College Athletic Conference

P William J. Flynn, Boston, Mass.

C Robert M. Whitelaw, 8th Avenue at 44th Street, New York, N.Y. 10036.

Eastern Intercollegiate Gymnastics League

P Edward S. Steitz, Springfield, Mass.

S Clayton W. Chapman, 8th Avenue at 44th Street, New York, N.Y. 10036.

Eastern Intercollegiate Wrestling Assn.

P Capt. J. O. Coppedge, Annapolis, Md.

C Robert M. Whitelaw, 8th Avenue at 44th Street, New York, N.Y. 10036.

Florida High School Activities Assn.

ES Floyd E. Lay, Box 1173, Gainesville, Fla. 32601.

Georgia High School Assn.

ES S. F. Burke, Box 71, Thomaston, Ga. 30286.

Gulf South Conference

P Larry McGehee, Martin, Tenn.

C Stanley Galloway, P.O. Drawer 1659, Hammond, La. 70401.

Hawaii High School Athletic Assn.

ES Thomas N. Kiyosaki, P.O. Box 2360, Honolulu, Hawaii 96804.

Idaho High School Activities Assn.

ES Homer D. Williams, P.O. Box 2822, Boise, Idaho 83701.

Illinois High School Assn.

ES Harry Fitzhugh, 11 S. LaSalle St., Chicago, Ill. 60603.

Independent College Athletic Conference

P William C. Stiles, Geneva, N.Y.

S John Hantz, Clarkson College of Technology, Potsdam, N.Y. 13676.

Indiana Collegiate Conference

P Joseph Nygaard, Indianapolis, Ind.

C John J. Hinga, 2905 Torquay Road, Muncie, Ind. 47304.

Indiana High School Athletic Assn.

C Phil N. Eskew, 812 Circle Tower, Indianapolis, Ind. 46204.

Iowa High School Athletic Assn.

ES Bernie Saggau, P.O. Box 10, Boone, Iowa 50036.

Kansas State High School Activities Assn.

ES Price B. Durbin, 520 W. 27th St., Topeka, Kans. 66601.

Kentucky High School Athletic Assn.

C J. B. Mansfield, 560 E. Cooper Dr., Lexington, Ky. 40502.

Louisiana High School Athletic Assn.

C Frank Spruiell, 7370 Airline Hwy., Baton Rouge, La. 70805.

Maine Assn. of Principals of Secondary Schools

ES Raymond W. Farnham, 15 Western Ave., Augusta, Maine 04330.

Maryland Public Secondary Schools Athletic Assn.

ES Jack Molesworth, 6510 Elk Ridge Landing Rd., Baltimore, Md. 21240.

Mason-Dixon Intercollegiate Conference

P J. Brian McCall, Washington, D.C.

C Emil G. Reitz Jr., 13209 Manor Road, Glenarm, Md. 21057.

Massachusetts Secondary School Principals' Assn., Inc.

ES Bertram H. Holland, 73 Tremont St., Boston, Mass. 02108.

Michigan High School Athletic Assn.

ED Allen W. Bush, Department of Education, Lansing, Mich. 48902.

Michigan Intercollegiate Athletic Assn.

P Ray B. Loeschner, Olivet, Mich.

C Albert L. Deal, 2650 E. Beltline, S.E., Grand Rapids, Mich. 49506.

Mid-American Athletic Conference

P Phillip R. Shriver, Oxford, Ohio.

C Fred Jacoby, 2000 W. Henderson Road, Suite 230, Columbus, Ohio 43220.

Middle Atlantic States Collegiate Athletic Conference

P David B. Eavenson, Carlisle, Pa.

ED Willis J. Stetson, Swarthmore College, Swarthmore, Pa. 19081.

Midwest Collegiate Athletic Conference

P B. K. Kunny, Beloit, Wis.

C Rev. Jerry Thompson, Ripon College, Ripon, Wis. 54971.

Minnesota State High School League

ED Murrae Freng, 2621 Fairoak Ave., Anoka, Minn. 55303.

Mississippi High School Activities Assn.

ED M. P. Smith, 152 Millsaps Ave., Jackson, Miss. 39216.

Missouri Intercollegiate Athletic Assn.

P Rodney A. Schaefer, Rolla, Mo.

C William R. George, 307 Rothrock, Richmond, Mo. 64085.

Missouri State High School Activities Assn.

ES Irvin A. Keller, 1808 I–70 Drive S.W., Columbia, Mo. 65201.

Missouri Valley Conference

P Jack Edmondson, Canyon, Tex.

C A. M. Holmes, 2815 East Skelly Drive, Suite 821, Tulsa, Okla. 74105.

Montana High School Assn.

ES R. Rex Dalley, 1 South Dakota Ave., Helena, Mont. 59601.

Nebraska School Activities Assn.

ES Leslie Chamberlin, 216 N. 11th St., Lincoln, Neb. 68508.

Nevada Interscholastic Activities Assn.

ES Robert Lunt, 2832 E. Flamingo Rd., Las Vegas, Nev. 89109.

New England College Athletic Conference

P Herbert Glines, Bridgeport, Conn.

S Herbert W. Gallagher, 360 Huntington Avenue, Boston, Mass. 02115.

New Hampshire Interscholastic Athletic Assn., Inc.

ES Walter A. Smith, 121 N. State St., Concord, N.H. 03301.

New Jersey State College Athletic Conference

S Michael Briglia, Glassboro, N.J.

C William P. Dioguardi, Montclair State College, Upper Montclair, N.J. 07043.

New Jersey State Interscholastic Athletic Assn.

ES James G. Growney, Route 130, Robbinsville, N.J. 08691.

New Mexico Activities Assn.

ES U. G. Montgomery, P.O. Box 8521, Albuquerque, N.M. 87108.

New York State Public High School Athletic Assn.

S John K. Archer, P.O. Box 8, Malverne, N.Y. 11565.

North Carolina High School Athletic Assn.

ES Simon F. Terrell, Box 1250, Chapel Hill, N.C. 27514.

North Central Intercollegiate Athletic Conference

P Ross Alm, Mankato, Minn.

C Richard G. Koppenhaver, Suite 232, Curtis Hotel, Minneapolis, Minn. 55404.

North Dakota High School Activities Assn.

ES F. U. Smith, 134 N.E. Third St., Valley City, N.D. 58072.

Ohio Athletic Conference

P Edgar A. Sherman, New Concord, Ohio.

C Michael J. Cleary, 21330 Center Ridge Road, Cleveland, Ohio 44116.

Ohio High School Athletic Assn.

C Harold A. Meyer, 4080 Roselea Pl., Columbus, Ohio 43214.

Ohio Valley Conference

P Constantine Curris, Murray, Ky.

C Arthur L. Guepe, 3716 Hillsboro Road, Suite 321, Nashville, Tenn. 37215.

Oklahoma Secondary School Activities Assn.

ES Leo K. Higbie, 222 N.E. 27th St., Oklahoma City, Okla. 73105.

Oregon School Activities Assn.

ES A. Oden Hawes, 6900 S.W. Haines Rd., Tigard, Ore. 97223.

Pacific Coast Athletic Assn.

P Edward S. Betz, Stockton, Calif.

C Jesse T. Hill, 9800 South Sepulveda Blvd., Suite 820, Los Angeles, Calif. 90045.

Pacific-8 Conference

P Robert F. Steidel, Berkeley, Calif.

ED Wiles Hallock, One Embarcadero Center, Suite 1810, San Francisco, Calif. 94111.

Pennsylvania Interscholastic Athletic Assn.

ED Theodore R. Wagner, 1613 N. Front St., Harrisburg, Pa. 17102.

Pennsylvania State Colleges Athletic Conference

S Robert E. Raymond, Slippery Rock, Pa.

P Paul E. Ross, California State College, California, Pa. 15419.

Rhode Island Interscholastic League, Inc.

ES Rev. Robert C. Newbold, 20 Regent Ave., Providence, R.I. 02904.

South Carolina High School League

ES Lawrence B. Graves, P.O. Box 153, Columbia, S.C. 29208.

South Dakota High School Activities Assn.

ES D. W. Evans, Box 1217, Pierre, S.D. 57501.

Southeastern Conference

P Harry M. Philpott, Auburn, Ala.

C H. Boyd McWhorter, Suite 1214, Central Bank Bldg., Birmingham, Ala. 35233.

Southern Conference

P Francis W. Bonner, Greenville, S.C.

C Kenneth G. Germann, Suite 106, 5 Woodlawn Green, Charlotte, N.C. 28210

Southern Intercollegiate Athletic Conference

P A. S. Gaither, Tallahassee, Fla.

C George H. Hobson, P.O. Box 311, Normal, Ala. 35762.

Southland Conference

P Harold J. Smolinski, Ruston, La.

C Dick Oliver, P.O. Box 7389, Hahn Station, Beaumont, Tex. 77706.

Southwest Athletic Conference

P J. Neils Thompson, Austin, Tex.

ES Cliff Speegle, 4310–H Westside Drive, Dallas, Tex. 75209.

State University of New York Athletic Conference

CH Daniel T. Mullin, Geneseo State University College, Geneseo, N.Y. 14454.

Tennessee Secondary School Athletic Assn.

ES Gill A. Gideon Jr., 3333 Lebanon Rd., Hermitage, Tenn. 37076.

Texas University Interscholastic League

ED Bailey M. Marshall, Box 8028, University Station, Austin, Tex. 78712.

Utah High School Activities Assn.

ES Marion Tree, 19 W. South Temple, Salt Lake City, Utah 84101.

Vermont Headmasters' Assn., Inc.

ES Robert F. Pierce Jr., P.O. Box 310, Northfield, Vt. 05663.

Virginia High School League

ES William C. Pace, 2015 Ivy Road, Charlottesville, Va. 22903.

Washington Interscholastic Activities Assn.

ES Henry E. Rybus, 4211 W. Lake Sammamish Blvd. S.E., Bellevue, Wash. 98008.

West Coast Athletic Conference

P Dallas Norton, Las Vegas, Nev.

C Rev. Robert A. Sunderland, 650 Parker Avenue, Xavier Hall, San Francisco, Calif. 94117.

West Virginia Secondary School Activities Commission

ES W. G. Eismon, 2108 Dudley Ave., Parkersburg, W. Va. 26101.

Western Athletic Conference

P William D. Carlson, Laramie, Wyo.

C Stan Bates, 1515 Cleveland Place, Suite 300, Denver, Colo. 80202.

Wisconsin Interscholastic Athletic Assn.

ED John E. Roberts, 41 Park Ridge Dr., Stevens Point, Wis. 54481.

Wyoming High School Activities Assn.

ES Bob Cook, P.O. Box 1490, Riverton, Wyo. 82501.

Yankee Conference

P William R. Ferrante, West Kingston, R.I.

C Adolph W. Samborski, 15 Garrison Avenue, Durham, N.H. 03824.

KEY

P President.
S Secretary.
C Commissioner.
ED Executive Director.
ES Executive Secretary.
CH Chairman.

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

Mr. TUNNEY. I yield.

Mr. BEALL. Does that pamphlet contain the name of Bill Toomey?

Mr. TUNNEY. Bill Toomey's name has been stricken.

Mr. BEALL. There was some indication of athletes on that list.

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

Mr. TUNNEY. I will yield in a moment when I finish my remarks.

There are approximately 40 or 50 athletes listed in this publication.

The only one whose name is stricken is Bill Toomey. He is the only one.

Mr. BEALL. He is the one——

Mr. COOK. Will the Senator yield? I think he should also understand that the name of Donna de Varona and the name of Tom McMillen should also be stricken. I think those are two other athletes who found out what it said after their names appeared.

Mr. TUNNEY. Mr. President, I have no letters from either of those athletes that have been mentioned. If the Senator has such an indication, I wish he would introduce that information into the RECORD.

Mr. COOK. Mr. President, we certainly will.

Mr. TUNNEY. We do have, however, an indication that the Basketball Federation of the United States supports the legislation; the Collegiate Athletic Business Managers Association; the Collegiate Sports Information Directors of America; the Collegiate Commissioners Association; the U.S. Basketball Federation; the National Wrestling Coaches Association; the Golf Coaches Association; the National Association of College Gymnastics Coaches; the National Association of Collegiate Directors of Athletics, and so on.

We have the Alabama High School Athletic Association; the Alaska High School Athletics Association, and the Arizona Interscholastic Association, Inc.

Mr. President, maybe we even have somebody from Kentucky. Yes, we do. We have the Kentucky High School Athletic Association.

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

Mr. TUNNEY. We have the California Collegiate Athletic Association and the California Interscholastic Federation. We have representatives from many of the colleges and high schools throughout the country who are supporting S. 3500.

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

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

Mr. TUNNEY. I will yield in just a minute.

The U.S. Track Coaches Association, not an insignificant body, has written a letter dated July 3, 1974, to the Senator from Washington (Mr. MAGNUSON), which reads:

Please let me affirm our support of S. 3500 and register our strong opposition to amendment No. 1530 to S. 3500 as proposed by Senator Cook and printed on pages 20902 through 20904 of the Congressional Record of June 25, 1974.

I would like to have the letter to Senator MAGNUSON, with attachments, incorporated in the RECORD at this point.

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

U.S. TRACK COACHES ASSOCIATION,
Ann Arbor, Mich., July 3, 1974.

Senator WARREN G. MAGNUSON,
Washington, D.C.

DEAR SENATOR MAGNUSON: Please let me affirm our support of S. 3500 and register our strong opposition to Amendment No. 1530 to S. 3500 as proposed by Senator Cook and printed on pages 20902–904 of the Congressional Record of June 25, 1974.

Senator Cook's amendment unfortunately shortchanges the athlete and maintains the status quo in the USA's international amateur sports administration. Amendment 1530 specifically exempts from arbitration the rules of those USA organizations which hold memberships in the various international sports governing bodies. These are the rules against which the amateur athletic rebels.

The enclosed clippings report that several of the USA's best athletes, in rebellion against AAU rules, are boycotting the AAU's meet with Russia this weekend. These rules are exempt from Senator Cook's arbitration because Sec. 4A-(a)-(1) would require an athlete to be "eligible under applicable international or applicable national amateur athletic rules and regulations" before he may be accorded the alleged protection described by the amendment. Thus, a USA international franchise holder can apply its rules (or interpret international rules) to blacklist athletes and enforce boycotts of competition.

Secondly, the bill would make subject to arbitration, case by case, the eligibility rules of all high schools and colleges and the state, regional and national organizations which they have voluntarily created. Setting aside for the moment its questionable constitutionality, this amendment emerges as an anti-high school, anti-college proposal which is ridiculous because there would be very little amateur sports competition in America if it weren't for the interscholastic and intercollegiate programs.

Finally, the arbitration procedure is carefully weighted in favor of the present USA organizations which hold international franchises and the ambiguous criteria are inadequate.

The coach is closer to the athlete than anyone else and we feel confident in speaking for his interest in all sports when we say that Amendment 1530 is *not* in the best interests of the athletes or the coach.

Yours very truly,

MEL BRODT,
President.

[From the Los Angeles Times, June 12, 1974]

STONES GUARANTEES A WIN OVER U.S.S.R.—BUT THERE'S A QUID PRO QUO HE WANTS FROM AAU

(By Harley Tinkham)

If the AAU is listening, Dwight Stones says he can guarantee a victory over the Russians in the USA-USSR track meet July 5–6 at Durham, N.C.

"All the AAU has to do is lift their travel restrictions against the Pacific Coast Club," says Stones, world record-holder in the high jump at 7-6½. "If they do, we'll be there. And if we're there, we'll annihilate the Russians."

As it is, the PCC is boycotting the meet because the AAU has denied the club travel permits for European competition before the USA-USSR meet.

"I'd love to compete against the Russians," says Stones. "I'm a flagwaver. But I don't like to be told where and when I can compete. It's a complete invasion of civil liberties.

"We were once set to compete in South Africa on a State Department tour. But the AAU said no. How can the AAU overrule the State Department?"

Other members of the PCC include Al Feuerbach and George Woods, outdoor and indoor world record-holders in the shot put; defending AAU champions Leonard Hilton in the mile and Jim Bolding in the 440 hurdles. And 1974 world discus leader John Powell.

"Indoors and outdoors," says Stones, "we've lost three straight meets to the Russians. I feel for our team. I'd love to go to Durham. They have a super pit there and I know I'd do well."

Stones and his teammates will not boycott the National AAU championships June 21–22 at UCLA.

"It is the national championships, after all," says Stones. "I'll be jumping against the best in the world. And I'm going to win it."

Stones broke out of a prolonged slump last Saturday at Eugene, Oreg., clearing 7-3½ and almost making 7-5.

"I never lost faith in myself," he says, "but it's been a long, long time coming. I've had a lot of injuries and I think 85 per cent of it was psychosomatic.

"I've done a lot of growing up this year. I've gone from a young man to a man, and emotionally it's taken its toll."

Stones, earlier in the year, had a lot of

things to say about his former coach at UCLA, Jim Bush, but eventually he took hat in hand and apologized in person to the coach.

Will he return to UCLA?

"Right now," he says, "I still feel I can't produce in the classroom. But if I do decide to return to school, the only school I would consider is UCLA."

[From the Los Angeles Times, June 18, 1974]

THE LONGEST RACE

(By John Hall)

The Invisible Man Game: "Where is he? He's supposed to be the best in America, but he's never around for the big ones. The only place he ever seems to really run well is in Eugene," said New Zealand's Dick Quax, disappointed upon arrival in Los Angeles to discover Oregon dollbaby Steve Prefontaine won't be running the 5,000 meters in the AAU track and field championship Friday and Saturday at UCLA.

Pre won't be running anything at all here, having opted for a meet in Europe . . . Whatever the reason, and it probably has a lot more to do with ill feeling toward the dictatorial, heavyhanded rulers of the AAU than fear of Quax, it's a shame . . . Listening to the athletes assembled this week, you get the feeling the United States (the first two U.S. finishers this weekend qualify for the team to meet Russia July 5–6, at Durham) may not even be able to field a representative squad in North Carolina.

The sad songs about restrictions and unfair treatment are all too familiar and the AAU remains the strangest set of initials ever created . . . Comes the total revolution some day, and the stuffy AAU leaders will have only themselves to stuff in the popcorn machine . . . Meanwhile, we'll enjoy what we can. More than 300 athletes will be competing in Drake Stadium in the 86th annual—first time ever the U.S. championships have been held in Los Angenes . . . It's a wonder event although the biggest wonder is how they ever managed to put on the first 85.

[From the New York Times, June 25, 1974]

WILLIAMS, BORZOV MAY RACE

LOS ANGELES, June 24.—Steve Williams may get a chance to race Valeriy Borzov when a United States track and field team meets the Soviet Union on July 5 and 6. A 40-man United States team was named today by the Amateur Athletic Union for the dual meet at Durham, N.C.

Williams, of San Diego State, won the 100-meter dash by equaling the world mark of 9.9 seconds in the national A.A.U. meet last weekend to earn a team berth. Bozrov dominated world sprinters in 1972 and won the 100 and 200 at the Olympics.

Some concerns over the quality of the United States team has developed after several runners, including Tony Waldrop, one of the world's top milers, said they would not compete. The Pacific Coach Track Club said it would boycott the meet to protest A.A.U. travel regulations.

Mr. COOK. Mr. President?

Mr. BEALL. Will the Senator yield for a unanimous-consent request?

Mr. TUNNEY. Yes.

Mr. BEALL. Since name dropping seems to be a major consideration in this debate, I ask unanimous consent that a very impressive list of groups in opposition to the bill be included at the conclusion of the remarks I made previously.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BEALL. Mr. President, I might point out parenthetically that some of the names in that group will be some of the same names that the Senator has indicated are in favor of the bill, so we will find out that very important people are on both sides of the issue.

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

Mr. TUNNEY. I yield.

Mr. PEARSON. On the time of the Senator from California, I will try to make something perfectly clear. I would like to try to emphasize, as best I can, to the Senator from Kentucky—although I know he is a student of the bill and understands it—it was really not the effort of the Senator from Kansas to prepare a copout in legislation form.

I think the Senator will recall during the hearings that I emphasized and agreed with him that those incidents that he recited today in relation to the NCAA are perfectly correct.

Mr. President, the Soviet-United States track and field event which was to take place in Richmond, Va., and which was the subject of great controversy, where the NCAA indicated that certain athletes would lose their eligibility, was, I think, a great injustice.

In like manner, the same situation occurred with the United States-Soviet basketball competition in 1973.

Mr. President, I tip my hat to the Senator from Kentucky. The record shows, and the report on this bill indicates, that it was his leadership that provided the impetus to present a petition to the NCAA.

Mr. President, through all of this, it has been my intention to provide something that would give another independent agency the power, and strip both the NCAA and the AAU of their arbitrary powers over amateur athletics in international or unrestricted events.

The Senator did not mention it, but I know he is aware of that on the other side of the counter, an equal injustice, I think, was the time when the State Department, very soon after the President's most successful trip to the People's Republic, had arranged for an international swimming exhibition between the swimmers of the United States and the swimmers of the People's Republic of China.

On that occasion it was the AAU which acted with, I think, a great sense of injustice. I protested then, as the Senator did, in regard to the NCAA.

Mr. President, these steps are to provide some new way—giving up for the time being a sort of voluntary arrangement between these organizations—to establish an agency that will run amateur athletics, or let the athletes run them, or the people most representative run them, and to pull away from both the AAU and the NCAA.

For instance, the bill provides, and the Senator can correct me if I am wrong, that the organization, the board, will grant a charter to an association, and it provides that no more than 40 percent of the voting power can come from any other outside organization, AAU or NCAA. It provides that athletes will have 20 percent of the voting power. It provides that they shall have a commitment to provide for the development of the sport. It provides that they will be recognized, or present a showing that they will be recognized, by the international organization. No officer of any other existing organization can be an officer in the newly chartered organization.

Mr. President, I know the Senator took some exception to the one-sport limitation. We have a provision for three within a chartered group, if they are coordinated.

It provides that no organization or group shall ever be provided or retain a charter if they have ever denied an athlete the right to participate.

So what we are trying to do is to split away, as far as we can. I think it is unfortunate for the understanding of the debate to have it revert back to whether or not one side is going to be the NCAA side and the other side the AAU side. I do not think the Senator takes that position.

The inference of this debate is that that is the direction of the tilt that the sponsors of this bill have made. It is true we tried to work out accommodations with the various organizations. But I want to make it clear for the RECORD today, as best I can, that it was never my intention to tailor this particular piece of legislation in such a way that it would fall on one side or the other.

Mr. COOK. Will the Senator yield for a question?

Mr. TUNNEY. Mr. President, I would like to point out that the amendment which the Senator from Kentucky has introduced, in my view, does not protect the amateur athlete from the important amateur ahtletic associations of the country which have so dominated athletics that they can prevent ahtletes from competing in sporting events which involve sports that will be also a subject of competition in the Olympics.

The point I would like to make is this: the Senator's amendment is so vague in its operative language that it could, in fact, by imposing in legislation certain rights, requirements, and responsibilities, that actually diminish the present rights that athletes have.

Section 4A(a)(1) of the Senator's amendment says that no individual who is eligible under applicable international or applicable national amateur athletic rules and regulations may be directly or indirectly denied his right to attempt to qualify for selection or his right to participate, as an athlete, in international competition.

The point is that an athlete has to be "eligible" under applicable international or applicable national amateur athletic rules and regulations in order to be able to use the compulsory arbitration dispute mechanism that is contained in the bill.

The way the situation presently exists, the AAU has been chartered by nine international federations. One of the problems we now have is that we have arbitrary rules and regulations with regard to the eligibility of the athlete. If a requirement is imposed by law that an athlete has to be eligible under applicable international or applicable national amateur rules and regulations before he can use the compulsory arbitration mechanism, what has been done, in fact, is to impose in law an onerous requirement that does not now exist.

It seems to me that the drafters of

this amendment made a critical mistake when they used such language as "an individual who is eligible." That, it seems to me, obviates what the Senator from Kentucky intended, which was to give the individual athlete some independent standing when it comes to a controversy that he has with an athletic association.

I think it is so clear that the operative language of the amendment does take away rights from the athlete that any Senator who has had an opportunity to read the amendment would have to agree with the plain construction that I have just asserted as to its meaning.

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

Mr. TUNNEY. I yield.

Mr. COOK. It is the same language as used in the bill for which the Senator from California is speaking. I read from page 22:

No chartered sports association or other sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to compete in—

This language of the amendment reads:

No individual who is eligible under applicable international or applicable national amateur athletic rules—

I say to the Senator that it is the same language; it is the same thing.

The Senator has said that if Senators would read the amendment, they would understand exactly what it means in relation to this terrible bogeyman the Senator from Califorina has presented in the RECORD. In effect, S. 3500, on page 22, says basically and absolutely the same thing and would be construed to mean the same thing.

Mr. TUNNEY. It does not say the same thing.

Mr. COOK. Will the Senator explain the difference?

Mr. TUNNEY. The language of the bill, on page 22, reads:

No chartered sports association or other sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition—

The language in the Senator's amendment reads:

No individual who is eligible under applicable international or applicable national amateur athletic rules and regulations may be directly or indirectly—

Mr. COOK. Certainly.

Mr. TUNNEY. The point is that what the Senator does in the language of his amendment is to have a requirement that under the rules and regulations of the internationally chartered association, an athlete must have standing in order to use the mechanism of compulsory arbitration.

What I am saying to the Senator is that by having that kind of triggering device, having to reach that threshold before the athlete can take advantage of the provisions of the amendment, it is impossible for the athlete to maintain the rights he presently has. The Senator would have built into the legislation a clear requirement that the international sports association would have the right to establish any rules and regulations regarding eligibility, and that athlete would have to meet the requirements of those rules and regulations.

That is something that does not now exist.

In the Senator's amendment, "eligible" is in no way defined. S. 3500 contains a definition of eligibility. S. 3500 states that "eligible amateur athlete" means an athlete who is eligible for amateur athletic competition under applicable age, amateurism, and atheltic ability or performance standards. It has nothing to do with the rules and regulations established by an international sports association for the purpose of determining eligibility.

So a clear construction of what the Senator's amendment is all about makes it clear that what he is doing is taking rights away from the amateur athlete, rights that he now has.

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

Mr. TUNNEY. I yield.

Mr. COOK. I must say to the Senator that I do not mind his opposing my amendment, but I absolutley resent his saying that my amendment is going to take rights away from the amateur athlete.

In the first place, amateurism is an international term. It always has been, and the Senator knows that. The Senator knows that we discussed it in the makeup of this bill. He knows that this particular type of language is nothing but a system whereby you eliminate the utilization of professionals.

I say to the Senator that after having read off the list of professional organizations in the United States that absolutely control American athletics, it is like reading off the name of every oil company in the United States and saying that all these people are interested in higher gas prices. I am amazed that the Senator would fall into the trap of naming for the record every organization in the United States that wants to control athletic programs.

I should like to put into the RECORD the name of the Amateur Athletic Union of the United States, which favors my amendment. I should like to put into the RECORD the letter of Tom McMillen, who says he made a mistake by putting his name on the list.

I should like to put into the RECORD the letter of William A. Toomey, in which he says he does not know how his name got on there. I should like to put into the RECORD the name of Donna de Varona, who says that her name should not appear there.

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

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

AMATEUR ATHLETIC UNION
OF THE UNITED STATES,
July 3, 1974.

DEAR SENATOR: The Intermountain Association, representing 57 clubs and 3500 athletes, voted unanimously to oppose the Amateur Athletic Act of 1974, Senate Bill 3500, and request you to oppose it when it comes to a vote on the Senate Floor July 8 or 9. The International Association has reviewed Senate Bill 3500 and concluded it is the most damaging piece of legislation that could possibly be proposed if USA athletes are to continue to be eligible for international competition and Olympic games.

The bill, S3500, provides complete government take-over by creating a Federal Sports Board which would determine organizations that may represent this country to the International Amateur Organizations. This action alone would make our USA athletes ineligible for international competition and Olympic games since all international organizations make their own determination as to what organization they will recognize in each country. (IAAF, FINA, AIBA, and GAIF, have this month notified us of this ruling.) This bill will also cost the American taxpayers an estimated one billion dollars a year and prevent sports in the United States from being represented by the best qualified organizations.

The International Association is not being just against the Senate Bill 3500, but is of the opinion a better solution has been found in Senate Bill 3273 which is offered as Amendment 1530 in place of Title I and II of S3500. This amendment is completely acceptable to our Association which voted unanimously to support this approach to solve USA Amateur Sports disputes. This amendment provides the mechanics to settle sports disputes by providing compulsory arbitration. The amendment also offers an Athletes Bill of Rights, will keep the government completely out of Amateur Sports, will cost the taxpayers no money, and most important, will continue to keep the United States Amateur Athletes eligible for international competition and Olympic games.

Let me emphasize, Senator, just one of the great damages S3500, if it became law, would perform to the development of athletics in this country—it would completely destroy the present Junior Olympics Program now providing competition in 18 different sports and has been in existence for 26 years. This program involves a minimum of 15 million participants each year between the ages 9 to 18 and produced more than 90 per cent of the international and Olympic competitors that have represented this nation for the past 26 years. Amendment 1530 would ensure that this program would continue.

In closing, let me again encourage you to oppose S3500 and support S3273 and Amendment 1530.

Sincerely,

LOIS GREGERSON,
President.

UNIVERSITY OF MARYLAND,
College Park, Md., May 31, 1974.

Hon. J. GLENN BEALL,
Washington, D.C.

DEAR SENATOR BEALL: As an interested athlete, I have become concerned about the problems of amateur sports and the future legislation that might affect it. As a member of the President's Council on Physical Fitness and Sports, the National Amateur Sports Development Foundation Advisory Committee, the Olympic Team and as a participant in many international basketball tours, I have been fortunate to have added insights into the problems that confront our sports institutions.

Originally, like many other athletes, I was approached and agreed to support certain legislation which at the time seemed to represent a solution to our sports problems. Today, after further study, I want to reassess my position with regard to this legislation. No longer do I support S-3500, the Amateur Athletic Act of 1974. I have 3 major areas of

concern with this legislation which I have enumerated below.

Firstly, we are all aware of the external manifestations of these sports problems, the AAU-NCAA conflicts, our feeble Olympic effort, our poor sport representation abroad, but the essence of this problem is in the composition of our sports organization, and that is where our reform efforts must be.

For that reason, I firmly believe that a thorough study is needed to look closely at these sports organizations. Not just a study of our Olympic effort, but, more importantly, of our overall sports organizations.

My second point is that the Federal Government should not involve itself permanently in our sports efforts except to oversee the above mentioned study. The permanent federal board suggested by S-3500 may well become part of the problem, not part of the solution as was intended.

Thirdly, the Amateur Athletic Act also establishes a National Sports Foundation, which would provide money for our sports and physical fitness efforts. To many athletes, the greater financial support was immediately appealing. However, many questions can be raised about this foundation. But my overriding objections are that, firstly, the foundation will duplicate many of the efforts of our private and governmental organizations, and, secondly, if our present sports organizations were to be revised, it is likely that these organizations could encompass the other functions projected by a new foundation of this sort.

I sincerely hope that the Senate will not support S-3500, and instead concentrate its efforts on finding a permanent solution to the problems that plague my fellow athletes and the institutions that represent us.

I have forwarded a copy of this letter to your fellow Senate colleagues for their information. I appreciate any consideration in this matter.

Thank you very much.

Sincerely,

C. THOMAS MCMILLEN.

LAGUNA NIGUAL, CALIF.,
June 13, 1974.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: As a former member of the U.S. Olympic Team and a participant in many international competitions, I feel compelled to indicate my feelings on pending sports legislation (S. 3500, S. 3273, S. 1018 and H.R. 14938).

Unfortunately, my name was appended for a vote of support of S. 3500, the Amateur Athletic Act of 1974. I would like to clarify my position on this matter as being in opposition to S. 3500 and for S. 3273. I would like this letter inserted in the record to correct the misrepresentation.

I could go into many reasons for my position but succinctly, the major need for amateur sport in this country is not the creation of a new Federal institution but a renovation of existing ones. Therefore, saving undue expenditure and duplication of present bodies is an objective that should be sought.

I firmly believe that an investigation is long overdue and that it must be totally objective. Therefore, I prefer the establishment of a Presidential study commission as embodied by Senator Tunney's bill (S. 1018) and Congressman Jack Kemp's bill (H.R. 14938). I also favor adoption of S. 3273, proposed by you and Senator Cook, which provides for the settlement of jurisdictional disputes and protection of athletes through compulsory binding arbitration.

Please let us not build another athletic administrative monster for there is no guarantee that by replacing the existing athletic structure by government overseers that more problems will be created than solved.

In the interest of haste, for I know S. 3500 is due for a vote soon, I am sending copies of this letter to each Senator.

Sincerely,

WILLIAM A. TOOMEY,
1968 Olympic Decathlon Champion.

JUNE 11, 1974.

DEAR SENATOR: I am writing to you to express my preference for S. 3273 as proposed by Senators Cook and Humphrey and to express my opposition to that portion of S. 3500 which would create a permanent Federal Board to oversee amateur athletics in this country.

Just last week I attended a meeting for all the international sports federations in Lucerne, Switzerland. At that meeting, the President of the Association of International Sports Federations, Mr. Thomas Keller, a Swiss, warned U.S. representatives at the meeting that too much government involvement would jeopardize U.S. participation in international sports.

Therefore, legislation must be passed that will help solve our many problems in amateur sports but which is fully consistent with the international rules. Only in this way can we get the international sports federations to approve the needed changes here. We cannot ignore their rules if we want to have a solution.

I think that the establishment of a permanent Federal Amateur Sports Board in view of Mr. Keller's statement is too far-reaching, especially when S. 3273 can accomplish the same goal by providing for binding arbitration administered by a private organization.

I also endorse S. 1018 and H.R. 14938. Both of these proposals provide for short-run Presidential study commissions. We need this in order to get the American people to focus on the problems in amateur sports. Although studies have been made of these problems, the nature of the study to be conducted under these two proposals has never been done to my knowledge.

I endorse the concept of a national sports foundation, but I have reservations about the one put forth in S. 3500. No money, as I read the bill, is provided for facilities.

With my long background in amateur sports, I have always taken a strong interest in trying to affect positive change, but it has to be done the correct way and it is for this reason I want to express my views to you regarding this matter. Thank you.

Sincerely,

DONNA DEVARONA,
U.S. Olympic Champion, 1964

Mr. COOK. It is too bad that we did not have the time to see all the other people whose names were so surreptitiously put on there by an association which bilked them into something when it knew full well that their rights were not going to be protected under it.

I am not going to stand here and have the Senator from California say to me that I am going to take away the rights of the athletes of the United States.

By the passage of this bill, a system will have been frozen in, in the United States, that will allow the NCAA to continue to do exactly what it has done in the past and all other associations to continue to deny the right of young athletes to compete.

The implication here is that we say an individual applicable under international or applicable under international amateur athletic rules and regulations has a right immediately to arbitrate. Would the Senator honestly say to the Senator from Kentucky that that language, regardless of its construction, is worse than the language in the bill, which says that a young athlete, if he wants to arbitrate, can only arbitrate if the major organization will agree to arbitrate with him, and that if they will not agree, the young athlete has to hire a lawyer?

Donna deVarona has to hire a lawyer to see whether she can compete and represent her country.

That is what S. 3500 says, and I seriously doubt that the Senator from California can disagree with me.

Mr. TUNNEY. It is clear that the language of the bill does not require the athlete to hire a lawyer and to go into court.

Mr. COOK. How does she get into Federal court?

Mr. TUNNEY. The language of S. 3500 says that the Attorney General can go into court. It says that the board, on behalf of the athlete, can go into court. It is also clear that one of the sanctions we have in the proposed legislation is that the board can take a charter from the athletic association which has not been fair in its handling of its responsibilities to the athletes, if the athlete, when he goes to court, demonstrates that inequity was involved in preventing the athlete from competing.

It seems to me that a clear reading of the bill demonstrates that a lawyer is not required to be hired to go to court. One can have the Attorney General or a lawyer working for the board. There is also the sanction mechanism of the board being able to take away from the athletic association its charter, if the athlete prevails.

I am amazed that Donna de Varona's name keeps coming up as being anxious to see that S. 3500 is defeated.

As a matter of fact, I recall a meeting in my own office with Donna de Varona in which she very much supported a similar bill which I introduced last year, of which the Senator from Kentucky was a cosponsor, and particularly as it related to an amateur athletic foundation, to provide money for amateur athletes.

I will only say that from the contacts that my office has had and that I have had with the athletes, they, to a very great majority extent, support S. 3500 and are opposed to a compulsory arbitration mechanism such as the Senator from Kentucky suggests.

One of the major reasons, as I have tried to point out, is that the amendment of the Senator from Kentucky gives to the AAU everything that it wants, because before an athlete is able to use the compulsory arbitration mechanism he has to first meet the threshold requirement that he is eligible through applicable international, applicable national, amateur athletic rules and regulations which are going to be written by the AAU.

Mr. COOK. Will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. If he is not eligible, it is not applicable to use any part of our bill, or your bill, may I say. He cannot participate anyway.

Mr. TUNNEY. That is not correct. In respect to our legislation, we do not have such a threshold requirement.

Mr. COOK. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. COOK. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. How much time does the Senator from California have on the amendment?

The PRESIDING OFFICER. The Senator from California on this amendment has 5 minutes.

Mr. TUNNEY. How much time does the Senator from Kentucky have?

The PRESIDING OFFICER. Sixteen minutes.

Mr. TUNNEY. Well, I yield the floor.

Mr. COOK. Mr. President, I yield myself 5 minutes.

Mr. President, one thing amazes me about this discussion about our knowledge and lack of knowledge. It is amazing when we start talking, the fact one can or cannot have a charter and that one can have some right denied under that charter.

I think the Senator from California ought to know that in the constitution of the NCAA they cannot hold a charter of any kind anyway, so they have no charter and they are not authorized to have one, and they cannot have one.

So I do not think there is any question about the fact that discussion relative to what the NCAA might run into on S. 3500 is not applicable at all under their constitution developed by the NCAA, and members of the NCAA are not allowed to hold a charter for any sport anyway.

So I think we can resolve that situation.

By the way, I might say they would not qualify under S. 3500 either, so I do not think there is any question about that.

One of the things I would like to say that really amazed me a bit is when the Senator from California said one of the problems is that my amendment gives the AAU everything it wants. The unfortunate part about that is that we seem to find ourselves in a stalemate because section 204(d) of S. 3500 gives the NCAA everything it wants, and it puts the NCAA right back where they were before, and we have run into that situation.

We had to get 50-some Senators, and we finally got them to change their minds.

I might say in all fairness, if we found ourselves in a stalemate where we are giving to the AAU everything it wants and we are giving the NCAA everything it wants, I would hate to send this back another time to see if we might resolve this equitably, not for the benefit of the AAU, not for the benefit of the NCAA, but for Heaven's sake, for the benefit of the young American athlete, which seems to be the only individual forgotten in this entire debate on S. 3500, except if my amendment is adopted, because there is not any question about the fact.

Is it not amazing, may I say to the Senator from California, that the young athlete can go to the Attorney General? I think that is delightful. I would only like to ask the Senator from California how long it takes him to get a response from the Attorney General.

I recall so vividly in our hearings on the judiciary that we asked certain things be done in relation to a U.S. attorney in California. I doubt if he has heard from him yet. I would hate to think an athlete would have to take that much time. In fact, the U.S. Olympics would have gone by, two finals would have gone by, all finals for the last 2 years would have gone by, all qualifying events for the next Olympics would have gone by, and the young athlete still waiting.

Mr. TUNNEY. Will the Senator yield?

Mr. COOK. I will not.

Mr. TUNNEY. I thought the Senator was asking me a question.

Mr. COOK. The Senator from California will remember it, so he will have the opportunity to answer it.

I might also say, the Senator states that somehow the attorney for this association under S. 3500 can act in relation to it.

If that is not putting the fox in the chicken house. Here is the association that is going to set up the record to tell the young athlete when he can and cannot compete. The Senator from California says he can get recourse from the attorney that will represent this board.

Again, I think the Senator should ask Standard of California when they are going to raise their prices so he can agree with them.

That is what we are facing today and the whole thing in S. 3500, and where there is really no point arguing any more with the four of us on the floor, and with, Mr. President, with all due respect, the five of us, the only thing we are forgetting is the young athlete in the United States, the young athlete who works his heart out, the young athlete who trains and practices day in, day out, who gives up, who deprives himself or herself of an enjoyable time, who gets in the pool every morning, swims 12 hours, 10 hours, who skis, plays basketball, who keeps going, keeps going, keeps going.

If you allow the NCAA to keep going, you are going to see more players drop out for a $2 million contract and a $1 million contract, and some cases brought against schools because somebody offers an automobile or $500 under the table, or whatever the case may be.

You are not writing an athlete's bill of rights. You are freezing in the NCAA as a matter of law, and they will be delighted.

I hope, with all due respect, that the House understands the unwisdom of what we are about to do so that we can prevail.

But that is what we are really doing, we are forgetting about your individual who wants one thing, and only one thing, when they have an opportunity, and that is to represent the United States of America, and that is to stand up on that pedestal when they play the anthem that means so much to an individual.

May I say, that has been denied a lot of fine young athletes in the United States, and that denial is going to be continued to be denied under this bill right here.

Perhaps if we pass the Legal Services bill this afternoon or sometime this week, a compromise between the House and Senate, we can then tell the young athlete to go to a free lawyer under the Legal Services bill and they will get him or her into the Federal court, but I must say, it is going to take a little time, it will all be over, but at least he or she will have the pleasure of having tried to buck the system.

Yet if my amendment is agreed to, he or she can have an arbitration case over in 48 hours and an athlete can be reinstated, or an athlete will have had his day, who has been able to present his or her case, and it is over.

Why, will the Senator tell me, does not the NCAA want a decent arbitration?

Why does the NCAA want the authority to agree to an arbitration, and if they do not agree on an arbitration there will be no arbitration?

Why is it they want that?

Why are they afraid of the young athlete in the United States?

Walter Byers would not have his job if it were not for the young athlete in the United States.

Why do they want to deny the young individual who has nothing to give but his heart or her heart for their country in an athletic competition, why do they deny them the opportunity to have a hearing expeditiously?

Because under S. 3500 there is not any doubt in anybody's mind that they do not have it, they will not have it, there is no way they can have it.

Oh, the Senator from California says, "Go to the Attorney General of the United States."

May I say also that under my amendment it is conceivable that the AAU could lose every franchise they now hold, every franchise they now hold the AAU could lose, yet they support this amendment.

Because, in effect, they are willing to support the young athlete in the United States, and the NCAA is not. The NCAA wants to represent the institution. The NCAA wants to represent the money at the gate. The NCAA wants to represent the 80,000- or 90,000-seat stadium. They do not want to represent the kids on the field. That is really what we are saying.

Mr. President, I would like to ask for the yeas and nays on my amendment. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. COOK. I reserve the remainder of my time.

The yeas and nays were not ordered.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I would just like to summarize a couple of thoughts.

One is that the amendment of the Senator from Kentucky has not been the subject of hearings. It would seem to me to do violence to our normal procedures in this body to agree to an amendment which would have such a far-reaching effect or impact as the Senator's without such hearings.

Compulsory arbitration is not something which, as an idea, fares well in the Congress of the United States. There have been many who have argued that we ought to have compulsory arbitration in labor-management relations, particularly as they relate to the service industries, but Congress has never been willing to give such power to any arbitration association, or to denigrate the collective bargaining mechanism that presently exists in law for the purposes of satisfying those who would like to see compulsory arbitration. So I think, on the basis of not having had any hearings on this amendment, it ought to be defeated on that basis alone.

I would also like to point out, when the Senator from Kentucky says that the Senator from Kansas and the Senator from California have sold out to the NCAA, I again reiterate that the National Advisory Committee of Athletes to the U.S. Olympic Committee is supportive of S. 3500. These are athletes; these are not professional athletic association members, they are athletes, and they are very much in favor of S. 3500.

Another point that should be brought out is that the Senator from Kentucky suggests that we have sold out to the NCAA and have given the athlete no rights whatsoever. It should be pointed out to the Senate that the bill (S. 3500) provides that educational institutions may not deny an amateur athlete the right to participate in an athletic competition unless there have been reasonable rules and regulations adopted by the institution or the association, which were adopted prior to the denial or threat of denial by the university to that athlete from participating in the sporting event.

There is nothing in the amendment of the Senator from Kentucky that requires that the rule or regulation be adopted by the association or the university prior to the time that there is a denial of permission to participate in the competition. So in that sense the amendment of the Senator from Kentucky is much broader than the bill (S. 3500). Also, S. 3500 makes it very clear and very specific what the grounds for the denial are:

> (1) to promote the educational welfare of amateur athletes who are students at such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TUNNEY. I yield myself 1 minute on the bill.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield momentarily to me?

Mr. TUNNEY. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent that the vote on the amendment of the Senator from Kentucky (Mr. COOK) occur today at 2 o'clock p.m.

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

Mr. TUNNEY. So it is very clear that under S. 3500, the grounds for denying an athlete the opportunity to participate in an international sports competition are very precise. However, the amendment the Senator from Kentucky has offered would allow much more general guidelines to be applied by the university or the association in denying an athlete such an opportunity to participate.

The language of the amendment suggests that the denial relates solely to that individual's academic or athletic interests in that institution, whatever that means. That is a very broad definition, not nearly as precise as the language of S. 3500.

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. PEARSON. Mr. President, I associate myself with remarks the distinguished Senator from California has made regarding this amendment. He has stated many of the concerns which I feel regarding the measure. Although I understand and join with the Senator from Kentucky in his feeling that the basic institutions of amateur athletics in this country should be reviewed and reformed, I feel his vehicle does not meet the requirements which must be fulfilled.

When I first began my study of domestic sports organizations, I was struck with the dominant role the AAU has played in the management and administration of the U.S. Olympic Committee. I soon came to understand that for all intents and purposes, the AAU is the only major factor in shaping USOC policies. As I stated in my opening remarks, the AAU has emerged as the dominant member of the USOC because of the weighted voting structure favoring those organizations which control U.S. participation in Olympic sports. The AAU controls nearly one half of these votes through its recognition by nine international federations.

The weighted voting structure in the USOC, which was established to comply with international regulations, could be made to work, given the proper conditions. Unfortunately, the AAU has utilized this structure for its own purposes, monopolizing the activities both domestic and international in the sports which it controls, to the exclusion of any other organization conducting programs of national competition in the sport over which the AAU claims control.

I do not believe that any one group should be allowed to maintain exclusive control over any amateur sport. Nor do I place any faith in the control of many sports by one organization, commonly referred to as an "umbrella operation." This is contrary to the basic principles of equal representation in this country. It lies at the heart of the problems in amateur sports today and it is to these concerns that those who support S. 3500, the Amateur Athletic Act, have addressed themselves.

Unfortunately, Mr. President, the amendment before us now fails to recognize these basic problems. There is no provision in this amendment which guarantees that all national federations will receive equal consideration in the USOC, as there is in S. 3500.

There is no guarantee, as my friend from California has pointed out, that athletes will be fairly represented at management levels, as there is in S. 3500.

There is no guarantee, Mr. President, that all groups operating programs in an Olympic sport will work together to further development in that sport, to broaden its appeal among the American people, and to work toward greater achievement in the international arena. All this is guaranteed in S. 3500.

What then, Mr. President, does the amendment seek to accomplish? It extends to athletes and sports organizations the untried and unproven method of compulsory arbitration to settle disputes.

Except in specific cases, where the national security or welfare have been threatened by a strike, compulsory arbitration in the private sector has never been approved by Congress. To do so in this case would constitute a precedent which could very easily be applied to other situations. But approval would also be disastrous for amateur sports, for it would tend to perpetuate the schism between the AAU and NCAA, by forcing one side to seek arbitration of disputes at the expense of the other. In S. 3500, we prohibit any amateur sports organization which represents the appropriate international federation in this country from continuing to operate if it has not received a charter within 2 years of the bill's enactment. In order to receive a charter, the applicant group must be representative of all sports organizations operating a program of national competition in the sport for which charter is sought.

S. 3500 does not legislate a situation which exacerbates the AAU–NCAA feud. To the contrary, it requires that all sides come together and resolve their differences or risk not having the U.S. compete in international competition.

Generally, the case against compulsory arbitration may be briefly summarized as follows: First, compulsory arbitration tends to undermine an important ingredient in productive bargaining relations; namely, the willingness of the parties to bargain conscientiously over their differences. Neither party, but particularly the sports organization, would have an incentive to compromise on anything. Second, settlements imposed by neutrals will not necessarily be any more equitable, and usually will be far less acceptable, than a solution worked out by the parties themselves. It is argued in this regard that since arbitration panels cannot explain or defend their decisions, there is a tendency on the part of the leaders of the opposing parties to blame that tribunal for unpopular decisions, with the result that resentment could rise among athletes or other individuals through lack of understanding and sympathy for such decisions. Third, the increased use and reliance on compulsory arbitration would greatly magnify the various problems of enforcement, rigidity and bureaucracy. Such arbitration on a continuing long-term basis could easily become rigid and bureaucratic, to the great detriment of relations between athletes and the various sports governing bodies.

Mr. President, my friend, the Senator from Kentucky, makes the argument that S. 3500 is favorable to the NCAA, which does not need any more power. I

agree. But in making this statement, he ignores the fact that the Amateur Sports Board, created in title II of S. 3500, serves as a permanent body to prevent the dominance of any one domestic amateur sports group.

Additionally, S. 3500 states that no sports organization or representatives of such organization can control more than 40 percent of the voting power of any chartered sports association.

Finally, I believe we ought to illustrate once again the failure of the AAU to allow the school-college community to participate, to a reasonably proportionate extent, in the administration and management of amateur sports in the international area. This deliberate omission has cost the AAU much in the way of available management expertise and has resulted in many of the unconscionable blunders such as those which occurred in the Munich Games.

Senator COOK says that many of the conflicts which have arisen involving athletes have required court actions, which in this area have proven a cumbersome and time-consuming remedy. He states that this proposal will expedite resolution of disputes involving athletes, if necessary, providing opportunity for an athlete to gain satisfaction in time to compete in the disputed event.

Our bill also has a process whereby resolution of a dispute can be expedited—section 202(h)(2). The Board can, upon 48 hours notice, hear and decide a matter, such as a dispute, if expedition is necessary. Although the arbitration process under which this provision would go into effect is voluntary, requiring both sides to agree before the Board could act as arbitrator, there is no reason to suspect that if a chartered sports association had abided by the terms of its charter, it would not agree to come to arbitration. Additionally, the decision of the Board in this area would be final, and if a chartered sports association continued to act in violation of such decision, the Board would be empowered to go to the courts for further enforcement.

There are aspects of the amendment which are similar to S. 3500. For example, a group challenging a franchise holder for control of a given sport must demonstrate that it has a "reasonable number of athletes as members of its governing board." However, S. 3500 is much more explicit in this regard, requiring that an applicant for a charter has no less than 20 percent of the total voting power held by amateur athletes.

The amendment also sets forth a list of criteria which an organization seeking to unseat a franchise holder must meet prior to coming to arbitration. Once again, however, S. 3500 is more specific. For example, whereas the amendment requires its voting membership to be "open to any national amateur sports organization—for which it claims recognition as the governing body," S. 3500 requires that an applicant be "fairly representative of sports organizations conducting national programs" in the sport for which charter is sought. However, in the case of the amendment, the burden of proof would be on the challenging group to prove that it had satisfied such criteria, and if for some reason this group lost, the group in power could continue to operate without regard to such criteria.

Overall, Mr. President, I feel that S. 3500 meets and resolves all the basic problems confronting the organizational structure of amateur athletics in this country today. Unfortunately, the amendment before us seeks only to resolve problems which are minor manifestations of a greater wrong. Mr. President, bandaid remedies will not work. We must go to the heart of the matter which involves major reform in the basic structure of domestic amateur athletics. Our bill meets this requirement, and I hope my colleagues will reject an amendment which seeks to preserve the status quo without bringing about meaningful change.

Mr. COOK. Mr. President, I yield myself 2 minutes to respond to the arguments of the Senator from California (Mr. TUNNEY).

First, I would like to take up the matter which the Senator has interjected that we have never agreed to compulsory arbitration.

This amendment of mine has been around for a long time. If any labor organization in the United States has been objecting to compulsory arbitration under this amendment, we would certainly have heard from them, and we have heard from none.

Let me explain why we put it in. How can compulsory arbitration be justified in this case, when Congress has not seen fit to justify it in labor-management disputes?

The answer is simply that in labor-management disputes, both sides have power with which to bargain. In the typical athletic dispute, the athletes have no power to bargain. All they possess is their simple athletic ability, which they wish to use in representing the United States in athletic competition. Their only power is to withhold their talents, which is exactly what they are fighting against. They want to participate, and are too often denied that right. My amendment gives them that right, and provides a fair and reasonable as well as convenient method for assuring them that that right is protected. This is the binding arbitration my amendment would provide.

Secondly, the distinguished Senator from California stated that the Athletic Advisory Council of the Olympic Committee is in favor of this bill. I must say that this is amazing. Apparently they must be so powerful that one individual can speak for them all. Because here is a delightful letter which——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. COOK. I yield myself 2 additional minutes.

Here is a delightful letter from Tenley Albright, which says:

While I was in Washington I was disturbed to find that my name has apparently gone on record as being for the Amateur Athletic Act of 1974 (No. 3500).

I am a member of the Athletes Advisory Council of the Olympic Committee. This group did come out in support of the Amateur Athletic Act, but an important point I should like to make is that not all of us in the group support the Act.

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

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

BOSTON, MASS.,
June 4, 1974.

Hon. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: Thank you for your letter to me pertaining to the President's Council on Physical Fitness and Sports.

Our first meeting, which was in Washington last week, was a very interesting one. I am impressed with how much the Council has been able to accomplish on its limited budget.

As a member of the Executive Committee of the United States Olympic Committee, I have high hopes that the President's Council on Physical Fitness and the United States Olympic Committee will, in the future, work more and more closely together, as their functions supplement each other while they both work for the same ends.

While I was in Washington I was disturbed to find that my name has apparently gone on record as being for the Amateur Athletic Act of 1974 (No. 3500).

I am a member of the Athletes Advisory Council of the Olympic Committee. This group did come out in support of the Amateur Athletic Act, but an important point I should like to make is that not all of us in the group support the Act. My own feeling is that the athletes who supported the Bill did so in the hope of obtaining more development money for their own sports, without fully recognizing the consequences of government takeover of amateur sports in this country.

I would appreciate very much having you correct the record when the Amateur Act of '74 (No. 3500) comes to the Senate floor, so that I will not be listed as among those in favor of the Bill.

I am strongly opposed to having the Federal Government involved permanently in conducting amateur sports in this country. I do favor the commission proposal as it is suggested by Congressman Kemp in the House, as well as the proposed amendment to the Olympic Charter as it was introduced by Congressman Mathias in the House and by Senators Humphrey and Cook in the Senate.

This is a significant time for amateur sports.

I hope that you feel as I do: that we do need a commission to study the situation of amateur sports in this country, but a temporary commission; not one which would involve the government permanently. Additionally, we need more attention directed toward providing development money for our sports to encourage children from grade school up to participate in what we know is beneficial to them in many, many ways.

Looking to the remote future, I certainly would like to see the President's Council on Physical Fitness encouraged and expanded to developing sports on a large scale through youngsters throughout the country; and the U.S. Olympic Committee advised and encouraged to do the job which it can do so well.

Sincerely yours,

TENLEY E. ALBRIGHT, M.D.

Mr. COOK. Second, we talk about this business of what is in the academic interest. May I say to the Senator, we have a couple of good examples of that. Jack Langer was denied the right to participate in the Maccabean Games in the summer time. The NCAA said he could not. I do not know what that had to do

with the school he was attending in the fall.

Then there was the Dirt Bowl case, where young amateur athletes wanted to teach young boys how to participate in amateur basketball.

They were denied that right by the NCAA, and they could not participate for otherwise they would have lost their eligibility.

They said it was in their academic interests. Yet nothing is going to be changed about that under S. 3500 because the regulations of the NCAA are going to be excluded from this act, so they are going to go on and continue to deny the young athlete his right to participate. They are going to deny the athlete his right to participate, and fail to teach the young people how to be a part of the sports system of the United States.

May I say to the Senator what he is really doing is building one of the tightest, toughest sport institutions in the United States, and he is doing it in the name of legislation. And, I must say, in all fairness—

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. COOK. How many minutes, Mr. President, do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. COOK. Mr. President, may I say, in discussing this, I think there are 30 minutes left, and I would appreciate it if the Senator from California and the Senator from Kansas would agree if we are not going to vote at 2 o'clock that we might divide those 30 minutes equally.

Mr. TUNNEY. Mr. President, I was wondering if the Senator from Kentucky has concluded his remarks that we might go into recess until 5 minutes of 2.

Mr. COOK. Mr. President, may I say to the Senator from California that I do not want to go into recess, and if the Senator does not want to use any of those 30 minutes, at least I would like to use those 30 minutes to speak for the American athlete.

The PRESIDING OFFICER. The time would be taken off the time on the bill and the amendment.

Mr. COOK. I thank the Presiding Officer. I think I still have the floor, do I not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. TUNNEY. Mr. President, how much time does the Senator have on his amendment?

THE PRESIDING OFFICER. Two minutes.

Mr. COOK. Does the Senator agree, Mr. President, to any division of the balance of the 30 minutes?

Mr. TUNNEY. Mr. President, I would assume when we get through with the 2 minutes that then we go back to time on the bill, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TUNNEY. Mr. President, so the Senator would then have all the time that he would need on the bill. I know the Senator from Kansas has given him whatever time he needs on the bill to speak in opposition to it. So I think, rather than asking unanimous consent to have more time on the amendment, that we just ought to use the time on the bill. We have plenty of time on the bill.

Mr. COOK. All right.

Mr. President, I think there is something deeper here because what we are really saying in this bill under section 204(d) is that we are really allowing the NCAA to continue to function, to continue to go its way, to continue to deny the athlete the right to compete, for whatever reasons are in its rules and regulations, to deny the fine players to compete against international competition unless the international competition is sanctioned by them that, in effect, what we are really doing is we are building into law and we may be creating something that conceivably will resolve itself because I think what we are really doing is denying the young athlete his civil rights.

I think we are saying to the young athlete that we are going to empower the NCAA to go on about its way. We are going to say to the NCAA that unless pressure is brought by Congress we are not going to have another opportunity in the future to play international competition, and we are going to deny these young people the right to play because it is in the scholastic interest, says the NCAA and, therefore, you cannot do it, and that is the end of the road, and if you do do it, you lose your eligibility, you cannot participate. You have a black mark against your record, you cannot participate in collegiate athletics. You are denied the right to participate in NCAA playoffs or whatever the case may be and, if so, what are we really saying? What we are really saying is that we are vesting in an organization of component parts of the university system, which has decided to have a headquarters at Kansas City, the privilege to be all-powerful, to deny any right they want to at any time.

I ran into a basketball coach the other day who is now retired because of having suffered a heart attack, who has taken basketball teams to major tournaments in the United States, the NCAA, NIT, and he said, "My gosh, if there is anything you can do to quell the power and the authority of the NCAA please do your best to do it."

Here we are just going to go right down the line because a bunch of football coaches have gotten hold of the Members of the Senate, a bunch of basketball coaches have gotten hold of Members of the Senate, because they are on those NCAA committees and subcommittees, and they set up all the rules and decide how to divide up the spoils and decide where the NCAA finals are going to be and what kind of rakeoff the schools are going to get—not the athletes, mind you, but the schools—and that they do not want my amendment. The reason they do not want my amendment is because they are going to have to treat an athlete like a human being. That is what we are really saying here.

We know they are going to love the fact that a young athlete has got to go to court, a young athlete has got to get a lawyer, a young athlete has got to get an attorney general. All he has to do is file an answer. He has 20 days to file an answer once he is served. They may advance it on the docket. But how well will they advance it? They can hold it, and then they can see that the athlete, the very first athlete, Mr. President, who tries to utilize the provisions of S. 300 gets himself blackballed, and no young athlete after that will ever try it; and the Senator knows that as well as I do.

So what we are doing is we are saying the burden is on the youngster, the burden is on the young athlete. Here we are on the floor and we come up with juvenile delinquency acts, we come up with acts pertaining to social problems to help people. And, all of a sudden, when it comes to the young athlete in the country we say, "You, Mr. Byers, and your *NCAA* are all-powerful and we cannot buck you. We put in section 204(d) of S. 3500 and we have not touched you a bit, and you can deny athletes anything you want to deny them. You can keep telling them where and when they can play. You can tell them they cannot compete in this; you can tell them there cannot be an all-star game," if they want to, I suspect.

Now, are we really looking after the athlete? The answer is we certainly are not.

So, Mr. President, I really have to say to the Senator that in this time of our country, when we are talking about the rights of the individual, when we are talking about the ability of an individual to stand up and speak for himself, we find an organization which has put out a pamphlet, which has names in it that they know do not belong there. They have done it surreptitiously. They knew that they did not belong on that list at all, and yet they are still contending that these are the athletes who support this bill. That in itself ought to tell us something; that ought to tell us that they are not really sincere. All they want to do is to win. All they want to do is to win, and the loser is going to be the young athlete in the United States.

Why is it that we cannot understand that? Why is it so hard to get across that a Jim McDaniel gets a little disturbed at his school or somebody else gets disturbed down at another school and decides they do not want to go to another route any more? Have we not learned anything? Have we not learned that the young individual wants to represent his country and wants to represent his school? We do not seem to have learned that in this whole process.

We find that this permeates the whole field. We find that the colleges hire their broadcasters, and the broadcasters had better say the things they want them to say. When a coach gets into an argument with a young player, the broadcaster had better be on the side of the coach or he will not have a contract next year with the radio station, so he cannot broadcast the football games, the basketball games, or whatever. Have we not had enough of that?

Mr. TUNNEY. Mr. President, will the Senator yield for a question?

Mr. COOK. Yes.

Mr. TUNNEY. Has the Senator talked to the American Arbitration Association

with respect to his amendment which is going to give such great responsibility to the American Arbitration Association? Have the views of the American Arbitration Association been solicited?

Mr. COOK. May I say to the Senator that this was done—because I would not want to mislead the Senator from California at all—on the recommendation of Congressman MATHIAS who said that he had established that with the association and that he had consulted with them and, as you well know, this is in the language of the House bill and, on that basis and on those recommendations from my colleague from the House, who is a former colleague of the Senator from California, that language is in my bill.

Mr. TUNNEY. Mr. President, will the Senator yield further?

Mr. COOK. Yes.

Mr. TUNNEY. Mr. Robert Colson, who is the head of the American Arbitration Association, has informed the committee that the association has never been questioned regarding the legislation.

Mr. COOK. They have not by me.

Mr. TUNNEY. In the last 3 years, and that, therefore, they know nothing about it.

I would suggest if we are going to be giving such grave responsibilities to the American Arbitration Association it might be appropriate to at least consult the American Arbitration Association as to what they think about it; and it might also be appropriate to have a few days of hearings and find out what other people think. We have not had such hearings. We do not know what the American Arbitration Association thinks about it, and I must say I think that the Senator's amendment on those two grounds alone is fatally defective.

Mr. COOK. Mr. President, I might say to the Senator that I hate to have him say that something is fatally defective because we are giving an association a responsibility that we have a right to give them. This amazes me. I would have to check the legislative history to find out if the Senator from California has ever decided to give additional funds to an agency where he did not consult with them, where he was going to give them more money than they wanted. Somehow I do not think the Senator from California would have felt that was a fatal defect. That is the kind of language that wears out the record.

Maybe it is just as well we did not consult. I would rather be in a position where I gave an organization a responsibility to do something that is well defined in a bill, rather than to say they are completely exempt from the act. Sometimes consultation gets one in trouble. That really does not bother me and somehow I do not feel that is a defect.

I think the defect is that I am the only Senator, except for the Senator from Maryland (Mr. BEALL), who has been standing up here talking for the athletes; those who are against the amendment have been ruling the athletes for years and years and they want to continue to do the same. The defect here is that we are forgetting the athletes without my amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. 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. COOK. 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. COOK. Mr. President, I wish to place in the RECORD at this point how many organizations are for and against this amendment. I have been authorized to say that although the NCAA may be opposed to this amendment, the National Education Association in the United States has said that it is very much in favor of my amendment.

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

AMERICAN ASSOCIATION OF PRESIDENTS OF INDEPENDENT COLLEGES AND UNIVERSITIES—1974 MEMBERSHIP

College, location, and president:

Albion College, Albion, Mich., Dr. Bernard T. Lomas.

Andrews University, Berrien Springs, Mich., Richard Hammill.

Augustana College, Sioux Falls, S.D., Dr. Charles L. Balcer.

Baptist College at Charleston, Charleston, S.C., Dr. John A. Hamrick.

Beloit College, Beloit, Wis., Dr. Miller Upton.

Berry College, Mount Berry, Ga., Dr. John R. Bertrand.

Brigham Young University, Provo, Utah, Dr. Dallin H. Oaks.

Butler University, Indianapolis, Ind., Dr. Alexander E. Jones.

California Inst. of the Arts, Valencia, Calif., William S. Lund.

Calvin College, Grand Rapids, Mich., Dr. William Spoelhof.

Central Methodist College, Fayette, Mo., Dr. Harold P. Hamilton.

Chowan College, Murfreesboro, N.C., Dr. Bruce E. Whitaker.

Clearly College, Ypsilanti, Mich., Dr. Walter Greig.

College of Insurance, New York, N.Y., Dr. A. Leslie Leonard.

College of Mt. St. Joseph, Mr. St. Joseph, Ohio, Dr. Robert E. Wolverton.

College of Notre Dame, Belmont, Calif., Sister Catherine Julie Cunningham.

College of the Southwest, Hobbs, N.M., Dr. Eugene E. Hughes.

Colorado Women's College (was Temple Buell College), Denver, Colo., Dr. Dumont F. Kenny.

Columbia Union College, Takoma Park, Md., Dr. George H. Akers.

Detroit Inst. of Technology, Detroit, Mich., Dr. Dewey F. Barich.

Divine Word College, Epworth, Iowa, Rev. Louis J. Luzbetak.

Dropsie University, Philadelphia, Pa., Dr. Abraham I. Katsh.

Duke University, Durham, N.C., Terry Sanford.

East Texas Baptist College, Marshall, Tex., Dr. Howard C. Bennett.

Flagler College, St. Augustine, Fla., Dr. William L. Proctor.

Fort Lauderdale University, Ft. Lauderdale, Fla., Dr. Stanley J. Drake.

Franklin Pierce College, Rindge, N.H., Dr. Frank S. DiPietro.

Friends University, Wichita, Kans., Dr. Harold C. Cope.

Grace Bible College, Wyoming, Mich., Dr. John T. Dean.

Green Mountain College, Poultney, Vt., Dr. Raymond A. Withey.

Grove City College, Grove City, Pa., Dr. Charles S. MacKenzie.

Gwynedd-Mercy College, Gwynedd Valley, Pa., Sister Isabelle Keiss.

Hanover College, Hanover, Ind., Dr. John E. Horner.

Hebrew Union College, Cincinnati, Ohio, Dr. Alfred Gottschalk.

Hillsdale College, Hillsdale, Mich., Dr. George C. Roche III.

Inter American University of Puerto Rico, San German, Puerto Rico, Sol L. Descartes.

International Fine Arts College, Miami, Fla., Edward Porter.

Jones College, Jacksonville, Fla., Jack H. Jones.

Judson College, Elgin, Ill., Dr. Harm A. Weber.

Kansas Newman College, Wichita, Kans., Rev. Roman S. Galiardi.

Kendall School of Design, Grand Rapids, Mich., Lawrence O. Mailloux.

Lee College, Cleveland, Tenn., Dr. Charles W. Conn.

Lewis College, Lockport, Ill., Dr. Lester Carr.

Loyola University of New Orleans, New Orleans, La., Rev. James C. Carter.

Luther Rice Seminary, Jacksonville, Fla., Dr. Robert G. Witty.

Manhattan College, Bronx, N.Y., Bro. Gregory Nugent.

Maria Regina College, Syracuse, N.Y., Sister Mary Rosalie Brady.

Dr. Martin Luther College, New Ulm, Minn., Conrad I. Frey.

Mary Hardin-Baylor College, Belton, Tex., Dr. Bobby E. Parker.

Meredith College, Raleigh, N.C., Dr. John E. Weems.

Mid-American Nazarene College, Olathe, Kans., Dr. R. Curtis Smith.

Milligan College, Milligan College, Tenn., Dr. Jess W. Johnson.

Mount Mary College, Milwaukee, Wis., Sister Mary Nora Barber.

Mount St. Marys College, Emmitsburg, Md., Dr. John J. Dillon, Jr.

National College of Education, Evanston, Ill., Dr. Calvin E. Gross.

Northrop Institute of Tech, Inglewood, Calif., Dr. B. J. Shell.

Pacific Lutheran University, Tacoma, Wash., Dr. Eugene Wiegman.

Pennsylvania College of Optometry, Philadelphia, Pa., Dr. Norman E. Wallis.

Pepperdine University, Malibu, Calif., Dr. William S. Banowsky.

Philadelphia College of Textiles and Science, Philadelphia, Pa., Dr. Lawson A. Pendleton.

Principia College, Elsah, Ill., Dr. David K. Andrews.

Puget Sound College of Bible, Seattle, Wash., Dr. James Earl Ladd.

Rockford College, Rockford, Ill., Dr. John A. Howard.

Roger Williams College, Providence, R.I., Ralph H. Gauvey.

Roosevelt University, Chicago, Ill., Dr. Rolf A. Weil.

Russell Sage College, Troy, N.Y., Dr. Charles U. Walker.

St. Bonaventure University, St. Bonaventure, N.Y., Rev. Damian McElrath, OFM.

St. Francis College, Loretto, Pa., Rev. Sean M. Sullivan.

St. Lawrence University, Canton, N.Y., Dr. Frank P. Piskor.

Saint Leo College, Saint Leo, Fla., Dr. Thomas B. Southard.

St. Mary's University, San Antonio, Tex., Very Rev. James A. Young.

Saint Vincent College, Latrobe, Pa., Rev. Cecil G. Diethrich.

Salve Regina College, Newport, R.I., Sr. Lucille McKillop.

Samford University, Birmingham, Ala., Dr. Leslie S. Wright.

School of the Art Institutes of Chicago, Ill., Dr. Donald J. Irving.

Sherwood Music School, Chicago, Ill., Walter A. Erley.

Simpson College, San Francisco, Calif., Dr. Mark W. Lee.

Southern College of Optometry, Memphis, Tenn., Dr. Spurgeon B. Eure.

Southwestern University, Georgetown, Tex., Durwood Fleming.

Spring Garden College, Chestnut Hill, Pa., Robert H. Thompson.

Sterling College, Sterling, Kans., Dr. Robert C. Baptista.

Thiel College, Greenville, Pa., Dr. Chauncey G. Bly.

Thomas Jefferson University, Philadelphia, Pa., Dr. Peter A. Herbut.

Thunderbird Graduate School of Internat'l Management (America. Grad. School of Internat'l Mgt.), Glendale, Ariz., Dr. William Voris.

Tiffin University, Tiffin, Ohio, Richard C. Pfeiffer.

Trocaire College, Buffalo, N.Y., Sister Mary Carmina Coppol.

University of Albuquerque, Albuquerque, N.M., Frank A. Kleinhenz.

Upper Iowa University, Fayette, Iowa, Dr. Aldrich K. Paul.

Viterbo College, La Crosse, Wis., Father J. Thomas Finucan.

Warren Wilson College, Swannanoa, N.C., Dr. Reuben A. Holden.

Wellesley College, Wellesley, Mass., Dr. Barbara W. Newell.

Wentworth Institute, Boston, Mass., Dr. Edward T. Kirkpatrick.

Wheaton College, Wheaton, Ill., Dr. Hudson T. Armerding.

William Jewell College, Liberty, Mo., Dr. Thomas S. Field.

Woodbury College, Los Angeles, Calif., Mrs. Dora E. Kirby.

York College of Pennsylvania, York, Pa., Dr. Ray A. Miller.

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

The PRESIDING OFFICER. On whose time?

Mr. COOK. On the bill, at this time.

The PRESIDING OFFICER. Charged to both sides, equally?

Mr. COOK. That is fine.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on July 4, 1974, the President had approved and signed the joint resolution (S.J. Res. 218) to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ABOUREZK) 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.)

MESSAGES FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 7130. An act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

AMATEUR ATHLETIC ACT OF 1974

The Senate continued with the consideration of the bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate, and to promote physical fitness, and for other purposes.

Mr. BROOKE. Mr. President, I would like to insert in the RECORD a letter from Dr. Tenley Albright, a member of the Executive Committee of the United States Olympic Committee, and a member of the Athletes Advisory Council to the United States Olympic Committee. Dr. Albright and I would like to correct an error that has her on record as being in favor of the Amateur Athletic Act of 1974 (S. 3500).

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

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

BOSTON, MASS.,
June 4, 1974.

Hon. EDWARD W. BROOKE,
U. S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: Thank you for your letter to me pertaining to the President's Council on Physical Fitness and Sports.

Our first meeting, which was in Washington last week, was a very interesting one. I am impressed with how much the Council has been able to accomplish on its limited budget.

As a member of the Executive Committee of the United States Olympic Committee, I have high hopes that the President's Council on Physical Fitness and the United States Olympic Committee will, in the future, work more and more closely together, as their functions supplement each other while they both work for the same ends.

While I was in Washington I was disturbed to find that my name has apparently gone on record as being for the Amateur Athletic Act of 1974 (No. 3500).

I am a member of the Athletes Advisory Council of the Olympic Committee. This group did come out in support of the Amateur Athletic Act, but an important point I should like to make is that not all of us in the group support the Act. My own feeling is that the athletes who supported the Bill did so in the hope of obtaining more development money for their own sports, without fully recognizing the consequences of government takeover of amateur sports in this country.

I would appreciate very much having you correct the record when the Amateur Act of '74 (No. 3500) comes to the Senate floor, so that I will not be listed as among those in favor of the Bill.

I am strongly opposed to having the Federal Government involved permanently in conducting amateur sports in this country. I do favor the commission proposal as it is suggested by Congressman Kemp in the House, as well as the proposed amendment to the Olympic Charter as it was introduced by Congressman Mathias in the House and by Senators Humphrey and Cook in the Senate.

This is a significant time for amateur sports.

I hope that you feel as I do: that we do need a commisison to study the situation of amateur sports in this country, but a temporary commission; not one which would involve the government permanently. Additionally, we need more attention directed toward providing development money for our sports to encourage children from grade school up to participate in what we know is beneficial to them in many, many ways.

Looking to the remote future, I certainly would like to see the President's Council on Physical Fitness encouraged and expanded to developing sports on a large scale through youngsters throughout the country; and the U.S. Olympic Committee advised and encouraged to do the job it can do so well.

Sincerely yours,

TENLEY E. ALBRIGHT, M.D.

Mr. HART. Mr. President, we must focus on the reason that we are discussing the question of amateur sports in these Halls: In the past few years, the sanctioning dispute between the AAU and the NCAA has reached classic proportions. The fiasco at last summer's Olympics simply added fuel to the fire of reform.

And who suffers? The athletes: The athletes whose achievements are unrecognized because of a feud in which they have no part. Or those who are "disqualified" from future competitions simply because they competed in an event that is totally above-board except that it did not meet the "approval" of one group or another. And the athletes who missed starting times or whose medals or points are not recognized because of questionable rulings—with no one to represent them effectively.

These athletes work long and hard for years; yet their rights too often are lost in the power struggle. No one wants a new Federal organization created—no matter how limited it may be. But we have no choice, it appears. Even under the threat of congressional action, these athletic groups have not worked out their differences of opinion.

Therefore, I support this bill. It will expand the athletes' participation in all aspects of his or her sport. One athlete will sit on the Amateur Sports Board, and two athletes must be members of boards of sports assocations, with 20 percent of the voting power. These are steps in the right direction. But the most important provision to me in this bill is section 204(d), which states clearly that no eligible athlete may be denied the right to compete in any international, unrestricted amateur competition which is properly sanctioned by a sports association. He or she cannot be censured or

penalized. Educational institutions will still have reasonable authority to adopt academic educational standards, avoid scheduling conflicts and the like. But the student no longer would be used as a pawn in organizational bickering.

For these reasons, I urge support for this bill.

Mr. COOK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

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

The assistant legislative clerk proceeded to call the roll.

(During the call of the roll the Vice President assumed the chair.)

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Kansas yield me 2 minutes on the bill?

Mr. PEARSON. I yield 2 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I just wish to make an announcement. This has been agreed to by the——

The PRESIDING OFFICER (Mr. HELMS). The Chair would advise the Senator that there is supposed to be an order for a vote at this time.

Mr. MANSFIELD. I ask unanimous consent that it be temporarily delayed, not to exceed 2 minutes.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Republican leader, and we are agreed that on Tuesday or Wednesday next, the Senate will turn to the consideration of Calendar No. 910, S. 1566, a bill to provide for the normal flow of ocean commerce between Hawaii, Guam, American Samoa, or the Trust Territory of the Pacific Islands, and so forth.

That will be Tuesday or Wednesday of next week. Furthermore, on tomorrow or Thursday, it is the intention of the leadership to call up Calendar No. 932, S. 3698, a bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

The purpose of making these announcements at this time is to put the Senate on notice insofar as these two particular bills are concerned.

I thank the distinguished Senator from Kansas.

AMATEUR ATHLETIC ACT OF 1974

The Senate continued with the consideration of the bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate, and to promote physcal fitness, and for other purposes.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to Kentucky (Mr. COOK).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and the amendment of the Senator from ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. 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. HUMPHREY. Mr. President, I send to the desk an amendment in the nature of a substitute for the Cook amendment, and ask for its immediate consideration.

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous consent request?

Mr. HUMPHREY. I yield to the Senator from Oklahoma.

Mr. BARTLETT. I thank the distinguished Senator from Minnesota.

Mr. President, I ask unanimous consent that David Russell of my staff be accorded the privilege of the floor during the consideration and voting on this measure.

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

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, to save the time of the Senate, I shall explain the amendment, and I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The Chair is advised that the Senator's amendment is not a proper substitute.

Mr. HUMPHREY. The Senator from Minnesota presents it as a substitute.

The PRESIDING OFFICER. Does the Senator wish to state "In lieu of the language, insert the following"?

Mr. HUMPHREY. That is correct; if that is necessary, we will do that. That is a technicality I reserve for the secretariat of the Senate.

The PRESIDING OFFICER. Without objection, it is ordered that the amendment be so modified.

Mr. HUMPHREY's amendment is as follows:

On page 19, in lieu of the language of the Cook amendment, insert the following:

MANDATORY ARBITRATION

Section 203 (a) GENERAL.—In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or any duly authorized member of the Board or the American Arbitration Association as provided for in the following Sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

(B) Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized upon forty-eight hours notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

(C) Any national amateur sports organization claiming recognition under this Act shall submit such claim to any regional office of the association not later than one year after the termination of any summer Olympic games. The association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the association: except that (1) for any arbitration in which at least two of the parties are not individuals, there shall be not less than three arbiters selected by the association, (2) there shall only be arbitration of a claim under the Act after the ninetieth day after the day that the national amateur sports organization submitted such claim to the association, and (3) the arbitration decision shall be served on the corporation in the same manner as it is to the parties to the arbitration.

"'(d) Any person whose claim is upheld by an arbitration decision under subsection (b) or (c) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the Act upon which the person based his claim for arbitration under subsection (b) or (c). Any person who submits a claim for arbitration under subsection (b) or (c) may bring suit in such court to compel arbitration pursuant to subsection (b) or (c), and the arbiters of an arbitration under subsection (b) or (c) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under this Act in violation of such subsection may (in lieu of seeking arbitration under subsection (b)) bring suit in such court for adjudication of such, denied right.

"'(e) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim.

"'(f) The arbiter of any arbitration under subsection (b) or a majority of the arbiters under subsection (c)(1), may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (d) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

Mr. HUMPHREY. Mr. President, let me, first of all, say a few words about S. 3500, the bill introduced by the distinguished Senator from Kansas (Mr. PEARSON).

I believe this is a good bill, and I have reviewed it very carefully. I was one of the Senators at the time that this legis-

lation originally passed the Senate, and at the time that we voted for its reconsideration, who supported that motion to reconsider. I did so because I wanted a little more time to study its features, because of my long and deep interest in amateur athletics and in the involvement of American athletes in both national and international competition.

I have studied the Pearson bill, and have indicated to the distinguished Senator from Kansas my basic support of the features of his bill. I was cosponsor, with the Senator from California (Mr. TUNNEY), of the bill which passed the Senate some time ago, which carried the provisions of the Tunney-Humphrey bill. I wish to indicate why I feel that the Pearson bill has genuine merit, but why I believe there is one feature of the bill that can be substantially improved.

First of all, S. 3500 establishes an athletic board which would issue charters for each sport to one amateur sports organization for the purpose of franchising that organization for international competition.

Umbrella organizations that hold more than one charter under S. 3500 would not be allowed. The amendment that is sponsored by the distinguished Senator from Kentucky (Mr. COOK) does not establish a one-sport, one-charter requirement. The basic requirements in the Pearson bill for a charter are, first, that the association must incorporate as a nonprofit corporation; second, that at least 20 percent of the voting power of the association must be held by active amateur athletes; third, that the association cannot be controlled by any other association; and, finally, that the organization must demonstrate a continuing commitment to the development of interest and participation in its sport.

Also, S. 3500, the Pearson bill, requires that one of the five members of the Board be a world class athlete who has participated in recent international competition. I think this is highly desirable, again, may I say, paying proper respect to the athletes themselves and bringing about their involvement in the governing body.

Furthermore, no less than 20 percent of the voting membership of each chartered sports association must consist of participating athletes in the sport that it governs.

I believe that amateur athletes have the right to participate in any international competition sanctioned by a chartered sports association, provided it does not conflict with the normal seasonal sports events or violate a reasonable rule regarding academic standards. This is provided for in S. 3500.

The bill, however, does provide a mediation service through the board in the event of a dispute between an athlete and a chartered sports association.

It is this particular section, section 203, of the Pearson bill that I believe needs to be strengthened, and my amendment is designed to do that.

Let me indicate now what my amendment would do. First of all, looking at the Pearson bill, section 203, page 19, starting on line 18, down through line 23, to the words "resolve such dispute" would be included in the Humphrey substitute to the Cook amendment. Following that, I would add language, that is taken from the Cook amendment relating to mandatory arbitration.

The Pearson bill provides that an amateur athlete or a chartered sports organization, can appeal a dispute under the terms of S. 3500, for the purpose of mediation to the Amateur Sports Board.

The Pearson bill says that with the consent—and I underscore the word "consent"—of the affected parties in the dispute, the Board shall resolve the dispute and in such case the decision of the Board shall be final.

Now, in order to enforce that subsection (b) of section 203 the act requires that the Board, through its own attorneys, the Attorney General, or an aggrieved person can apply to the district courts of the United States for enforcement.

Mr. President, there are two weaknesses with this provision. First, you have to get the consent of the affected parties if you are gong to have a binding ruling. Second, you would have to appeal to the courts, which are already overloaded and have a heavy docket and heavy calendar, and it would be my judgment that these cases would not take the highest priority. And, therefore, a decision delayed is really a decision denied, because the athlete who appeals or the organization that appeals a grievance within the terms of the Act would frequently be denied the opportunity to participate because of the delay which would come from the mediation efforts of the Board, plus the application to a district court for enforcement.

What I am really trying to say is that the courts have other business that perhaps has a higher priority.

The importance of having binding arbitration and prompt resolution of a dispute is underscored by the fact that many of these disputes between an athlete and an athletic organization or an athlete and academic institution are brought in just prior to the national or international competition in which an athlete would like to participate. Therefore, prompt action is required. To get a decision after the event takes place or after the competition has taken place resolves nothing in so far as the rights of the athlete are concerned.

So my amendment takes the language starting in section 203 on line 18 down through the word "dispute" on line 23, and substitutes language from the Cook-Humphrey bill which relates to mandatory arbitration.

Therefore, the amendment that I propose would be as follows:

In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or any duly authorized member of the Board or the American Arbitration Association as provided for in the following Sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Providing further*, That the association is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

The purpose of that is to get action within 48 hours so that the athlete who may be participating in an international sports event and who finds himself in some grievance with a chartered sports organization will be able to get a decision, and that decision can be handed down under the terms of my amendment either by the Board, as is indicated in the Pearson proposal, or by a member of the Board or by a panel set up by the American Arbitration Association. Therefore, the affected party, that is, the aggrieved party, whoever that may be, has options. The aggrieved party can say, "Well, I will take my case to the Sports Board set up under the Pearson bill," or the aggrieved party can say, "I will take my case to an authorized member of the Board," or the aggrieved party can say, "No, I will take it to a panel set up on a regional basis by the American Arbitration Association."

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. At this point that aggrieved party, once he makes that decision, must accept the ruling of either the Board, the Board member, or the arbitration panel.

Yes, I now yield, Mr. President.

Mr. PEARSON. Mr. President, do I understand the Senator's amendment would provide that the aggrieved person might go to the Sports Board as authorized in this bill or the American Arbitration Association?

Mr. HUMPHREY. That is correct, sir.

Mr. PEARSON. Or the American Arbitration Association?

Mr. HUMPHREY. Either one.

Mr. PEARSON. Either one.

Mr. HUMPHREY. With the option being up to the athlete.

Mr. PEARSON. Is there any requirement in the Senator's amendment that would require the American Arbitration Association to take a case such as this—and the reason I ask the question is that we have been in contact with the American Arbitration Association this morning, and they, as I understand it, are a nonprofit, private organization, and they have no obligation to undertake a review of a question. As a matter of fact, if they do not make it subject to resolution, they will not take it; I understand they have no duty to take it. But if the parties by contract say they want the arbitration board, they will entertain it. I do not think there is a Federal statute, but if a State statute deignates it, they will take it.

However, I am concerned about designating the American Arbitration Association to handle these matters when

they probably have no duty under the Senator's amendment or the bill to entertain the jurisdiction.

Mr. HUMPHREY. The reason we have options in the amendment——

Mr. PEARSON. But we do have the option.

Mr. HUMPHREY. The Board or the American Arbitration Association or any individual can contract with the American Arbitration Association.

Mr. PEARSON. That is correct.

Mr. HUMPHREY. All this would provide——

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

Mr. HUMPHREY. I yield.

Mr. PEARSON. I think further if we designate them in this bill and if the bill should pass, I imagine they would entertain it if we brought it to them.

Mr. HUMPHREY. That is what I think.

Mr. PEARSON. I do not think there is any duty to do so.

Will the Senator yield for me to make a further observation?

Mr. HUMPHREY. I yield.

Mr. PEARSON. This relates to a matter the Senator referred to and the Senator from Kentucky made this same point earlier.

If it were a long and drawn out proceeding, and if there were involved a matter before the Federal courts, when the time frame might be immediate, a young athlete might be denied the opportunity to participate in a meet 2 days away. The remedies here are injunctive relief and the application to the court for a temporary injunction.

Mr. HUMPHREY. Sometimes injunctive proceedings are immediately appealed, which could extend the time of the litigation, but having studied the Senator's bill, its basic features are essentially sound and much desired.

My only concern, and my concern has been a long concern, is how to resolve these respective disputes. The Board will set up standards for the chartering of sport groups. That is a decision to be made by the Board.

Mr. PEARSON. That is very helpful.

Mr. HUMPHREY. The only thing I am trying to do is to give the athlete some options. If he feels the Board may be stacked against him he does not have to go to that body. If he feels the Board is all right he could go to the Board. But if he feels the Board would not give him a fair deal he has a right to ask for the American Arbitration Association.

I do not think we can compel the American Arbitration Association, even though it is in this bill, to set up a panel on a regional basis to act on a dispute.

My amendment seeks to do two things. One, I believe the Cook amendment, to which I made some contribution, is not as good as the Pearson bill. It opens up uncertainties. It is not as clear and precise as S. 3500. I think the Pearson bill also has several features that are very commendable; for example, the setting up of a foundation, the chartering of sports associations by the Board. All of this is desirable. My amendment comes from legislation I personally cosponsored with the Senator from Kentucky.

I do feel, having had some experience with these issues in the past, that if we are going to go into any kind of mediation it is better to have provisions which will give finality. I agree with the Senator from Kansas that his bill may not have extended time involved. Injunctive proceedings could be used.

But I think my amendment strengthens the Pearson bill. It does no damage to its standards and its basic features, and it would assure the rights of the athletes more precisely and definitively than the Cook amendment or the present language in the Pearson bill.

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

Mr. HUMPHREY. I yield.

Mr. TUNNEY. In the bill, section 203(b), on page 20, there is this language:

Mr. HUMPHREY. I have the section before me.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, are we under a time limitation?

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. HUMPHREY. I was not here at the time the unanimous consent was agreed to.

Mr. TUNNEY. On my time.

Mr. HUMPHREY. Fine.

Mr. TUNNEY. There is language in section 203(b) that states:

(b) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) an aggrieved person, the district courts of the United States shall have concurrent jurisdiction with the courts of the States to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

Do I understand the Senator's amendment to knock out section 203(b)?

Mr. HUMPHREY. The Senator is correct.

Mr. TUNNEY. Was it the intention of the Senator from Minnesota to deny to the board or the Attorney General or the aggrieved person the right to go into court and get an injunction against a violation of a directive issued by the board?

Mr. HUMPHREY. My amendment does just this: the party that has a dispute or grievance may take his grievance to the Board for decision or to a panel set up by the American Arbitration Association, and that ruling, under the option that the aggrieved party may select, shall be final. That is it.

Mr. TUNNEY. What about a situation where the Board has issued a directive and the athletic association, in the view of the Board, has violated that directive? Is the Board precluded from going into the district court in order to get an injunction to prevent that association from violating the directive?

Mr. HUMPHREY. No. In this instance my amendment provides—if the Senator would cast his eyes upon subsection (d)—

Any person whose claim is upheld by an arbitration decision—

This presumes that there has been a dispute and a decision has been handed down.

under subsections (b) and (c) may bring suit in a United States district court . . .

Mr. TUNNEY. If I may interrupt the Senator, that assumes there has been arbitration. What about a situation where the Board feels its directive has been violated by the association and it wants to go to court to get an injunction? Does it first have to go to arbitration?

Mr. HUMPHREY. No, if the Board feels that its rules or regulations are being violated or in any way being rejected, the Board has the right to go to a court to seek relief.

My amendment applies to an individual or an association that is chartered under the Board's jurisdiction.

Mr. TUNNEY. Mr. President, would the Senator object to including subsection (b) in his amendment? In his amendment he strikes out subsection (b), which is a right that is given to the Board to go to court if it feels that its directive has been violated. By knocking it out in his amendment, it would seem to me that the legislative history would be pretty clear that the Congress did not intend for the Board to have the right to go to court on its own, and it would have to first go to arbitration.

It might well be that the Senator did no intend that to happen, but I would suggest to the Senator, my distinguished friend, that that is, in fact, what he does do with his amendment.

Mr. HUMPHREY. Mr. President, let me say the purpose of my amendment is that if an athlete or a chartered group feels that they have a dispute with the Board, with another sports association, or with another institution, then that individual, organization or institution may ask either for a ruling from the Board, which I doubt in this instance it would do unless it had a dispute with the Board, or to go to an arbitration panel.

The essential purpose of my amendment is to protect the rights of the individual athlete.

Mr. TUNNEY. I understand that, and I think that the Senator is to be commended for the support he has given to his amendment. I am just concerned about the situation where, in his amendment, he knocks out a section of the bill which gives the board the power to go to court to get an injunction, if it feels that its directive is being violated by a sports association.

Mr. President, I know that his intention is not to circumscribe in any way the powers of the board to go to court. I would suggest by knocking out the operative language of the bill, which gives the board the power to go to court, that is, in fact, what he is doing. I would be happy to discuss it in a quorum call, if the Senator would wish to.

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

Mr. PEARSON. Would the Senator withhold that, Mr. President?

Let me say to the Senator from Minnesota, I think the substitute amendment is an improvement over the Cook proposal in two ways.

First of all, the Cook proposal left everything in a shambles, the mess just as it was, and superimposed on top of this conflict and history of disagreements compulsory arbitration.

The Senator does not do that. He asks us to adopt what we hope is a reform of amateur sports under his proposal.

The second improvement, as I see it, was the point developed by the Senator from California this morning. Under the Cook proposal, the only person who might have a standing before arbitration or the court was an athlete who was eligible under international regulations and those international regulations could be invoked by the AAU in control in the U.S. Olympic Committee, and make one ineligible to go to arbitration or to court. This is changed in that.

I just have this holdover reservation about compulsory arbitration.

I would think that the Board, in granting a charter to an association, within its inherent powers would have some understanding about whether or not they would agree to arbitration.

So, Mr. President, I have some resistance to the Senator's amendment, although it is a massive improvement over the prior proposal. I still have this resistance to forcing people to go into a settlement under circumstances and in a climate that I think will be much improved.

Mr. HUMPHREY. May I just say I understand fully the concern of the Senator from Kansas. It is not the purpose of the Senator from Minnesota to do anything that will materially or in any way damage the Pearson bill.

Mr. PEARSON. I believe it improves it.

Mr. HUMPHREY. May I suggest to the Chair that I am concerned about the parliamentary situation, and I would like some advice concerning the current timeframe.

Would the Senator yield for that purpose?

Mr. PEARSON. I yield to the Senator.

The PRESIDING OFFICER. The Senator from California has 5 minutes.

Mr. HUMPHREY. May we suggest the absence of a quorum?

Mr. PEARSON. How much time is remaining on the bill for the proponents and the opponents?

The PRESIDING OFFICER. Seventeen minutes and 10 minutes.

Mr. HUMPHREY. Would the Senator yield for 5 minutes?

Mr. TUNNEY. I yield the Senator 5 minutes.

Mr. HUMPHREY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair will inquire of the Senator, to whom will the time for the quorum call be charged? Does the Senator ask for unanimous consent?

Mr. HUMPHREY. The only man with quorum call money in the bank is my good friend from Kansas.

The PRESIDING OFFICER. The Senator may always ask that the time not be charged.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. 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. HUMPHREY. Mr. President, after having consulted with the Parliamentarian, I wish to withdraw my amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HUMPHREY. Mr. President, I send to the desk a perfecting amendment to S. 3500.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HUMPHREY's amendment is as follows:

In lieu of the language in section 203, on House Resolutions 19 and 20, proposed to be stricken out by the Cook amendment, insert the following:

MANDATORY ARBITRATION

SEC. 203 (a). GENERAL.—In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or the American Arbitration Association as provided for in the following Sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

(b) ARBITRATION.—(1) Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

(2) Any person whose claim is upheld by an arbitration decision under subsection (1) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence any part to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision: except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the Act upon which the person based his claim for arbitration under subsection (1). Any person who submits a claim for arbitration under subsection (1) may bring suit in such court to compel arbitration pursuant to subsection (1), and the arbiters of an arbitration under subsection (1) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under this Act in violation of such subsection may (in lieu of seeking arbitration under subsection (1) bring suit in such court for adjudication of such denied right.

(3) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim.

(4) The arbiter of any arbitration under subsection (1) may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (2) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

(C) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) an aggrieved person, the district courts of the United States shall have concurrent jurisdiction with the courts of the States to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

Mr. HUMPHREY. Mr. President, I have now, during the quorum call, discussed this amendment in considerable detail with the Senator from Kansas (Mr. PEARSON) and the Senator from California (Mr. TUNNEY), as well as in consultation with the Senator from Kentucky (Mr. COOK). We have made some modifications and changes from the original amendment which I believe are highly desirable. First, we have, under mandatory arbitration, stricken the language "or duly authorized member of the board," thereby giving the athlete either the option of using the full board or the panel of the American Arbitration Association.

Second, since I did say earlier to the main sponsor of the bill, the Senator from Kansas (Mr. PEARSON), that there was no intention on the part of my amendment to interfere with the Board's prerogatives in chartering, we have stricken the language in section (c) which appeared on page 2 of my amendment through line 13 on page 3, so as to remove any ambiguity or any lack of certainty in the legislative history, so that the board has the complete authority for the chartering of the respective sports associations.

Third, so there may be no doubt about the purpose of this amendment, it applies to international competition. That is, of course, the thrust of the bill that is before us. With that, we have also answered the question of the distinguished Senator from California, who was eminently correct in his interrogation of the Senator from Minnesota, about subsection (b) of the language in the Pearson bill under section 203. We are keeping that enforcement language for the Board's decision.

So we have two enforcement provisions, one for the arbitration panel and one for the Board.

Have I now correctly explained the changes that have been made and the agreements which have been arrived at?

Mr. TUNNEY. I think the Senator from Minnesota has very ably explained his amendment and the changes that have been made in it.

I think that the amendment represents an improvement of the legislation. Of course, I cannot speak for the author of the bill, the Senator from Kansas (Mr. PEARSON), but, acting as floor manager of the bill, I am prepared to accept this excellent amendment for the committee.

Mr. HUMPHREY. Let me make it clear that this is a perfecting amendment to the Pearson bill, that it is not a substitute for the Cook amendment. The Cook amendment will be voted upon separately.

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

Mr. HUMPHREY. I yield.

Mr. BEALL. As I understand it, then, the Cook amendment is now before us?

Mr. HUMPHREY. No——

Mr. BEALL. The Senator is amending the Cook amendment; he will be withdrawing his amendment in the form of a substitute and, after the Cook amendment has been disposed of, he will be offering this amendment?

Mr. HUMPHREY. No, the parliamentary situation permits the Senator from Minnesota to offer his amendment as a perfecting amendment now to the Pearson bill, which I am now doing. Following the disposal of this perfecting amendment, it is my understanding from the Parliamentarian that we will then vote upon the Cook amendment, without any substitute from the Senator from Minnesota being offered.

Mr. BEALL. Although the Senator from California might be willing to accept the amendment, some of us who are present on the floor might wish to express some opposition to the amendment.

Mr. TUNNEY. Would the Senator like to have a vote?

Mr. BEALL. I think it might be desirable to have a vote on the amendment, but I would first like to have some understanding of what the amendment is.

As I understand it, what in effect the Senator is doing is just adding some arbitration procedure to the bill before the Senate.

Mr. HUMPHREY. What we are doing is taking the mandatory arbitration features of the Cook amendment and placing them in lieu of the language in section 203 of the Pearson bill, plus we provide for mandatory mediation by the board.

Mr. BEALL. The mandatory mediation by the Board——

Mr. HUMPHREY. That is, if the athlete decides to use the Board.

Mr. BEALL. Under the bill as originally presented, the negotiation of the arbitration was voluntary as far as the Board was concerned.

Mr. HUMPHREY. That is correct.

Mr. BEALL. Does the Senator keep it voluntary?

Mr. HUMPHREY. No, not at all. If the athlete opts to use or decides to take his case to the Board, or if he decides to take his case to a panel of arbitrators from the American Arbitration Association, having made the decision as to where he wishes to take his grievance, the ruling either of the Board or of the arbitration panel is mandatorily controlling.

The present bill, the bill before us, requires that all affected parties would have to have an agreement before they went to the Board.

Mr. BEALL. I am not quite sure—then the Senator would give them two avenues to get the same action?

Mr. HUMPHREY. We give the athlete the option. We give the athlete the choice.

Mr. BEALL. Why does he have a choice?

Mr. HUMPHREY. He may not want to use it, but why not give it to him if he wishes to use it?

Mr. BEALL. So there is nothing voluntary at all. Once the athlete files a complaint with the Board he chooses to go the route that takes him to the Board.

Mr. HUMPHREY. That is correct.

Mr. BEALL. Once he files a complaint it is mandatory on the parties to the dispute to come to the Board to have their differences negotiated or settled.

Mr. HUMPHREY. Settled.

Mr. BEALL. And that determination is binding.

Mr. HUMPHREY. That is correct.

Mr. BEALL. It is a compulsory arbitration.

Mr. HUMPHREY. That is correct.

Mr. BEALL. On the part of the Board.

Mr. HUMPHREY. Then if he decides not to use the Board, which he may very well decide, he goes to the American Arbitration Association which sets up what we call a regional panel, that is, a panel within the region of the athlete's interests and residence, and that arbitration panel's decision is mandatory and conclusive. That is the language in the Cook bill.

Mr. BEALL. My only question is—my opposition to the Senator's amendment, as is my opposition to the bill, that it creates a Federal amateur athletic board unnecessarily. It seems to me——

Mr. HUMPHREY. That is another feature.

Mr. BEALL. Right.

The problem is that we have not been able to settle disputes. The Cook amendment goes right to the heart of the problem by establishing a procedure whereby the disputes can be settled and eliminated.

Mr. HUMPHREY. The Humphrey amendment does that.

Mr. BEALL. This creates an additional bureaucracy.

Mr. HUMPHREY. No, no.

Mr. BEALL. As I understand the Senator's amendment, we are adding a Federal bureaucracy, on the one hand, and then, at the same time, setting up an alternate arbitration procedure which may or may not be used.

Mr. HUMPHREY. May I say the Senator from Minnesota has taken the language of the Cook amendment, to which he was a party, on the matter of compulsory arbitration, and made it a perfecting amendment to section 203 of the Pearson bill. In other words, section 203 of the Pearson bill is rewritten to allow binding arbitration of a dispute or a grievance, once the channel of arbitration is chosen by the attorney for the aggrieved party.

I also agree that the aggrieved party, if he so desires, can go to the Board and use it as the arbitration panel.

Mr. BEALL. And get the same result.

Mr. HUMPHREY. And get a binding decision. But that is up to the aggrieved party. In other words, the aggrieved party has two choices: the Board or an arbitration panel set up by the American Arbitration Association. The Cook amendment provides for the American Arbitration Association.

The only difference between the Cook amendment and my amendment on this matter is that I give the option of the Board for the arbitration.

Mr. BEALL. Why have both?

Mr. HUMPHREY. Why have both? Why not? I think it is better.

Mr. BEALL. If you are giving it to the Board it seems to me you are creating an additional Federal bureaucracy that is not needed because you have the procedure already established under the Cook amendment where the dispute can be arbitrated. That is the whole heart of the problem.

Mr. HUMPHREY. The Senator from Minnesota happens to agree that the Pearson-amended Board is desirable. I also believe deeply in the protection of the rights of the athlete. I am amending the Pearson bill now, but that does not preclude us from voting for the Cook amendment. I am amending the Pearson bill to see that there is binding mandatory arbitration, and we give two channels for that arbitration.

Mr. BEALL. I think it is commendable, of course, to be able to resolve the dispute. But if you vote for the Cook amendment, then we are eliminating the Board and, I think, that has some merit. As the Senator from Minnesota is saying—I am not sure he is telling me—I thought he was telling me he may vote for the Cook amendment which would eliminate the Board.

Mr. HUMPHREY. Well, it is my judgment that the language we provided here gives greater freedom to the athlete. The individual athlete is protected. The individual can go, if he wishes, to the Board. But if he does not go to the Board then he goes to the arbitration panel, and that is the mandatory provision.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. Yes, if I have time. I guess I have because I reintroduced the amendment.

Mr. COOK. We are getting closer all the time, may I say, to what I have been talking about since noon.

I am wondering if the distinguished Senator from Minnesota—as he so aptly says, the right of arbitration should be in section 203, and the distinguished Senator from California has indicated that he would be willing to accept that

language—really means to restrict that right of arbitration or whether he feels that there should be an unlimited right of arbitration within the amateur sports field in the United States?

In other words, what I am really asking the Senator is, he knows that in section 204 is the language "individually or in common with other institutions," which allows the NCAA to have all of the rules that they presently have, which means they would be eliminated from the procedures of compulsory arbitration that the Senator proposes to put into section 203.

It is my desire to offer an amendment that would strike the language in section 204 "individually or in common with other institutions," so that all athletic associations in the United States would be on a par, as the Senator wishes to do by the imposition of his language in section 203.

I would frankly like to know how the Senator feels about the striking of that language in section 204 which, in essence, then equalizes all athletic associations and organizations throughout the United States by the language that the Senator wishes to put into section 203.

Mr. HUMPHREY. May I say to the distinguished Senator from Kentucky, I understand very well what his very short amendment will do. But it changes the thrust of section 204 very definitely.

I have made up my mind, Senator, that once we are able to accomplish the protection of the rights of the athlete under binding arbitration I will go along with and support the balance of the provisions of S. 3500, the Pearson bill and, therefore, section 204 on page 22, I believe, is where the Senator's amendment would apply——

Mr. COOK. Yes.

Mr. HUMPHREY. I do not feel is required. I see its merit but I do not believe that it is substantially required.

Mr. COOK. May I ask the Senator then does he feel in essence and, very frankly, that the NCAA ought to be treated differently from any other athletic association or organization in the United States?

Mr. HUMPHREY. I think that the section is quite explicit, Senator. I am not the author of the section. The Senator from Kansas and the Senator from California know it much better, but it states that no chartered sports association or any other sports association may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition; nor may it censure subsequent to such competition or subsequently penalize any such athlete who participates where such competition is sanctioned by a chartered sports association pursuant to the provisions of this section.

Once the sports association has been chartered, the right of that athlete is protected. The amendment that I offer protects the right of the athlete to seek a decision in the event he feels that he is being discriminated against by any group, whether he is being discriminated against by the board or by the——

Mr. COOK. But, Senator, not if the NCAA discriminated.

Mr. HUMPHREY. I do not see that, Senator.

Mr. COOK. It states here "or other educational institutions individually or in common with other institutions to promote the educational welfare of amateur athletes or students at such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport."

So what we are doing here is we are imposing compulsory arbitration on every amateur athletic association, organization, group in the United States, save one.

Mr. HUMPHREY. No, I do not see that, Senator. I may not get the thrust of your argument, but let me just yield to the Senator from California.

Mr. COOK. Certainly.

Mr. HUMPHREY. Because I want to be sure I know what we are talking about.

Mr. TUNNEY. I think the Senator is raising an ancillary issue. It has nothing to do with the amendment of the Senator from Minnesota.

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

Mr. TUNNEY. I yield.

Mr. COOK. Can the Senator say to me and for the benefit of the record that if the language of the Senator from Minnesota is accepted authorizing compulsory arbitration on the part of an athlete, will the Senator say that that same right of compulsory arbitration is given to and extended to an athlete who is denied permission to compete or denied permission to be associated with a particular sport under the present recognition of the NCAA?

Mr. TUNNEY. The Senator means intercollegiate or interscholastic sports. The answer is no. It does not apply. We are not dealing with intercollegiate sports. We are dealing with international sports, which are part of Olympic competition.

Mr. COOK. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield.

Mr. COOK. Could any member of the U.S. basketball team last summer have been authorized compulsory arbitration, having been denied the right to participate against the Russian basketball team, under the language of section 204?

I will answer the question for the Senator.

Mr. TUNNEY. I would suggest to the Senator that the language of the legislation is not clear on that point.

Mr. COOK. Does the Senator not think we should make it clear?

Mr. TUNNEY. Certainly not the way the Senator would make it clear with his amendment.

Mr. COOK. Let us take Fred Samara from the University of Pennsylvania. Could he have done it last year?

Mr. TUNNEY. The answer to the question is clear because the way the language of the bill states it, the problem is that an educational institution individually or in common with other institutions can prevent an athlete from competition:

(1) To promote the educational welfare of amateur athletes who are students of such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport.

The reason that language is there is to assure that a college will not be faced with a situation where it has a meet with some other college while its best star athletes are off competing in some international competition. That is to protect the colleges. The colleges desire that, and it makes a great deal of sense.

Also, we have a provision that the educational welfare of the student may sometimes dictate that he not be allowed to compete in an international competition when, for instance, he has exams coming up and the college could then prohibit a student from such competition. I think that makes a great deal of sense, also.

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

Mr. TUNNEY. I yield.

Mr. COOK. Will the Senator explain to me why that provision was used last summer to prevent Bill Walton, Marvin Barnes, and Ernie DiGregorio from playing against the Russians? Can the Senator explain to me why during the summer Jack Langor from Yale could not participate in the Maccabee games in Israel because the NCAA said it was in the best interest of his scholastic something or other?

Can the Senator explain why basketball players at Louisville could not participate in the efforts of the recreation department of Louisville to teach young people how to play basketball? All of that comes under the language the Senator wishes to keep in this bill.

Unfortunately, both the Senator from California and the Senator from Minnesota feel some insistence that this language should stay. But the point is when they permit an organization to speak for all other institutions and impose these rules and regulations, the institution is helpless.

The University of Louisville did not mind these people participating. It was Kansas City, the home office. Yale did not mind Jack Samara going to the games; it was the home office in Kansas City.

That is the point I am making and it is the point the Senator is not facing up to in this bill.

Mr. HUMPHREY. Wait a minute, Senator. This is on my time. My amendment is section 203——

The VICE PRESIDENT. The Senator from Minnesota has used all of his time.

Mr. HUMPHREY. I did not get a chance to use it, Mr. President.

Mr. TUNNEY. Mr. President, how much time does the Senator from California have remaining?

The VICE PRESIDENT. The Senator from California has 9 minutes remaining.

Mr. TUNNEY. I yield 3 minutes to the Senator from Minnesota.

Mr. COOK. Mr. President, if the Senator will yield to me for 30 seconds, first, the point is that Yale told Jack Langor to go to the Maccabee games and Yale was placed on probation for 2 years. That is the point and that is why the language in the bill is so undesirable.

Mr. HUMPHREY. The language of the Humphrey amendment is separate and distinct from section 204. My amendment states:

In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations—

under the terms of the Pearson bill—

(2) a sports organization; or (3) an amateur athlete, the board or any duly authorized member of the board or the American Arbitration Association as provided for in the following sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

As far as I am concerned, that is the controlling language.

I can understand why the provisions are written in in terms of educational institutions, insofar as the educational welfare of the students is concerned. That is what an educational institution is designed to take care of. However, there have been abuses under that provision so if a student feels he has been denied he could come in and ask the board or the arbitration panel for a decision.

I do not believe that section 204 relates only to the NCAA because it relates to other organizations.

I believe the Senator from California is correct when he said we are primarily talking about international competition and, secondly, about the welfare of the students. The provision of the mandatory provision I introduced provides a way to settle these disputes. There has been no authority to settle any dispute. Athletes have been threatened. Athletes have been threatened by one organization or another if they wanted to compete, and they have had no way to find if they were right or wrong under the terms or rules.

I think we should vote for the Humphrey amendment quickly and then we will take on the Cook amendment next. The Senator is for that, is he not?

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

Mr. HUMPHREY. I yield.

Mr. COOK. The Senator talks about chartered organizations. The constitution of the NCAA states it cannot be a chartered organization and it cannot possess a charter.

This language was worked out carefully. If the Senator would change his amendment from the floor and use the language "a chartered or athletic organization."

Mr. HUMPHREY. I have in my amendment "a chartered sports association and first, any other chartered sports association or associations; second, a sports association; or third, an amateur athlete." That covers everything except tiddlywink players, and I think we could cover them.

Mr. TUNNEY. I think the Senator has made his point very well. We are talking about an amendment to section 203, and I see no reason to debate it further. I think we should go to a vote to see who has the votes.

Mr. COOK. Will the Senator yield?

Mr. TUNNEY. It is my time. I yield for a question.

Mr. COOK. The question I would like to ask the Senator from California is, would he, in the perfecting amendment, agree on the second line, in case of any dispute which involves a chartered sports association, to remove the words "chartered" so that it says "which involves a sports association and, one, any other chartered association or associations"?

Mr. TUNNEY. No; I will not.

Mr. COOK. He would not?

Mr. TUNNEY. No; I would not.

Mr. COOK. I will ask for the yeas and nays at the end of the debate on the perfecting amendment of the Senator from Minnesota, so that I might have an amendment striking the word "chartered" in the second line.

Mr. TUNNEY. Mr. President, I understand the Senator from California has about 6 minutes left.

The VICE PRESIDENT. No, the Senator from California has 4 minutes left.

Mr. PEARSON. Will the Senator yield? What is the pending business?

The VICE PRESIDENT. The vote is on the perfecting amendment of the Senator from Minnesota.

Mr. PEARSON. May I inquire of the time remaining?

The VICE PRESIDENT. There are 4 minutes remaining for the Senator from California.

Mr. PEARSON. I thank the Chair.

Mr. TUNNEY. If it is agreeable to the Senator from Kansas and to the Senator from Minnesota, I am prepared to yield back the remainder of my time. We might as well have a vote. Does the Senator want a record vote?

Mr. HUMPHREY. I have no desire for it unless I lose on the voice vote. Then I shall ask for a record vote.

Mr. TUNNEY. I yield back the remainder of my time.

Mr. COOK. I will ask for the yeas and nays, and ask how much time there is left on the amendment.

The VICE PRESIDENT. There is no time remaining on the amendment of the Senator from Minnesota.

Mr. COOK. Mr. President, I have an amendment that I would like to prepare and send to the desk, and ask that I might have sufficient time to do so.

The VICE PRESIDENT. Is there objection?

Mr. TUNNEY. Reserving the right to object, an amendment to what? Is it a perfecting amendment to the amendment of the Senator from Minnesota?

Mr. COOK. That is correct.

The VICE PRESIDENT. It is an amendment to the perfecting amendment of the Senator from Minnesota.

Mr. TUNNEY. Is that an amendment in the second degree?

The VICE PRESIDENT. This would be in the second degree.

Mr. TUNNEY. I object.

The VICE PRESIDENT. There is objection.

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I move that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

Mr. COOK. Mr. President, I send to the desk a perfecting amendment to the perfecting amendment of the Senator from Minnesota and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On line 2, Sec. 203, strike the words "chartered sports association," and insert the words "sports organization."

Mr. TUNNEY. Mr. President, a parliamentary inquiry. Is it my understanding that this amendment is in order?

The PRESIDING OFFICER. This amendment is in order. Who yields time?

Mr. COOK. I yield myself 5 minutes.

Mr. President, what this amendment does is it picks up the compulsory arbitration of the distinguished Senator from Minnesota, and it also clarifies the situation to the point where, by striking the words, "chartered sports association", and inserting "sports organization", it overcomes the language in section 204(d) of the bill which very apparently seems to give an exclusion in this bill to any action that is taken by the NCAA because the language in section 204(d) says that individually or in common with other institutions that they may have such rules and regulations as they want to, and that the compulsory arbitration does not apply to them.

The best example I can give you why it does not apply to them under the present language is because the amendment is going to be vigorously fought by the distinguished Senator from California and the distinguished Senator from Kansas. Therefore, if, in fact, we are talking about any sports organization, as the Senator from Minnesota said, then obviously they would not mind this slight change, because this really applies to any sports organization.

But what we are really saying by this amendment is that it truly does apply itself to any sports organization.

The point I am trying to make to the Members of this body, Mr. President, is that by this language and by this perfecting amendment to the Humphrey perfecting amendment, it puts every sports organization, association, and chartered organization on their own. It leaves every individual institution on its own. It can have the NCAA. There is no problem with this. They can have that association. They can function within that organization. But that organization will not have a life and death toll without the right of compulsory arbitration that all of the rest of the organizations in the United States—amateur associations, organizations, chartered organizations—will have by the inclusion of

the language of the distinguished Senator from Minnesota.

If I am wrong, that by changing this we do not apply it across the board, then someone tell me. If I am wrong by saying this does, in fact, exclude the NCAA, in the language with respect to individually or in common with other institutions, then I would appreciate very much being told.

I think we have here a degree of exclusivity. We have decided to accept the language of the Senator from Minnesota, allowing the compulsory arbitration as it applies to the Olympic Committee, as it applies to the AAU, as it applies to the amateur organizations throughout the United States. What we are saying is that this compulsory arbitration in regard to the rights of athletes will not apply to the NCAA, the National High School Athletic Association, and the NAIA—that those three organizations are going to be excluded from the operation of this bill. Yet, the right of compulsory arbitration is granted to athletes in every other amateur sports organization in the United States.

If I have overlooked something by reason of this language, I would be delighted to be enlightened.

I feel that without the inclusion of this language, which the Senator from California did not want and would not agree to, section 204(d) stays intact; and under section 204(d), those facilities will have the right to impose such rules and regulations on the young athlete to the extent that they wish to do so.

The best example, which I gave a moment ago, was the fact that when Jack Langer wanted to go to the Maccabee games in Israel, NCAA denied him the right to do so. Yale University said to him, "Young man, if you want to compete in that facility, you go ahead." By reason of that action on the part of Yale University, they had to take a 2-year suspension by NCAA, and they had to live with it.

This is the very point we are getting at.

May I also say to the Senator that if the University of California at Los Angeles or if Providence University had said to Bill Walton, Marvin Barnes, and Ernie DiGregorio last year, "If you play against that Russian team and represent your country, you may do so," and the university said that they could, the NCAA would have put both those schools on probation, which would have meant that they could not compete in championship games as a result of being members of the NCAA. That is the very point and the very heart of the matter.

Mr. President, I reserve the remainder of my time.

Mr. TUNNEY. Mr. President, one of the great misnomers is to call this amendment a perfecting amendment. It is a perfect monstrosity.

What this amendment would do would be to open up to arbitration every dispute between an athlete and his university, his college, any sport association—high schools, junior high schools. It would make no difference. It would open it up to compulsory arbitration. There would be no test, as we have in our bill, that the dispute has to relate to an international competition and between a chartered sports association and an athlete or some other association, under the terms of the proposed legislation.

If the Senator is talking about developing a Federal Gargantua in the form of a sports board, this is precisely what he would be doing if the Senate were to accept the amendment that has been offered by the Senator from Kentucky. It would mean that we would have compulsory arbitration over every dispute in high school and in college where an athlete felt that he was being aggrieved by his educational institution, by the NCAA, or by any other organization. I am sure that is not what the Senator from Kentucky intends, but that is exactly what would be the effect of his amendment.

It is also clear that the proposed legislation, without the so-called perfecting amendment of the Senator from Kentucky, applies to the NCAA. It applies to the NCAA as it relates to international sports—sports that are played in the Olympic Games. The NCAA can be made the subject of compulsory arbitration or mediation by the sports board. That is clear. It is in the bill.

I think that anyone who is opposed to seeing an intrusion of the Federal Government or compulsory arbitration in the field of amateur sports would have to reject out of hand the perfecting amendment of the Senator from Kentucky.

Mr. COOK. I yield myself 1 minute.

Mr. President, I am absolutely amazed at the theory and the logic of the Senator from California. It defies interpretation by the wildest stretch of one's imagination. Since when is a college a sports organization? Since when is a high school a sports organization? We are talking about a sports organization within the confines and within the definition of S. 3500, as delineated on page 4, starting at line 23.

For the life of me, I cannot figure out how, all of a sudden, I am the culprit who has said that every high school athlete is going to arbitrate against his high school and is going to arbitrate against his college or his university.

The PRESIDING OFFICER (Mr. BARTLETT). The Senator's 1 minute has expired.

Mr. COOK. I yield myself 1 additional minute.

We are using the words "sports organization." I suppose that university is chartered. It has to be chartered somewhere. So I suppose that by the Senator from California's definition, if we leave in the language "chartered sports association," we have then said, "If you play for a college and the college is chartered, you are automatically a chartered sports organization." I do not think anybody is going to buy that rationale, by any stretch of the imagination. I do not think anybody has to sit here and feel that that logic flows from changing the words "chartered sports association" to "sports organization."

I know what is coming through. What is coming through is that if you do not have this language, you are excluding somebody from compulsory arbitration, and you are trying your best to do it.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COOK. I yield myself 1 additional minute.

If the language "chartered sports association" is perfectly all right, I should like to ask any constitutional authority in the Chamber, who would like to pass judgment on it, to give me the comparison between the phrases "chartered sports association" and "sports organization."

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

Mr. COOK. I yield.

Mr. TUNNEY. Mr. President, all one has to do in order to get the definitions is to read the bill.

"Sports organization," as it is defined in S. 3500, means a club, federation, union, association or other group except a chartered sports association which sponsors or organizes any amateur athletic competition in which amateur athletes may compete if they are members of or affiliated with an institution which is a member of such group.

That could mean any high school or any college, and it would not relate necessarily to international sports. It could relate to little league baseball.

The problem with the Senator's amendment is that he is using words of art—"sports organization"—which words are defined in the bill. They are defined in the bill in a way which is totally contrary to the thrust of the Senator's amendment.

Mr. COOK. The Senator from California asked me to yield, and I do not want to yield for anything but a question.

I will get to the heart of this matter and say to the Senator from California that I think he would have to agree with me that the NCAA is not a chartered sports organization. That is the key to what we are talking about. The NCAA is a sports organization, but it is not a chartered sports association. That is why, if we do not change this language, we leave the NCAA and its rulemaking power intact, and we make compulsory arbitration necessary for every other sports organization, association, or chartered group in the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. I yield myself 1 additional minute.

This is the heart of the very debate we are having.

The Senator from California wishes to keep the words "chartered sports association" because he knows under the constitution of the NCAA it is not a chartered sports association. Under the definition of the bill, it is a sports organization and, therefore, would be subject to compulsory arbitration, and that is the heart of the question. That is why the Senator, wishing to cover the parameters of the situation, should be delighted to accept my language so that it will prevail equally throughout the United States, which is, after all, what we want.

We are really saying—and I ask for 1 more minute because I am sure my minute is about to run out—what we are really saying is that we are giving a bill of rights to athletes in the United States of every sports association, organization, and group, except for those young athletes who are under the jurisdiction of the NCAA.

I suggest and put into this record that that is discriminatory, rank discrimination, and I would assume that if this bill would pass there would be a very logical cause of action as a violation of one's civil rights.

I retain the balance of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mr. TUNNEY. Mr. President, a reading of the Humphrey amendment makes it very clear that where the AAU has a dispute with the NCAA, there is a provision for compulsory arbitration because the language says:

> In case of any dispute which involves a chartered sports association and, a sports organization, then there can be compulsory arbitration if one of the parties wants it.

So the NCAA is covered by the Humphrey amendment. The NCAA is also covered in the bill's language itself as it relates to international competition. But what we will do if we accept the amendment of the Senator from Kentucky is to give to an individual athlete, whether it be a child or a man or woman, the opportunity to get compulsory arbitration in a dispute that he has with any sports organization, which could mean Little League baseball, it could mean a high school, a college, it would not in any way have an impact on international sports.

It would expand the purview of this bill so clearly that the Senator from California could not support it.

I do not want any Federal control of sports in this country, and I dare say that what the Senator from Kentucky has inadvertently done is to offer an amendment which would extend that control totally throughout all sports programs in the country where an athlete felt aggrieved.

I think that the issue is very simple and we might as well vote on it. I think everybody has had an opportunity to express his viewpoint and I would suggest that the Senate vote this one down.

Mr. COOK. Mr. President——

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. COOK. I yield myself a couple of minutes.

If the Senator from California will follow me, because I think this is extremely important, the unfortunate part about the Senator's wishing to maintain the phrase "chartered sports association" is this, that with the language the way it is, you can have with this amendment either allowing arbitration between AAU and NCAA, allowing arbitration between AAU and United States Track and Field Federation, you can allow a federation between AAU and the athlete, but you cannot allow it between the NCAA and the athlete, and that is why this language has got to be changed, because you allow them everywhere else, but the NCAA is not a chartered sports association.

You have got to read the language in relation to the chartered sports association and then what it has the authority to do, at least I hope that is still the way we read proposed statutory requests in this body. But the way we have it now is that by leaving the language the way it is, without my amendment, you can allow the AAU and the NCAA to arbitrate, the AAU and the track people to arbitrate, the AAU can arbitrate with an athlete, but the athlete cannot arbitrate with the NCAA, because the NCAA is the sports organization, not a chartered sports association.

That is the heart of the bill, that is the heart of my perfecting amendment.

I think it should prevail equally with all athletes throughout the United States in relation to the organization whose jurisdiction they are subject to. That is why my perfecting amendment resolve that problem.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficiency?

There is a sufficiency, and the yeas and nays are ordered.

Mr. TUNNEY. I suggest to the Senator from Kentucky that we have a vote.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COOK. I yield my time.

Mr. TUNNEY. I yield my time.

Mr. BEALL. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BEALL. It is my understanding that we are now voting on the Cook amendment, which is an amendment to the Humphrey amendment, and that regardless of the outcome of the vote on the Cook amendment, it will be followed by a vote on the Humphrey amendment as amended?

The PRESIDING OFFICER. The Senator is correct.

The Senator from California.

Mr. TUNNEY. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TUNNEY. It is my understanding there is yet to be an order on the yeas and nays on the Humphrey amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I ask unanimous consent that Mr. Yarmuth may have the privilege of the floor during the course of the debate on this amendment and any other amendments.

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

The question is on agreeing to the amendment of the Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS), are necessarily absent.

The result was announced—yeas 30, nays 62, as follows:

[No. 286 Leg.]

YEAS—30

Allen	Hartke	Roth
Bartlett	Helms	Schweiker
Beall	Hruska	Scott, Hugh
Bennett	Metzenbaum	Scott, William L.
Buckley	Nelson	Stafford
Cook	Nunn	Taft
Curtis	Packwood	Talmadge
Dominick	Percy	Weicker
Ervin	Proxmire	
Goldwater	Randolph	
Gurney	Ribicoff	

NAYS—62

Abourezk	Eagleton	McClure
Aiken	Eastland	McGovern
Baker	Fong	McIntyre
Bayh	Fulbright	Metcalf
Bentsen	Gravel	Mondale
Biden	Griffin	Montoya
Brock	Hansen	Moss
Brooke	Hart	Muskie
Burdick	Haskell	Pastore
Byrd, Harry F., Jr.	Hatfield	Pearson
Byrd, Robert C.	Hathaway	Pell
Cannon	Hollings	Sparkman
Case	Huddleston	Stennis
Chiles	Humphrey	Stevens
Church	Inouye	Stevenson
Clark	Jackson	Symington
Cotton	Javits	Thurmond
Cranston	Kennedy	Tower
Dole	Long	Tunney
Domenici	Mansfield	Williams
	McClellan	Young

NOT VOTING—8

Bellmon	Hughes	Mathias
Bible	Johnston	McGee
Fannin	Magnuson	

So Mr. COOK's amendment to Mr. HUMPHREY's amendment was rejected.

Mr. TUNNEY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF S. 1361, THE GENERAL REVISION OF COPYRIGHT LAW, TO THE COMMITTEE ON COMMERCE FOR NOT MORE THAN 15 DAYS

Mr. TUNNEY. Mr. President, I yield 1 minute to the senior Senator from Arkansas (Mr. MCCLELLAN).

Mr. MCCLELLAN. Mr. President, let us have order. Mr. President, the chairman of the Subcommittee on Communications of the Commerce Committee has requested that S. 1361, legislation for the general revision of the copyright law, be referred to the Committee on Commerce for a brief period of time. I have consulted the members of the Subcommittee on Copyrights. With their concurrence, and the approval of Chairman EASTLAND, I have consented as a matter of comity to the referral of S. 1361 to the Com-

merce Committee for a period of not more than 15 days, so that the committee will have an opportunity to consider any sections of the bill which may come within their jurisdiction.

The Committee on the Judiciary has made a special effort to limit this legislation to subject matter properly coming within its jurisdiction. I believe that all provisions of the bill as reported by the Committee on the Judiciary are appropriate subject matter for copyright legislation.

I have, however, concluded that a brief referral of this legislation to the Commerce Committee will facilitate passage of S. 1361 by the Senate. I am hopeful that the Leadership will find it possible to program this legislation for floor consideration at an early date upon its return to the calendar.

Mr. President, I therefore ask unanimous consent that S. 1361, Calendar No. 946, for the general revision of the copyright law, be referred to the Committee on Commerce for a period not to exceed 15 days for the consideration by the Committee on Commerce of such sections of the bill which may come within the jurisdiction of the Committee on Commerce.

Mr. PASTORE. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. PASTORE. Mr. President, may I have 2 minutes?

Mr. TUNNEY. Yes, I yield.

Mr. PASTORE. I am the one who made the request of my senior colleague, Mr. McCLELLAN. This is not a frivolous request at all. It is a request, in substance because section 111 of the bill that was reported out has to do with CATV. CATV comes under the jurisdiction of the Federal Communications Commission, and the Communications Subcommittee of the Commerce Committee, of which I have the chairmanship, has jurisdiction and oversight over the FCC, and we intend to scrutinize it very carefully and make recommendations.

I repeat this is not a frivolous request. It is one of merit and substance and we hope to promote the public interest.

Mr. BAKER. Mr. President, will the Senator yield briefly?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, as ranking Republican on the Communications Subcommittee, I wish to associate myself with the remarks of the distinguished chairman, and to express my appreciation for his giving us this opportunity to pass on it, which we will do most properly and with great expedition.

Mr. McCLELLAN. Mr. President, I might make this observation. The bill originally had in it some sections and provisions that were definitely within the jurisdiction of the Commerce Committee. We have always recognized that. But as we processed the bill and as we worked it out in its final form, as reported, I am of the opinion that everything in the bill now is properly within the jurisdiction of a copyright—I mean it is appropriate in a—copyright bill. I am not trying to deny any other committee its proper jurisdiction which it has. But this measure, I may say, has been worked on very hard for some 3 or 4 years by members of the Subcommittee on Copyrights and by the Judiciary Committee, and we finally have gotten out a bill that we hoped we could get action on in the Senate, get it to the Senate, and let the Senate work its will during this session.

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

The PRESIDING OFFICER. Will the Senators suspend for just a moment? Let us have order in the Senate.

Mr. PASTORE. Mr. President, we intend to do nothing to hinder or delay in any way the consideration of this bill. We agreed to the 15-day limitation and we expect to scrutinize it very carefully and do what we feel is right.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. TUNNEY. Yes, Mr. President, I yield 1 minute.

Mr. HUGH SCOTT. Mr. President, as the ranking minority member, I can certify to the fact that for a very long time the subcommittee has considered the complexities of copyright legislation. It was reported from the subcommittee only after a great deal of deliberation and hard work on the part of the staff, the committee chairman, and other members. I have no objection whatever to the reference to the Commerce Committee because that has an interest here.

I do express the hope, however, that having been considered at great length by the subcommittee and carefully by the full committee involving rights which touch a very great number of Americans in their copyright relationships, and other matters related to their legal rights and responsibilities, I would hope that——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGH SCOTT. Mr. President, will the Senator yield me 1 more minute?

Mr. TUNNEY. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. The Senator from California on the bill has 12 minutes remaining.

Mr. TUNNEY. I yield 1 additional minute to the Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, I hope when the bill comes to the floor of the Senate that the Senate will recognize how much time and thought has gone into the legislation and give us the opportunity to pass a bill promptly and send it to the other body because we have waited so very long to try to satisfy the bar, the applicants for copyrights, the people who are touched and affected by the bill, the entertainment industry, CATV, and all the other people.

I simply make this statement to stress the importance of the bill. I hope the Senate treats the bill accordingly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

SPECIAL ALLOWANCES FOR ELIGIBLE VETERANS

Mr. HARTKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12628.

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12628) to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs; and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARTKE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. HARTKE, Mr. TALMADGE, Mr. RANDOLPH, Mr. HUGHES, Mr. CRANSTON, Mr. HANSEN, Mr. THURMOND, Mr. STAFFORD, and Mr. McCLURE, conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2893) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2830) to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

AMATEUR ATHLETIC ACT OF 1974

The Senate continued with the consideration of the bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate, and to promote physical fitness, and for other purposes.

Mr. TUNNEY. Mr. President, the pending question is on the Humphrey amendment. Is that correct?

The PRESIDING OFFICER (Mr. WEICKER). The Senator is correct.

Mr. HUMPHREY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr.

BIBLE), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) will vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 50, nays 42, as follows:

[No. 287 Leg.]

YEAS—50

Abourezk	Hart	Mondale
Bayh	Hartke	Montoya
Bentsen	Haskell	Moss
Brock	Hathaway	Muskie
Brooke	Hollings	Nelson
Burdick	Humphrey	Pastore
Cannon	Inouye	Pearson
Case	Jackson	Pell
Chiles	Javits	Proxmire
Church	Kennedy	Sparkman
Clark	Long	Stevenson
Cotton	Mansfield	Symington
Cranston	McClellan	Thurmond
Dominick	McGovern	Tunney
Eagleton	McIntyre	Williams
Fong	Metcalf	Young
Gravel	Metzenbaum	

NAYS—42

Aiken	Eastland	Randolph
Allen	Ervin	Ribicoff
Baker	Fulbright	Roth
Bartlett	Goldwater	Schweiker
Beall	Griffin	Scott, Hugh
Bennett	Gurney	Scott, William L.
Biden	Hansen	Stafford
Buckley	Hatfield	Stennis
Byrd, Harry F., Jr.	Helms	Stevens
Byrd, Robert C.	Hruska	Taft
Cook	Huddleston	Talmadge
Curtis	McClure	Tower
Dole	Nunn	Weicker
Domenici	Packwood	
	Percy	

NOT VOTING—8

Bellmon	Hughes	Mathias
Bible	Johnston	McGee
Fannin	Magnuson	

So Mr. HUMPHREY's amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TUNNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, is the pending business now on agreeing to the Cook amendment?

The PRESIDING OFFICER. That is correct.

Mr. TUNNEY. Has all time expired?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the amendment of the distinguished Senator from Kentucky. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. CLARK), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 23, nays 68, as follows:

[No. 288 Leg.]

YEAS—23

Allen	Goldwater	Schweiker
Bartlett	Helms	Scott, Hugh
Beall	Hruska	Scott, William L.
Case	Nunn	Stafford
Cook	Packwood	Taft
Curtis	Percy	Talmadge
Dominick	Randolph	Weicker
Ervin	Ribicoff	

NAYS—68

Abourezk	Fong	McIntyre
Aiken	Fulbright	Metcalf
Baker	Gravel	Metzenbaum
Bayh	Griffin	Mondale
Bennett	Gurney	Montoya
Bentsen	Hansen	Moss
Biden	Hart	Muskie
Brock	Hartke	Nelson
Brooke	Haskell	Pastore
Buckley	Hatfield	Pearson
Burdick	Hathaway	Pell
Byrd, Harry F., Jr.	Hollings	Proxmire
Byrd, Robert C.	Huddleston	Roth
Cannon	Humphrey	Sparkman
Chiles	Inouye	Stennis
Church	Jackson	Stevens
Cotton	Javits	Stevenson
Cranston	Kennedy	Symington
Dole	Long	Thurmond
Domenici	Mansfield	Tower
Eagleton	McClellan	Tunney
Eastland	McClure	Williams
	McGovern	Young

NOT VOTING—9

Bellmon	Fannin	Magnuson
Bible	Hughes	Mathias
Clark	Johnston	McGee

So Mr. COOK's amendment was rejected.

Mr. TUNNEY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 20-minute limitation on all further amendments—I understand there will be at least three—and that the time be equally divided between the manager of the bill and the sponsor of the amendment.

The PRESIDING OFFICER (Mr. HATHAWAY). Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 36, line 26, strike "$50,000,000." and insert "$25,000,000."

Mr. PERCY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ALLEN. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that Mr. William Littman, of the staff of the Government Operations Committee, be permitted the privilege of the floor during the debate on the pending bill.

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

Mr. TUNNEY. Mr. President, I ask unanimous consent that a member of the committee staff, Bud Walsh, be permitted the privilege of the floor during the vote.

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

Mr. ALLEN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLEN. I yield myself 6 minutes.

Mr. President, I will state briefly that the amendment cuts from $50 million down to $25 million the authorization provided in the bill, and with that statement I am going to make some remarks with respect to the bill itself rather than just the amendment.

The amendment speaks for itself. It would cut this authorization in half.

Very little has been said about the fact that $50 million of the taxpayers' dollars are involved in the bill and this amendment would cut that authorization in half.

SHOULD THE CONGRESS ESTABLISH ANOTHER FEDERAL CZARDOM?

Mr. President, considering the scope and diversity of the important and critical legislative proposals before this body, the American public might well wonder why this, the most important legislative body in the western world, is spending so much time with the bill, S. 3500, the proposed Amateur Athletic Act of 1974. I believe the public has a right to question our sense of priorities.

While Rome burned, Nero fiddled. While the fires of inflation engulf our citizens, the Senate plays at sports. I opposed the previous attempt to create a Federal sports czardom over amateur athletics and I shall so oppose the new version of the same legislation.

Very little has changed in the past few months to convince me that the Senate, the House, or the executive branch of the Federal Government has any business, or right, to be in the position of promotion, control, or oversight over truly amateur sports. The one significant change over the situation last year is that some of the amateur athletic organizations have reversed their previous opposition to this type of legislation and are now promoting their own demise. Perhaps some of these groups are under the delusion that the power of the Federal Government's role in amateur athletics will be circumscribed by the legislation. Such organizations have led a sheltered life if they believe Uncle Sam's role will remain static. Recent legislation bears this out.

The Economic and Stabilization Act brought us the czardom of economic controls, phases 1, 2, 3, and 4. The energy crisis produced an "energy czar" and now we have created a Federal Energy Administration. A few years ago, one man wrote a book about some alleged imperfections in an automobile; the national media began promoting his various causes, and will soon be considering legislation, S. 707, to establish a Federal czar over all the Government, devoted

it is affirmed, to the benefit of the consumer. And, one of the vocal supporters of the pending legislation is the author of a bill which would create an economic-and-everything planning czardom over the United States.

We have heard long and impassioned speeches on the floor of the Senate about abuses of power, and here we are, once again, contemplating the vesting of another bloc of power in the Federal Government, a grant of power which should rightfully be reserved to the citizens in their private capacities. The question is not whether or not the private organizations do a good job—depending on one's perspective—but whether the Congress has any business sticking the nose of the Federal Government into those affairs.

One can certainly deplore the lamentable state of affairs that exists for our country and its few amateur athletes resulting from the alphabet-soup battles between the AAU, NCAA, USOC, YMCA, USTFF, IAAF, IOC, USGF, FIG, FINA, BFUSA, to name a few groups, but to attempt to straighten out the whole mess by legislative fiat is unrealistic at best, shortsighted at least, and utopian at worst. And now, the proponents of this legislation would add to the confusion with the creation of the interaction between all of the above and the AAA, AAB, and NSF.

Mr. President, I ask unanimous consent that a glossary of these abbreviations be printed in the RECORD at the conclusion of my remarks

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

(See exhibit 1.)

Mr. ALLEN. The Committee on Commerce has met, off and on, for a number of years, attempting to untie the knots the amateur athletic "managers" have gotten themselves into but without success. This bill, S. 3500, is presented to the Senate as a panacea for the solution of ills which have existed for many, many years. The bill will not put an end to the real problem: the abuse of power by certain private organizations. This bill will simply add another group which will abuse power.

The situation with regard to our individual athletes will remain about the same as now. They shall be pawns in the struggle for organizational power, recognition, and control over international competitive events. The maladministration of international competition by the many groups will not be solved at the stroke of a pen. We have seen too many previous attempts at a solution to believe that this measure can succeed where other means have failed.

There are many, many, questions which should be answered by the proponents of the leigslation before our colleagues are asked to vote again. I suspect that the main reason why the legislation was placed back on the Senate Calendar on May 21, is because of the serious misgivings that many have with regard to the new ground being broken in the proposed legislation.

A constitutional lawyer might well ask the obvious question about the legal, constitutional grounds for this legislation. Fortunately, the distinguished Senator from North Carolina (Mr. ERVIN), has asked the pertinent questions on the floor of the Senate, and I will respectfully defer to the able Senator's judgment with regard to the constitutional questions involved in this legislation. During debate on the measure on May 21 of this year, Senator ERVIN remarked:

> . . . the Federal Government is a government of limited powers and has no powers except those expressly or implicitly conferred on the Government by the Constitution. The only provision in the Constitution that I can find that gives Congress any power with respect to amateur athletics is that it might possibly have the power to regulate amateur athletes while they are running a foot race across the line between one State and another.

During the colloquy between Senator ERVIN and the Senator from Maryland (Mr. BEALL) the latter responded to the above exposition with the following:

> But if he (Senator Ervin) implies that there is no constitutional provision for control over this sort of thing, I probably would be inclined to agree with him.

Senator ERVIN continued by noting that "if any bill before this Congress should be defeated, it is this bill (S. 3500)."

Naturally, and understandably, the debate on the subject of constitutionality did not end with the Ervin-Beall exchange. The Senator from Kansas (Mr. PEARSON) took up the question and responded to Senator ERVIN, pointing out that the bill grants no more authority than that which is already available to the Congress in its powers to regulate the international affairs of the United States. Nevertheless, the Senator from Kansas seemed to weaken his argument when he pointed out to the Senator from North Carolina that, with regard to the "legality of this" bill—

> I do not think it has ever been raised before our committee hearings.

I am hopeful that members of the committee will now enlighten the Senate and the public on any constitutional questions raised by the legislation before we are asked to vote up or down on the proposal. Surely, if the committee did not consider the question or topic, it seems a fatal oversight.

Inasmuch as the constitutional experts will argue the question I have just raised, I would like to turn to one or two other facets of the proposed legislation which I believe need further discussion.

WHAT IS AN "AMATEUR"?

One of the major weaknesses of the pending bill is that the substantive question is never really dealt with, to wit: What is an "amateur athlete"? In the title and section 101 of S. 3500, the term "amateur" is used no less than eight times. Much legislation written by the Congress contains ambiguities, but when dealing with a subject that will have far-reaching, mischievous consequences as this bill could have, it seems proper to ask the supporters of this measure just what kind of athlete they are proposing to control and/or assist. Turning from section 101 of the bill to section 102, "definitions," I find that the term "amateur" is defined as:

> "Amateur athlete" means an individual who trains for and participates in amateur athletic competition in accordance with applicable rules of amateurism.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. ALLEN. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, I do not make any claim to being a logician but I do recall, way back in my law school days, learning that when the same word as the word being defined, or a synonym, is used in a definition, the fallacy of circular definition has been committed. That is, the definition is not a definition, because in order to understand the word being defined, one must presumably understand the definition; but in order to understand the definition, if it contains the same word or a synonym, one must already understand the word being defined. That is the long way around of saying that the authors of the pending legislation have not defined the major, critical term upon which hangs the whole concept embodied in the proposed legislation.

The dictionary, that sometimes useful tool for legislators, provides a guideline for a working definition of the operative term for the legislation and concludes that an "amateur is one who engages in a pursuit, study, science, or sport as a pasttime rather than as a profession," or, "one lacking in experience and competence in the art or science," or further and more to the point, "amateur often applies to one practicing an art without mastery of its essentials but in sports it suggests not so clearly lack of skill but avoidance of direct remuneration."

The purpose of bringing up this definitional problem is, I believe, necessary to highlight the fallacy in the concept of the Amateur Athletic Act of 1974. The bill before us would provide our amateur athletes competing in international events, a protected status similar to that enjoyed by the athletes, amateur or otherwise, of other nations. In short, we are deciding that if an athlete competes in an international event, that our athlete should have national support and Federal protection—not on the playing field—but in the negotiating rooms. In one stroke of the legislative pen, we are asked to "protect" our amateur athletes by making them wards of the Central Government.

The supporters of this legislation have talked at length about the Russians, Finns, British, Germans, and other nationalities, who provide their athletes with umbrella protection that is possible only from a "national concept." What the authors of the pending legislation are really after is the nationalization of American amateur athletics.

I contend that unless the subject bill attacks the core problem—that is, what constitutes an amateur athlete and even—it is impossible to create a truly national position with regard to international negotiations regarding international athletic competition. To create a Federal sports czardom which resembles

that of the Russians, Chinese, Germans, and others, is a poor way to continue to provide the world with a view of this country as the beacon of freedom, where individuals, sans governmental support and/or intervention, compete and triumph over the athletic representatives of nonfree and not-so-free countries.

Naturally, I know this argument will aggravate those in this Chamber and elsewhere who have conveniently ignored the principles or pluralism, freedom, and individual initiative which, for the most part, have characterized our representation in international athletic competitions in the past. I know also that bringing up the definitional problem is to throw into question our Nation's involvement in past international competitions. However, I favor the direct approach to solving problems. If nationalized athletic competition is what the country is after, then let us call it that and not, as one of the bill's supporters has termed this bill—a "back door" approach to solving an organizational/jurisdictional problem.

A FEDERAL SPORTS CZARDOM

Mr. President, the Amateur Athletic Act of 1974 consists of a permanent Federal Board to award and revoke charters to organizations to control specific amateur sports for international competition, a sports development foundation to solicit private money to be matched by Federal contributions and divisions of facilities and health. This bill is a sporting disaster. It represents another encroachment by the Federal Government into an area where the problem can and should be solved without Federal intervention. We simply do not need some new Federal agency sitting in Washington dictating and pontificating to our amateur athletic organizations.

Considering the board called for in this legislation, it is not inconceivable that it would be the forerunner of a Federal regulatory body for all sports. We all know, theoretically, that only certain sports are to be "controlled" as part of the pending nationalization concept; that is, wrestling, track and field, basketball, and so forth, but once this body is empowered and functioning, what is to prevent other amateur sports organizations from bringing their petty squabbles to the Federal organization for mediation—and naturally—some of the Federal bucks? I do not believe it is stretching one's imagination too far to see the day when this Federal sports czardom would be called in to resolve disputes between the tennis organizations, the golf organizations, the bowling groups, the softball organizations, or even Little League, and—why not—the heretofore unorganized neighborhood marble shooters of America.

We are assured by the supporters of this bill that strictly domestic jurisdictional squabbles would not be the subject of the board's activities. Can you imagine that situation lasting once the Congress establishes the precedent of creating a self-perpetuating Federal agency to resolve disputes? I cannot. Although I have not been in Washington as long as some of my distinguished colleagues, it has been my observation that power, once granted a Federal agency, grows, and grows, and grows.

I know that a large, all-encompassing, Federal agency is the furthest thing from the minds of the authors of this legislation. I know also that the machinery provided in title II and title III of this bill is capable of misinterpretation, misapplication, and could easily be abused and, I repeat, I judge that is exactly what will happen in years to come should this legislation become public law.

THE ISSUE OF MONEY

One does not usually talk about Federal legislation unless one talks about the expenditure of the taxpayer's hard-earned money. In title III of S. 3500, is created the National Sports Foundation. While many recognize the need for greater financial support for sports development, the foundation plan is wholly inconsistent with my, admittedly, old-fashioned concept of public support for amateur athletic competition.

The duties of the proposed foundation are almost identical to the duties of the now existent President's Council on Physical Fitness and Sports, with the exception that the foundation would manage donated funds—even to the point of "investing" such funds. Supporters of this bill call down as a standard for the foundation, the successful operation of the Tennessee Valley Authority; I do not think it is asking too much for them to consider our recent lamentable experience with the creation of the quasi-public corporation to run the postal system.

The National Sports Foundation would solicit private funds and would have those funds matched by Government, taxpayer, moneys. I would like to add right here that the term "matching funds" is not defined in the legislation, so we do not know if the "matching" would be on a dollar-for-dollar basis or whether the Foundation would receive 10 taxpayer dollars for every $1 raised by private contributions.

The task of raising funds for the furtherance of athletic competition is already a problem faced by the U.S. Olympic Committee, the Amateur Athletic Union, the U.S. Ski Team, and a host of other amateur organizations. In my opinion, the efforts of the Government foundation would be in direct conflict with the efforts of amateur sports groups who are now doing the same thing in terms of money-raising. The question is, would more money be raised for the promotion of amateur athletic competition, international or otherwise, if Federal "matching funds" were known to be available? I do not believe we can answer such a question with any degree of certainty, but I would hazard a guess that the American taxpayer, sports enthusiast, and sports contributor, would come to believe that since the Federal Government is using his tax dollars to support this or that international athletic program, he will rightfully think at least twice before contributing a second time, voluntarily, to promote a program approved by the Federal Sports Czardom.

There are, naturally, other points to be considered relative to the use of Federal funds for international athletic purposes. Are we to assume that the 16-man, Presidentially appointed, Senate-annointed, Board of Trustees will always make the proper or most equitable decision on the use of the combined private and taxpayer moneys. I suggest that such a job is beyond the capabilities of even the most fair-minded person or group. Let us pursue this matter one step further: Should matching funds become available for some sanctioned, amateur, international event, what is to prevent other amateur athletic associations from applying to the trustees for matching funds for its international competition, or going into Federal Court seeking relief in the form of a finding of discrimination in the use of taxpayer moneys? Nothing in this legislation.

Certainly, the authors of the pending bill see these questions as beyond the scope and intention of their proposal, but I pose the questions because I do not believe the supporters have fully thought out the implications and ramifications of bringing the Federal Government into the national, or international, amateur athletic competition controversy. Proponents of S. 3500 have freely admitted that previous, albeit limited, attempts by the Federal Government to mediate sports controversies have not been successful. Nevertheless, they persist in telling us that by creating a bigger and more elaborate organization with the imprimatur of the Federal Government, with financial teeth in the form of taxpayer support, they will solve domestic inter-organizational jurisdictional disputes.

Mr. President, a Federal sports organization will not solve the disputes we have witnessed; further, the expenditure of taxpayer money for the promotion of our athletes in international competition will not solve the disputes we have witnessed. Mr. President, I will say, once again, that the supporters of this legislation are seeking something which is not spelled out in the bill and that is—the nationalization of American amateur sports, whether on the domestic or international level.

Before leaving the subject of the taxpayer's hard-earned money, I do want to point out that during the May 21 colloquy on this bill, the distinguished Senator from Minnesota and former Vice President of the United States, Mr. HUMPHREY, clarified for me the insidious nature of the pending bill and how taxpayer moneys could be used for purposes subsidiary to international amateur athletic competition. On page 15902 of the May 21 CONGRESSIONAL RECORD, the following exchange took place:

Mr. HUMPHREY. To whom will the funds be made available?

Mr. PEARSON. This whole concept provides for funds for young people in the ghettos and rural areas where there are not sufficient funds. Voluntary contributions could be made. It is the sort of thing which should have some organization, if it is a worthy thing . . .

Mr. HUMPHREY. Would it not be possible under the bill to sponsor some athletic programs for young people?

Mr. PEARSON. I think it is possible. I think it could be done. I am informed that it is done.

Mr. HUMPHREY. It is currently done under the OEO and many programs of the Economic Opportunity Act.

Mr. PEARSON. I think the Senator is correct.

Mr. HUMPHREY. I served as Chairman of the President's Youth Opportunity Commission. Would this bill permit duly qualified sponsoring groups to receive funds from the summer sports program?

Mr. PEARSON. The answer is in the affirmative.

The point I wish to make with the foregoing exchange is that there is already some confusion among the supporters of this bill as to how to divide the pie of taxpayer money when it comes to sports promotion and development by the Federal Government. One way of looking at the Humphrey-Pearson exchange is to conclude that a number of already federally financed programs would come under the jurisdiction and control of the National Sports Foundation under the guise of "international" development. Perhaps that is not what the authors of the bill intended when they began considering international sports problems, but I must point out that the machinery to alter the flow of Federal dollars in sports-related activities would become available should the NSF Trustees so decide.

FACILITY NEEDS, HEALTH AND SAFETY

The final portion of the Amateur Athletic Act of 1974 calls for a group to review facility needs and also a group to promote safety and health in athletics. The Federal sports czardom, through its examination or organization, development, and financial capabilities, would clearly determine what facilities are needed and would make recommendations in this area. Now, to whom would these recommendations be made? Why, it is obvious—the recommendations, from the new Federal group, would be made to the Congress of the United States, and we would, on a year-to-year basis, be asked to approve training and practice facilities in all parts of the country for our amateur athletes why may or may not participate in international events. I would hazard another guess that many communities in the Nation would petition the Congress for a facility of some proportion or another. Would we respond by saying "no" to all these communities? Probably not, but because of the number of requests and the well-documented briefs filed by various lobbyists in behalf of the communities, we would probably decide to write more legislation, defining the scope and activities of the Federal sports czardom, setting limits thereupon for the creation of facilities to promote our nationalized, international amateur athletic program.

As for health and safety, the thrust of S. 3500 overlaps and duplicates the work of the President's Council on Physical Fitness and Sports, the National Institutes of Health, the Consumer Product Safety Commission, the Federal Trade Commission, and numerous private and State government organizations. It is contemplated by the authors of this bill that the Federal Amateur Athletic Board take under its wing all the functions of these well-established Federal agencies where sporting events are concerned? Naturally, not at first blush, but if we are asked to create a Federal sports czardom of the type envisioned in S. 3500, I think it is a safe bet that the contemplated staff of the proposed Board would be swollen in no time at all with sports health and safety experts, advisers, doctors, coaches, and naturally, player/participant representatives. The range and function of the Board's review and enforcement powers would naturally have to be laid out by regulation, and, I am afraid, once again, the Congress would be called upon to try and define the scope of the monster created with the formation of the Federal sports czardom.

Mr. President, in conclusion, I must state that I cannot fathom the reasoning for the support for this bill which has come from those same organizations which were so violently opposed to the concept a few short months ago. I will not attempt to argue the politics involved in this change of attitude. I will, however, point out that in my opinion, the basic thrust of the proposed legislation is really no different than that presented to us in 1973. If anything, S. 3400 is a souped-up version of last year's bill, and with the new lineup of organizational support, it is even more dangerous to our traditional freedoms than it was in 1973 when there was at least a modicum of opposition to the creation of a Federal sports czardom.

I strongly believe that the genius of the freedoms we enjoy in our Nation is in the climate of tolerance for and the encouragement of the development of private institutions of authority. The many private associations involved in promoting amateur athletics are now, and should remain, independent institutions free of Government domination no less than traditional institutions such as the family, the church, our schools, and the numerous professions. Of course, in totalitarian nations where individuals are subservient to the State, there is no room for separate institutions of authority. In such nations, one can expect the government to regulate and dominate all phases and aspects of the social life of their citizens.

Mr. President, I fear that the proposal before us today is a percursor to the type of governmental institutional domination which we have, for almost 200 years, successfully resisted. I urge that Senators think long and hard about the implications of the proposal before casting their vote on S. 3500. The choice seems to be, in the short run, the "promise" of a solution to a wholly domestic jurisdictional problem between competing private organizations, and in the long run, the domination of another area of the citizen's life by the Federal Government.

We appear to be running a foot race with liberty. I pray that liberty wins.

Mr. President, I say again that the amendment that will be voted on is an amendment that would cut the authorization from $50 million down to $25 million, and I believe it would be an opportunity, if the bill is enacted into law, to save this amount of money.

EXHIBIT 1

Senator Allen re abbreviations used in speech

AAU—Amateur Athletic Union

NCAA—National Collegiate Athletic Association.

USOC—United States Olympic Committee.

YMCA—Young Men's Christian Association.

USTFF—United States Track and Field Federation.

IOC—International Olympic Committee.

USGF—United States Gymnastics Federation.

FIG—International Gymnastics Federation.

FINA—International Amateur Swimming Federation.

BFUSA—Basketball Federation of the United States.

AAA—American Arbitration Association.

AAB—Amateur Athletic Board.

NSF—National Sports Foundation.

Other international sports federation recognized by the International Olympic Committee—partial list.*

FITA—International Archery Federation.

FIBT—International Bobsleigh and Tobogganing Federation.

AIBA—International Amateur Boxing Association.

FIC—International Canoeing Federation.

FIAC—International Cyclists Union.

FEI—International Equestrian Federation.

IHF—International Handball Federation.

FIH—International Hockey Federation.

IJF—International Judo Federation.

FIL—International Luge Federation.

UIMPB—International Union for Modern Pentathlon and Biathlon.

FISA—International Rowing Federation.

UIT—International Shooting Union.

ISU—International Skating Union.

FIVB—International Volleyball Federation.

FHI—International Weightlifting Federation.

IYRU—International Yacht Racing Union.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Yes, I am delighted to yield.

Mr. BIDEN. In light of the Senator's comments after proposing an amendment, I am wondering why the Senator has not moved to strike the entire $50 million, what is the merit of it, this $25 million, in the reasoning of the Senator from Alabama?

Mr. ALLEN. I would be happy to accept that amendment. I hoped for such an effort, but it seemed to the Senator from Alabama that such an amendment would have no chance of passing, whereas the saving of the $25 million might possibly appeal to a majority.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

Mr. TUNNEY. I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. GRAVEL. The Senator from Alabama made clear the purpose of his amendment; that is, of course, as best he can cut the bill, and he has this agreement with many aspects of the bill, but he has not addressed himself to what the merits of the bill are.

*There is no NCAA involvement in any of the listed federations.

Athletics are in a shambles, they have been in a shambles. All one has to do is compare our prowess with the rest of the world to develop some appreciation of that. We have commercialized athletics in this country where unless one is a baseball star, or football star, or a basketball star, one gets nothing but leavings, and there is no real athletic development.

What this appropriation does is not put it under the aegis of the Federal Government.

It says that we will put up a sum of money which we match, in effect, the Federal appropriation is only a matching of what comes from the private sector.

So if the private sector comes forward up to $50 million, the Federal responsibility will be only up to $50 million. This would give us a $100-million trust fund, the corpus of which would be protected henceforward. Only the income from this corpus would be used to foster athletic activities.

I would commend the Senator's attention to pages 26, 27, and 28 of the bill which outline what the duties of this foundation would be, to make athletic activity available to all Americans in all walks of life, whatever athletic activity they choose to undertake.

When my colleague says that this is not a high priority, I say he is totally wrong. If there is anything that is of the highest priority in this country, it is the physical well-being of the people of this country.

I see nothing wherein Congress has addressed itself to the whole aspect of preventive medicine. Here we have, for the first time, a program that can bring about an effort to do something about the health and well-being of the people of this country, through athletics and through physical prowess. I cannot think of a way to save money in the actual cost of medicine except to have the effort put forward to involve the people of this country in a program of physical fitness. Nothing has been done about that to this point in time.

This is nothing new. This was something that was born in the late fifties. It was fostered by John F. Kennedy, who asked the Arthur B. Little Co. to go out and perform a study, which they did, at their own expense as a public service, and the results of which they turned over to Congress, with the recommendation to establish this sports foundation.

All we are doing is asking the Government to fund that initial step at the same rate that the private sector comes up with funds. I think we can do no less, and that we would be derelict in our responsibilities if we did not measure up to this request.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I think everyone understands the issue. I think we ought to move to a vote on the matter. It is just a question of how much you think this kind of athletic program is worth.

I am prepared to yield back the remainder of my time, if the Senator from Alabama is prepared to yield back his time.

Mr. ALLEN. Does anyone else wish to speak?

Mr. THURMOND. Mr. President——

Mr. TUNNEY. I yield the Senator from South Carolina such time as he may require.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment.

Since I have been in the Senate, I have certainly tried to be cautious about spending Federal money. I think my record shows that. But I feel that this is an important matter. There is nothing more important to the youth of this country than their health and well-being; and there is nothing more important to produce good health and well-being than athletics.

I hope that the Senate will not agree to this amendment, because we need these funds in order to encourage sports—sports among people of all classes. All educational classes, all economic levels, and people of all races can participate here.

It is important that we encourage physical training. Moreover, I am confident, if we have the funds here to help a little bit—and under this program, the Government only matches private funds up to the stated amount—that we can get better Olympic teams and better competitive teams with foreign countries.

Today, a great deal of credence is given to outstanding athletic teams throughout the world. Athletic teams bring prestige and prominence to a nation. So we would not only be helping individuals of all classes in this country, but we would be helping to bring prestige to our country as well.

I sincerely hope that the Senate will not agree to this amendment and reduce the amount, because the money will not be wasted. If private individuals or corporations do not raise but $10 million, only $10 million is matched. But if the private sector raises a higher amount, then, of course, the Federal matching is limited. As I say, this is a very important matter to the health and well-being of the people of America, and I hope the Senate will vote down the amendment.

Mr. TUNNEY. Mr. President, will the Senator yield for one point?

Mr. THURMOND. I yield.

Mr. TUNNEY. It is true, is it not, that only the interest on the corpus can be used; that the money in the corpus itself will not be spent, either the Federal money or the private contributions, it is the interest that will be used?

Mr. THURMOND. Yes; and that will be of tremendous benefit to the people of this Nation.

Mr. GRAVEL. Mr. President, will the Senator yield for an additional point?

Mr. THURMOND. I yield.

Mr. GRAVEL. Is it not true that after the Federal amount of $50 million has been reached, the private sector can continue to donate, so that the total amount might eventually be well above $100 million?

Mr. THURMOND. The Senator is correct. This is just to get the program on its feet, on its way, and get it started. Then I believe we can get further private contributions from private individuals and corporations that will be substantial and will help build a magnificent program of amateur athletics in the United States.

The PRESIDING OFFICER. Who yields time?

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

Mr. ALLEN. I yield back the remainder of my time.

Mr. BARTLETT. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

In lieu of "$25,000,000" proposed by the Senator from Alabama (Mr. ALLEN), insert "0".

Mr. BARTLETT. Mr. President, I ask unanimous consent that the names of Senators BIDEN, ROTH, CHILES, HELMS, and DOLE be added as cosponsors of this amendment.

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

Mr. BARTLETT. Mr. President, because of my strong support of amateur athletics, I have offered this amendment, which would have the effect of deleting from the amateur athletic bill the provision establishing a national sports development foundation.

I am a strong believer in physical fitness, and enjoy athletic competition. As a matter of fact, I played basketball in college, and continue in my old age with a rather strenuous though tenuous game of tennis.

However, I feel that the Federal Government at this time cannot afford the luxury of even the embryo stage of Federal financing of sports. I use the term "embryo" rather loosely, for the $50 million or the $25 million, as authorized by the bill and the amendment, respectively, is not exactly peanuts.

I am convinced that the Federal Government has no place in athletics. I believe the local governments and private enterprise have done a magnificent job in the proliferation and financing of sports. I do not know how many persons are involved in organized sports programs, but it must be a very impressive figure.

The Federal Government has no business, in my opinion, interjecting itself in a presently thriving and successful enterprise. I think those of us who are familiar with sports realize how often people who are involved in supporting sports programs become involved in their financing, or those who are interested in their financing as a first matter of interest become involved in supporting the programs. I am convinced that this proposal to spend $50 million, or $25 million would deter those who are currently supporting various athletic programs at all levels from providing as much support, both financially and physically, as they are now doing, because it is the involvement of so many people in programs such as Pee-Wee baseball and intercollegiate athletics that have made them the envy of the whole world. We have more extracurricular activities and athletics operating in our collegiate system that tend to fit athletes to the varsity or junior varsity levels; and I believe the program going on now is not in need of

financing nor of any help from the Federal Government.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I am prepared to yield back my time, if the Senator from Oklahoma is prepared to yield back his time.

Mr. BARTLETT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

Mr. BARTLETT. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I want to associate myself with the remarks of the Senator from Oklahoma. We have been debating this bill for several days. All of us know that we have a problem involving disputes between the AAU, the NCAA, and the other athletic unions, and I think that is really what we ought to be talking about and trying to solve in this bill. But suddenly we have got into a national sports foundation, and we are talking about appropriating $50 million or $25 million.

I went home during the last recess, as I think some other Senators did, and I did not have one person in Florida tell me they thought we needed to spend $50 million for a national sports foundation.

I did not have one person who thought we ought to spend any money for this, but I heard an awful lot of people who wanted to know when we were going to do something about just curbing Government spending in general, and when we were going to do something about the economy and something about the inflation.

It seems to me that if we are going to turn around and spend—and start another foundation, sure, it is for a good thing. I have never voted for a bad appropriation bill, a bad authorization bill, in the 15 years I have been in Government.

But how does it rank with the national priorities that we ought to be facing up to today? How does it rank with the people who are on fixed incomes that we are talking about taking a little more of their money, and what are we going to do to the cost of living and the inflation for them, and that is what I wonder about?

I think it is good and, sure, I am for sports, and I think we have got a good sports program now, and we have had it for a number of years, and maybe we need to do something about a couple of organizations that just want to keep fighting each other.

Here we are going to start one more foundation, and it is not really going to cost any money. I wonder how many times we have heard that. How many times have we heard that we are just going to put in a little seed money and it is not going to cost any money at all. The senior Senator from South Carolina says we are just going to put in a little seed money and, after a while, these people who are sports enthusiasts are going to come in and they are going to put the money in the pot and it will not cost any money.

I wonder how many programs started on the floor of the Senate that were not going to cost people any money, and I wonder how many of them ever got by without costing any money. They just get tacked on, and we appropriate for them every year and every year, and get it added, and we start new programs every time.

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

Mr. CHILES. In just one moment I will yield to the distinguished Senator from South Carolina.

I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. All we are doing is digging deeper holes, and the deepest hole in the United States is the U.S. Treasury. We will run into a deficit like everything else.

Mr. CHILES. We are running a deficit this year, and we know there is no money this year, and if we are going to be adding to it we have to add to the deficit.

Mr. ERVIN. And let our children, grandchildren, and great-grandchildren pay for it, if it is ever paid.

Mr. CHILES. On the problem about what we are going to do with the organizations and their dispute, I am going to stay here and fight it out and see how we are going to solve that. But to start another Federal program today, I think, is about the most foolish thing we can do.

I yield to the Senator from South Carolina.

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

Mr. CHILES. Yes, I yield.

Mr. THURMOND. I just wonder whether the Senator read the bill carefully and understands that this is only a one-shot appropriation to get the program started. It is not a continuing appropriation. That is it, and even this amount may not be used unless it is matched by money from private sources; and if private sources raise $5 million, then it will be matched by that amount; if it is $10 million, by that amount. Of course, it is limited. But the point is this is not the kind of appropriation that starts a new program that is going to take money year after year after year.

This is a one-shot proposition to get this amateur sports program going, something we need in this country, to give us better Olympic teams and other competitive teams, and mostly, though, to help the youth of this land, to help the underprivileged children to have a chance to compete, and to help people of all races to go into athletics and build their health.

There is nothing more important for the health of the people than physical training. There is nothing that means more to a person than good health. Physical training is one of the answers and, again, I add this is a one-shot proposition and not a continuing program.

Mr. CHILES. I thank the distinguished Senator, and I think there is only one thing more important, and that is that people be able to live today.

I ran into a lot of people in my State who, because of the increased price of energy, because of what has happened to the fuel bills, cannot turn their electricity on. They do not know how they are going to cook. They do not know how they are going to feed themselves.

The Senator starts talking about what is good for building the physical fitness. We have got a lot of people who are not physically fit because they cannot live today on account of inflation, and a lot of that is because of the tremendous deficit that we have been running every year.

We, each one of us, individually talk about the deficit and what we are going to do about the deficit. Then we come up here and we start another program, one-shot, but it is $50 million. How many more one-shot programs have we got? I can tell you there is something more important than this program to the people that I talked to during this recess, and that is how they are going to get by this week and the next week, and how they wonder what in the world we are doing about the money that we are appropriating for all kinds of things that they do not think we need.

I yield.

Mr. GRAVEL. Mr. President, I would like to address myself to the remarks of my colleague from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, how much time does the Senator from California have?

The PRESIDING OFFICER. The Senator from California has 10 minutes.

Mr. TUNNEY. Mr. President, I yield 5 minutes.

Mr. GRAVEL. My colleague from Florida has started out by saying this is going to be an appropriation. There is no doubt that there is going to be an appropriation. We are not deceiving anybody. We are going to be asking for $50 million. At the same time, the private sector is going to put up the money.

If my colleague wants to help stem inflation, then he had better vote for the bill. This is the only thing today that I know we are doing for inflation. We are not taking this money and spending it. We are taking $50 million from Government and saving it, and then we are sucking in another $50 million from the private sector and saving it.

If you want to fight inflation you do it by cutting down Federal expenditures, and that is exactly what this bill will do, it will cut them down.

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

Mr. GRAVEL. Let me finish.

Mr. CHILES. I just wonder——

Mr. GRAVEL. I would be happy to enter into a dialog with the Senator.

Let me make my point. What we are going to do is we are going to force—we are going to take—$50 million right out of the private sector; we are not going to consume it, but invest it. It is going to earn interest, and all we are going to spend with this bill with the private and public sector is just the interest. How can that be inflationary? It is just the opposite.

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

Mr. GRAVEL. I would be happy to yield.

Mr. CHILES. I did not understand it. If that is true, let us not make it $50 million, let us make it $5 billion, and we will get out of the inflation that much quicker.

Mr. GRAVEL. Very Good. If my colleague wants to put up an amendment to hasten the day, then, fine, but let us not be shortsighted and let us not make the wrong argument as to what happens to this money. We are going to save this money. We are not going to spend it. All we are going to spend is the interest from it.

The other thing, the Senator talks about he stated that he has got people in Florida who are unhealthy, they are sick today.

We do not legislate for this afternoon. We legislate in this body for the future of this Nation, and I cannot think of anything that commands more attention than the statement the Senator makes that they are sick today. Well, I do not want to see them sick 10 years from now or 20 years from now. I want to see us do something to make this country healthy.

When one talks about the private sector, the Senator mentions the private sector, that is all we have had in athletics. There was a rip-off in basketball, in baseball; there was no thought to the health of the Nation. The thought was "How much of a buck can we make at the gate?" That is what our athletics have been motivated by, how much money can we count out when they come through the turnstiles.

I do not think that is good enough for this Nation. I think the first motivation of athletics should be the physical prowess of the people. I do not consider myself an athlete, but I am concerned about my own good health, and so is the Senator from South Carolina. He is concerned about his good health, and that is what we are pushing for in this legislation.

Mr. COOK. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I would be happy to yield.

Mr. COOK. We have been voting the way of how much of a buck at the turnstile all day long, and I have been watching it.

Mr. GRAVEL. I think there is another bugaboo mentioned again that this sports foundation is an incursion by the Government. The fact is just the opposite. We are setting up a foundation outside of Government so that it will do the job without the incursion of Government when you look at what this does.

Now, the Senator says, "Let us have the private sector do it."

What elements of the private sector are going to go out and do research for medicine for athletics? There is no money in it. Who is going to do it? Who funds people who want to go into kayaks? It is unprofitable now to have a track team. Where do we make money in track teams? Obviously we do not have the people.

Mr. PASTORE. Mr. President, will the Senator yield? Why did we have to wait until 20 minutes of 6 for all this excitement? Why did we not start at 1 o'clock this afternoon? I mean, I have been sitting here for 4 hours and no one has excited me yet, and now it is beginning at 20 minutes of 6.

Mr. GRAVEL. Mr. President, if my colleague is saying I am exciting him, I take that as a compliment.

Let me just close by saying, Mr. President, very simply that this bill is not inflationary, it is just the opposite. It makes a contribution to a deflationary process. Second, it addresses itself very directly to the health of the Nation.

If the Senate, for whatever argument one chooses to make, refuses to face up to this challenge, it would not be casting an intelligent vote.

Mr. TUNNEY. Mr. President, has the time of the Senator from Alaska expired?

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. TUNNEY. Mr. President, I yield 1 minute to the Senator from Louisiana.

Mr. LONG. Mr. President, I am not going to vote to reduce the amount of money in this bill. I am sick and tired of seeing America beaten. It may be that we ought to get beaten just because we do not have competent people. But just to think of this Nation, the richest nation on Earth, getting beaten before the whole world and on worldwide television because we did not do the right thing for our athletes is disturbing to this Senator. I shall not vote to reduce the amount of money in the bill.

Mr. TUNNEY. Mr. President, I subscribe to the sentiments of the Senator from Louisiana. I suggest we yield back our time.

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute remaining.

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

Mr. BARTLETT. Perhaps the Senator can get the time from the Senator from California.

Mr. CHILES. I am not sure he will yield to me.

Mr. TUNNEY. Mr. President, if the Senator from Florida wishes to speak to the point raised by the Senator from Louisiana, I would be happy to yield.

Mr. CHILES. Mr. President, I do wish to speak to the point raised by the Senator from Alaska about the good health of the Nation. I do not think it will be healthy to vote $50 million, for the health of some Senators here. For our good health we better not vote this $50 million.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, will the Senator from Oklahoma yield to me for 5 seconds?

Mr. BARTLETT. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I am going to support the amendment of the distinguished Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I thank the Senator from Alabama.

Two main issues are involved. First, 54 Senators recently expressed to the President that they would like to see a balanced budget. This shows the concern we have for the economy, the need for a balanced budget, and the desire to cut the deficit. Now, this will start a whole new program and encourage people to depend on the Government to finance amateur athletics. It will be the death knell for amateur athletics because up to this point it has been completely free of Government interference. It is important to continue because the programs have been sound and expanding. There is much more than $50 million from the private sector going into the program.

Mr. President, I ask unanimous consent that the name of the Senator from Florida and the name of the Senator from Colorado be added as cosponsors of the amendment.

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

AMERICAN AMATEUR SPORTS MUST NOT BE FEDERALLY REGIMENTED

Mr. RANDOLPH. Mr. President, although many improvements must be made in our country's amateur athletic system, I believe that the Amateur Athletic Act of 1974 is not the proper solution. This measure is not just a program of Federal involvement. It can in a sense become a federally dominated sports program. We are not Russia—we are still America. Hopefully, our sense of priorities is better than that of the Soviet Union.

In my judgment the pending measure, if enacted into law, will serve no constructive purpose. I recognize that under this bill amateur athletes can pass or kick the football, and buck the line; they can dribble the ball or drop it in the basket or they can run and jump and on and on. But we must guard against restrictive Federal regimentation. This proposal violates constructive priorities to cope with the commitments that we should make at this time to halt unnecessary expenditures, curtail inflation, and protect the consumer and the working people of our Nation.

Proper organization and reevaluation of the U.S. Olympic Committee in international sports and its administration of the U.S. Olympic program can be provided through the National Olympic Commission Act of 1974 passed by this body on May 20. With the implementation of that legislation our country's amateur athletes could be assured of full participation in athletic competition with other nations.

I support the pending amendment to eliminate this unwarranted expenditure of $50 million, and I will vote against the bill on final passage.

Mr. TUNNEY. Mr. President, I do not think there is any time for hearts and flowers at this point in the evening. We are asking for less than $1 for each child in this country.

I wish to ask those Senators who are so concerned about the financial situation in this country how much they have spent for golf equipment, tennis equipment, and things of that nature.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Iowa (Mr. CLARK) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 47, nays 44, as follows:

[No. 289 Leg.]

YEAS—47

Abourezk	Domenici	Nunn
Aiken	Dominick	Packwood
Allen	Eastland	Proxmire
Bartlett	Ervin	Randolph
Bennett	Fulbright	Roth
Bentsen	Goldwater	Schweiker
Biden	Griffin	Scott, William L.
Brock	Gurney	Stafford
Buckley	Hansen	Stennis
Byrd, Harry F., Jr.	Helms	Stevenson
Byrd, Robert C.	Hollings	Talmadge
Chiles	Hruska	Tower
Cook	Huddleston	Weicker
Cotton	Mansfield	Young
Curtis	McClellan	
Dole	McClure	
	Metzenbaum	

NAYS—44

Baker	Hatfield	Nelson
Bayh	Hathaway	Pastore
Beall	Humphrey	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Percy
Cannon	Javits	Ribicoff
Case	Kennedy	Scott, Hugh
Church	Long	Sparkman
Cranston	McGovern	Stevens
Eagleton	McIntyre	Symington
Fong	Metcalf	Taft
Gravel	Mondale	Thurmond
Hart	Montoya	Tunney
Hartke	Moss	Williams
Haskell	Muskie	

NOT VOTING—9

Bellmon	Fannin	Magnuson
Bible	Hughes	Mathias
Clark	Johnston	McGee

So Mr. BARTLETT's amendment was agreed to.

Mr. BARTLETT. Mr. President, I move that the vote by which the amendment was accepted be reconsidered.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, inasmuch as the Senate has expressed its will on this matter, I would ask unanimous consent that I might withdraw my request for yeas and nays.

The PRESIDING OFFICER. Is there objection? If not, the request for the yeas and nays is withdrawn.

The question is on the amendment offered by the Senator from Alabama (Mr. ALLEN).

The amendment was agreed to.

The PRESIDING OFFICER (Mr. METZENBAUM). The bill is open to further amendment.

Mr. BARTLETT. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Add a new section at the end of the bill, as follows:

"No organization having control over an amateur sports program including intercollegiate sports such as football may punish a constituent member of its organization for a rules violation by denying such member the right to publicly broadcast or have broadcast by radio or television an athletic event."

Mr. BARTLETT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT. Mr. President, last year, the University of Oklahoma advised the Big Eight Conference and the NCAA that they were guilty of a recruiting violation involving a member of their football team and a member of their coaching staff.

OU admitted that a player's high school transcript had been altered to make him eligible to participate in football his freshman year.

The facts of the case indicate that the player involved had no knowledge of the violation. The transcript was altered by one of the player's high school coaching staff but with the acquiescence of one coach at the University of Oklahoma.

Upon learning the facts, the university immediately asked the coach involved to resign, which he did, and the player was declared ineligible, pending the Big Eight and NCAA investigation.

Ultimately, the Big Eight and NCAA came down with sanctions which included the ineligibility of the player during the 1973 season, the university was denied the right to go to a bowl game after both the 1973 and 1974 seasons, and, last, the university could not appear on television during the 1974 and 1975 seasons.

First, I must say that the violation can in no way be condoned or excused. It was dishonest, and in clear violation of the NCAA regulations. The people involved set a poor example for the young people whom they were ostensibly teaching and leading.

However, although consistent with their rules and regulations I feel the NCAA and the Big Eight far exceeded justice in the punishment which was meted out.

I believe that the punishment should fit the crime, and innocent parties should not be forced to suffer with the guilty.

The irony of it all is that the only persons now being punished are innocent of any wrongdoing. As a matter of fact, the head football coach at OU, Mr. Barry Switzer, was given a lie detector test by the Oklahoma Crime Bureau; and it showed not only was he not involved in the transcript alteration, but that he had never been guilty of any recruiting violation.

However, I can see some justification for punishing a school in addition to the actual guilty parties. They should bear responsibility for policing their own employees.

However, the great injustice in the NCAA and Big Eight system of punishment is the denial of a school's right to be on television.

Here the primary recipient of the sanction is not the guilty coach or a player who might be involved; the victim is the general public.

In the case of the University of Oklahoma, the university offered to forego any revenue from television if their punishment did not include a TV ban.

This would have made sense. The school would have lost hundreds of thousands of dollars television revenue, but the public and the innocent coaches and players of the team would not be unfairly blacked out. In addition, the university could have been assessed a penalty, on top of losing the funds from television.

It might be questioned what authority Congress has to intervene in intercollegiate sports activities. Ordinarily, I would say none. However, my amendment deals only with an organization's authority to interfere with the broadcast of an event over the airwaves—a matter of traditional concern by the Congress with its legislative authority over the FCC.

In addition, there are the constitutional issues of freedom of the press and equal protection of the laws. It strikes me as inconsistent to allow two segments of the press—radio and the written media—to cover an athletic event such as the University of Oklahoma games and yet deny television the same right.

I urge the Senate to adopt this amendment.

I should like to add that the NCAA would not be prohibited by this amendment from prescribing fines, from lifting the contracts of the coaches for, say, 15 years, which would certainly jeopardize or ruin their coaching careers. I believe that would be much farther reaching and more devastating than the ban on television, which affects the average member of the public.

I believe that every team that Oklahoma University plays also is suffering, because they are denied revenues from television, and I do not see the sense in that.

I should like to add that this is not hurting the University of Oklahoma. They are sold out for the 1974 season. They have approved a 9,000-seat expansion to the stadium. Oklahoma ranked well in the rankings last year.

I believe that the person who is being hurt the most by this kind of program is the one who cannot afford the seat in the stadium, who does not have the opportunity of viewing on television the games he would like to view, which is discriminatory and unfair.

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

Mr. BARTLETT. I yield.

Mr. PEARSON. Mr. President, the entire thrust of the bill we have been considering today—much longer than anyone anticipated—has been to deal with the international aspects of amateur athletics as they relate to the U.S. Olympic Committee and other international facets.

This amendment, whatever may be its merits, deals primarily and solely with a domestic consideration. It involves elements far beyond a localized regulatory proceeding of the NCAA and deals, further, with matters of interest to the Communications Subcommittee. I do not have the authority to speak for the Committee on Commerce.

I know that the Senator feels very deeply about this amendment, as do many people in his State. If he would see fit to withdraw the amendment and seek the vacation of the order for the yeas and nays, I would assure him that I would do all I could to see that this proposal, which should have hearings, will have hearings before the Committee on Commerce. I believe it is a matter far beyond what we have been considering today in the jurisdictional limits, and I hope he will consider by suggestion.

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

Mr. BARTLETT. I yield.

Mr. PASTORE. Mr. President, I rise only because, fortunately, I happen to be the chairman of the Communications Subcommittee of the Committee on Commerce, and this matter applies to television.

As has already been explained by the Senator from Kansas, this is not the time nor the place for this particular amendment, regardless of what merit it might have. I hope that the Senator from Oklahoma will be gracious and understanding enough not to bring this matter to a challenge, because I will be forced to move to lay it on the table. I hope he will withdraw the amendment at this time and, if necessary, bring the matter before our committee, and we will go into it when it is mutually convenient.

Mr. BARTLETT. Mr. President, I should like to respond to the distinguished Senators from Rhode Island and Kansas.

I hope that my interest in this amendment will not be considered a lack of graciousness on my part. I realize that this body has seen fit in the past to protect the public from arbitrary discrimination of their right to view professional sports on television. So I think there is a direct precedent.

I certainly would welcome the hearings. I think this is an area that should be aired and discussed. But I think it is also proper to advance this amendment and to have the will of the Senate expressed on it.

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

Mr. BARTLETT. I yield.

Mr TUNNEY. Is it not possible for the University of Oklahoma, under the rules of the NCAA, to have the ruling of the Executive Board of the NCAA overturned? Can the colleges that are members of the NCAA not get together and overturn this ruling? Is there not a procedure, in other words, under the rules and regulations of the NCAA, to initiate the action that was taken?

Mr. BARTLETT. I am not aware of that possibility. But I do feel that the NCAA, in its powers over the various members of the NCAA, the various institutions, discourages any activity on their part which is contrary to the NCAA.

I think the NCAA in this case was perfectly right in coming up with a very hard-hitting, strong penalty, but I think it could have been stronger than it was and directed at those who were in violation, the coaches. I think a very good approach to such problems would be to advise all the coaches that their certificate of coaching would be lifted for 15 years if they are in violation of a recruiting rule.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. BARTLETT. I ask unanimous consent that I have 1 minute.

Mr. PEARSON. I yield the Senator 2 minutes.

Mr. BARTLETT. I feel that to mete out a penalty which is directed at the general public and particularly bears heaviest on those of poorest means who would like to follow—in this case the University of Oklahoma, but it might be the university in your State—is very unfair.

I do believe that the NCAA was consistent and fair from the point of view of past actions, but I do not believe that it is in the best interests of the general public or in the best interests of the sport.

There are many avenues open to the NCAA and to the Big Eight for various kinds of penalties without preventing the general public from viewing games on television.

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. It may very well be that the Commerce Committee would agree with the point of view of the Senator from Oklahoma after we have adequate hearings and find out what the issues are.

We are dealing with matters relating to television and with matters that relate to the subcommittee of the distinguished Senator from Rhode Island, we just have not had any opportunity to weigh the various rights and wrongs on either side, and the remedies available.

It is my understanding, for instance, that member colleges could get together under the NCAA procedures and change the rule as it relates to the University of Oklahoma, but I am not sure of that, that is one of the reasons we should have hearings.

Therefore, I oppose the amendment, whatever merit it may have. I may very well vote for it at some future time, but based on evidence we have before us we could not possibly accept such a far-reaching amendment when this bill deals only with international sports, not with domestic sports.

I yield back the remainder of my time.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. I do not think the Senator from Oklahoma has fully presented the matter on its merits and for that reason I move to lay it on the table because I think it is improperly brought up on this particular bill and I think this should be reviewed to be judged on its merits.

I therefore move to lay the amendment on the table.

The PRESIDING OFFICER. The motion to lay on the table is not in order at this time.

Will the Senator from California yield back his time?

Mr. TUNNEY. I yield back the remainder of my time.

The PRESIDING OFFICER. The motion is now in order.

Mr. PASTORE. I move to lay the amendment on the table.

Mr. BARTLETT. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 71, nays 19, as follows:

[No. 290 Leg.]

YEAS—71

Abourezk	Eagleton	Mondale
Aiken	Ervin	Montoya
Allen	Fong	Moss
Baker	Gravel	Muskie
Bayh	Griffin	Nelson
Beall	Hansen	Nunn
Bennett	Hart	Pastore
Bentsen	Hartke	Pearson
Biden	Haskell	Pell
Brock	Hatfield	Proxmire
Brooke	Hathaway	Randolph
Buckley	Hollings	Ribicoff
Burdick	Huddleston	Schweiker
Byrd, Harry F., Jr.	Humphrey	Scott, Hugh
Byrd, Robert C.	Inouye	Sparkman
Cannon	Jackson	Stafford
Case	Javits	Stennis
Chiles	Kennedy	Stevens
Church	Long	Stevenson
Cook	Mansfield	Symington
Cranston	McClellan	Tunney
Dole	McGovern	Weicker
Dominick	McIntyre	Williams
	Metzenbaum	Young

NAYS—19

Bartlett	Helms	Scott, William L.
Cotton	Hruska	Taft
Curtis	McClure	Talmadge
Domenici	Metcalf	Thurmond
Eastland	Packwood	Tower
Goldwater	Percy	
Gurney	Roth	

NOT VOTING—10

Bellmon	Fulbright	Magnuson
Bible	Hughes	Mathias
Clark	Johnston	McGee
Fannin		

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PEARSON. Mr. President, how much time do I have remaining on the bill?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. PEARSON. I have no further requests for time. I am prepared to yield back the remainder of my time.

Mr. TUNNEY. I am prepared to yield back the remainder of my time.

Mr. President, have the yeas and nays been ordered on passage?

The PRESIDING OFFICER. No.

Mr. TUNNEY. I request third reading.

Mr. PEARSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. TUNNEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I wish to express my support for S .3500, the Amateur Athletic Act, introduced by my distinguished colleagues, the senior Senator from the State of Kansas.

The purpose of the bill is to provide a restructuring of the U.S. Olympic Committee to avoid the problems and conflicts which have surrounded U.S. involvement in the Olympic games over the past several years. The bill also seeks to assist in better utilization of athletic facilities, improving athletic training procedures and equipment, and expanding competitive athletic opportunities to a greater number of Americans.

I would say, however, that I do question the advisability of launching a new $50 million Federal program in the amateur athletic field at a time when concern for reduction of Government spending and control of inflation is so high. It may be argued that such a program as this involves relatively small expenditures and for a worthwhile cause. But I believe this is a time when we must make every possible effort to cut rather than expand the flow of tax dollars into Federal programs, particularly new programs which do not carry the very highest national priority.

Last fall I opposed amateur athletic legislation which was considered on the Senate floor. I opposed the bill considered at that time because it called for greater Federal involvement in the field of amateur athletics. I particularly disapproved of broad, sweeping powers given Federal agencies created under the bill, and I also opposed the unnecessary interventions into high school and college activities by the Federal Government which it could have initiated. In fact I introduced an amendment in the nature of a substitute which was intended to resolve the problems facing amateur athletics without carrying out a permanent role for the Federal Government within our amateur athletic activities.

I am happy to note that S. 3500 as it now stands contains provisions limiting Federal intervention into high school and college sports activities. And it is also more restrictive in the powers delegated to the Federal bodies it creates. I strongly support provisions in the bill which insure that a chartered association cannot require an amateur athlete to compete in sanctioned activities if that competition conflicts with reasonable regulations regarding his other academic standing or general health and welfare as defined by their academic institution.

I am happy to report to my colleagues that S. 3500 as it comes to the floor from committee has the support of the high schools and colleges of Kansas as well as the Big Eight Conference. I urge support for the bill as a sound and constructive approach to assuring that amateur athletics will continue to provide a wholesome and challenging opportunity for the young people of America to enjoy the benefits of participating in the wide variety of individual and team sports in domestic and international competition.

The PRESIDING OFFICER (Mr. METZENBAUM). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE), are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 62, nays 29, as follows:

[No. 291 Leg.]

YEAS—62

Abourezk	Cranston	Hollings
Aiken	Dole	Huddleston
Baker	Domenici	Humphrey
Bayh	Dominick	Inouye
Bennett	Eagleton	Jackson
Biden	Fong	Javits
Brock	Gravel	Kennedy
Brooke	Griffin	Long
Burdick	Hansen	McGovern
Cannon	Hart	McIntyre
Case	Hartke	Metcalf
Chiles	Haskell	Mondale
Church	Hatfield	Montoya
Cotton	Hathaway	Moss
Muskie	Ribicoff	Taft
Nelson	Scott, Hugh	Thurmond
Pastore	Sparkman	Tunney
Pearson	Stafford	Weicker
Pell	Stevens	Williams
Percy	Stevenson	Young
Proxmire	Symington	

NAYS—29

Allen	Ervin	Packwood
Bartlett	Fulbright	Randolph
Beall	Goldwater	Roth
Bentsen	Gurney	Schweiker
Buckley	Helms	Scott, William L.
Byrd, Harry F., Jr.	Hruska	Stennis
Byrd, Robert C.	Mansfield	Talmadge
Cook	McClellan	Tower
Curtis	McClure	
Eastland	Metzenbaum	
	Nunn	

NOT VOTING—9

Bellmon	Fannin	Magnuson
Bible	Hughes	Mathias
Clark	Johnston	McGee

So the bill (S. 3500) was passed, as follows:

S. 3500

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 "Amateur Athletic Act of 1974".

TITLE I—GENERAL PROVISIONS

DECLARATION OF POLICY

SEC. 101. (a) FINDINGS.—The Congress finds and declares that—

(1) Amateur athletic activity, including competition, and physical fitness are valuable in the development of individuals and the strengthening of the Nation.

(2) International competition between amateur athletes contributes to international peace and understanding.

(3) The full potential benefits of amateur athletic competition have not been realized because various private organizations in the United States have not been able to coordinate their efforts.

(4) Organized amateur athletic competition is conducted through the use of facilities of interstate commerce or its activity which affects interstate commerce. International amateur athletic competition involving American citizens is conducted through the use of facilities of foreign commerce.

(b) PURPOSES.—It is therefore declared to be the purpose of the Congress in this Act to establish an Amateur Sports Board to coordinate amateur athletic competition and a National Sports Development Foundation to support and encourage athletic activity and physical fitness.

DEFINITIONS

SEC. 102. As used in this Act, unless the context otherwise requires—

(1) "amateur athlete" means an individual who trains for and participates in amateur athletic competition in accordance with applicable rules of amateurism.

(2) "amateur athletic competition" means a contest, event, game, meet, match, tournament, or other program in which only amateur athletes are permitted to compete;

(3) "Board" means the Amateur Sports Board, established under section 201 of this Act;

(4) "Chairman" means the Chairman of the Board;

(5) "chartered sports association" means a not-for-profit corporation which holds a charter granted by the Board in accordance with this Act;

(6) "eligible amateur athlete" means an athlete who is eligible for amateur athletic competition under applicable age, amateurism, and athletic ability or performance standards;

(7) "Foundation" means the National Sports Development Foundation, established under section 301 of this Act;

(8) "international competition" means any organized amateur athletic competition in

which individuals or teams, all of whom officially represent the United States as determined by a chartered sports organization, compete against individuals or teams of any other nation, all of whom officially represent such other nation as determined by the appropriate sports governing body of such nation;

(9) "President" means the President of the Foundation;

(10) "restricted competition" means amateur athletic competition which is restricted to a specific class of amateur athletes, including, but not limited to, high school athletes, collegiate athletes, and members of the Armed Forces, or any other such group or category;

(11) "sanction" means a certification of approval;

(12) "sports," as used in sections 201 through 204 of this Act, means a category of amateur athletic competition which is a part of the program at the Olympic games, including archery, athletics (track and field), basketball, boxing, canoe and kayak, cycling, fencing, soccer-football, equestrian sports, gymnastics, team handball, field hockey, judo, rowing, shooting, volleyball, weightlifting, wrestling, yachting, swimming-diving and water polo, modern pentathlon and biathlon, bobsledding, ice hockey, figure skating, speed skating, skiing, and luge, and such other categories as may subsequently be included in such program;

(13) "sports organization" means a club, federation, union, association, or other group, except a chartered sports association, which sponsors or organizes any amateur athletic competition in which amateur athletes may compete if they are members of or affiliated with an institution which is a member of such group;

(14) "Trustees" means the board of trustees of the Foundation; and

(15) "unrestricted competition" means any international amateur athletic competition or any domestic amateur athletic competition directly related to qualifying amateur athletes for international competition, including, but not limited to, national championships or Olympic trials, in which all eligible amateur athletes may participate. The term does not include restricted competition.

TITLE II—COORDINATION OF AMATEUR ATHLETIC ACTIVITY

AMATEUR SPORTS BOARD

SEC. 201. (a) ESTABLISHMENT.—There is established, in accordance with the provisions of this section, an independent agency of the United States to be known as the Amateur Sports Board.

(b) MEMBERS.—(1) The Board shall be composed of five members including a Chairman. The President of the United States shall appoint five qualified individuals to be members of the Board, by and with the advice and consent of the Senate. It is the sense of the Congress that initial appointments to the Board should be made within 60 days after the date of enactment of this Act.

(2) As used in this subsection, "qualified individual" means an individual who is distinguished for his dedication to the highest ideals of amateur athletic competition, his freedom from bias, and his knowledge and experience in amateur sports, including amateur sports competition, administration and development and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Board.

(3) The President of the United States shall make appointments in such a way that at no time shall there be less than one member who is an amateur athlete who has engaged within 3 years prior to such nomination, in international competition, and so that at no time will there by any member who is an officer, director, or employee of any sports organization, or more than one member who has been an officer, director, or employee of the same sports organization. Due regard shall be given, in the appointment of members of the Board, to reflecting the diversity of those who engage in sports and amateur athletics, with appropriate weight given to such factors as race, age, and sex.

(c) CHAIRMAN.—The members of the Board shall select one member to be the Chairman.

(d) TERMS OF OFFICE.—The terms of office of the members first taking office shall expire as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, and two at the end of the fourth year. The member selected as Chairman shall serve as Chairman until his term of office as a member expires and a successor is duly selected. A successor to a member of the Board shall be appointed in the same manner as the original member and shall have a term of office which shall expire 4 years from the date of expiration of the term for which his predecessor was appointed. No member of the Board or former member of the Board, upon the expiration of his term of office, may be reappointed to another term of office as a member of the Board, except the original member who sits for a 1-year term.

(e) STAFF.—The Chairman, with the concurrence of at least three other members of the Board, is authorized to—

(1) determine the qualifications, appoint, fix the compensation, and assign the duties of an executive director, attorneys, researchers, and such other full-time and part-time employees as the Board deems necessary or appropriate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, provided such compensation is not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code; and

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

(f) COMPENSATION OF MEMBERS.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties of the Board and shall receive $150 per diem when engaged in the actual performance of his duties as a member.

(g) MISCELLANEOUS.—(1) The Administrator of General Services shall furnish the Board with such offices, equipment, supplies, and services as it is authorized to furnish to any other agency or instrumentality of the United States.

(2) The Board shall have a seal which shall be judicially recognized.

(3) Three members of the Board shall constitute a quorum for the conduct of business, except as otherwise provided by the Board by regulation.

(4) Each office of the Board shall be open to convenient access by members of the public.

(h) GENERAL POWERS.—(1) The Board, or any duly authorized member of the Board, may for the purpose of carrying out any of the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require, by subpoena or other order, the attendance and testimony of such witnesses and the production of such evidence as the Board or such member deems advisable. Any member of the Board may administer oaths to witnesses appearing before the Board or any member. Subpoenas shall be issued under the signature of the Chairman, and may be served by any person designated by the Chairman. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place of such hearing.

(2) Each chartered sports association which undertakes any international activity shall report in detail to the Board on such activity, and shall make such reports available for inspection by the public at any office of the Board. Reports and answers required under this subparagraph shall be submitted to the Board or such duly authorized member within such reasonable period of time and in such form as the Board may determine.

(3) If any person refuses to obey or comply with any subpoena or order of the Board, the court of the United States for any judicial district in which such person resides, is found, or transacts business shall, upon the request of the Chairman, have jurisdiction to issue an order requiring such person to obey or comply with such subpoena or order immediately. Failure to comply with such an order of the court is punishable by such court as a contempt of court.

CHARTERED SPORTS ASSOCIATION

SEC. 202. (a) GENERAL.—The Board is authorized, pursuant to the provisions of this section, to issue charters with respect to each sport for which application is made for a charter, to a corporation which meets the requirements of this section and any applicable regulations under this section. Upon the issuance of each charter, the President of the United States shall, within 30 days, notify the appropriate international sports organizations that the chartered sports association to which a charter has been issued shall act as the representative of the United States to the appropriate international governing body or bodies for the sport or sports with respect to which it has been granted a charter.

(b) PREREQUISITES.—(1) No person is eligible to receive a charter under this section unless—

(A) it is a group that has not less than twenty-five individuals as members;

(B) it incorporates under the laws of any State or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition in the United States, or in international competition involving citizens of the United States, or both, with respect to not more than three named sports;

(C) in accordance with regulations issued by the Board, it submits an application to the Board requesting a charter under this section and submits therewith a copy of the corporate charter and bylaws; the names, addresses, and occupations of all members and other persons having any financial interest in such corporation; the sport or sports in which it seeks to advance amateur athletic competition; and any additional data, reports, and other information as is deemed necessary or appropriate by the Board;

(D) in accordance with regulations issued by the Board, it demonstrates to the satisfaction of the Board that—

(i) its board of directors, executive committee, or other governing body will at all times include among its voting members not less than two individuals who are actively engaged in amateur athletic competition in the United States in the sport or sports designated in the association's charter, and that the voting power held by such individuals will not be less than 20 per centum of the total voting power held in that board, committee, or other body.

(ii) it will at all times, to the extent consistent with rules and regulations promulgated by the Board, operate under procedures

reasonably calculated to inform amateur athletes under its jurisdiction of policy matters under consideration by the corporation, and reasonably calculated to reflect in its policies the views of such athletes, and

(iii) it will undertake to develop interest and participation in its particular sport or sports throughout the United States;

(E) the Board makes a finding in writing that—

(i) less than 40 per centum of the voting power in such corporation is controlled or subject to control, directly or indirectly, by any person which holds or controls, directly or indirectly by itself or with an affiliate, more than 40 per centum of the voting power in any other corporation which holds, or is applying to hold, a charter under this section as a chartered sports association. An affiliate is a corporation or other organization which controls or is controlled by another corporation or organization, or which is controlled by the same person as such other corporation or organization, or which has any officers, directors, or executive committee in common with such corporation or organization, or which is otherwise affiliated with such corporation or organization by membership or formal articles of affiliation; and

(ii) no officer or director of such corporation is also an officer or director of any other corporation which holds a charter as a chartered sports association; and

(F) in the case of an applicant for a charter under this section with respect to more than one sport, the Board makes a finding in writing after a hearing that—

(i) the sports with respect to which it wishes to receive a charter are closely related and would benefit by common administration, and

(ii) it is capable of functioning as a chartered sports association, with respect to each such sport, in the best interests of that sport and of the amateur athletes participating in such sport.

(2) The Board may deny the application for a charter under this section of any person which is a sports organization, or which was formed out of a sports organization, if the Board determines that—

(A) the sports organization has denied amateur athletes who were members of, or affiliated with members of, that sports organization the right to compete in any unrestricted competition conducted by that sports organization or any other sports organization or which was sanctioned by a chartered sports association (unless the applicant satisfies the Board that such denial was based on evidence that the person conducting such unrestricted competition did not meet the requirements of section 204 of this Act notwithstanding the sanction by such association, or was based on the application of a reasonable rule or regulation of an educational institution as provided in section 204 of this Act); or

(B) the sports organization violated any directive issued by the Board as a result of its mediation of a dispute pursuant to section 203 of this Act.

(c) PROCEDURE REGARDING ISSUANCE.—(1) Prior to the issuance of any charter under this section, the Board shall hold a public hearing on the application for such charter in accordance with the provisions of section 554 of title 5, United States Code. The burden of persuasion at such hearing shall be on the applicant to establish to the satisfaction of the Board that (A) it is fairly representative of athletes in the sport or sports for which the charter is sought, and of sports organizations conducting national programs involving regularly scheduled practice and competition throughout the usual competitive season in the sport or sports concerned; and (B) it is otherwise capable of and willing to discharge the responsibilities and carry out the duties of a chartered sports association. The applicant shall provide evidence that it is qualified to receive recognition by the appropriate international sports federation, committee, or body as the United States organization responsible for certifying the amateur status of United States athletes and for approving teams representing the United States for international and related competition in the sport or sports for which the charter is sought.

(2) The Board may at any time, on its own motion or on the application of any interested person, review all matters related to the activities of a chartered sports association and may take such action as it deems appropriate including, but not limited to, placing conditions upon the continuation of the association's charter or revoking the charter in accordance with this section.

(d) REVOCATION.—(1) The Board is authorized to revoke any charter granted under this section if the chartered sports association is not recognized, within a reasonable period of time after such issuance, by the appropriate international sports governing body or bodies, as the single United States authority responsible for certifying the amateur status of United States athletes and for approving teams representing the United States for international competition in the sport or sports as to which it has been granted such charter.

(2) The Board is authorized to revoke any charter granted under this section, upon the application of any qualified corporation seeking a charter for the same sport or sports, if such application is filed within 6 months after the conclusion of the program at the Olympic winter or summer games. A charter may be revoked under this paragraph, after notice and a public hearing, upon a finding by the Board that the goals and requirements of this Act would be better served by an applying qualified corporation than by the holder of the charter. A final determination shall be made within 12 months after the conclusion of the program at the Olympic winter or summer games.

(3) In addition to any other ground for revocation or suspension of a charter granted under this section, the Board is authorized to revoke or suspend the charter of a chartered sports association if such association denies any amateur athlete the right to compete in any unrestricted competition sanctioned by such association or any other chartered sports association (unless such association satisfies the Board that such denial was based on evidence that the person conducting such unrestricted competition did not meet the requirements of section 204 of this Act notwithstanding the sanction by such association, or was based on the application of a reasonable rule or regulation of an educational institution as provided in section 204 of this Act) or if such association violates any directive issued by the Board as a result of its mediation of a dispute pursuant to section 203 of this Act.

(e) AUTHORITY OF BOARD.—The Board is authorized—

(1) to issue regulations in accordance with the provisions of section 553 of title 5, United States Code, with respect to applications for a charter under this section and the terms and conditions upon which the Board will issue, suspend, modify, or revoke such charter; and

(2) to take such action as the Board deems necessary, with due regard to international standards, to insure that each chartered sports association complies with the terms and limitations of its charter under this section.

(f) FUNCTIONS OF CHARTERED SPORTS ASSOCIATIONS.—A charter issued pursuant to this title shall grant authority to the holders of such charters to—

(1) act as the representative of the United States to the appropriate international governing body or bodies for the sport or sports with respect to which it has been granted a charter;

(2) act as the representative of athletes competing in international competition in its sport or sports;

(3) designate individuals and teams to participate in international competition and certify, in accordance with international rules, the amateur status of such individuals and teams;

(4) conduct domestic competition in which all eligible amateur athletes may compete, including, but not limited to, Olympic trials or national championships;

(5) conduct domestic exhibitions with representatives of foreign nations, the purpose of which is to promote interest in its sport or sports;

(6) take such action, consistent with rules and regulations promulgated by the Board pursuant to this Act, as may be necessary to insure the safety and well-being of athletes representing the United States in international competition in its sport or sports; and

(7) assume such other authority as the Board deems appropriate to carry out the purposes of this Act.

(g) COORDINATION IN SCHEDULING.—A chartered sports association shall coordinate the scheduling of unrestricted competition with sports organizations in its sport or sports so that neither such competition nor required practice therefor shall unreasonably conflict with other established, regularly scheduled competition or required practice for such competition.

(h) PROCEDURE.—(1) Any hearing or other proceeding with respect to the issuance, modification, revocation, or suspension of a charter issued under this section or with respect to the mediation of a dispute pursuant to section 203 of this Act shall be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code. Such hearing, proceeding, or mediation shall be subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.

(2) Notwithstanding paragraph (1) of this subsection, the Board is authorized, upon 48 hours' notice to the parties, to hear and decide a matter under such procedures as the Board deems appropriate if the Board determines that it is necessary to expedite such hearing, proceeding, or mediation in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Board to do justice to the affected parties.

MANDATORY ARBITRATION

SEC. 203. (a) GENERAL.—In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or the American Arbitration Association as provided for in the following sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

(b) ARBITRATION.—(1) Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized, upon forty-eight hour notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

(2) Any person whose claim is upheld by an arbitration decision under subsection (b) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the Act upon which the person based his claim for arbitration under subsection (b). Any person who submits a claim for arbitration under subsection (b) may bring suit in such court to compel arbitration pursuant to subsection (b), and the arbiters of an arbitration under subsection (b) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under this Act in violation of such subsection may (in lieu of seeking arbitration under subsection (b)) bring suit in such court for adjudication of such denied right.

(3) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim.

(4) The arbiter of any arbitration under subsection (b), or a majority of the arbiters under subsection (b)(1), may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (b)(1) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

(c) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) an aggrieved person, the district courts of the United States shall have concurrent jurisdiction with the courts of the States to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

SANCTIONING OF COMPETITON

SEC. 204. (a) GENERAL.—Except as otherwise provided in this section, no unrestricted competition shall be conducted in the United States unless such competition has been sanctioned by a chartered sports association prior to the date of such competition. A copy of such sanction in writing shall be maintained by the chartered sports association for public review. A chartered sports association may, upon the request of the sponsoring sports organization made in writing a reasonable time in advance of such competition, sanction any amateur athletic competition pursuant to subsection (c) of this section. No fee may be charged for the sanction beyond that necessary to cover the administrative costs involved. This subsection shall become effective 2 years after the date of enactment of this Act.

(b) WAIVER.—By unanimous vote of all of the members of the Board, the Board may waive the requirement of subsection (a) of this section, upon a finding that there is no chartered sports association which can sanction the unrestricted competition in view of the time necessarily involved in planning such competition.

(c) REQUIREMENTS FOR SANCTIONING.—A chartered sports association shall grant a request made by a sports organization or other person for its sanction for an unrestricted competition or other competition, unless such chartered sports association determines that—

(1) appropriate steps have not been taken to protect the amateur status of athletes who will compete in such competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic competition.

(2) appropriate provisions have not been made for validation of records which may be established during such competition;

(3) due regard has not been given to any international amateur athletic requirements specifically applicable to such competition;

(4) such competition will not be conducted by competent officials;

(5) proper medical supervision will not be provided for athletes who will compete in such competition; or

(6) the sports organization or other person conducting such competition refuses to submit an audited or notarized financial report of the immediate past event.

(d) EDUCATIONAL INSTITUTIONS.—No chartered sports association or other sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates where such competition is sanctioned by a chartered sports association pursuant to the provisions of this section, unless such denial, censure, or penalty is based upon the application of reasonable rules and regulations which were duly adopted prior to such denial or threat of denial by a university, high school, or other educational institution, individually or in common with other institutions (1) to promote the educational welfare of amateur athletes who are students at such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport.

(e) ENFORCEMENT.—(1) Whenever any person is engaged, or there are reasonable grounds to believe that such person is about to engage, in any act in violation of this section, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate order, may be instituted by the Attorney General, by the Board through its own attorneys, by any amateur athlete claiming to be aggrieved, or, on behalf of such athlete, by any chartered sports association or sports organization of which he, his coach, or his institution is a member or with which they are affiliated.

(2) The district courts of the United States shall have concurrent jurisdiction with State courts for actions brought under this section. Such actions may be commenced in the district court of the United States for any judicial district in which the violation is alleged to have occurred or to have been threatened, or in which any defendant is found, resides, or transacts business.

(3) In any action commenced pursuant to this section the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 205. There are authorized to be appropriated to the Board to carry out the purposes of this Act a sum not to exceed $1,100,000 for the fiscal year ending June 30, 1975, and for each of the succeeding five fiscal years following the date of enactment of this Act.

TITLE III—SUPPORT AND ENCOURAGEMENT OF SPORTS AND PHYSICAL FITNESS

NATIONAL SPORTS DEVELOPMENT FOUNDATION

SEC. 301. (a) ESTABLISHMENT.—There is established in accordance with the provisions of this title, a nongovernmental corporation of the District of Columbia to be known as the National Sports Development Foundation. The Foundation shall be under the direction of a board of trustees. To the extent not inconsistent with this title, the Foundation shall be subject to the District of Columbia Nonprofit Corporation Act (D.C. Code 29-1001 et seq.).

(b) GENERAL AUTHORITY.—The Foundation shall have the authority to do all things necessary to carry out the provisions of this title including, but not limited to, the authority to—

(1) make such bylaws, rules, and regulations as may be necessary for the administration of its functions under this title;

(2) adopt an official seal which shall be judicially noticed;

(3) sue and be sued, complain, and defend in any court of competent jurisdiction;

(4) provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purposes of this title;

(5) contract and be contracted with; and

(6) acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the purposes of the Foundation.

(c) OFFICES.—The principal office of the Foundation shall be maintained in the District of Columbia or such other place as may later be determined by the Trustees, but the activities of the Foundation shall not be confined to such place but may be conducted throughout the United States. The Foundation may maintain offices at such locations as may be necessary to carry out its purposes. At all times the Foundation shall maintain in the District of Columbia a designated agent authorized to accept service of process on behalf of the Foundation. Service upon, or notice mailed to the business address of, such agent shall be deemed service upon or notice to the Foundation.

(d) RESTRICTIONS.—(1) No part of the assets or income of the Foundation may inure to any officer, employee, or member of the Trustees nor may any such asset or income be paid or distributed to any such person during the life of the Foundation or upon its dissolution or final liquidation. This provision shall not be construed to prohibit the payment of reasonable compensation to officers, employees, or members of the Trustees or to prohibit payment of reimbursement for actual and necessary expenditures, subject to the approval of the Trustees, from funds provided for such purposes by the Board.

(2) The Foundation shall not make any loans to its officers, employees, or members of the Trustees.

(3) The Foundation shall have no power to issue any shares of stock or to declare or pay any dividend to any person.

(4) Upon the dissolution or final liquidation of the Foundation, following the discharge or satisfaction of obligation and liabilities, the remaining assets may be distributed in accordance with the determination of the Trustees and in compliance with this title, the bylaws of the Foundation, and any applicable Federal and State laws. Any remaining assets resulting from appropriations pursuant to this Act shall revert to the Treasury of the United States.

(e) DUTIES.—The functions of the Foundation shall be, by means of grants-in-aid to qualified and established institutions or organizations directly involved in amateur sports—

(1) to promote equal opportunity for and encourage participation and excellence in athletic activity and physical fitness programs for individuals of all ages;

(2) to foster and support organizations, groups, and individuals concerned with sports and to help coordinate their activities voluntarily with educational and recreational programs conducted by Federal, State, and local governments;

(3) to support the development and dissemination of technical, financial, and training assistance to not-for-profit organizations and to individuals concerned with sports and physical fitness education;

(4) to promote increased athletic exchanges with foreign nations;

(5) to support studies with respect to athletic activity, including competition and physical fitness;

(6) to extend knowledge and facilities and the practice of sports by establishing and maintaining a data bank for the compilation, analysis, and dissemination of information pertaining to all significant aspects of sports;

(7) to encourage and support useful research in such areas as sports medicine, equipment design, and performance analysis;

(8) to stimulate the establishment of advanced or improved coaching, physical training, and physical education programs;

(9) to identify, without duplicating existing government or private activities, the need for provision of sports facilities by public or private groups and availability of such facilities by—

(A) gathering, analyzing, and making available information relating to existing and potential procedures for the financing, construction, maintenance, and use of athletic facilities;

(B) considering methods for the economical renovation, expansion, beautification, alteration, and conversion of existing athletic facilities in order to best meet the requirements of the communities in which they are located, and by directing such methods toward the goal of developing facilities which will meet the optimum degree of flexibility, so as to provide the maximum usage within a community; and

(C) providing consultant services to private interests and State or local governments which may require such assistance;

(10) to promote, without duplicating existing governmental or private activities, safety and good health in sports by—

(A) gathering, analyzing, and making available data and information relating to the influence of training and competition on athletes during and subsequent to their careers as athletes;

(B) studying currently identifiable factors which contribute to the development of physical and mental illness and accidents in different sports, such as facilities, equipment, rules, officiating, drugs, economics, social forces, and searching for as yet unknown influences;

(C) studying the effectiveness of the methods employed in sports medicine to prevent illnesses and accidents, the techniques to recognize and to treat such conditions when they occur, and the approaches which enable athletes with preexisting medical problems to compete on a limited or unlimited basis;

(D) making recommendations and disseminating information which will promote greater safety in sports, with primary emphasis on prevention but with concern for minimizing the effects of illnesses and accidents when they occur; and

(E) maintaining continuing liaison with the Consumer Product Safety Commission, the Department of Health, Education, and Welfare, and any other government agency that has interests and concerns with respect to health and safety, and, to the extent practicable, utilizing the resources of such agencies to the extent consistent with the discharge of responsibilities under the subsection.

(f) FOUNDATION COSTS.—The Board shall pay the costs, including salaries, incurred by the Foundation in carrying out its functions under this title. No moneys furnished by the Board to the Foundation may be transferred by the Foundation to any other person as financial assistance.

TRUSTEES

SEC. 302. (a) GENERAL.—The Trustees shall direct the Foundation in accordance with the provisions of this title and the policy of this Act, shall maintain and administer the Foundation, and shall execute or direct the execution of such other functions as are vested in it or the Foundation by statute or regulation under a statute.

(b) MEMBERS.—(1) The Trustees shall consist of sixteen qualified individuals who shall be appointed by the President of the United States by and with the advice and consent of the Senate.

(2) As used in this subsection, "qualified individual" means an individual who is distinguished for his dedication to the highest ideals of athletic competition, his freedom from bias, and his knowledge and broad experience in amateur sports, including amateur sports competition, administration, and development and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Trustees. Members of the Trustees shall be selected from among individuals who shall have distinguished themselves and achieved recognition by their peers in their respective fields. The President of the United States shall select members of the Trustees in such a way that at no time shall there be less than three members who are presently or who were in the recent past participating athletes, and in such a way that the following fields shall be represented on the Trustees: financial management, business, corporate, or athletic management; research and development; the humanities; fundraising; adolescent development; sports medicine; sports education; physical education; communications and public relations; and the social sciences. In selecting members of the Trustees, due regard shall be given to reflecting the diversity of those engaged in sports with appropriate weight given to such factors are race, age, and sex.

(c) TERMS OF OFFICE.—The terms of office of the members of the Trustees first taking office shall expire as designated by the President of the United States at the time of appointment, two at the end of the first year, two at the end of the second year, three at the end of the third year, three at the end of the fourth year, three at the end of the fifth year, and three at the end of the sixth year. Successors to members of the Trustees shall be appointed in the same manner as the original members and shall have a term of office expiring 6 years from the date of expiration of the term for which their predecessors were appointed. Any member appointed to fill a vacancy on the Trustees occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No member may be reappointed upon the expiration of his term.

(d) CHAIRMAN.—The members of the Trustees shall select one of their members to serve as chairman of the Trustees for a period of 1 year.

(e) ORGANIZATION.—The Trustees appointed initially shall take whatever steps are necessary to establish the Foundation, including the filing of articles of incorporation.

(f) MEETINGS.—(1) The Trustees shall meet at least once each quarter at such place and at such time as shall be determined by the chairman. The chairman shall also call a meeting at any time upon the request in writing of six or more members. Each member shall receive a notice of the call of each meeting, by certified mail return receipt requested not less than 15 days prior to the date of such meeting.

(2) Each meeting of the Trustees shall be open to the public. Minutes shall be kept of each such meeting and copies thereof shall be made available for public inspection at the office of the Foundation in the District of Columbia and at such other offices as it may maintain. Such copies shall be available for reproduction, upon request and at reasonable charge.

(g) QUORUM.—Eight members of the Trustees shall constitute a quorum for the transaction of affairs.

(h) COMPENSATION.—Each member of the Trustees shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Trustees and $150 per diem when engaged in the actual performance of such duties.

(i) PRESIDENT.—The trustees shall appoint a qualified individual to be the President of the Foundation. The President shall serve at the pleasure of the Trustees and shall be the chief administrative officer of the Foundation. Subject to the supervision of the Trustees, the President shall manage and supervise the business of the Foundation, appoint, fix the compensation, and assign the duties of such officers, attorneys, specialists, agents, and other employees, and consultants as he deems necessary, who are qualified to further the policy of this Act.

(j) GENERAL POWERS.—(1) The trustees may solicit, accept, hold, and administer gifts, bequests, or devises of money, securities, or other property in any form or of whatever character for the benefit of the Foundation. Unless restricted by the terms of such gift, bequest, or devise, the Trustees may sell or exchange and invest or reinvest in any lawful investment such money, securties, or other property, for the benefit of the Foundation. Such moneys, securities, and other properties shall constitute a fund to be held by the Trustees in trust. The corpus of such trust shall not be invaded by the Trustees for expenditure or transfer other than for purposes of investment so long as the total amount in such fund, together with any amounts appropriated to the Trustees for such fund under section 305 of this title, does not exceed $100,000,000: *Provided*, That the Trustees may expend up to $1,000,000 each year from such fund out of such amounts not appropriated under section 305 of this title to carry out the purposes of the Foundation until such time as the aggregate sum of all moneys, securities, and other properties received by the Trustees equals or exceeds $15,000,000. Income from such fund may be expended in the discretion of the Trustees.

(2) The Trustees shall, not less than once each year, give public notice, in such manner as they find appropriate, of the Foundation's intent to award grants-in-aid during the succeeding period for projects designed to further the Foundation's purposes as stated in section 301(e) of this title. Such notice shall solicit the submission of proposals with respect to any such projects by qualified and established institutions or organizations directly involved in amateur sports.

AUDIT OF TRANSACTIONS

SEC. 303. The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants certified or licensed by the government of the District of Columbia. The audit shall be conducted at the place or places where the accounts of the Foundation are normally kept. All books, accounts, financial records, reports, files, and other papers, things or property belonging to or in use by the Foundation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit. Full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons by the Foundation. A report of each such audit shall be submitted to the Congress by the Foundation not later than 6 months following the close of the fiscal year for which the audit was made. The Foundation shall also maintain a certified copy of such report for public inspection. The report shall set forth the scope of the audit and shall in-

clude such statements as are necessary to present fairly the assets and liabilities of the Foundation; its surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Foundation during the year, and the independent auditor's opinion of those statements. Each such report shall be printed as a public document.

REPORTS

SEC. 304. The Foundation shall maintain for public inspection and submit to the Congress and the President of the United States, in January of each year, a report on its activities, including a comprehensive description of the activities and accomplishments of the Foundation during the preceding calendar year together with an evaluation of such activities and accomplishments in terms of the attainment of the policy of this Act and the duties of the Foundation. Such report may include recommendations for additional legislative or other action which the Trustees consider necessary or desirable for attaining such objectives. Such report shall not be reviewed by any officer or agency of the United States prior to submission to the Congress. Each such report shall be made available to interested persons and printed as a public document.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. For each fiscal year following the fiscal year ending June 30, 1976, there is authorized to be appropriated to the Trustees for use by it in carrying out the provisions of this title an amount equal to the amount of donations, bequests, and devises of money, securities, and other property received by the Trustees during the fiscal year preceding the fiscal year for which such appropriation is made, except that the total aggregate amount appropriated pursuant to this subsection shall not exceed $0.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the Secretary of the Senate be empowered to make technical and clerical corrections in the engrossment of the bill.

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

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until the hour of 11:30 a.m. tomorrow.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow there be a period for the transaction of routine morning business not to extend beyond the hour of 11:45 a.m., with statements limited therein to 5 minutes each.

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

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON S. 3203 TOMORROW, TIME LIMITATION THEREON, AND PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow at the hour of 11:45 a.m. the Senate proceed to the consideration of the conference report on S. 3203.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on that conference report of 1 hour, to be equally divided between the majority leader and the minority leader, or their designees.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the debate on the conference report on S. 3203 tomorrow, the following staff members from the Committee on Labor and Public Welfare be granted access to the floor: Mr. Don Elisburg, Mr. Jeff Doranz, Mr. Jon Steinberg, Miss Louise Ringwalt, Mr. Gene Mittelman, and Mr. Robert King.

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

ORDER FOR CONSIDERATION OF S. 3698 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the conference report on S. 3203 tomorrow the Senate proceed to consideration of S. 3698, dealing with agreements re nuclear technology.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 11:30 a.m. tomorrow. After the two leaders or their designees have been recognized under the standing order there will be a period for the transaction of routine morning business with statements limited therein to 5 minutes each, the period not to extend beyond the hour of 11:45 a.m., at which time the Senate will proceed to the consideration of the conference report on S. 3203 dealing with nonprofit hospitals. Upon the expiration of 1 hour thereon, the conference report will be disposed of.

Upon the disposition of the conference report, the Senate will proceed to the consideration of S. 3698, agreements re nuclear technology. Rollcall votes are expected tomorrow.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11:30 a.m.

The motion was agreed to; and at 6:44 p.m., the Senate adjourned until tomorrow, Wednesday, July 10, 1974, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 1974:

FOREIGN CLAIMS SETTLEMENT COMMISSION

J. Raymond Bell, of the District of Columbia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1974 (reappointment).

THE JUDICIARY

James C. Hill, of Georgia, to be U.S. district judge for the northern district of Georgia vice Sidney O. Smith, Jr., resigned.

DEPARTMENT OF JUSTICE

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for the term of 4 years (reappointment).

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California for the term of 4 years (reappointment).

John A. Birknes, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years (reappointment).

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 lieutenant general

Lt. Gen. Glenn A. Kent, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Charles W. Carson, Jr., [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Vice Adm. Gerald E. Miller, 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. Robert Y. Kaufman, 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, for appointment to the grade of vice admiral while so serving.

CONFIRMATION

Executive nomination confirmed by the Senate July 9, 1974:

FEDERAL MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1979.

(The above nomination was approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

DÉTENTE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 9, 1974

Mr. HARRY F. BYRD, JR. Mr. President, Crosby S. Noyes, foreign affairs analyst for the Washington Star-News, discussed détente in his piece in the Star-News of Sunday, July 7, 1974.

I ask unanimous consent to print his column captioned "Détente's One-Way Benefits" in the Extensions of Remarks.

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

[From the Washington Star-News, July 7, 1974]

DÉTENTE'S ONE-WAY BENEFITS

(By Crosby S. Noyes)

The debate in this country over "detente" with the Soviet Union is hardly getting started, but it promises to gain momentum as time goes on.

The reason why it has been slow in developing is that the lines of the debate have generally been drawn in utterly simplistic and misleading terms. So far as the administration is concerned, it is largely a matter of preferring peace to nuclear war. As long as the alternative to détente is implied to be an open-ended armaments race with the Soviet Union and a return to the hardest confrontations of the Cold War, there is very little to argue about.

Quite obviously, the avoidance of nuclear war had been an established priority in Soviet-American relations for many years before anyone ever heard of detente. To the extent that an improvement in relations contributes to this—including regularized summit meetings in Moscow and Washington—it is welcomed by virtually all Americans.

So, no doubt, is the possibility—still somewhat theoretical—of being able to agree with the Russians on some sort of reasonable balance in both nuclear and conventional military forces. The record of the latest summit meeting and the interminable negotiations in Vienna on thinning out military forces in Central Europe leave the outcome of these efforts still very much in question. But most reasonable people would agree it is worth the try.

At the same time, however, there is very little evidence that detente—in the sense of a general relaxation of tension—between the Soviet Union and the West has, in fact, done much to insure the avoidance of nuclear war or to promote armaments control. And apart from these two objectives, there has been no real attempt to define what positive benefits the United States and its allies expect to achieve by what is essentially a propagandistic slogan, encouraged, strictly for Western consumption, by the Soviet leaders.

Secretary of State Henry Kissinger, to be sure, talks hopefully of creating what he calls a "structure of peace" and President Nixon in Moscow evoked the vision of a "pattern of interrelationships" that may eventually tend to domesticate and humanize the Soviet system. But there is no indication that the Soviet leaders share any such expectation and plenty of evidence that they are exploiting detente for very different purposes.

It is now only too evident that detente does not imply a relaxation of tension—or effort—so far as the Soviet bloc is concerned. Whatever illusions may have been entertained by Western Europeans—including notably former West German Chancellor Willy Brandt—they have long since been rudely dispelled.

The Russians got precisely what they wanted from Brandt's excursions into Ostpolitik, including the recognition of East Germany and a so-called "security conference" which formally ratified and consecrated Soviet control of Eastern Europe, presumably for all time. In return, the Russians gave not a centimeter on Western demands for a freer exchange of people and ideas across the ideological frontier.

It now looks as though the Soviet leaders will get just about everything that they want from the United States as well. The list of goodies includes subsidized trade and infusions of technology to bolster the ossified Russian economy, an arms agreement which, if it lasts, will insure Soviet superiority in strategic nuclear weapons, and perhaps eventually a congressionally mandated retreat of American military power from Western Europe.

It is, in short, not at all easy to see why Brezhnev & Co. are all in favor of detente and more than happy to encourage the notion in the West that the conflict is over and we can all relax. The result has been to yield them dividends that all the years of truculence and militancy failed to produce.

It is a good deal less easy to see what the West is getting in return except disaffected Bolshoi Ballet dancers and a temporary illusion of security. The debate is likely to start in earnest only when people in this country begin to realize how much of a one-way proposition detente is turning out to be.

CONGRATULATIONS TO THE MOST REVEREND PETER LEO GERETY UPON HIS INSTALLATION AS THE ARCHBISHOP OF NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RODINO. Mr. Speaker, on Friday, June 28, 1974, Peter Leo Gerety was installed as the third archbishop of Newark, N.J. Archbishop Gerety is the successor of Archbishop Thomas A. Boland who is retiring at the age of 78. I join with the over 2 million Roman Catholics of the Newark Archdiocese in wishing Archbishop Boland well in his retirement, and in congratulating Archbishop Gerety upon assuming the spiritual leadership of the fourth largest archdiocese in the United States.

I join New Jersey's Star Ledger newspaper which noted in an editorial on June 29, 1974:

FULL COMMITMENT

Peter Leo Gerety has formally assumed the spiritual leadership of the Archdiocese of Newark, the sixth largest in the country.

He was installed as archbishop in a liturgical ritual in Sacred Heart Cathedral, an investiture that was warmly and richly symbolic of the universality of the Roman Catholic Church.

The pastoral staff that was presented to the third archbishop of the Newark Archdiocese signified his role as a shepherd of the church, the ecclesiastical acknowledgement of the responsibility he assumed as the spiritual leader of almost two million parishioners.

Archbishop Gerety brings a broad experience of social as well as religious awareness to an archdiocese that has undergone drastic change in recent years. He has been known as a prelate of liberal persuasion, an activist with a commitment that predates the emergence of the civil rights movement as an instrumentality for great social change in the United States.

He is a cleric who epitomizes the changing role of the Christian church, a fuller involvement that transcends the traditional spiritual meaning and brings the church into the community mainstream.

As archbishop of the Newark Archdiocese, his new assignment will entail much greater responsibility, not only in larger number of parishioners but in the diversity and complexity of problems evident in a widely representative see that includes urban, suburban and ritual spiritual constituencies.

Archbishop Gerety appears to be eminently qualified to deal with these archdiocesan problems in a secular as well as a religious perspective. There are opportunities in addition to great challenges in his new post of pastoral concern and involvement.

RETIREMENT OF DR. LEWIS DESCHLER

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. PERKINS. Mr. Speaker, it is with great regret that I have heard of the retirement of the Parliamentarian of the House, Dr. Lewis Deschler.

Over a period of five decades, it has become an axiom of House life that Congresses come and Congresses go, but Lew Deschler goes on forever.

In an age in which we have received so many shocks and temblors, it is doubly disappointing to know that this verity of life is crumbling, too.

We can well understand the desire of Dr. Deschler to lay aside the enormous tasks he has performed so well for so long. He has earned honorable retirement many times over, and we all wish him well.

This House, from its earliest days, has had a tradition of integrity. For nearly a quarter of this Republic's life, the House's integrity has reposed in the advice and rulings which he recommended to the Speakers and Members. That is an enormous span of service, and Mr. Speaker, that is an enormous repository of integrity.

Dr. Deschler has gathered around him in the Office of the Parliamentarian a fine, loyal, and dedicated group of assist-

ants. They reflect great credit upon him, and upon this House, and I know the great traditions of fairness, reasonableness, and truth in which this staff is immersed will continue its contribution toward the shaping of the character of the House.

I do not know Dr. Deschler's future plans, Mr. Speaker, but I hope he will visit us often.

Since the 1920's, this House has been his home. I hope he will always continue to regard it so.

SOVIETS PULL PLUG ON U.S. NETWORKS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HUBER. Mr. Speaker, in time honored Soviet fashion many dissidents were rounded up and placed in jail before the Nixon visit. Many more that our newsmen were unaware of were probably also rounded up and placed under detention. True also to Soviet tradition, our news networks were cut off in mid-sentence when attempting to report on dissident activity from Moscow during the President's visit. I find it difficult to see how détente is going to work under such circumstances. The article from the Washington Star-News of July 3, 1974, follows:

SOVIETS PULL PLUG ON U.S. NETWORKS

Moscow.—In a chilling reminder of cold war tactics, Soviet authorities have pulled the plug on television newsmen reporting on Soviet dissidents.

Elliot Bernstein of ABC, the Moscow pool coordinator for the three U.S. networks, told reporters after the blackout was imposed yesterday that Soviet authorities on Monday had threatened retaliation against the three networks for carrying "anti-Soviet material."

ABC and NBC had prepared television reports on the hunger strike of Andrei D. Sakharov, the physicist, in protest against the detention of political prisoners in the Soviet Union.

CBS had prepared a report on efforts by the secret police to prevent Jewish scholars from holding an unofficial seminar.

All three television reports were blocked in transmission, as were two attempts by commentators to explain on camera what had happened.

The three networks have paid the Soviet Television System $281,000 for use of facilities during the summit talks.

All three networks broadcast on last night's news programs in the United States the beginnings of the transmissions which showed the correspondents as they were cut-off mid-sentence.

Bernstein, said there had been "complete and total cooperation" from the Soviets up until now with several dissident stories having been transmitted eariler during the Nixon visit.

Among yesterday's broadcasts was one by ABC correspondent Herbert Kaplow, beginning with Sakharov's name. The line to New York immediately went dead.

ABC tried to reroll the film to no avail. So New York reported: "The patch has been pulled . . . the patch has been pulled."

Over at NBC, similar check disclosed that "the whole thing" was lost in transmission.

At CBS, film on dissidents was transmitted about twelve minutes later, but the result was the same. "We are not receiving video . . . you lost video and audio about 20 seconds in. We lost it on the words "in jail."

"There it is—for everyone to see—what happens when a government controls the news," said Richard S. Salant, president of CBS news.

Gerald L. Warren, a White House spokesman, said "It is the White House position that the networks should be able to send anything they wish."

BRINGING GOVERMENT TO THE PEOPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, my city of New York has taken another significant and unprecedented step in bringing local government closer to the people. A branch of the district attorney's office has been established in my home community, Harlem. In these days of high crime and low confidence in governmental institutions, I deem it imperative that government provide better mechanisms for citizen participation. Especially in those institutions designed to protect the citizen from this criminal threat against the social and economic fibers of our communities. I commend my city for taking this action, and I wish to share with you and my colleagues, remarks by Mayor Beame at the opening of this new branch office.

REMARKS BY MAYOR ABRAHAM D. BEAME

I am delighted to be present at this opening day of a branch of the District Attorney's office.

This is a most important event, since it is a first step toward a working relationship between the District Attorney and various communities in Manhattan.

This is an experiment in law enforcement and crime prevention and I am sure all of us here want to see that experiment succeed.

I have been informed that this is the first branch office of any District Attorney's office in the country, specifically set up in order to create a warm rapport between the community and the local prosecutor.

A second office is expected to be opened in Manhattan soon, under the same LEAA grant which is letting us open this office in Harlem.

One of the main points I keep making as Mayor is that government must increasingly involve the citizenry in the solution of our social problems and in the delivery of government services.

I have been delighted by the response I have received from businessmen, educators, professional people, civic groups and individual citizens.

I believe there is no more important area of social concern in which government needs the cooperation of the private sector than the area of law enforcement and crime prevention.

I have involved the citizens of various communities in different parts of the City to participate in "walk and talk" programs and I intend to continue pushing for local participation in these programs.

I have also involved the business community in Manhattan and Brooklyn, so far, in crime prevention programs of various kinds to prevent commercial thefts and other crimes.

This branch office, set up independently by the District Attorney, is another example of involving citizens in the tasks of self-government.

I am sure that the residents of Harlem will make use of this branch office and obtain the information and help which they are seeking.

I am glad the Mayor's Criminal Justice Coordinating Council played a role in funneling the Federal grant for this project. I want to congratulate District Attorney Kuh for taking this step, and wish Assistant District Attorney Daniel Lewis, who will be in charge of this Harlem office, complete success in this very worthwhile experiment.

If it succeeds, I believe we will be able to expand the program, with appropriate Federal help, throughout Manhattan and the other four boroughs.

I also want to thank the Harlem business community for its cooperation and I would like to commend individual businessmen, residents and officials who cooperated in making this project possible.

Thank you.

THE UNITED STATES AND WORLD FOOD

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. DRINAN. Mr. Speaker, the problem of regional scarcities of food supplies has reached crisis proportions in many areas of the world. Every year many thousands of people die for the simple reason that they do not have enough to eat. This year, the famines in the African Sahel and India lead the list of the most tragically affected geographical areas in terms of food shortages.

Events in the petroleum market and inflation have had a deleterious effect on the availability of cheap fertilizers and on the fiscal ability of small nations to purchase necessary food supplies. Unilateral food policies of major food producing nations have had a similarly negative effect. What is desperately needed is a cooperative system for the management of food reserves.

One positive approach to this problem that has been presented is Senator HUBERT HUMPHREY's world food resolution. I commend to my colleagues the following editorial reprinted from the July 7, 1974 Boston Sunday Globe which focuses on this problem and major efforts to deal with it:

THE UNITED STATES AND WORLD FOOD

On Thursday the Senate Foreign Relations Committee will hold a one-day hearing on Sen. Hubert Humphrey's World Food Resolution. If Sen. Humphrey can generate major support in the Senate—say, 85 votes (staff members say he has lined up 35 so far)—it is possible that American policy on the world food problems could be substantially liberalized by the time the World Food conference is held in Rome in November.

It is Sen. Humphrey's contention, reiterated in numerous speeches, that the United States has dragged its feet in this area at a time when our help, as the world's

greatest food producer, is needed more than ever before. As drought edges south in the Sahel region of Africa and famine's shadow lengthens over India, the American response does appear to be lacking a lot, and confused.

While soaring food and fertilizer prices have made it all but impossible for the poor, developing countries to buy food from American farmers, our PL 480 food grants (Food for Peace), have been cut drastically as have long-term credit sales. A more positive note was struck last week when the House voted to approve a $1.5 billion contribution to the World Bank for 50-year, no interest loans to the poorer nations. However, an amendment to the legislation instructs the US representative on the board overseeing the loans to vote against any loan to a country which has exploded a nuclear device. That could rule out India as a recipient, a nation which has received about 40 percent of the credits since the system was started.

In his resolution, which he introduced to the Senate on May 22, Sen. Humphrey asks that the President and the Secretaries of State and Agriculture "give the highest priority to the immediate expansion of American food assistance," specifically by restoring the PL 480 program to its 1972 level and by increasing the US pledge to the 1975–76 World Food Program. The resolution also requests the Administration to encourage the oil exporting nations to contribute assistance and to "encourage the American people to reduce the noncritical, nonfood-producing uses of fertilizer" so that more can be made available to countries which have a fertilizer shortage.

Underlying Sen. Humphrey's proposal and sure to be stressed in the hearing will be the issue of setting up a world food reserve program. Although such a proposal is not specifically mentioned in the resolution, a program of this type is generally regarded as the key to any world food program. So far it is difficult to assess the Administration's position in this area. Secretary of State Henry Kissinger has strongly backed the idea of US participation in a world food reserve (it was Kissinger who formally proposed the Rome conference), but Secretary of Agriculture Earl Butz has appeared to shy away from the concept although he does favor supplying emergency food to any nation that needs it. Butz reflects the American farmer's fear, generated by the decades of American farm surpluses, of the establishment of any giant food banks because of their tendency, just by existing, to depress farm prices. If such a system is to be developed, he thinks, it might be handled by the private traders and not by government. Considering the complications of making anything work on a global scale, such an approach would appear to be impractical.

The world agricultural picture, like the energy situation, has changed drastically in the last few years. No longer are there vast grain reserves in the forms of surpluses in the United States and other exporting nations. No longer, in this country at least, are croplands held idle. Although a bumper crop is predicted for the United States this year, the old cushion is no longer there.

At the same time unilateral food policies as practiced by various nations have made the distribution of the world food supply more precarious. In the summer of 1972, for instance, the Soviet Union cornered the world's wheat market and even now it keeps secret the amount of grain reserves it has on hand. A year later the United States, which grows 85 percent of all the soybeans entering the world market, declared an export embargo on soybeans to keep down prices at home. Later, Thailand banned rice exports for several months and Brazil banned exports on soybeans and beef for the same reasons. While this happened the prices of some foodstuffs tripled, the more affluent nations greatly increased their consumption, and the resources used to produce food—land, water, energy, fertilizer—declined, especially for the havenots.

Somehow there must be a cooperative approach on this problem, if the ups and downs of food crisis are to be avoided. Lester R. Brown and Erik P. Eckholm of the Overseas Development Council have pointed out that many nations have developed the means of managing commercial abundance on a domestic scale. Now, they suggest, it is time to tackle the problem of scarcity both nationally and internationally.

"Foremost among the new institutions needed," they write "is a new world food reserve system. Cooperative international management of food reserves would reintroduce some measure of stability to the world food economy and also help ensure that the capacity of the international community to respond to food emergencies is maintained. Human life is too valuable to depend on the vagaries of weather and the whims of the marketplace. The extreme price volatility that is likely in the absence of an effective reserve system will serve the interest of neither producers, nor consumers, nor government policymakers attempting to cope with inflation."

It remains to be seen whether the Nixon Administration will ever go this far, despite Mr. Kissinger's endorsement of the principle. In both the State and Agriculture departments it is maintained that there is actually little difference between the ideas of Sen. Humphrey, Mr. Kissinger and Mr. Butz. Sen. Humphrey, it is said, is too impatient by asking for immediate action, as he does in his resolution. The food reserve problem has to be studied carefully, it is said (there are several studies under way), and no firm decisions can be made about what should be done for a month or so until it is known precisely what the American, Indian and other crops will amount to this season.

There is some sense to this. There may not be much point in expanding our assistance programs until we know how much assistance will be needed, though that should not be used as an excuse to evade the responsibility. However, an ever more far reaching effect of the hearing on the Humphrey resolution could be the clarification of U.S. policy on the world food reserve issue. It is not time for the United States to play Santa Claus to the world. It is time, however, for us to provide leadership in solving the problem of bringing stability to the world food supply both for the year ahead and on a more permanent basis.

DR. GEORGE F. JACKSON, SR.

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mrs. BURKE of California. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Whereas, the West Adams Community Hospital is holding a testimonial dinner in honor of Dr. George F. Jackson, Sr., one of the founders and first president of the Hospital, and

Whereas, Dr. Jackson had the foresight in 1968 to recognize the need for a community hospital in the area, and the courage and determination to see his dream become a reality, despite many obstacles, and

Whereas, Dr. Jackson is still an inspiration to the staff and a source of strength for the Hospital's nearly 500 employees.

Therefore, be it known this 12th day of June 1974 that we are in recognition of Dr. Jackson's contribution to this community's health, and to his outstanding record as a physician, and further direct that this commendation be entered in the Congressional Record.

U.S. TREASURY ACTS ON TAX AND LOAN ACCOUNT BOONDOGGLE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SEIBERLING. Mr. Speaker, last year I introduced the Tax and Loan Account Interest Act to require banks to pay interest on Treasury tax and loan accounts. I was pleased when the Department of the Treasury last week announced that it is drafting similar legislation to be submitted to Congress within the next several weeks.

Tax and loan accounts are one of the least known and most expensive boondoggles by which the Federal Government has ever frittered away the taxpayers' money. Not many people are familiar with them, but they have cost the taxpayers as much as $1.5 billion in the past 5 years.

Tax and loan accounts are interest-free accounts kept by the Federal Government with commercial banks into which flow billions of dollars worth of social security payroll taxes and corporate income taxes. The primary purpose of the accounts is to prevent disruptions in the money market due to heavy receipts and disbursals by the Federal Government each month. They have performed this useful function ever since they were instituted over 50 years ago.

A secondary purpose of the tax and loan accounts is to compensate banks for certain services they perform for the Government, including maintenance of the tax and loan accounts, cashing Government checks, handling Government securities, and others. Here is where the boondoggle occurs. The value of the balance in the tax and loan accounts far exceeds the value of the services performed by the banks, to the tune of several hundred million dollars a year. Moreover, there is no rational cost accounting system to determine what specific services the Government is getting and how much it is costing the banks to perform such services. Many of the services performed ostensibly for the Government actually benefit the banks and their customers. Indeed, many banks charge their customers for the same services for which they are already being compensated by the interest-free use of tax and loan account balances.

What this means for the average taxpayer in effect is that he is giving the free use of his tax money to the banks which are loaning it back to him at recordbreaking interest rates. At a time when many prospective home buyers cannot even get a bank to give them a mortgage and many small businesses are facing closure because of the money crunch, the tax and loan account policy of the U.S. Treasury is scandalous.

For years, the Treasury has fought efforts in Congress, most notably by the distinguished chairman of the House Banking and Currency Committee (Mr. PATMAN) to change the tax and loan account system. Last Monday, however, the Treasury released a study of the tax and loan accounts which takes a radical new look at the system. The study is based on a questionnaire sent to 600 of the Nation's 13,000 commercial banks holding tax and loan accounts, including 300 of the largest.

The study shows that the total value of the tax and loan accounts to commercial banks in calendar year 1972 exceeded the value of the services they performed for the Government by over $260 million. In other words, the U.S. Treasury gave the banks a $260 million subsidy in calendar year 1972. In that year, the banking industry earned profits of $4.4 billion, an increase of $371 million over 1971.

The Treasury study also shows that the costs reported by banks for the handling of Federal tax deposits in tax and loan accounts ranged from a low of 1½ cents per transaction to a high of $3.10 per transaction. Similar ranges occurred for other bank services. Incredibly enough, as late as 1973, some banks were still reporting the sale of Federal transfer stamps as a service they performed for the Government although these stamps were discontinued in 1965. The study further reported "a lack of any logical relationship between unit costs reported and factors which might have been expected to have a bearing on them."

Based on this study, the Treasury Department has made three recommendations: First, that the unneeded balance in tax and loan accounts be invested in short-term money market instruments, the interest on which would accrue to the Government's account; second, that a minimum balance be kept in tax and loan accounts to compensate banks for only those services directly related to the handling of tax and loan accounts; and third, that banks be paid directly for a limited number of other services which they perform for the Government.

I have some reservations about even maintaining a minimum interest-free balance in the tax and loan accounts to cover the costs incurred by banks in servicing the accounts unless some effective cost accounting measures are implemented. It seems to me more business-like to pay the banks directly for all of the services they legitimately perform for the Government at a standardized rate based on actual services rendered. However, I am glad that the Treasury has finally taken a step in the right direction toward ending the tax and loan account scandal and am hopeful that its legislative proposals will be submitted to Congress at the earliest possible date so that they may be given immediate consideration.

LEGISLATIVE BRIBERY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. KETCHUM. Mr. Speaker, during the debate on H.R. 14565, we have been treated to a rare exhibition of what some choose to call compromise, and I choose to call legislative bribery. The International Development Association portion of this bill was resoundingly defeated last January by a vote of 248 to 155 as the Members of our House finally realized just what a giveaway this was. Subsequent to its defeat, we were barraged by an intense lobby effort on the part of Mr. McNamara of the World Bank, and Mr. Simon, Secretary of the Treasury, in an attempt to convince us all of what they felt was a mistake.

In a final gasp, the proponents of this terrible program hit upon a ploy which can only be described as bribery—they attached to the bill what should already be a right of the citizens of the United States: the owning, holding, and selling of gold, something almost everyone in the world can already do except the hard-pressed, harassed American taxpayer.

Now, Mr. Speaker, I am totally in favor of the right to own gold, as are many other Members of the House, but certainly not at this price. Mr. SYMMS of Idaho put it all in perspective with his comment that the price of gold in the Congress today was $1,500 million and he was so right.

Some so-called conservative Members of the House let us know that, in order for the people to own gold, any compromise was agreeable. I wonder, Mr. Speaker, how the cost of the International Development Association can possibly correlate with owning gold.

When one considers the minute percentage of Americans who will be able to afford to buy gold, and then consider that all our over 200 million people will share in the repayment of the $1½ billion IDA fund, one is forced to wonder where equity and fairness lie.

The International Development Association will spend $1½ billion which we do not have, and which we will then add to the already staggering deficit. IDA will loan, interest free for 50 years, money to foreign governments for all sorts of dandy projects, while we at home cannot afford or obtain home loans at under 11 percent, plus points.

When, Mr. Speaker, do we start to think about the folks at home? Voting for a bill to send billions abroad which we do not have to people who will not appreciate us is a disgraceful act which totally ignores the inflationary aspects, and, more importantly, ignores the hopes and desires of a disillusioned American people.

This is far too high a price to pay for the freedom to own gold. Mr. Symms was right: gold sold for $1½ billion in the House, and the people get the shaft again.

THE FOOD RESEARCH AND DEVELOPMENT ACT OF 1974

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SEIBERLING. Mr. Speaker, the world's food cupboard is quickly becoming bare. Hundreds of millions of people throughout the world are facing malnutrition and starvation. The situation is becoming more and more critical as each day the number of new mouths to be fed increases by 200,000. By the end of the century, there will be 7 billion mouths to feed—twice as many as there are now.

How can we possibly feed twice as many people within the next generation if we do not have enough food to feed the people in the world today?

Recently I introduced a bill which provides a partial answer to that question. My bill, the Food Research and Development Act of 1974, would establish a Government-sponsored program to develop new methods of producing protein and fertilizer and making more efficient use of our existing food resources. In addition, the bill provides for demonstration projects and an education program to encourage market acceptance of the products produced by such methods.

Some progress has already been made in the development of new types of food and fertilizer, abundantly and cheaply, with the use of microorganisms and soybean meat and dairy substitutes. These new agricultural techniques have the potential for meeting all of the world's future food needs. However, it is going to take an effort comparable to the R. & D. effort we launched in response to the energy crisis to put them into practical use. The Food Research and Development Act is designed to be a vehicle for such an effort.

Mr. Speaker, we are living in an age when men have visited the moon and probed the outer reaches of the solar system. That we have not applied our technological know-how toward adequately meeting our most basic need—the need for food—is profoundly disturbing. We are at a stage in the history of mankind when change occurs very rapidly, placing new and sudden demands on our ability to utilize our natural resources to meet our needs. At a time when in one generation we will witness a doubling of the world's population, we cannot afford to be unprepared. We must look ahead, or face catastrophic consequences.

The Food Research and Development Act is obviously only one step toward solving what is a very complex problem. It does not offer a solution to the current food shortage which is threatening the impoverished nations right now and which demands an immediate relief ef-

fort by the developed nations. What it does offer is hope that the food needs of the next generation will be met.

I am pleased to reintroduce the Food Research and Development Act today with the following cosponsors: Mr. BADILLO, Mr. BINGHAM, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. DRINAN, Mr. EDWARDS of California, Mr. HECHLER, Mr. MATSUNAGA, Mr. MOAKLEY, Mr. ROE, Mr. STARK, Mr. STOKES, Mr. TIERNAN, and Mr. WRIGHT.

RECLAMATION PLAN FOR STRIP MINED LAND STIRS DEBATE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. BADILLO. Mr. Speaker, our recent unfortunate experience with the Arab oil embargo has brought a resurgence of interest in the mining of our vast coal reserves in an effort to achieve self-sufficiency in energy. Major problems have arisen over the sudden acceleration of strip mining as the easiest way to extract this suddenly rediscovered resource. One particular difficulty is the lack of information on how to make land reclamation successful in the West where the energy industry is now concentrating its efforts to unearth coal as cheaply as possible.

It appears that we do have a long-term energy problem in this country. However, the short-term crisis has been eased by the flooding of world markets with an excess of several million barrels of crude oil over the demand every day. It is important and prudent that we not be stampeded at this time into further despoliation of land that might never be reclaimable again for any useful purpose if strip mining is allowed to proceed unregulated. There are ample badlands in the United States, east and west, to illustrate the loss forever of a natural resource from over-grazing, over-logging, and over-mining when no thought is given to the consequences for the land.

Mr. Speaker, land is a finite resource. We know how much we have now and will have into perpetuity. We also know that some soils, once depleted, will not regenerate themselves. Consequently, I can see no crisis so imminent at the moment to justify a headlong rush into tearing up the landscape as is the case with the more than 1,000 acres a week from which coal is being taken by surface mining at this time.

An excellent article in the New York Times on July 3 contributes to the dialog with its emphasis on the dearth of knowledge about reclamation techniques. It deserves a careful reading before we vote on pending strip mining legislation, and I include it here in full for the benefit of my colleagues:

RECLAMATION PLAN FOR STRIP MINED LAND STIRS DEBATE

(By James P. Sterba)

DENVER.—A crucial debate is under way over whether Western coal lands can be reclaimed after they are strip-mined. At stake are hundreds, perhaps thousands, of square miles of land in this generally arid and fragile region. The key element in the controversy is water.

Coal companies, already implementing plans for massive strip-mining operations, argue that most of the land to be mined receives sufficient annual rainfall to allow restoration to productive use.

Environmentalists argue that successful reclamation is doubtful and that stripped regions could become a vast "national sacrifice area" of barren, useless land incapable of being rehabilitated by either nature or man for decades and possible centuries.

"NOT ONE ACRE" RECLAIMED

Both sides tend to agree, however, that precious little research and experimentation have been conducted on mined Western land to answer key reclamation questions with much certainty.

"We're suffering from a disease that can be terminal if it isn't controlled—it's called lackadata," says Carolyn Alderson, a Birney, Mont., rancher and environmentalist. Like other opponents of strip mining, she is skeptical about reclamation.

"We're not comforted by assurances of reclamation," she says, "when in fact there is not one acre of reclaimed land in the Northern Great Plains which has been returned to agricultural production, much less grazing." Some 12,000 acres in that area have been disturbed by strip mining thus far.

Industry, meanwhile, looks to the future.

"We must find a way to take the wreck out of reclamation," says Roger Rice, senior exploration geologist for the Western Energy Company, which has Montana coal mines. "We must find a way to do better than merely restore mine lands, for the creative potential for accomplishing great things reclamation-wise is very real."

Annual rainfall in Western coal areas averages less than 16 inches a year—three or four times less than Appalachia. Thus, reclamation techniques used in the East are largely irrelevant. And research in reclaiming stripped Western land only began in earnest a few years ago.

The coal industry favors going ahead with Western strip-mining while at the same time conducting reclamation experiments. It generally acknowledges that key reclamation questions remain unanswered, but argues that the national quest for energy self-sufficiency requires huge increases in Western coal production in the next several years.

Environmentalists argue that successful reclamation should be proven before coal and utility companies are allowed to proceed on the massive scale they envision. Otherwise, irreparable damage may be done to what is now productive agricultural land. Then, they charge, energy companies would simply abandon their spoils with the rationalization that restoration was impossible.

Laws binding coal companies to certain strip-mined lands are generally weak, although some states are attempting to make them stronger. More than half of the 2.5-million acres of land stripped in the United States thus far remains defaced, and 1,200 more acres are strip-mined each week.

Legislation pending in the House of Representatives would require coal companies to be liable for reclamation of Western lands for 10 years. But critics of that bill contend that 20 or more years of careful attention may be required to restore these lands—if it can be done at all.

The key point of controversy is water: how much is needed to develop not short-term showcase greenery but rather new vegetation that can be sustained in a natural balance over the long term.

A recently published National Academy of Sciences study holds out little hope for reclaiming stripped areas where annual rainfall is less than 10 inches. It says:

TEN-INCH FIGURE DISPUTED

"Rehabilitation of the dryer sites may occur naturally on a time scale that is unacceptable to society," because it may take decades, or even centuries, for natural succession [of vegetation] to reach stable conditions."

Revegetation of Western areas receiving a little more rainfall than that "can possibly be accomplished only with major sustained inputs of water, fertilizer and management," the study said. But it added:

"However, we must emphasize that this belief is not based on long-term, extensive, controlled experiments in shaping and revegetating Western lands that have been surface-mined. Few such studies have been made, and those in progress have only a few years' data to report."

Existing information has come, to a large extent, from reclamation projects on overgrazed Western lands and on road cuts rather than strip mines.

Some scientists sharply dispute drawing the line of reclamation success or failure at 10 inches of annual rainfall, charging that the figure is arbitrary and pro-industry. They argue that it amounts to giving coal companies carte blanche to rip up the Dakotas, Montana and Wyoming, where 45 per cent of the nation's coal reserves lie and where annual rainfall averages a crucial 12 to 16 inches.

"It could be said that Northern plains coal development hinges almost completely on the validity of this essentially unsubstantiated academy state-associate professor of environment," wrote Robert R. Curry, of the department of environmental geology at the University of Montana, in an addendum to the academy's study.

Coal companies have set up reclamation research projects at strip mines in the West, but Dr. Curry says they were too new to be called "demonstrated" techniques by the academy study team.

"It may be significant," Dr. Curry asserted, "that one or more members of the study team had been receiving contracts from energy-development companies to develop 'successful reclamation' techniques."

Instead of such problems as rugged terrain and high acidity, which are common to Eastern strip-mined lands, some of the biggest problems in the West are too little rain and concentrations of salts such as sodium that retard plant growth, according to Dr. Harold L. Barrows, a staff scientist with the United States Agricultural Research Services. The service began research on North Dakota stripped lands four years ago.

Dr. Barrows said that gypsum had long been used to loosen the soil so the salt can be "leached" or dissolved out.

"To be effective however, the sodium must be leached below the root zone," he added. "This is not possible in many sections of the West because of lack of rainfall. If rainfall is below 10 inches annually, the strip mine area cannot be reclaimed. The average rainfall in North Dakota mining areas is from 12 to 16 inches. Thus, it should be possible to revegetate these areas."

PROBLEM "ONLY COVERED UP"

Just adding topsoil, however, is not enough. Grass grew well on experimental plots with two inches of top soil, but, Dr. Barrows said, "it did not eliminate the problem—it only covered it up."

The strip-mining of coal, on a minor scale, has been going on in the West for more than 50 years, but the large-scale movement by coal companies West did not begin until the mid-sixties. As of 1972, some 288-million tons of coal was produced from nine Western states, and some 20,700 acres of land was disturbed, according to the National Academy of Sciences study.

With the Arab oil embargo last year, the rush West became a stampede backed by a commitment by the Nixon Administration to

"restore King Coal to his former position," in the words of Royston Hughes, an assistant secretary of the interior.

"Our objective," he said in a recent speech, "is to at least double and possibly triple the production and use of coal by 1985." By that year, according to an Atomic Energy Commission study, 55 per cent of total United States coal production is expected to be strip-mined in the West.

Politicians in the region are divided on the issue.

"I want a guarantee—not merely reasonable assurance—that every acre of land laid open will be reclaimed, and that requires tough strip-mining legislation," says Senator Floyd K. Haskell, a Colorado Democrat. "Hard evidence, not emotionalism, forces me to that conclusion. There is enough unreclaimed strip-mined land in this country to form a mile-wide swath of devastation from New York to Los Angeles."

HOUSING BILL

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. WHALEN. Mr. Speaker, the housing bill just passed by the House was the subject of a July 1 editorial in the Journal Herald, one of the daily newspapers in my district.

The analysis was a very astute one, indeed, and I would like to make it available for the edification of my colleagues. Therefore, Mr. Speaker, I insert it at this point in the RECORD:

HOUSING BILL—HOUSE VERSION PENALIZES CITIES, POOR

The House of Representatives has overwhelmingly approved an Administration-backed housing and community development bill that would replace a number of categorical, largely federally controlled programs with direct block grants to localities. The House did not markedly alter the Administration's bill for fear that it would result in a Presidential veto at a time when the House is likely to be bogged down with impeachment proceedings.

The bill would substantially reduce funds for cities like Dayton that have been most successful in obtaining federal money for urban revitalization and would eliminate several programs designed to provide decent housing for the poor.

Under the formula contained in the House bill, cities will get no less than the average sum they received from six of seven federal programs over the past five years. Unfortunately for cities which recognized and attacked the housing problem early, the Model Cities program is not averaged into the formula once its five year funding period is over.

Over 80 cities, which were either first to obtain Model Cities funding or had their programs expanded recently, stand to lose under the new averaging formula. Nearly 20 of them will receive no money at all for discontinued Model Cities programs. Dayton will be particularly hard-pressed by the revenue sharing proposal, receiving funds that it obtained under the seven federal programs that will be replaced.

If the purpose of revenue sharing is to promote greater local flexibility in the use of federal funds, we see no reason to cut back aid to hard-pressed cities like Dayton. At the least, the bill should make available to such cities adequate transitional funds to ease the cutback until the time when, as the Administration and backers of the House bill claim, revenue sharing levels will approach those obtained under the categorical federal programs. The Senate has passed a housing bill that provides $500 million for the transition while the House bill supplies only $100 million. We hope that in reconciling the House and Senate bills in a conference committee, conferees will adopt the Senate version.

The House bill would also replace subsidies for low-income housing with an expanded rent supplement program. The supplement program has the advantage of directness since it will help pay the actual rents of low-income tenants rather than subsidize the builders of low-income housing. But the program does not, by itself, remedy the problem of an inadequate supply of decent housing in the right places. The Senate version would retain subsidies for low-income homeownership and rental units, and an amendment to the bill would require the government to pursue recovery of mishandled funds, a defect of programs in the past.

Because of the virtual Administration freeze on housing funds and the failure of Congress to pass major housing legislation in the last three years, federal funding for housing and community development programs is long overdue. But we hope that the conferees will not ramrod the House version of the bill through the conference committee. Changes should be made that will make the cutbacks to cities such as Dayton less precipitous and that will assure an adequate supply of decent housing for all Americans.

PENNSYLVANIA'S CATHOLIC WAR VETS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. GAYDOS. Mr. Speaker, the Catholic War Veterans of Pennsylvania, an organization dedicated to preserving the heritage and precepts of the United States, recently held its 34th annual convention in York, Pa. I was privileged to address the traditional Commander's Banquet and to meet the new State CWV leaders, Comdr. William Higgins and Mrs. Rosemary Pankiewicz, president of the State Ladies Auxiliary.

I know all of us in the Congress of the United States are aware of the accomplishments and the objectives of the Catholic War Veterans. The commitment of the CWV, whether as individuals, separate posts, or as a unified organization, is identical to that of the Congress—eternal vigilance for the safety of our Nation and its people.

The Catholic War Veterans never hesitate to single out for public recognition individuals or posts that give unstintingly of time or talent to better the lives of others, particularly their fellow veterans who have honorably served in the defense of our country.

I am pleased, therefore, to insert into the RECORD those honored by the Catholic War Veterans at this year's convention:

LIST OF HONORED MEMBERS

Leonard C. Staisey, Thomas J. Foerster and William R. Hunt, members of the Allegheny County Board of Commissioners, for the establishment of a job bank for veterans.

Judge John G. Brosky of Allegheny County Common Pleas Court and Rev. Francis B. Filip, state CWV chaplain, for long and dedicated service on behalf of all veterans.

Stanley J. Roman Sr., retiring state CWV commander and a close, personal friend of mine, for capable leadership of the state organization during the past year.

St. George Post 1438, Mt. Oliver, Pa., represented by Commander Michael Romaniello, for outstanding service to a children's center.

Mr. Speaker, I extend my personal congratulations to these worthy award winners and I offer my best wishes for continued success in pursuit of their objectives to the officers and members of Pennsylvania's Catholic War Veterans.

ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. KOCH. Mr. Speaker, Prof. Herman Schwartz, professor of law at the State University of New York at Buffalo, has written an excellent report entitled "A Report on the Costs and Benefits of Electronic Surveillance, 1972." I would like to append material from this report for the information of our colleagues:

EXCERPTS FROM "A REPORT ON THE COSTS AND BENEFITS OF ELECTRONIC SURVEILLANCE, 1972"

B. COSTS

All of this activity does not come cheap. Although the state figures for the earlier years are not too complete, we can get some notion of the range of costs.

A few general comments are in order, as qualifications to both the analysis and conclusions.

1. The costs for the very extensive national security surveillance are not included. It will be recalled that the number of installations annually is about 100 and that the average national security installations is six to sixteen times as long as the average court-ordered installation. The result in the manpower costs of listening and transcribing are likely to be about 6 to 15 times the cost of the court-order surveillance. Consequently, the cost of the national security surveillance is likely to be somewhere in the range of from 6 to 15 times the manpower costs of the average installation plus other costs. The average cost of a 1969–71 federal installation was about $9,500. Since the non-manpower costs are a relatively small part of the total, a guess at the cost of the 207 1969–70 taps is that each came to 6 to 15 times $9,500 or about $47,000–$142,500 each. This totals about $4.7 to $14.25 million per year for 100+ annual installations so far. This is a very loose estimate, of course, but may be within the range.

2. The figures as given omit the inevitably substantial amount of lawyers' and judges' time in preparing, determining and supervising each application and interception. Regardless of how cursory the Mitchell scrutiny was, it does take time and money to prepare an application, and to submit it to the court. The lawyer and judge man hours for this preparatory work, which is very expensive time indeed, are completely omitted.* The federal costs will be explored first, and then the state costs.

1. FEDERAL COSTS

1969

The costs per offense, both total and average, per device, are as follows:

*The elaborateness of the procedure—apart from Attorney General authorization—is described in Justice Department affidavits filed in United States v. Ceraso, —— F. 2d ——, nn. 7–8, 72–1355, 11 Cr. L. 2513 (3d Cir. 1972).

	All	Gambling	Drugs	Homicide	Kidnaping	Other
Total	$440,287	$146,431	$247,298		$492	$43,066
Average	14,343	7,447	61,825		492	9,213

It will be noted that the gambling figure is much lower than the drug figure. This difference continues throughout the years.

	All	Gambling	Drugs	Other
1970:				
Total	$2,116,266	$926,588	$1,041,408	$148,270
Average	11,716	7,667	26,035	7,373
1971:				
Total	2,114,216	1,776,481	268,206	69,529
Average	7,524	7,163	12,772	5,794
3-year total	5,670,769	2,849,500	1,556,912	263,595

It is very difficult to explain the difference in costs between gambling and drugs. Telephone calls to a few government officials have produced no enlightenment. It cannot be attributed to lengthier surveillances, for a study of some selected daily manpower costs produces the same results. For example, in a series of federal investigations in California in 1970, the following costs appear:

Order	Offense	Date	Manpower cost	Days used	Average cost per day
4	Narcotics	Jan. 26, 1970	39,200	11	$3,564
6	Transmission of wagering information.	July 28, 1970	6,825	15	455
7	Narcotics	Sept. 3, 1970	72,400	23	3,147
8	do	Sept. 14, 1970	142,000	18	7,888
10	Gambling	Oct. 22, 1970	3,640	14	260
11	do	Oct. 23, 1970	5,655	29	195
In some Federal investigations in Maryland we find:					
62	Gambling	June 22, 1970	14,385	15	959
63	Narcotics	Oct. 16, 1970	67,953	33	2,059
64	Gambling	Nov. 24, 1970	5,813	10	581
In the Western District of Missouri, we find:					
83	Gambling	Jan. 7, 1970	1,800	10	$180
84	Counterfeiting	Sept. 3, 1970	8,928	10	893
85	Narcotics	Apr. 30, 1970	47,500	20	2,375
In the Eastern District of Pennsylvania, we find:					
151	Gambling	Feb. 3, 1970	1,516	5	303
154	Narcotics	Mar. 31, 1970	9,345	12	779
156	do	Apr. 20, 1970	11,843	15	789
163	Gambling	June 9, 1970	2,722	13	209

All in all, in 1970 the average narcotic investigation cost $1,410 per day of manpower, whereas surveillance for the gambling and other non-narcotic offenses cost but $551 per day. The 1969 figures are not as extreme, but they too show a similar pattern—$661 per day for narcotics and only $485 for gambling and other non-narcotic offenses.

The explanation cannot be in the difference between taps and bugs, since relatively few bugs were used for any offenses—only 8 out of 180.

One possible explanation may be that different agencies are involved—the FBI and the Strike Forces handle gambling investigations, whereas the Bureau of Narcotics and Treasury handle narcotics and counterfeiting respectively. Either the latter are overstated, or the FBI understates. There is no reason to overstate costs, but understatement is very useful to justify electronic surveillance on a cost-benefit analysis.

Another possibility is, of course, that the FBI and Strike Force are more efficient though it is rather difficult to see such sharp differences.

2. STATE SURVEILLANCE

1968

The state figures were quite incomplete—only 120 out of 169 installations reported, or less than 75%. These reported costs, both total and average, are as follows:

	All	Gambling	Drugs	Homicide	Kidnapping	Other
Total	152,860	8,692	37,392	35,592	3,450	67,734
Averages	1,260	579	1,039	2,738	3,450	1,274

If these averages are approximately correct, then the total for all 169 is about $200,000.

	All	Gambling	Drugs	Homicide	Kidnaping	Other
Per installation, 1969:						
Total	402,787	85,935	98,802	68,962	3,450	145,638
Average	1,806	1,303	1,453	4,060	3,450	2,051

Extrapolating the average of $1806 to all 260 installations, produces an estimated cost of $470,000.

	All	Gambling	Drugs	Homicide	Kidnaping	Other
Per installation, 1970:[1]						
Total	937,998	305,691	296,394	94,700		317,813
Average	2,288	1,500	3,529	4,735		3,345

[1] 17 installations did not report.

Extrapolating the overall average of $2288 to all 410 installations, produces an estimated cost of $938,000.

	All	Gambling	Drugs	Homicide	Kidnaping	Other
1971:[1]						
Total	1,455,391	532,806	502,888	39,969	1,140	378,588
Average	2,940	1,752	4,835	2,222	1,140	4,507

[1] 16 installations did not report.

Extrapolating the overall average of $2940 to all 511 installations, produces an estimated cost of $1,502,340.

The rather wild fluctuations in average cost per installation among the different offenses are hard to explain. As with the federal figures, it is hard to relate this to differences in length of installation, for it is the daily manpower costs that fluctuate so much. For example, of 11 taps installed in Essex County, New Jersey in 1970, 4 of the bookmaking installations produced the following costs:

Order: Bookmaking; total cost, $334; days used, 2; average daily cost $167.

Similar peculiarities appear in reports from other States, as some examples from Bronx County, New York, Fulton County, Georgia, and Baltimore, Maryland show, to take but three examples:

Order	Offense	Total cost	Days used	Average daily cost
Bronx County, N.Y.:				
1	Narcotics	$9,635	51	$188
2	do	5,060	15	337
6	do	3,390	25	136
12	do	3,105	15	207
Fulton County, Ga.:				
1	Bribery	575	1	575
3	Bribery, burglary	2,100	20	105
4	do	$1,300	10	$130
8	Gambling	600	10	60
9	do	1,000	3	333
Baltimore, Md.:				
1	Bribery, conspiracy	86	[1] 30	86
2	do	86	[1] 33	86
3	do	135	[1] 3	135
6	Arson	521	[1] 41	521

[1] Minutes.

It thus appears clear that the state cost figures are dubious, to say the least.

SUMMARY OF COSTS

	Federal		State		Total		Federal		State		Total
	Total	Average	Total	Average			Total	Average	Total	Average	
1968			[1] $200,000	$1,260	$200,000	1971	$2,114,216	$7,524	[2] $1,502,34	$2,950	$3,616,556
1969	$440,287	$14,343	[2] 470,000	1,806	910,287						
1970	2,116,226	11,716	[2] 938,000	2,788	3,054,226	Total	4,670,769	9,513	[2] 3,110,340		7,781,069

[1] Extrapolated from costs actually reported.

[2] These are somewhat incompletely reported, so the figures reported are extrapolations.

TOTAL AND AVERAGE COSTS PER INSTALLATION, BY OFFENSE

	Gambling		Drugs		Kidnaping		Other		
	Total	Average	Total	Average	Total	Average	Total	Average	Total
Federal:									
1969	$146,431	$7,447	$247,298	$61,825	$492	$492	$46,066	$9,213	
1970	926,588	7,667	1,041,408	26,035			148,270	7,373	
1971	1,776,481	7,163	268,206	12,772			69,529	5,794	
Total	2,849,500		1,556,912		492		263,865		4,670,769

	Gambling		Drugs		Homicide		Kidnaping		Other		
	Total	Average	Total	Average	Total	Average	Total	Average	Total	Average	Total
State:											
1968	$8,692	$579	$37,392	$1,039	$35,592	$2,738	$3,450	$3,450	$67,734	$1,274	
1969	85,935	1,303	98,802	1,453	68,962	4,060	3,450	3,450	145,638	2,051	
1970	305,691	1,500	296,394	3,529	94,700	4,735			317,813	3,345	
1971	532,806	1,752	502,888	4,835	39,969	2,222	1,140	1,140	378,588	4,507	
Total	933,124		735,476		239,223		8,040		909,773		$2,815,636

HONORS FOR MEMORY OF SENATOR GRUENING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. STOKES. Mr. Speaker, I rise in honor of the memory of a distinguished and courageous colleague, Senator Ernest H. Gruening. To all who knew him, this man of integrity was an admirable model of the principled public servant.

His passing is a great loss to all of us and to the Nation. His courage in speaking up on behalf of what he believed in showed his dedication and his unwillingness to put aside his principles to meet a temporary, popular mood when he was convinced that it was misguided. A few of his stands for unpopular causes may be remembered longer than others, but to those of us who were honored to view his activities most closely, the most significant thing was the consistency of his principles and his constant willingness to champion an unpopular cause when he felt it was right.

I know I speak on behalf of all of my colleagues when I give thanks for his having served with us in the U.S. Congress, and for having been an example for all of us.

DEATH OF MRS. CHARLES WILSON

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. CORMAN. Mr. Speaker, I would like to offer my deepest sympathy to my colleague, Congressman CHARLES H. WILSON of California on the recent loss of his wife, Betty. I know that she will be sorely missed by her husband and four sons. She has been a tremendous asset to her husband over his long and distinguished career. Friends in California as well as those here in Washington will remember her well for her public-spiritedness and interest in a wide variety of community activities. She served with many school-related organizations and in 1972 was elected president of the California Congressional Wives Club. Patti joins me in offering most sincere condolences to CHARLES WILSON at this sad time.

GILMAN SEEKS REMOVAL OF AGE DISCRIMINATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. GILMAN. Mr. Speaker, today I am introducing legislation amending the Age Discrimination in Employment Act of 1967 to remove the 65-year age limitation.

This measure is designed to prevent

employers from forcing many of our mentally and physically capable older Americans into retirement.

I have been receiving an increasing number of complaints from able-bodied senior citizens who have been arbitrarily excluded from the labor market. The eroding effects of inflation have widened the gap between retirement and employment income creating near poverty conditions for millions of older Americans. The limited prospects for adding to one's retirement income makes retirement status unattractive and often unacceptable. Mandatory retirement policies should be abolished. An individual's right to work should not depend upon any arbitrary, unreasonable age criteria.

Accordingly, Mr. Speaker, I urge my colleagues to support this proposal which will extend coverage of the Age Discrimination in Employment Act of 1967 to all older workers, not just those between ages 40 and 64.

HEARINGS ON PROPRIETARY VOCATIONAL SCHOOLS

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HICKS. Mr. Speaker, for the past several months, the Special Studies Subcommittee of the House Committee on Government Operations has been looking into the Federal dollars going to proprietary vocational schools. These schools offer students a chance to learn a trade in a relatively short period of time and have helped many Americans improve themselves. At the same time, other students have been defrauded by schools which promised jobs or instruction that they could not deliver or schools that went out of business after collecting lump-sum tuition payments from students. The availability of federally insured loans and veterans payments has contributed heavily to the growth of these schools. Unfortunately, it has also led to an increasing waste of Federal money as veterans do not get what they pay for and as borrowers of Federal insured student loans refuse to pay them back.

The seriousness of this problem has been emphasized in recent stories and accounts of misdoings in the proprietary vocational field. Articles have appeared in the Reader's Digest, the Boston Globe, and the Washington Post. Locally, WTTG carried a series of television features about these schools. The Federal Government is instrumental in the growth of this industry because many students are financed by Federal loans or veterans payments.

Some students have relied on Federal eligibility as a stamp of approval only to be shocked to discover that the school has closed and left them stranded with a debt they must pay. The tactic of misleading students in order to recruit them has been particularly noticeable in the proprietary school area, but as the colleges need to recruit to fill their seats, we are beginning to see instances of equally questionable behavior.

On the basis of the staff investigation to date, the Special Studies Subcommittee has decided to hold hearings on the proprietary school area and the Government spending that supports it. These hearings will begin on Tuesday, July 16, at 9:30 a.m. in room 2247 of the Rayburn House Office Building. They will examine ways in which the Federal Government can reduce the waste occurring when loans or veterans payments support students who get nothing from the training. How can we take action against those schools which do not give the student full value for his dollar, so that all students will benefit? Proprietary vocational schools offer for many Americans a relatively quick way to improve themselves, and it is unfair that the schools which prey on students should be allowed to tarnish the reputation of the entire industry.

I am sure that other Members share our concern with this problem. The subcommittee would be happy to receive information about problems that may exist or cases where sound regulations or corrective action have reduced or eliminated student exploitation.

RETIREMENT OF THE HONORABLE LEWIS DESCHLER AS PARLIAMENTARIAN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. ROONEY of New York. Mr. Speaker, the recent announcement of the retirement of my friend, the Honorable Lewis Deschler as Parliamentarian of this House of Representatives is a great disappointment to me as I am sure that it is to all the Members of this most august body.

In the long and illustrious history of the Republic and of this House of Representatives, few men, if any, have served either as long or as well as Lew Deschler. What an extraordinary accomplishment it is to have served one's country for half a century and for 46 of those years as one of the most influential men in Government.

It is the mark of the greatness of Lew Deschler that during his long career he shunned completely the publicity and the spotlight that could have so easily been his and chose instead the quiet course that made him one of the most respected and trusted men in Government.

Lew was already a respected veteran of 20 years' service to the House when I arrived here over 30 years ago as a freshman Congressman. I was most impressed with the affection and esteem with which Lew was held by all the Members on both sides of the aisle. His counsel and advice were much sought after and valued by all of us.

Mr. Speaker, I deeply treasure the friendship of Lew Deschler, which goes back a long time. We celebrated VJ-Day in San Francisco on August 14, 1945. We have traveled in many of the countries of Europe. As the years passed, I came to respect and admire him more and more.

Mr. Speaker, I am very pleased to learn that Lew will continue to work on his authoritative work "The Deschler Precedents" which will certainly be the most complete and outstanding work to be compiled in our time dealing with the various parliamentary precedents of the House of Representatives specifically and parliamentary law in general.

Lew, now that you are retired, Katie joins me in wishing you and your lovely wife Virginia a very enjoyable and rewarding retirement and we extend our very best wishes to you, Virginia, and your family for many, many years of happiness and good health.

JOSEPH A. BEIRNE

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. PERKINS. Mr. Speaker, a few days ago, one of the most progressive labor leaders in the country, Joseph A. Beirne, announced that he was not going to run for reelection as president of the Communications Workers of America, after serving in that office since 1943. Many of us on both sides of the aisle have had the opportunity to correspond and speak with President Beirne, and we know his significant achievements. But there is a special aspect to Joe Beirne that I want to remind the House of—he recognized a long time ago that this is a pluralistic country, made up of different people with some common values and objectives, so he always guided his union in directions that built on our common values and beliefs, and enhanced them. Joe Beirne's efforts have made the fabric that binds America together stronger.

Not many of us may know that it was his idea which developed into the American Institute For Free Labor Development, a combined labor-management-government project designed to build strong, democratic labor unions in Latin America and the Caribbean area.

He saw the coming of automation and other technology, and welcomed it, rather than fought it, but he sought to make the best use of it for everyone, which includes the public, as well as the industry and the workers.

He constantly sought to improve the collective bargaining process so that difficulties and differences could be settled without unnecessary uproar, again to the benefit of the public as well as the workers.

President Beirne built a great corps of leadership for CWA, which includes its secretary-treasurer, Glen E. Watts, and its executive vice presidents, George Gill, G. C. Cramer, and Louis Knecht, and many of us know them because they have testified before numerous committees, on various issues. Many of us also know

President Beirne's assistant, George Miller, who directs the CWA legislative function and contributes a strong effort to the progress cf legislation beneficial to all of the people of the country.

Mr. Speaker, although President Beirne will be relinquishing his office, I hope that this organization will continue to have his advice and counsel for a long, long time. I know that it will remain a progressive force, ably lead, and doing good for its members and for all working people.

NUCLEAR REACTORS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Ms. ABZUG. Mr. Speaker, my office in recent days has received a flood of mail from constituents and citizens all across the Nation who are appalled and astonished by President Nixon's recent offer of nuclear reactors to both Israel and Egypt.

It is an act of pure madness to inject nuclear capability into an area like the Mideast. But more importantly, the Congress and the American people were not consulted about the nuclear deal. We cannot allow the President to continue to hand out nuclear reactors as if they were party favors.

Mr. Speaker, the statement by the Central Conference of American Rabbis typifies the shock and astonishment with which citizens have been reacting with to the President's nuclear deal. I would like to commend this to the attention of my colleagues:

STATEMENT BY CENTRAL CONFERENCE OF AMERICAN RABBIS

We are appalled and alarmed at President Nixon's atomic give-away proposition for Egypt.

Neither the mood, the spirit nor the mentality of the Egyptian State can assure anyone of its peaceful intentions. Egypt started the Yom Kippur War and provoked the wars of 1967 and 1956.

The SCUD missile capability given to Egypt by the Soviet Union assures a delivery system for atomic warheads to strike anywhere in Israel. Supervision or guarantees by our own United States government or any international commission that such atomic materials will not be put to war-like possibilities have proven to be totally and completely tenuous in the past.

Our American government had pledged Israel passage through the Suez Canal in return for withdrawal from Suez in 1956, and this pledge was not kept. The Soviet Union's vast advisory, military and technological force was capriciously expelled from Egypt in 1970. Nothing that our government could do is more inflammatory than presenting Egypt with this potential for atomic carnage.

With the Palestinian terrorists waiting to utilize these as small arms, and with this atomic gift closing the scientific and technological gap between Egypt and Israel, it creates a new imbalance in the situation. Egypt has no shortage of energy sources in view of its recent oil strikes and the vast hydroelectric potentials of the Aswan Dam which have not yet been fully exploited.

We support the majority of Congress and the American people who see this as folly and a great danger to world peace. We urge every effort to turn back this uneven proposition.

WITNESS TO THE TRUTH

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HANNA. Mr. Speaker, I wish to bring to the attention of my colleagues a compelling and fascinating new book by Mr. Nathan Shapell entitled "Witness To the Truth." Nathan Shapell today is chairman of Shapell Industries, a California-based homebuilding company. Thirty years ago, however, he was in war-torn Europe, a young man lucky to be alive. His book tells of his experiences in postwar Europe.

Mr Shapell survived such horrors as Auschwitz and two other Nazi concentration camps, the Russian takeover of Poland, and later transfer to Russian-occupied Germany. At age 23, he organized a group of survivors, including what was left of his family, from various displaced persons camps, and led them into the American zone of occupation. With the assistance of U.S. military officials in Munchberg, Germany, Shapell devoted the next 5 years to providing homes and other essentials to fellow Jews and others left homeless by the Nazi holocaust.

Only after almost everyone else in the community had left for new homes in Israel, the United States, and other friendly countries, did the Shapell family leave Germany for the United States. That was in 1951. Today, his firm is one of the largest in the homebuilding industry, doing more than $100 million worth of business last year.

All proceeds from his book will be used to set up a Witness to the Truth Children's Foundation. The Foundation will give aid to children in need all over the world, regardless of race, color, or creed, in the hope of furthering brotherhood and understanding. Mr. Shapell has said he felt impelled to produce the book as partial payment for what he considers to be a debt to the United States. He hopes it will serve as a reminder of American humanity and generosity. "The foundation of the United States is good. It is based on sound human principles, and there is no need to feel there is no hope for the country," Shapell said.

"Witness to the Truth" is also a tribute to a man who has not only survived indescribable horrors, but has risen above them by his own hard work, hope and determination, Nathan Shapell.

Finally, it is a tribute to the United States. The book is living testimony of a moving quality to the disparate philosophies of the East and West. The impact upon human dignity, human aspirations and human opportunities in the framework of a closed, oppressive and authorization regime as against an open, free competitive and democratic regime is starkly contracted.

SLOVAK INVENTOR OF THE PARACHUTE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. MINSHALL of Ohio. Mr. Speaker, each day we encounter new ways in which our fellow countrymen of Slovak ancestry have contributed to our country. Yesterday on the "Slovak Hour" on station WERE in Cleveland, Father Andrew Pier reminded us of Stefan Banic, a Slovak coal miner, who invented the parachute. I would like to share with my colleagues the excellent remarks of Father Pier, who is the director of the Slovak Institute in Cleveland and also a teacher at one of our outstanding high schools, Benedictine High School:

SLOVAK INVENTOR OF THE PARACHUTE

On June 3, 1914, Stefan Banic, Slovak coal miner and mason in the town of Greenville, Pa. (across the eastern Ohio border), submitted his request for a patent for his invention of a parachute, and on August 25th of the same year he obtained his patent (No. 1,108,484) from the U.S. Patent Office in Washington, D.C. His patent rights covered the U.S. for 17 years, but soon afterwards he surrendered his personal rights (for a nominal sum) to the U.S. Air Force of the U.S. Army.

A native of Smolenicka, N. Ves (formerly Nestich), Slovakia (Czechoslovakia), where he was born on Nov. 23, 1870, he graduated from the local elementary school and went to work on the feudal estate of Count Palfy. Soon his native genius as a mason won him the privilege of restoring the Smolenicky Castle. . . . The chimneys are his design and the workmanship is exquisite.

As a boy he was fascinated with the flight of birds and he experimented with a glider made of cloth. Although he planned to use it to glide to earth from the walls of the local castle, his dream remained unfilled. In 1907 he went to America.

After working in various places in New York and Pennsylvania he settled in Greenville, Pa. He was employed at a coal mine there and in his spare time worked on the idea of perfecting his parachute. He was convinced his idea was practical in view of the recent invention of the airplane.

Finally, in 1914 he made a trip to Washington, D.C., to secure a patent for his invention. Completely confident of success, he demonstrated its practicality by making several jumps from a 15-story building in the nation's capital. That convinced everyone and soon he had his patent registered in his name.

Banic returned to his native homeland in 1920 and resumed his trade as a mason. He continued to work in his native village of Nestich until his death on Jan. 2, 1941.

On August 25, 1974, it will be precisely 60 years ago that Stefan Banic obtained a patent for his parachute from the U.S. Patent Office in Washington, D.C. His timely invention, acquired by the U.S. Army at the outbreak of World War I, saved hundreds of airmen at home while training and on the western front during the first World War.

At the moment there is a campaign to commemorate this anniversary by the issue of a special commemorative postal stamp to honor the memory of a man whose inventive genius has been instrumental in saving thousands of lives in war and peace. Stefan Banic fully deserves this honor.

In view of the great contribution to our air force by an unhonored genius it would

certainly be appropriate that the U.S. military command would arrange a suitable commemoration of the anniversary of an event that resulted in rendering inestimable service to our country and to all mankind.

I am happy to announce that our Congressman William Minshall from Ohio recently requested the U.S. Postal Department to consider the issuance of a commemorative stamp on the occasion of the 60th anniversary of the invention of the parachute by a Slovak immigrant coal-miner, Stefan Banic, in Greenville, Pennsylvania . . . a mile or two across the eastern border of the state of Ohio where the Wright Brothers invented the airplane to which a great safety feature was destined to be added a decade later by an American immigrant from Slovakia.

MR. DAN MUNDY

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mrs. BURKE of California. Mr. Speaker, I wish to take a moment to call attention to a distinguished Los Angeles labor leader who has recently accepted a position in our Nation's Capitol as legislative director of the AFL–CIO Building and Construction Trades Department.

He is Mr. Dan Mundy, who brings to his new assignment a long and dedicated career in the organized labor movement.

Mr. Mundy's career began when he joined Local 230 of the Plumbers and Pipefitters Union in San Diego as an apprentice in 1941. Following a 4-year tour of duty with the U.S. Navy in the South Pacific, he returned to southern California and joined Local 289 in Pasadena, where he turned out as a journeyman plumber.

In 1947, Mundy joined Local 78, Los Angeles, where he became recording secretary, and later business agent and assistant business manager. In 1965, Mr. Mundy became business representative with the Los Angeles County Building Trades Council and, in 1969, he took on his assignment as associate director of the Committee on Political Education—COPE.

He has served as a vice-president of the Los Angeles County Federation of Labor for the past 8 years, and was also president of the board of publishers of the Los Angeles Citizen, the County Federation of Labor's official newspaper.

Mr. Mundy, a graduate of Mark Keppel High School in Alhambra, Calif., has attended the UCLA labor studies program and has long been active in political affairs in Los Angeles County. He has been a member of the Los Angeles County Democratic Central Committee and the State Democratic Central Committee.

Mr. Mundy is married and has two grown children.

I am happy to join with hundreds of Mr. Mundy's friends and associates both in and out of the labor movement in wishing him success in his new endeavor.

It is a pleasure to welcome him to Washington.

MINORITIES BEING CRUSHED BY STAGFLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, the disastrous combination of inflation and stagnation in the American economy is currently affecting individuals throughout the country. Those who are hardest hit are those who are least equipped to weather economic buffeting. The poor and minorities, down and out and struggling to earn a living wage, trying to succeed in this society, have suffered a serious setback at the hands of inflated prices and slowed production.

Aspiring minority businessmen, deprived of Federal funds and a competitive position with regard to obtaining contracts, may well be destroyed by the disease of stagflation, which the administration seems unable to diagnose or cure. I place in today's RECORD for the attention of my colleagues an article from the New York Times of June 17, which describes one aspect of the impact of the current economic situation on minorities:

CONSTRUCTION LAG HURTS MINORITY BUILDERS

(By Reginald Stuart)

Minority construction companies, traditionally restricted to small jobs valued at $100,000 or less, began to realize an upward trend in their business during 1972 and 1973. The strong minority opportunity programs adopted by several public agencies here and community group pressure on established builders were beginning to have an impact.

But the continuous downward trend in the construction market over-all, especially the freeze on Federal housing funds, has virtually wiped out the economic prosperity most of these companies had just begun to taste.

The spurt in business for minority contractors in New York City was primarily attributable to the New York State Urban Development Corporation, which has what has been recognized as the strongest minority opportunity program for contractors of all agencies, public or private.

POLICY IS BYPASSED

The U.D.C. can negotiate contracts, bypassing the policy of most public agencies that the lowest bidder must get the job. This has resulted in minority builders in New York City receiving more than $123-million in contracts since 1971 exclusively or through joint venture prospects with larger white contractors.

During the last 14 months minority contractors have won more than $3-million in contracts from the New York State Dormitory Authority.

Despite their gains, most black construction companies are still small and not strong enough to absorb a downturn in business.

"Once you go beyond the first five or six companies among the minority builders, the rest are hurt," said Bill King, a partner in the Hannibal Construction Company, one of the city's estimated 250 minority construction companies.

"There are a lot more contracts valued at a million dollars or more which we have won, but there are a lot more builders with $2,000 contracts too," said Lloyd Mayo, president of the Hannibal Demolition Company, a sister company. "Business is worse than it was five years ago."

Mr. Mayo acknowledged that new money had been produced through the work of such agencies as the Urban Development Corporation, but pointed out that at the same time the money from Model Cities programs and from other Federal housing programs had been lost.

The inability of minority contractors to get major construction contracts during prosperous periods is related to several factors. The main one is that they have not been able to get experience in major construction due to racial discrimination within the industry and the lack of aggressive efforts to eliminate it. With the market down, the problems of minority contractors intensify.

Eric Castro, president of Rhodes-Bencroft, which is one of the city's few minority general contractors, built his company up from a consulting service. In a recent interview he said, "The restrictive practices of the industry are more generally imposed on minority contractors than others."

ACCESSIBILITY LIMITED

"It is more difficult for minorities to get a bond and to get financing. His accessibility to markets where construction contracts are awarded is also limited," he added. "All combined make it more difficult for minority contractors to penetrate the industry and stay in business."

Mr. Castro's company which did less than a million dollars worth of business last year, is one of the larger minority contractors. The F. W. Eversley Construction Company also in New York is the nation's largest minority construction company. It had contracts valued at $41-million last year. The Brown and Root Construction Company of Houston, the nation's largest construction company, had contracts totaling $4-billion.

During the last five years there have been agencies set up to assist minority builders in the critical areas of cost estimating, bid preparation and execution, bookkeeping, finances and bonding. The results of these services, combined with the programs adopted by some agencies directed toward utilizing minority builders, caused the business spurt. The technical assistance agencies are still around, but the needed work, in many cases, is not.

"Business is booming on a selective basis," said Woodie G. Williams, an assistant vice president at the Morgan Guaranty Trust Company. Mr. Williams has worked with minority builders in getting bank financing for their job. "Things are better because white contractors are forced not to use blacks not only as workers but as partners," he added. "At the same time however, a lot of minority builders are out of business because of the diminishing small, private work and drops in public work."

The minority builder's share of the construction market, is estimated to be 1 per cent of the total, which presently exceeds $100-billion. It has been called the "drop in the bucket." And one smaller builder said "Now we're losing our drop in the bucket."

BILL BROWN, NEW PARLIAMENTARIAN

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIV

Tuesday, July 9, 1974

Mr. BEVILL. Mr. Speaker, I would like to take this opportunity to join with my colleagues in congratulating and welcoming Mr. Bill Brown as Parliamentarian.

I have known and worked closely with Bill for a number of years now and in my

judgment he is one of the most able and most qualified individuals in Government service today.

Bill Brown's education and experience on the Parliamentarian staff makes him imminently qualified for this high position.

The U.S. House of Representatives is indeed fortunate to have the services of this outstanding young man. I know Bill will serve with distinction and I salute his past accomplishments and wish him the very best in his new duties as House Parliamentarian.

FRANKFORD HIGH SCHOOL SETS COMMUNITY PACE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. EILBERG. Mr. Speaker, when we look back on our youth there always seems to be one or two adults who made a profound impression on us and who helped to mold us into what we are today. Very often these individuals are teachers whom we remember fondly and with great respect.

This year, in my district in northeast Philadelphia, James A. Killough, principal of Frankford High School, retired after spending 31 years at the school. He is the type of individual I have just described. He was a strong guiding hand for thousands of young people and his spirit and energy will be missed by the students, faculty, and community he served so well.

At this time, I enter into the RECORD an article about Mr. Killough, which appeared in the Philadelphia Inquirer:

FRANKFORD HIGH SCHOOL SETS COMMUNITY PACE

(By Robert Fowler)

Frankford High School, located in the middle of a quiet, tree-shaded residential area at the base of Northeast Philadelphia, has become the center of intense pride over the 64 years it has served the surrounding neighborhoods.

While spray-painted graffiti have become the most visible means of student expression at most city high schools, Frankford's walls remain unstained.

It is a school intensely aware of its history and traditions. Its long halls, freshly painted a bright yellow, are lined with cabinets that bulge with trophies accumulated by its winning teams, from its cricket team back in the days before World War I, to its powerful football teams of today.

Frankford's 4,000-member alumni association recently published a 60-year-history of the school, from 1910 to 1970, whose 228 pages ooze nostalgia through snapshots of graduating seniors, sports heroes, coeds in convertibles, and overseas band tours.

And June 18, when members of the school's 108th graduating class don their tassled academic caps and gowns at the school's Memorial Stadium, an epoch in the school's history will close—James A. Killough is retiring after 14 years as principal and 17 years as a history teacher at Frankford.

Students and teachers at the school poured out a remarkable amount of praise for Killough in interviews. "He's like the spirit of the school," said Tom Annuzio, a senior. "Unless they get a really dynamic person to take his place, the school will have to suffer."

ABILITY TO LAUGH

Other students and teachers happily recalled Killough's ability to laugh with others and at himself. He poked fun at his own baldness, his short stature, and the fact that he has a Medicare card and can ride free on SEPTA buses.

Killough usually had a role in the spring play. This year, for example, he portrayed the Fairy Godfather in Cinderella Drofknarf, a production that borrowed freely from the plot lines of both Cinderella and The Godfather. (Drofknarf, for the uninitiated, is Frankford spelled backwards.) Killough was boosted onto his enormous throne by two attendants, and held a scepter bigger than he was.

But his performance this year failed to eclipse his performance of several years ago when he emerged on stage from an enormous commode to apprehend student smokers on stage in a boys' room scene. (Killough has rigidly enforced a no-smoking ban in the school. "I always thought it was hypocritical to teach kids that smoking is bad in hygiene class and then let them smoke."

Killough's success has also been predicated on discipline, tempered by fairness. Annuzio, for example, at 16, had become a chronic truant, and then dropped out. Nearly two years later he decided he wanted to come back, and asked Killough for a second chance. The decision was discretionary. Killough took him back, and now 20, Annuzio is graduating this year.

HE'S DEMANDING

Annuzio says of Killough, "He's demanding of you, but if you're sincere he'll go a long way for you."

Repeatedly, people at Frankford associated Killough with the favorable atmosphere they enjoy at Frankford.

English teacher Harry Gutelius graduated from Frankford in 1963. He has been teaching at the school for the past seven years. "This is a tremendous school. I camped out down at the Board of Education, begging them to let me teach here," the mustachioed teacher began.

"This is an unusual school. We begin our pep rallies with the National Anthem," Gutelius said. "Now, how many schools do that?"

Then he spoke about Killough. "The principal is a super person. He's the main reason the school has stayed the way it has. He's a great combination of a disciplinarian who has great rapport with the kids."

AMICABLE SPIRIT

Elsie Kuhn, now a motivation counselor at another high school, but who was at Frankford until this year, contrasted her present and past assignments. At Frankford, she says, "everyone is so nice and friendly, everyone speaks."

Many of those at the school saw Killough's administration as a continuation of the basic characteristics of the school that have marked almost its entire history. Many events seemed to directly connect Killough's era with past Frankford history.

The 60-year history tells, for instance, how in 1926 the students raised $12,000 to buy the magnificent, 1,608-pipe organ in the school's auditorium.

In 1962, the students raised $13,000 to have it rebuilt.

There are other signs that the more things change, the more they stay the same. Al Angelo, the football coach, shattered all precedents when he abandoned the single-wing formation in 1965.

But when Angelo's son, Skip, quarterbacked the team last year, it evoked memories of the late 1940s when the coach himself had played for Frankford.

"The spirit's the same," says Angelo. "Nothing's changed. They (still) sing the fight song and pack the place on Saturday mornings."

POPULATION CONSTANT

The make-up of the school's student population has remained more or less constant—and mixed—after its early years when the area around it was semi-rural, and it functioned as an annex for academically prestigious Central High School. Today, fewer than half of its students go on to college.

Killough recalls, "When I first came here in 1934 there were students from very wealthy families, working class families, and poor families. We always had black kids from East Frankford, (and) they're good kids."

The president of this year's senior class, Garry Simmons, is a black student. He is from Olney, and is one of many students from other sections of the city who apply to attend Frankford each year under the city's open enrollment program. (So many applications are received that Frankford has a waiting list.)

Simmons says, "If there is any racial prejudice here, it's minimal. There's certainly no tension. I'm glad I came."

"I'm not leaving because I'm unhappy here," says Killough, 65, who lives with his wife, Helen, in Holland, Bucks County. "I think Frankford has changed least of any school in the city, and I'd put our top kids up against anyone's."

WEST GERMAN SOCCER TEAM WINS WORLD CUP

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RINALDO. Mr. Speaker, although soccer is not one of the most popular sports in the United States, it seems clear that it is far and away the game with the widest appeal throughout the world. It has been estimated that more than 800 million persons watched, in person and on television, while the underdog West Germans defeated the Netherlands on Sunday to win the 14th competition for the World Cup.

I believe the West German team, which refused to buckle under the pressure of an early goal by the Netherlands, deserves great credit for the excellent defensive skills they demonstrated throughout the grueling 90-minute contest.

The triumph by the West Germans truly makes them world champions, in a sense that our baseball, football, and basketball titlists cannot really match. For while our World Series is played by the two finalists who have survived the competition from 22 other American and National League teams, the World Soccer Cup winner was one of 144 teams from nations throughout the world.

The West Germans, who finished third in Mexico City 4 years ago and were runners-up in England in 1966, have won a hard-earned and well-deserved championship. Their players have proved their mettle in the crucible of demanding competition against the best the rest of the world has to offer in the way of soccer teams.

I personally would be pleased if the United States could field a team to carry our banner in World Soccer Cup competition. For now, however, we must defer to the West Germans, who are truly worthy champions of the world.

VIETNAM VETERANS DEMONSTRATE IN WASHINGTON

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. KASTENMEIER. Mr. Speaker, this past week the Vietnam Veterans Against the War-Winter Soldier Organization was in Washington to call attention to certain concerns of theirs. The organization, which has expanded to include nonveteran members, demonstrated in support of a number of demands growing out of the war in Indochina and continued U.S. presence there.

Since the Gulf of Tonkin resolution in August of 1964, 6.7 million men and women have spent time in the military; nearly 3 million of those in Indochina. Now that these men and women are back in civilian life, they are finding that this administration has little more regard for them than it had for the people of Indochina. Inadequate educational opportunities, poor medical benefits, less-than-honorable discharges and a lack of jobs are some of the problems facing the veterans today.

The GI bill educational allowances have always been a great help to the returning veteran in securing the skills needed to get a good paying job. The Veterans' Administration gave single veterans from World War II $75 per month in living allowances and paid up to $500 in tuition and fees. That amount covered the costs of 89 percent of the private schools in the country at that time. Today, the single veteran gets a set sum of $220 per month to cover living expenses and tuition.

Tuition at Harvard in 1948, for example, was $525 for the academic year, just $25 over the GI bill allowance. Today, the tuition at Harvard is $3,200, which is $1,220 over the allowance. Even at State schools the average cost is $1,765. This leaves the veteran with a total of $215 to feed and house himself or herself for 9 months.

The Veterans' Administration runs the largest health care program in the country, with 170 hospitals and a medical budget of more than $3 billion a year. The VVAW-WSO has charged that while the VA has some model hospitals, most of them are understaffed and indifferent to the needs of patients. A recent Ralph Nader report concluded that the VA was "utterly incapable" of dealing with the Vietnam-era veteran because the VA is primarily geared toward providing care for the older chonically ill men.

The VVAW–WSO also denounces the VA for its inability to deal with the problems of Vietnam-era veterans, problems such as drug addiction and the psychological problems which come from fighting in an unpopular war. These problems are not considered "service-connected disabilities" according to the VA and therefore do not qualify the veteran for treatment. The Congress has a responsibility to look into these allegations.

The Veterans' Administration manages the largest hospital system in the country and its almost 100,00 beds are an indication of what it can do. There is a ratio of 153 employees to 100 patients in VA hospitals nationally. By comparison, community hospitals average 292 employees to 100 patients and university hospitals have between 350 to 400 employees for 100 patients.

The discharge system presently used has become a major problem to many veterans today. There are five classifications of discharges: honorable, general, undesirable, bad conduct, and dishonorable. The first three are given administratviely; there is no trial or hearing. The last two require a court martial. The use of discharges other than honorable compound the problems already facing the veterans. A less-than-honorable discharge can brand a veteran for life, severely limiting job opportunities and Government benefits.

The veterans also voiced a strong concern, which I share, regarding our continued prolongation of the Vietnam war by proxy. During the past year, the United States has provided more than $1 billion in aid to the corrupt governments of South Vietnamese President Thieu and Lon Nol of Cambodia.

The war in Indochina tore this country apart for 10 years and these veterans show that we have yet to heal all of the wounds caused by that war.

The Vietnam Veterans Against the War-Winter Soldier Organization is an important organization and I feel that it is the responsibility of all Members of Congress to listen to these people and to try to understand their dissatisfaction. I welcome their efforts in the Nation's Capitol.

CHATTANOOGA JAYCEES

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. BAKER. Mr. Speaker, there are many reasons why I believe Chattanooga, Tenn., in the Third Congressional District is an exceptionally fine place to live. One of the most important reasons is the quality of leadership exhibited by the young men in the Chattanooga Jaycees. The Jaycees are consistently found in the forefront of any movement which is destined to improve the quality of life in the Chattanooga community. Year after year, the Chattanooga chapter of the Jaycees receive record numbers of awards for their activities at the U.S. Jaycee National Convention. This year is no exception. This year our Chattanooga chapter of the Jaycees received more first-place awards than any other chapter in the country. I include the list from the Chattanooga Jaycees publication, the Activator, in the RECORD at this point:

RESULTS FROM THE U.S. JAYCEE NATIONAL CONVENTION

Chattanooga Jaycees received more first place awards than any other chapter in the country.

In our population, we received:

1st Place—Mental Health and Retardation—Chairman, Dick Miles.

2nd Place—Chapter Activities—Chairman, Charlie Clevenger.

1st Place—Youth Assistance—Chairman, Gordon O'Neill.

1st Place—Housing—Chairman, John Germ.

1st Place—Criminal Justice—Chairman, Ron Berke.

1st Place—Interclub Relations—Chairman, Tom Waller.

2nd Place—Unemployment and Retraining—Chairman, Booker Scruggs.

Chattanooga Jaycees had the outstanding project in the entire nation in the area of Criminal Justice.

THE LONG, LONG TRIAL

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. ABDNOR. Mr. Speaker, much of the Nation, including the national media, has focused its attention of late on proceedings in our Federal court system. One aspect of proceedings in our Federal courtrooms which has drawn considerable criticism from many quarters is the pace at which criminal proceedings in particular move toward conclusion. While it may not seem that long, the now infamous incident which occurred at Wounded Knee, S. Dak., took place almost a year and a half ago.

Prosecution by the Federal Government of allegedly criminal activity concerned with that 70-day ordeal has been taking place in a Federal courtroom in St. Paul, Minn., for some time now. Recently, William Sumner, editor of the St. Paul Dispatch, included his views of those proceedings in an edition of that publication. I know that many of my constituents share editor Sumner's position on this matter, and I commend his editorial on the Wounded Knee trial to my colleagues:

THE LONG, LONG, TRIAL: A STRAIGHT ARROW'S VIEW OF WOUNDED KNEE

(By William Sumner)

As with many of you, unlearned in the law as we are, the Wounded Knee trial becomes more baffling as the days, weeks, and months pile up.

We like the swift and tidy justice we used to see on Perry Mason and on "The Advocates." We become confused when the defendants and judge in a supposedly important case criss-cross the country for one reason or another. We ask the question:

"Is this a trial?"

I don't think so. Federal Judge Fred Nichol heard another case in South Dakota last week. Defendants Russell Means and Dennis Banks roam here and there conducting rallies, the latest of which was conducted by Means in the bar of a golf club on the Rosebud Reservation in South Dakota.

The FBI is searching for Means on this one, although only three persons—two of them policemen—were hospitalized.

A Sioux Tribal Judge has issued an order restraining the arrest of Means while he is on the reservation. It is doubtful if the order will be observed. Means will be off the reservation anyway on Friday to face a preliminary hearing on riot charges resulting from a ruckus at the Minnehaha County Courthouse in Sioux Falls on April 30.

That is why I don't think a trial is going on here.

The snow was on the ground and it was well below freezing when proceedings began.

It was so cold that demonstrators in favor of the American Indian Movement were driven indoors. Oh, there was some chanting and beating of drums, and a great many white liberals professed a desire to give South Dakota and parts of Minnesota back to the Indians. But what Indians?

That gets us beyond the point.

This trial is a farce. It took about a month to select a jury. It took about a month to argue about evidence the FBI may or may not have obtained illegally.

What seemingly has been overlooked is the fact that the American Indian Movement, uninvited, occupied Wounded Knee, S. D., for 71 days last year, ruining and befouling private property, shooting with a will, and posing daily for eager beaver TV crews who wanted to duplicate the "End of the Trail," a pop painting of the early century reproduced by the hundreds of thousands.

The expensive and gifted attorneys engaged by the defendants have attempted to make it a great political trial, as have Means and Banks, and there has been some resentment over the fact that there has been less national coverage than was expected.

One irate young woman wrote to me demanding that the New York Times and Washington Post do a better job.

I have nothing to do with their assignment board, but would tend to suspect that these newspapers, along with most of the rest, regard this as a disorderly conduct trial that has somehow worked its way out of Municipal Court and into a Federal Court.

Meanwhile, the trial is costing the taxpayers a lot of money and at this point seems hardly worth the effort. No one is going to pay for the damage done at Wounded Knee by these media-wise "spokesmen" for the Indians and no one is going to discover whose bullet it was that paralyzed one of the U.S. marshals at the scene.

The Judge, after ordering soft music and the scent of rose blossom for Kunstler, Lane, et al finally has let them get under his skin, which is what they had hoped, and the show creeps on dismally and boringly to the disappointment mainly of the defense.

Someone should take the show out of town. Surely the jury must have lost its train of thought by now, if the bench has managed to keep the thread intact in the first place.

But this trial by now has the significance and interest of a road show version of "Rose Marie."

JOHNNIE L. COCHRAN, SR.

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mrs. BURKE of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

Whereas, Family and friends are honoring Johnnie L. Cochran Sr. for his devotion to his community, his family, and his outstanding contribution to the insurance industry, and;

Whereas, Johnnie L. Cochran, Sr. has completed 29 years of service to the Golden State Mutual Life Insurance Company as an agent and district manager, and has achieved recognition as Chartered Life Underwriter from the American College of Life Underwriters, and;

Whereas, Johnnie L. Cochran, Sr. and his wife Hattie have reared four fine children while, at the same time, he has been active as a member of Board of Deacons of the Second Baptist Church, a Board Member of the 28th Street YMCA, the Urban League, and United Way, and was named Father of the Year by the Los Angeles Sentinel and KABC Television,

Therefore, be it known this 22nd day of June 1974 that we are in recognition of Johnnie Cochran's life of service and family dedication, and further direct that this commendation be entered in the Congressional Record.

YVONNE BRATHWAITE BURKE,
Member of Congress, 37th District, California.

THE INSUFFICIENCY OF DÉTENTE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. PRICE of Texas. Mr. Speaker, détente is used to characterize the complex relations between the United States and the Soviet Union. It was highlighted during the President's visit to Moscow in 1972, which generated euphoric waves of gossamer hopes, and it is being used again in connection with this year's summit meeting. One must be properly cautious about extrapolating from the confused conditions of international relations to the realities of motivational behavior and attaching too much significance to a descriptive term which, by its play in the media, makes one feel comfortable. Détente merely means a relaxation of tensions—nothing more and nothing less; but many look at this description of the state of affairs as a panacea for all our international problems. These same individuals, and indeed some institutions, worry excessively about press reports that détente is fragile, failing, crumbling or collapsing. Yes, even the barometers of our economic circumstances have been affected by various reports on the conditions of détente. Unfortunately the definition leaves much unanswered about the totality of the state of affairs it attempts to describe and on that description rests far too much significance.

It is perhaps less difficult to express what the word does not mean or what it will not do rather than what it means or will do. Détente is not a panacea, nor is it an agreement, contract, pact or obligation in any form between the two superpowers. Détente will not guarantee peace between the United States and the Soviet Union, nor is it a state of affairs which would preclude the need for a ready, modern, and well-equipped military establishment. Détente with the Soviet Union will not provide a basis for agreement between the United States and the Arab nations to arrive at a permanent solution to the oil situation, nor did it necessarily help us negotiate the cease-fire and troop disengagement between the Israeli and Syrian forces. Détente does not represent a change in the divergent value orientation of moral and ethical questions in the Soviet Union, nor does it represent an ideological shift by either side which would diminish the "perpetual conflict" destined to confront the two systems.

The fact of the matter is that the Soviets have not made one change to their Marxist-Leninist ideology even in light of this era of proclaimed "peaceful coexistence" and, of equal importance, in the face of the Sino-Soviet confrontation. This latter point causes one to seriously ponder how the Soviet Union will feel about détente in a post-Mao era in which China has leaders in agreement with the Soviet view of communism. Notwithstanding the present feud, there is consanguinity in the Soviet and Chinese ideology. Make no mistake about it, "American capitalistic imperialism" remains the number one enemy of the Soviet Union. Chairman Brezhnev's oft-quoted statement of June 1972, following President Nixon's visit to the Soviet Union, sufficiently clouded the summit meeting, but made it unmistakably clear that détente was just a means to an end.

> Peaceful coexistence in no way implies the possibility of relaxing the ideological struggle. On the contrary, we must be prepared for this struggle to become more intense and an ever sharper form of confrontation between the two social systems—(*Pravda*, June 29, 1972).

The Soviet accommodation with the United States cannot be considered as a sudden and fundamental change in policy which can be applied with any degree of predictability or consistency. It can only be viewed as a selfish willingness on the part of the Soviet leadership to relax the tensions for specific purposes, namely to enhance Soviet economy and the Soviet position in world affairs. We certainly cannot link détente to the full spectrum of Soviet policy issues vis-a-vis those of the United States.

Beneath the relaxation of tension between the Soviet Union and the United States is a condition characterized by a confused and whimsical mixture of accord and discord, depending on the issue. Herein lies the danger in using any generalized description of the relationship. There remains the real possibility that many will be lulled into a false sense of security and relax into a sensation of complacency. Such ominous perceptions could cause us to be overly trusting in negotiations and ill-prepared during confrontations. Already some are saying that this era of détente permits us to reduce our national defenses. A breathtaking leap in logic, as now, more than ever, we must have a military establishment second to none. Now that the Soviets have reached nuclear superiority, or at best parity, we simply cannot afford to negotiate from a weak hand.

As the President seeks to move further toward the "generation of peace" we all desire, we should support his goals, but we cannot afford to be overly optimistic. We should expect some tangible progress during the tedious process of improving relations, but there is no magic formula

for instant and lasting peace. While the two nations appear energized and galvanized with differing intensities in a desire to peacefully coexist, they are as yet polarized in ideology—a fact of life we must never forget, and an issue manifestly unnegotiable.

THE TRUTH ABOUT THE BLACK MIDDLE CLASS

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. YOUNG of Georgia. Mr. Speaker, in the July 8 issue of Newsweek, Mr. Vernon E. Jordan, Jr., executive director of the National Urban League, offers a much-needed perspective on the recent ballyhoo over a supposedly emerging "black bourgeoisie" in this country.

Mr. Jordan reminds us of the grim facts of life for most black Americans, and his statement deserves the attention of our colleagues.

With permission, I submit Mr. Jordan's article, "The Truth About the Black Middle Class," for the RECORD:

THE TRUTH ABOUT THE BLACK MIDDLE CLASS

(By Vernon E. Jordan, Jr.)

Recent reports of the existence of a vast black middle class remind me of daring explorers emerging from the hidden depths of a strange, newly discovered world bearing tales of an exotic new phenomenon. The media seem to have discovered, finally, black families that are intact, black men who are working, black housewives tending backyard gardens and black youngsters who aren't sniffing coke or mugging old ladies.

And out of this "discovery" a new black stereotype is beginning to emerge. Immaculately dressed, cocktail in hand, the new black stereotype comes off as a sleek, sophisticated professional light-years away from the ghetto experience. As I turn the pages of glossy photos of these idealized, fortunate few, I get the feeling that this new black image is all too comforting to Americans weary of the struggle against poverty and racism.

But this stereotype is no more real than was the old image of the angry, fire-breathing militant. And it may be just as damaging to black people, for whom equal opportunity is still a theory and for whom a national effort to bring about a more equitable distribution of the fruits of an affluent society is still a necessity. After all, who can argue the need for welfare reform, for guaranteed jobs, for integrated schools and better housing, when the supposed beneficiaries are looking out at us from the pages of national magazines, smiling at the camera between sips from their Martinis?

BALLYHOO

The "new" black middle class has been seen recently in prime time on a CBS News documentary; it has adorned the cover of The New York Times Magazine, and it has been the subject of a Time cover story. But its much ballyhooed emergence is more representative of wishful thinking than of reality. And important as it is for the dedication and hard work of countless black families finally to receive recognition, the image being pushed so hard may be counter-productive in the long run.

The fact is that the black middle class of 1974, like that of earlier years, is a minority within the black community. In 1974, as in 1964, 1954 and in the decades stretching into the distant past, the social and economic reality of the majority of black people has been poverty and marginal status in the wings of our society.

The black middle class traditionally included a handful of professionals and a far larger number of working people who, had they been white, would be solidly "working class." The inclusion of Pullman porters, post-office clerks and other typical members of the old black middle class was due less to their incomes—which were well below those of whites—than to their relative immunity from the hazards of marginal employment that dogged most blacks. They were "middle class" relative to other black people, not to the society at large.

Despite all the publicity, despite all the photos of yacht-club cocktail parties, that is where the so-called black middle class stands today. The CBS broadcast included a handyman and a postal worker. Had they been white they would be considered working class, but since they were black and defied media-fostered stereotypes, they were given the middle-class label.

INCOME

Well, is it true that the black community is edging into the middle class? Let's look at income, the handiest guide and certainly the most generally agreed-upon measurement. What income level amounts to middle-class status? Median family income is often used, since that places a family at the exact midpoint in our society. In 1972 the median family income of whites amounted to $11,549, but black median family income was a mere $6,864.

That won't work. Let's use another guide. The Bureau of Labor Statistics says it takes an urban family of four $12,600 to maintain an "intermediate" living standard. Using that measure, the average black family not only is *not* middle class, but it earns far less than the "lower, non-poverty" level of $8,200. Four out of five black families earn less than the "intermediate" standard.

What about collar color? Occupational status is often considered a guide to middle-class status, and this is an area in which blacks have made tremendous gains, breaking into occupations unheard of for nonwhites only a decade ago. When you look at the official occupation charts, there is a double space to separate higher-status from lower-status jobs such as laborer, operative and service worker. That gap is more than a typographical device. It is an indicator of racial separation as well, for the majority of working whites hold jobs above that line, while the majority of blacks are still confined to the low-pay, low-status jobs below it. At the top of the job pinnacle, in the elite categories of the professions and business, the disparity is most glaring, with one out of four whites in such middle-class jobs in contrast to every tenth black worker.

TENUOUS GAINS

Yes, there are black doctors, dentists and lawyers, but let no one be fooled into thinking they are typical—these professions include only 2 per cent blacks. Yes, there are black families that are stable, who work, often at more than one job, and who own cars and homes. And yes, they are representative of the masses of black people who work the longest hours at the hardest jobs for the least pay in order to put some meat on the table and clothes on their backs. This should be emphasized in every way possible in order to remind this forgetting nation that there is a dimension of black reality that has never been given its due.

But this should not blind us to the realization that even with such superhuman efforts, the vast majority of blacks are still far from middle-class status. Let us not forget that the gains won are tenuous ones, easily shaken from our grasp by an energy crisis, a recession, rampant inflation or nonenforcement of hard-won civil-rights laws.

And never let us fall victim to the illusion that the limited gains so bitterly wrenched from an unwilling nation have materially changed the conditions of life for the overwhelming majority of black people—conditions still typified by discrimination, economic insecurity and general living conditions inferior to those enjoyed by the majority of our white fellow citizens.

THE BIAS OF THE JUDICIARY COMMITTEE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. LANDGREBE. Mr. Speaker, for the past year many commentators have pointed out that the general treatment of the whole Watergate issue amounts to a virtual lynching of the President. This is the President's reward for being a Republican and an opponent of the disastrous policies of the liberal left. The goal is clear: to overturn the overwhelming 1972 election mandate; to obtain by fraud what could not be won in a free election.

Those who doubt the partisan nature of the Watergate issue, need only consider the obvious bias of the House Judiciary Committee's treatment of impeachment. This bias was admirably displayed in recent actions of the Judiciary Committee's chairman, as is made clear in the following articles from the New York Daily News and the Washington Star-News.

[From the New York Daily News, July 2, 1974]

CAPITOL STUFF

(By Jerry Greene)

WASHINGTON, July 1—House Judiciary Committee Chairman Peter Rodino's procedural problems over impeachment, now posing threats of endless delay in questioning witnesses, may well have their origin in a conversation he held with three reporters last Thursday.

Not one word was said about this issue during the brief debate on the House floor today before Rodino's request for a suspension of the rules—allowing expeditious examination of witnesses—was rejected. The House failed by a 25-vote margin to give the chairman the two-thirds majority he needed to by-pass a rule stipulating that each of the 38 members of the Judiciary Committee would be allowed five minutes' questioning time.

But while the subject was tactfully avoided before the vote was taken, the House members would have been less than human had they not been mindful of the events of last Thursday and Friday.

HE PUT THE VOTE AT 27 TO IMPEACH

At noon on Thursday, in what was supposed to be a "background" discussion, Rodino was said to have told three "visitors" that all 21 Democratic members of the Judiciary and six Republican members would vote for impeachment of President Nixon.

The three "visitors" were reporters, one of whom insisted that "background discussion" was no restriction; a full account of the conversation was published—and the six anti-Nixon Republicans were named. At least some of these six were incensed and spoke loudly about their indignation to any and all who were within hearing.

Rodino hurried to the House floor on Friday to denounce the published report—"to state unequivocally and categorically that this statement is not true. There is no basis in fact for it, none whatsoever."

The chairman went on to say he did not know how anybody would vote on impeachment, that no one should make a decision until there had been a complete presentation of the case, that he had from the beginning labored to be "careful, deliberate, and altogether fair."

He said he had engaged in no partisan or biased discussion of impeachment evidence or voting and all members knew it.

THAT'S NOT QUITE THE POINT

Rodino has on the face of it done a skillful, though leisurely, job as chairman of the impeachment panel; he has indeed exhibited fairness. But that's not quite the point.

What underlay his rebuff this afternoon was the fact that he took the floor of the House to deny "unequivocally and categorically" a rather casual estimate that three reporters said they heard him make.

President Nixon's repeated proclamations of innocence of wrong doing and some testimony disputing his claims are the very essence of the impeachment charges pending against him.

There wasn't anything particularly wrong in Rodino's guess as to the Judiciary Committee's voting on the impeachment resolution, although it was highly injudicious of him to express the views before the "visitors," if indeed he did. The same estimate, roughly, has been made frequently by any number of observers, in and out of Congress.

TWICE AS MUCH AS IN THE SENATE

There are few who would believe that the Democratic leadership of the House had anything in mind other than an up-or-down vote by the House on impeachment when an original allocation of $1 million was made for the Judiciary Committee's inquiry. That's twice the amount of the first allowance given by the Senate to the Watergate investigating committee.

And with the overwhelmingly liberal views among Democrats on the committee, the slant of the final report to the House has been scarcely in doubt. At best, there has been argument only over how many and what Republicans might join the Democratic majority in voting for impeachment.

The Rodino boo-boo probably won't change the outcome. Certainly, he won't step down as chairman at this late date. But since the credibility of the accused is on the block, it cannot ease queasy stomachs of uncertain House members when the accuser lays himself open to challenge on somewhat similar grounds.

[From the Washington Star-News, July 2, 1974]

CURBS AND LOOSE TALK

House Judiciary Committee Chairman Peter Rodino, for the most part, has done a good and fair job in keeping the impeachment inquiry in bounds and on course. But he made two serious errors of judgment the past few days, one of which he wisely corrected yesterday, but not before a good deal of ill-feeling was engendered.

The first—the one corrected—was a decision to restrict the number of witnesses that President Nixon's lawyer, James St. Clair, wanted to call before the committee. The other was talking too much about what the committee's Democratic majority might or might not do when the vote is taken on whether to recommend impeachment. Both provided the White House with an opportunity to assail the integrity of the committee and score public relations points that have little to do with the real issue.

The committee, at the direction of Rodino, last week told St. Clair that he could call only two of the six witnesses he requested in an effort to bolster his contention that the President did not authorize the payment of "hush money" to Watergate conspirators. Even though the committee has been under pressure to speed up the inquiry, St. Clair's request was not an extravagant one; it will not take long to question four more witnesses. If the witnesses have evidence bearing on the "hush money"—one of the central issues in the impeachment inquiry—the committee should be eager to hear it. Whether they have anything to add or not, Rodino should have seen that refusal to hear more than two of St. Clair's witnesses would set off charges of railroading the President from the pro-Nixon camp. He reversed himself yesterday and said all six witnesses would be called.

As to the second error, Rodino was indiscreet to have discussed the possible outcome of the inquiry before it is over. The chairman was reported to have told newsmen last week that all 21 Democrats were prepared to vote to impeach Mr. Nixon. Although Rodino denied he had made such a flat assertion, it appeared that he had engaged in speculation as to what the Democrats might do.

Rodino would do well to leave such speculation to others. The inquiry not only should be fair but it needs to have the appearance of being fair. The curb on witnesses and the chairman's loose talk did not serve that end, but rather created the impression, valid or not, that the show was over even though all the acts haven't been played. What that has done is to give rise to charges of committee partisanship, the very thing that Rodino had wanted to avoid.

VETERANS PROGRAM AT INDIANA UNIVERSITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. MURTHA. Mr. Speaker, the Vietnam-era veteran has encountered more problems in pursuing his education than previous service personnel. For that reason, it is greatly encouraging to me whenever I see strong attempts by colleges and universities throughout the Nation to stimulate the Vietnam-era veteran to return to school.

A school I would like to single out for particular praise in this area is Indiana University of Pennsylvania. Activities by the school have included newspaper advertisements pointing out special program opportunities for area veterans; consistent planning and work by the veterans' counselor to coordinate programs and efforts with university officials; making veterans well aware of the scholarship opportunities that do exist for veteran-students; and encouragement of the Veterans Club by IUP.

This activity has combined to result in the fact that during the fall semester of 1973, more than 400 veterans were involved in college study programs at Indiana University. To me, that is a most encouraging sign and shows that positive action will produce results.

It is quite easy for businesses and organizations to sit back and wait for its clients to come to them. But it is outstanding to see an institution and its personnel willing to make an extra effort to insure success for a valuable program.

That is what is going on at Indiana University of Pennsylvania. I congratulate them for their excellent effort and encourage other institutions to follow their very fine example.

LEARNING TO READ IN THE GHETTO

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HUBER. Mr. Speaker, recently a constituent of mine called my attention to an article that appeared in the Wall Street Journal of June 10, 1974, showing that dedicated teachers using a modified "track" method, commencing reading instruction early and intensively, can succeed in an inner-city situation in an old decaying building. The emphasis, interestingly enough, is on phonics, which we can all hope will make a comeback. I would hope that the U.S. Office of Education will carefully study this program at P.S. 91 in Brooklyn and revise a little of its thinking. The article follows:

LEARNING TO READ IN THE GHETTO

(By James Ring Adams)

BROOKLYN, N.Y.—P.S. 91, an aging, four-story elementary school in a graffiti-blotched decaying neighborhood, has an unusual problem for an inner city school: So many educators have beaten a path to its door to study its operation that Principal Martin Schor is trying to discourage visits. Mr. Schor isn't finding it easy, because he and his young staff are succeeding brilliantly in what many consider a hopeless task, training black and Puerto Rican children from city slums to read at least as well as the average middle-class child.

P.S. 91 is located in the Crown Heights district of Brooklyn, which is in the last stages of transition from middle-class white to black and Puerto Rican. The change has been fed by migration from the infamous Bedford-Stuyvesant "ghetto" to the north. The school itself is 81% black, 10% Puerto Rican and "other Spanish speaking," and only 6% "other," meaning "white" in local educational jargon. About two-thirds of the students come from poor enough families to qualify for the free lunch program. Student turnover is high, more than 500 transfers this year out of slightly more than 1,300 registered. Yet some 54% of these pupils read at or above national levels. In the second grade, least affected by the high turnover, the average pupil reads almost one year ahead of the national norm.

This is a respectable record by national standards, but by big city standards, it is outstanding. Only 33.8% of New York City's elementary school children read at or above grade level, and retardation of two years or more exceeds 30% in the poorest of its decentralized school districts, compared with only 4% at P.S. 91. (In the hypothetical "average school," 50% of the student body would read at or above grade level.)

THE COLEMAN REPORT

Moreover, P.S. 91, like a number of other successful slum schools that have recently come to the attention of educational researchers, by its example refutes the current fatalism about educating inner city children. This fatalism has been in vogue since the famous government-sponsored Coleman Report of 1966 that concluded, perhaps too hastily, that "schools bring little influence to bear on a child's achievement that is inde-

pendent of his background and general social context."

This report, one of the largest surveys ever taken of American schools did show that learning achievement varied widely among schools of different racial and regional background, even though their budgets might be equal. But the popular exaggeration of this finding—that the schools, therefore, made no difference in learning—has come increasingly under attack. According to George Weber, associate director of the Council for Basic Education, the mass statistics of the Coleman Report obscured the fact that some slum schools were doing a good job. To refute the fashionable pessimism about the schools, he says, "All I have to do is find one school which does what they say cannot be done."

But it's easier to show the importance of successful slum schools than to explain how they do it. In the case of P.S. 91, one obvious factor is its slight, energetic principal, Martin Schor, who runs the school with a mixture of tradition, common-sense innovation and taut organization.

Early in Mr. Schor's career, he taught science at a vocational high school where he was shocked by his students' reading problems. "We couldn't use books at all," he recalls. As a result, when he came to P.S. 91 ten and a half years ago, he organized the school to teach reading as efficiently and as early as possible. As his system gradually evolved, his student body changed from 65% white to 80% black.

"The stress has to be on early childhood," he explains, "because if the child can't read by the end of the first year, you're constantly doing remedial work." Mr. Schor begins reading instruction in kindergarten and assigns his best teachers to first grade.

Mr. Schor must also make every minute count, a point he emphasizes as he shows visitors around his classrooms. He briskly dismisses several popular ideas in education, such as "heterogeneous grouping" and the "open classroom."

In the open classroom, several groups work simultaneously on a variety of things and the child chooses which one to join. The general idea is to promote his individual development. Grouping does take place in P.S. 91 classrooms, as children share a tape recorder with an octopus-like array of headsets, or work on self-correcting teaching machines or write their own stories. But teachers assign the child to the activity they think he needs most. "We don't depend on his free choice to learn the skills," says Mr. Schor. "*We* teach the skills. I can't afford to wait with these children."

Mr. Schor also can't afford the extra energy needed to run a heterogeneous class, which mixes together children of different levels of ability. Mr. Schor argues that in such classes the teachers gear their work to the middle of the class, boring the bright pupils and losing the slow ones. "The average teacher can't handle that set-up," he says. "A good teacher can, but there aren't that many good teachers."

Instead, Mr. Schor has devised a system geared to the "average teacher." His basic principle is to group students by their reading ability, which superficially resembles the traditional homogenous classroom. But he makes a major innovation. "In the old homogeneous classrooms," he observes, "the kid was tracked for life." But with competent teaching, he argues, brighter children will begin to outpace their classmates. So he provides "constant inter-class transfers," in which a student who begins to excel moves on to a higher level within his grade.

Frequent transfers up provide a boost in morale for the students who learn well. Transfers to a lower level, which might prove discouraging, are kept to a minimum by careful attention to original placement of the student. This system requires the school to keep constant track of each student's performance. But it allows efficient use of manpower. Bright classes can move quickly, so Mr. Schor keeps them large, with about 30 pupils. Slow classes, with from 12 to 15 children, get more attention and better teachers.

The result, according to Mr. Schor, is satisfying both for pupils, who view the class transfers as a reward for success, and for teachers. "My teachers are happy because they can succeed," says Mr. Schor. "They're not eating their hearts out all day."

Mr. Schor also puts heavy emphasis on phonics. By teaching pupils to "decode" words in the first year, he says, the school gives them tools to learn more on their own. Mr. Schor also mentions the reading materials, primarily the Open Court series, which he praises for its simply written manual as well as for its "well rounded cultural program." Some supplemental reading deals with black history, but the readers make little attempt to be "relevant." Instead of tales about urban life, the children read excerpts from Cervantes and Aesop's fables. Says Mr. Schor, "We don't have to worry about 'urban minority groups.' They eat this up."

The success of minorities at P.S. 91 has given school officials a talking point against some of the more racially oriented (some might say patronizing) recommendations that have come out of the U.S. Office of Education that black and Puerto Rican children be tested by different standards than white children. "If only more people in high places subscribed to your belief in the ability of minority group children," New York Board of Education President Sepmour P. Lachman declared last fall in a speech to the staff of P.S. 91.

Examples like P.S. 91 have also spurred interest in case studies of schools which produce better (or worse) results than their "socio-economic background" would lead one to expect. Mr. Weber of the CBE published one of the first three years ago. In March, the New York State Education Department released a study of 12 better, and worse, than average inner city schools.

But researchers are still divided on the ingredients for success in the slums. The New York state study cited seven factors, including rapport with the student, effective control of classes, teacher preparation before each class, and "forceful and positive leadership," whether from principal, assistant principal or group of dedicated teachers. The state's watchdog Office of Education Performance Review took a closer look at two of the schools in this study and rejected most of these factors. This second report concluded, "the quality and attitude of the administration seemed to be the only real difference." But Mr. Weber remains suspicious of such pat conclusions which, he warns, may often be determined in advance by the researcher's decision to study some factors and disregard others. "You're analyzing a very complex human activity," he cautions. "A school is a living, changing, dynamic organism."

THE ESSENTIAL POINT

Mr. Schor agrees that his visitors often miss the point. "The trouble is they take a part of the program that strikes their fancy," he complains. "You have to take the whole program."

What the visitor can discover is that a school can succeed even in the absence of highly desirable conditions. The cubical red-brick building is 70 years old and shows it. Because intruders last year committed two muggings, Mr. Schor has put locks on classroom doors, and some teachers lock themselves in during class. Because the school's reading scores are too high to qualify for special aid its budget is the lowest in the district. As Mr. Schor finds one stairway blocked by workmen fixing a leak in the roof, he exclaims, "You see, you can't use excuses."

The visitor also finds plenty of variety in the classes, in spite of the emphasis on fundamentals. Second-graders demonstrate one favorite teaching technique, improvising dramas from reading material. As pupils take the role of a giant, a king and three daughters of different character, the girl who plays the wicked daughter teasingly lapses into neighborhood dialect.

Mr. Schor also shows off a display of African masks from art class, a fifth-grade French lesson (one of 16 in various grades, including 500 children), and a music class, a little top-heavy in violins. "We beg and borrow the instruments from other schools in the district," he explains. "What the others don't want, we utilize." The class serenades the departing visitor with a spirited, if discordant, rendition of "Pomp and Circumstance."

OPERATION PEACE OF MIND

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Miss JORDAN. Mr. Speaker, recently the Texas State delegation was informed that Operation Peace of Mind, a program designed to assist runaway youth and their families, was denied funding by the Department of Health, Education, and Welfare. It was established by our Governor, Dolph Briscoe, as an aftermath of the Houston mass murders. To deny funding for a program which has demonstrated its success countless times over and which is so badly needed, is to deny many American parents and children possible reconciliation and "peace of mind." Therefore, I have taken the liberty of writing to HEW Secretary Caspar Weinberger urging him to reconsider the decision not to fund Operation Peace of Mind. For the edification of my colleagues, the following is a description of Operation Peace of Mind provided by the Texas State office:

OFFICE OF STATE-FEDERAL RELATIONS, STATE OF TEXAS,

June 28, 1974.

To: The Texas Delegation.
From: Alan R. Erwin, Director.
Subject: Operation Peace of Mind.

Governor Briscoe has asked me to convey to you his very strong support and request for aid for Operation Peace of Mind, a volunteer program in Houston created to help runaways and their families.

The program, established shortly after the discovery of the homosexual murder ring in Houston, has been a phenomenal success. Through its work, more than one thousand families in 47 states have been reunited and more than 2,700 messages have been relayed between runaways and their anxious families. Its mission is simple—they have a national WATS number which has been widely publicized. The runaways can call the number and ask that any message they wish be relayed to anyone they wish. Aside from the obvious service of reuniting families, the program has taken much pressure off local law enforcement officials who were being deluged with phone calls from over the country to see if their runaway son was among the victims.

The program is expensive—averaging $3,000 a month. Money to continue it has come from Governor Briscoe and often out of the

pockets of the over 250 volunteers who have manned the phones in a Houston hotel room.

Ms. Grace Surgay, director of the program, and Ms. Sue Cunningham of Governor Briscoe's staff were contacted recently by representatives of the regional office of HEW in Dallas, who has high praise for the program and suggested that we apply for funds from the HEW Runaway Program. They suggested, in fact, that we ask for $100,000. We did so gladly, seeing an opportunity to continue and perhaps extend what Governor Briscoe considers one of the finest volunteer programs he has ever run across.

We were rejected by HEW here in Washington. Two other programs were funded—a drug referral hotline in Montgomery County, Maryland, and a hotline in Chicago. The Chicago program has contacted us with a request to send their personnel down to Houston for a week to see how to set up their program—in other words to initiate what we have already had in existence for almost a year.

We were told our program was not well publicized. However, it has been featured by Dear Abby, Seventeen, U.S. News and World Report, McCalls and the New York Times Magazine, as well as hundreds of newspaper features. Fourteen governors have initiated programs in their states to publicize our program. Florida recently put $20,000 in its state budget to publicize Peace of Mind and a PR firm in Arizona has initiated through private money a complete campaign to publicize the numbers of Operation Peace of Mind.

Governor Briscoe and the volunteers of Peace of Mind—and I'm sure the grateful families who have been helped—need help to continue paying the bills. Anything you might do to help would be greatly appreciated, including a speech on the floor of the House or Senate or an insertion in the Record, and most importantly, a letter from you to Secretary Weinberger asking him to reconsider the decision to refuse funding. As I know you are aware, unanimous support from the Texas Congressional delegation is still the most powerful red tape cutter in Washington.

I hesitate to ask for your support in a case where an administrative decision has already been made by a federal agency, but I feel that this program has not been adequately understood by HEW and is so worthy and important that it deserves your support.

Anything you can do to help Operation Peace of Mind will be greatly appreciated.

RUNAWAYS!

Your messages relayed to family (completely confidential).

Call—"Peace of Mind," (free—no charge).

In Houston, 524-3821; in Texas, 1-800-392-3352; out-of-State, 1-800-231-6946.

A LOOK AT THE FIRST YEAR ALONE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. PICKLE. Mr. Speaker, two good writers have taken the time to try to give us a view of the current lives of our former first ladies. The articles begin with Mrs. Lady Bird Johnson, a widow for a little more than a year now.

As the lives of Presidents and their wives have often been examples the country sought to emulate, it is important that in her life alone, Mrs. Johnson continues to be an inspiration to those around her and to those who see and benefit from her continued good deeds.

The authors of the article note that Mrs. Johnson knows who she is and will not allow herself to be sidetracked. She does the things which are closest to the main interests of her life—helping the Lyndon B. Johnson Presidential library, working with beautification projects, working with education and young people, and spending more time with her family and more time seeing the country than her life as First Lady allowed.

I would like to reprint the article concerning Mrs. Johnson in the RECORD at this time:

[From the Dallas Morning News, June 16, 1974]

LADY BIRD—ALONE DESPITE PUBLIC APPEARANCES

(By Flora Rheta Schreiber and Stuart Long)

JOHNSON CITY, Tex.—Spring flowers were popping out along the roadsides, conveying a sense of renewal after the browns of winter. Mrs. Lyndon B. Johnson drove here for a simple ceremony to rename the small Johnson City Hospital for her husband. Her grandchildren unveiled the name plate as townspeople stood by, waiting to visit with their most famous neighbor who lives up the Pedernales River at the LBJ ranch 10 miles away.

The day before, Mrs. Johnson had presented Walter Cronkite with a journalism award at the University of Texas and had seen her Secret Service men, with the assistance of a newspaperman, capture a streaker who barely failed to disrupt the ceremony. Mrs. Johnson is a regent at the University.

These glimpses into two recent days in the busy life of Lady Bird Johnson epitomize four interests which occupy the most recent of the presidential widows—flowers and beauty; grandchildren and family; education and young people, and devotion to the memory of Lyndon Baines Johnson, her husband for 38 years.

The way of life in which these interests are expressed is markedly different from what it was when Lyndon Johnson was alive. Gone is the entourage with which Mrs. Johnson was surrounded, except for the Secret Service men. Her only secretary is the one who works with her at the LBJ Library. Gone is the ranch kitchen staff. Mrs. Johnson now makes her own breakfast, sometimes cooks her own dinner. Now she drives her own car and at Christmas even delivers her own Christmas packages.

There is loneliness for Mrs. Johnson at the ranch these days but no privacy. Tourists on mini-buses make the ranch a public place.

Yet loneliness is assuaged by having been psychologically prepared for widowhood. And significantly, it was Lyndon Johnson himself who did most to prepare Lady Bird for this eventuality.

Lyndon Johnson told his wife that he was going to die soon. He brought in their two daughters, Luci and Lynda, and their sons-in-law, Pat Nugent and Chuck Robb, to make the necessary arrangements for smoothly transferring a large estate.

The Johnsons then proceeded to sell part of the ranchland under a contract by which Mrs. Johnson has absolute veto power on how it is to be used, to make sure that the beauty of the Texas Hill Country land is not marred. They gave the main ranch to the National Park Service with the understanding that Mrs. Johnson will live at the ranch itself as long as she chooses. They sold their television station and drew a careful will with Lady Bird as executrix.

And, perhaps even more important, the family, following Mr. Johnson's lead, encouraged Lady Bird to undertake jobs that would keep her busy when the time came for her to make the adjustment to widowhood.

She had said in 1969 upon returning to the LBJ Ranch from the White House that she might like to be a university trustee. When Texas Governor Preston Smith offered her a 6-year term on the University of Texas System board, Lyndon Johnson encouraged her to accept. She also took a 6-year term on a National Park Service advisory board.

It is not surprising, therefore, to find that during her first year and a few months of widowhood Lady Bird has kept very busy living the same sort of scheduled life that used to revolve around her husband's plans and comfort. She still rises early, is never late for an appointment and makes sure that the half hour she allots to a friend or relative is totally his. Once the time is up, she turns to the next matter at hand with equal concentration and warmth.

Lady Bird knows who she is and will not allow herself to be sidetracked. She's always gracious, warm and giving, but not at the expense of herself or her time. Her life is scheduled, and she plans three months ahead.

Like other presidential widows, Mrs. Johnson receives a $20,000 annual pension. But she administers the business affairs of the company which still operates KLBJ, the radio station which built the family's fortune. A canny businesswoman, Mrs. Johnson still keeps an eye on her businesses and investments in the family company which now belongs to her and her daughters.

Her husband always encouraged Lady Bird "to do her own thing" at the same time that he challenged her to do and look her best. She still goes to the Greenhouse, a Texas spa, for rest, relaxation and beauty treatment. But she also allows herself a few more visits to the refrigerator than when LBJ was around to help her count calories.

Always eager for a time that was wholly hers unmarred by clock or calendar, Lady Bird Johnson has also been doing some of the private things denied her as a president's wife or even as the wife of a former president. She made a trip to Europe with Chuck and Lynda Robb, her son-in-law and daughter, to see some of the things a presidential party just can't see.

With the Marshall Steves of San Antonio, she made a trip to Mexico where she visited with former President and Mrs. Miguel Aleman, who are old friends. With the Steves, too, she also made a trip to New England to see the autumn leaves.

On a visit to Washington, D.C., she drove to the house on 30th Place which was the Johnson's residence during most of his years in Congress and to The Elms where they lived while he was vice-president. She's also driven across the South en route to Washington to have a first-hand look at the way towns and cities and their roadsides have been beautified.

"The billboards are really coming down," she told us with some awe, since this was one of "Lady Bird's Laws" passed during the Johnson years. Now, as when she was First Lady, she urges people to concern themselves with keeping the beauty of this country alive. As she puts it, "The more I work with people who are knowledgeable and full of zest, the more I want to be a part of the project." She adds, "I'm a natural born optimist, and I think the problems man has created he can solve."

With this attitude, Mrs. Johnson continues her beautification work. She gives an award each year to the Texas highway maintenance foreman who has done the best roadside job. Last year, it went to a man whose

work in arid far West Texas was done with cactus and other desert plants.

She is working right now on the LBJ Grove in Lady Bird Park on the Potomac. A national fund-raising drive is under way to make it a grove of white pines, with walks and flowers, where people can go to view the beauty of the nation's capital.

Mrs. Johnson sold the LBJ Ranch cattle at auction, and, like any rancher's wife, felt the prices she received were not high enough. But she did not share her husband's interest in cattle.

"That was Lyndon's thing," she told us, "It was not my life. Beautification makes my heart sing. That's my thing."

Another of her "things" is the LBJ Library at Austin, where last fall, following in her husband's footsteps, she became the central figure in presenting the LBJ urban affairs papers.

She brought in the leaders of the nation's cities—architects, planners and thinkers, not to talk of the past, but to seek ways to make the cities live again. To her the symposium connected with the event was "one of those yeasty times" when thoughts and ideas are born.

Lady Bird Johnson also brought many great civil rights leaders to participate in the ceremonies accompanying the presentation of an award to Roy Wilkins of the NAACP and to muse on LBJ's great programs in civil rights. Earlier, the civil rights and education papers had been opened with the symposia.

Still to come is the presentation of papers concerned with the environment. Mrs. Johnson's hand is clearly visible as she supervises each detail of the arrangements for these ceremonial occasions, each of which is a living testament to her husband's memory. And whenever she is invited to meetings involving his place in history, she accepts with alacrity.

"Lyndon said he would like to be remembered as the education president," she explains, "and as the President who made a real try on the unfinished business of civil rights, on making President Lincoln's proclamation a reality."

Lyndon's memory, still fresh, is a daily reality for Lady Bird. She talks of him fondly, sweetly, always with a pleasant smile, never with tears. Although she has mourned, she is neither morbid nor shut-off. When she is at the ranch she takes a walk each day, sometimes to the pasture, sometimes to the Johnson family cemetery, which is part of the ranch. Standing at her husband's grave with the red granite monument, she remembers.

Memory sometimes rises unbidden to the outer edges of consciousness. When six-year-old Lyn Nugent rode a horse by himself for the first time, his grandmother laughed, clasped her hands together and said aloud, yet only to herself, "Gee, wouldn't Lyndon have loved that."

But mostly it is the public side of life that assuages loneliness and mitigates against the painful awareness of bereavement. In this public sphere Mrs. Johnson devotes a full slice of her time to her fourth field of interest—education and young people.

She has her office at the LBJ Library, which is on the campus of the University of Texas. From her window she can see the students, and she finds time to talk with many of them.

One is also very much aware that the Lady Bird Johnson of 1974, knowing who she is, has not forgotten her days as First Lady.

She remains staunchly protective of the office of the presidency and of Mr. Nixon in that office. When people make negative remarks about him in her presence, she brings the remark to a halt, making it clear that she isn't participating and doesn't like what is being said. "Poor man," she might say as she steers the conversation into another direction.

And this is the way Lady Bird Johnson has made her adjustment to widowhood—assuaging loneliness by being intensely involved in the aspects of life, both public and private, that have always absorbed her.

IMPEACHMENT: THE CASE FOR FULL BROADCAST COVERAGE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. VAN DEERLIN. Mr. Speaker, in a few short weeks this House may well be conducting impeachment procedures—the first such case involving a President since 1868.

There seem few parallels between today's events and the impeachment of Andrew Johnson. And in one respect, at least, we should manage a distinct improvement. This time, thanks to radio and television, it should be possible to involve the entire American public in a constitutional event which affects each of them intimately.

We shall soon be called upon to decide whether the people, through live broadcast coverage of House proceedings, are entitled to a fuller understanding of this event than the print media alone can provide.

I hope our decisions will be to widen, rather than to restrict that participation and understanding. I urge my colleagues to consider some of the points made in a recent address by Hartford N. Gunn, Jr., president of the Public Broadcasting Service.

Mr. Gunn's remarks follow:

ADDRESS TO THE CONCURRENT LUNCHEON: PBS PROGRAMING CONFERENCE, ANNUAL PUBLIC INFORMATION CONFERENCE, NINTH ANNUAL PTV DEVELOPMENT CONFERENCE

(By Hartford N. Gunn, Jr.)

Some weeks ago in Room 2141 of the monumental Rayburn Building in Washington, D.C. six raps of the gavel at ten past one in the afternoon brought 38 men and women to a point in history without precedent in our lifetimes. After a reading by the chairman of the group of the resolution establishing their charge, the chairman then said:

"We understand our high constitutional responsibility. We will faithfully live up to it.

"For some time, we have known that the real security of this nation lies in the integrity of its institutions and the trust and informed confidence of its people. We conduct our deliberations in that spirit."

So spoke Representative Peter Rodino, Jr., Chairman of the Judiciary Committee of the House of Representatives.

Thus, for the first time in this century and only for the second time since the founding of this country, have we as a nation begun the process which could lead to the impeachment of a President of the United States.

Whether this process goes to its completion; whether the President ultimately will be acquitted or found guilty of "high crimes and misdemeanors" is of immediate importance, for any decision directly affects the leadership of this country for the next two and one-half years.

CONFIDENCE AT STAKE

But, I would like to suggest here today that there is here at issue something more important than the ultimate fate of the individual who is the President at this moment.

What is being tried here is the confidence of the American people in our institutions: the presidency, the courts, and, most specifically, the Congress itself. Even more important is the degree of the people's confidence in—their respect for and belief in—our governmental process and the constitution. The process of impeachment which could lead to the removal of a President duly elected by the people—indeed, by a substantial majority of the people—is a major and highly sensitive decision for it goes to the heart of the American system of democratic government.

It is important to all of us that this process not be undertaken lightly and that everything possible be done by those directly involved to insure that we maintain and, where necessary, help restore confidence in our institutions of government and democratic processes. Certainly those in Congress entrusted with the duties given to them by the Constitution must perform their tasks with "wisdom, decency and principle" that Mr. Rodino urged upon them.

It is equally essential, however, that the public, if it is to believe in its representatives, its institutions and constitutional process—it is of equal importance that the citizen know and understand the process and its application in this critical instance.

There is *no better means*, I believe, to develop that knowledge and understanding than through direct personal observation of the process, supplemented by intelligent and helpful background and analysis.

We had hoped that many of the sessions of the Judiciary Committee would be open to the public. Unfortunately, to date these sessions have not been open with the exception of fifteen or twenty minutes at the beginning of the hearings. It is expected, however, that the House debate on impeachment and the trial in the Senate, if one or both events should take place, will be "open" to the public—at least in the technical sense that individuals other than the legislators themselves would be permitted to be present. But what effect will this have on our average citizen whom legislators, journalists and political scientists agree should be fully informed on all matters pertaining to the impeachment proceedings?

SHOULD BE TRULY PUBLIC

Public hearings imply the chance for personal observation. Assuming that our average citizen wants to be fully informed and has the time and money to come to Washington, let's look at the formidable odds he faces if he wishes to observe these activities directly. When the Judiciary hearings opened, "the public" was admitted for fifteen or twenty minutes to observe the opening ceremonies. There were chairs in the hearing room for 150. 90 chairs were given to the press for their reporters, 43 chairs went to the aides and guests of the committee members and 10 went to the committee's staff assistants. The average citizen got one of the remaining 11 seats.

If the Judiciary Committee were to recommend a Bill of Impeachment, it would go to the floor of the House of Representatives which we are told might be open to "the public". It will be less crowded in the spectators' gallery of the House of Representatives, of course, but not much. The House gallery has 732 seats or not quite five times the number of seats in the Judiciary Committee's room. If an impeachment trial is held, this critical activity will take place in the Senate before only 425 spectators in the Senate's gallery.

Of course, you'll have to get passes from your Congressman to get in, and you will be

competing with an even greater number of Congressional aides, friends, relatives, press, etc.

If you are an average citizen and want to have direct personal knowledge and observation of your government, my advice would be to save your air fare. *Your* chances are not much better than one in a half million that you will get past the Capitol police to one of those several hundred seats.

Well, you *will* have the reports on the impeachment process from the journalists of radio, television, newspapers and news magazines. Hopefully, in a few cities you may be fortunate enough to get complete transcripts of the hearings and trial, if held. But in most cities you will receive the standard journalistic coverage which can be spotty and not of uniformly high quality. Even if all such reportage were complete and accurate, you would lack the nuances of the inflection and the appearance of the speakers, the immediacy of the event, and a sense of presence and atmosphere in which such a serious and fundamental act of government is taking place.

TECHNOLOGY IS AVAILABLE

We are fortunate, however, to have in our time the technological advance we call television which can, *if permitted*, overcome most of the inadequacies of reaching and serving the needs of the average citizen.

Television is unique in its ability to help the citizen to observe, study, and understand the process as it unfolds. One can, through full television coverage, probably see and hear more than as a spectator in person in the galleries. One certainly can weigh the oral arguments and evidence better than one can through even the most complete second- or third-hand comments of any paper, magazine or news broadcast. In short, the citizen becomes a participant in much the same sense as the citizen is a participant in the electoral process. He or she is free to make a personal assessment based on direct observation.

It is my belief that the credibility of our leadership, our institutions, and the governmental process is at issue here, and we must use all means to reach the citizen in the most effective way. Television offers the best means to reach the citizen where he is with much of what he needs to know.

The Judiciary Committee, for example, having gone on record initially as planning to open its hearings to television has, as of today, not done so. This initial decision in favor of closed hearings up to this time, in my personal opinion, has had unfortunate consequences. I believe that the virtual torrent of "leaks" from these so-called "closed" hearings to the press has not benefited anyone.

Certainly they do not relieve President Nixon in any direct way as they highlight only the worst or sensational aspects of his situation.

They do not benefit any of the Committee members in the long run because they leave the impression of administrative sloppiness and partisanship, if not self-serving activity, on the part of both the Republican and Democratic members of the Committee. And, more importantly, these "not-so-closed" hearings do not benefit the public for they leave the average citizen with a confused, highly distorted picture of what is happening to their President, to their Congress—indeed, to the whole process of impeachment with its most serious consequences for our future as a country.

IS PUBLIC REALLY INTERESTED?

One would think that, in view of these damaging consequences of excluding the public—Congress would move with a sense of urgency to declare that any future proceedings on impeachment in the House and Senate would be open to everyone via television and radio to see and hear.

This is not the case. As recently as two weeks ago, the House Majority Leader, Congressman Thomas P. O'Neill, responding to Paul Duke on *Washington Straight Talk* over PBS concerning the televising of the proceedings on the floor of the House—the Majority Leader said, "Well, I've always been opposed to it." He went on to say, ". . . and how much interest is there in the people of America just looking down at the floor and watching this proceeding take place?"

It is quite possible that, if the present view of leadership in the House of Representatives prevails, the House, at the very least, will not be open to television for the impeachment proceedings, although it appears at this time that the Senate may permit coverage of a trial, if held.

There are a number of arguments that have been advanced by people in and out of Congress as to why television should be denied access to these proceedings.

Some claim that the impeachment process is analogous to a trial. Trials are generally not open to television primarily to prevent the trial from being prejudiced by publicity and the application of outside pressures, or from jeopardizing the rights of the innocent or the accused, etc. I personally doubt that the criminal trial analogy holds here. Impeachment, if it were to take place, certainly is not a *criminal* trial. Rather, it is part of what should be an orderly, albeit extraordinary, constitutional action of government for the purpose of determining whether an individual is fit to hold the highest office in the land. In any case, the publicity is likely to be so all pervasive, so overwhelming with every medium of communications turned full force on so momentous and critical an event that it is difficult to see how any further harm might be done. On the contrary, the citizen who is able to see and hear for himself may be in a better position to moderate those pressures which spring from lack of information or misinformation.

WOULD IMPRESS THE WORLD

The same argument for complete access would apply to the rest of the world. We refer to our system of government as being open and participatory; we say that our 200-year-old constitution is relevant to our times.

Rather than our being embarrassed by opening the process of our government to world view, we can hope that complete coverage will add to world understanding—possibly, in the midst of the confusion, even some admiration of a system of government that is so open and the citizen so fully served.

Other arguments for excluding television coverage of floor debates and actions include the following: Some argue that coverage of floor debates and actions has never been permitted—but I would think it is high time that the floors of both Houses of Congress were open to radio and television. Others argue that the public is not entitled to be present—but I would maintain that the public is entitled to observe its own business being conducted by its own elected representatives. Some argue that there will be adequate coverage through reports and transcripts—but there is an old saying that "seeing is believing," and it is important that the public "believes." Still others argue that Congressmen will become performers—but any Congressman who would "perform" might well discover at election time that the voters have taken his AFTRA card away.

I think that each of these concerns could be argued individually at greater length. I don't mean to dismiss these concerns as lightly as I do here. I would suggest, however, that, whatever merit these arguments may have, they are answered to a considerable degree by the need for all concerned—the President, the members of Congress, and the public—to be exposed to a complete and direct account of what is happening and why.

For, as I said earlier, it is not just the fate of an individual that is the issue here, but our institutions and process of government that are in question. It would be irresponsible to exclude the public from such crucial experience.

FAIRNESS TO PRESIDENT

Secondly, as complete an understanding as is possible is needed, if acquittal of the President or dismissal of the charges were to take place. For the President must have sufficient support from the public if his final years in office are to be useful and effective. Conversely, the public must understand as completely as possible why a President they overwhelmingly elected only a year and a half ago was impeached and removed from office if that were to be the decision of Congress.

An immense amount of information concerning alleged wrongdoing in this administration has been put forth by the various media in the two years since Watergate entered our vocabularies. The public is owed as full and complete access as our technology and governmental and constitutional process permit. The necessity for this, I believe, is clear, for in either instance—the acquittal or the removal of the President—it is *public opinion* that well determine whether the country and its leaders can go forward.

Though direct, personal observation does not insure complete understanding, it does seem better to risk the unknown of full and direct disclosure than to risk the real likelihood of serious miscommunication and misunderstanding as a result of partial or inadequate disclosure.

Senator Barry Goldwater has put it even more succinctly, "Things have gone too far for secrecy now."

I hope Congress will open its actions on any impeachment proceedings and trial to complete radio and television coverage, not because those of us in television so request but because the Congress itself is persuaded that the maximum flow of information to the public is the best protection for a democratic society.

Despite, I think, the persuasiveness of the arguments for television coverage of the impeachment process, I am concerned, as I said earlier, that Congress will decide otherwise. First, because the public—you and I—have not made our opinions on this matter known to our representatives. I would urge you, therefore, to make your own feelings on television coverage of these proceedings known to your representatives. I would urge you to call this question to the attention of the public—not with the objective of telling people what to do or how to think, but with the intention of seeing that the American public has all the facts and all of the pros and cons of this issue. This is not a matter of importance only to the media. It's a matter of great importance to the citizen who should be aware of the problem and be given an opportunity to learn and decide for him- or herself—one way or another.

BROADCASTERS MUST SHAPE UP

Second, I am concerned that our own actions in the television industry may prejudice our request for coverage. Congressman Sidney Yates of Illinois and other representatives have submitted one or more resolutions calling for such television coverage. For these resolutions to be considered and voted upon by the entire House of Representatives requires a rule from the House Rules Committee. The Rules Committee, I am told, is awaiting word from the Speaker of the House, Carl Albert, as to his feelings on this matter.

It is my understanding that Speaker Albert has been approached by television jour-

nalists and producers requesting lights, camera platforms and positions that the Speaker, in his opinion, believes will discomfort and disrupt the proceedings. I hope we in the television industry would use our best efforts to accommodate ourselves to the needs of the Congress and not vice versa. Surely, we can accept a less than perfect television picture in order to be sure we can have a picture.

Even more seriously, I understand, suggestions have been made to the Speaker that the presentation of evidence and other activities be organized, timed, and delivered on the floor to better meet the demands of television as the producers and journalists see them. Again, I hope that this report is not accurate. This is not a sporting match where television controls the time-outs for commercial breaks, etc.

You could sense Congressman O'Neill's concern when he described on *Washington Straight Talk* the process by which television goes about arranging for an address by the President to the Congress. Congressman O'Neill said:

"The President of the United States comes up to give a message to the Congress, and you the television people will say, 'Now, Mr. Speaker, could you arrange it one minute past nine for the committee to be assembled in front of the rostrum and walk out to the Speaker's office, where the President is, and notify the President? And at six minutes past nine, can you have them back in front of the rostrum? And then at seven minutes past time, can the President leave so we can get—start to tape him? And at eleven minutes past nine, can the President be in the chamber so we will be all set? And then would the President be able to be finished his speech by 9:38 so the committee can reassemble?"

Congressman O'Neill finished by saying: "I'm fearful of the production of the matter as to cut-in, hold-ups or things like that. It's too serious a matter to take any chances of that..."

He is right. But it doesn't have to happen that way. This is as serious an event as television may be privileged to cover in our lifetime.

GROUND RULES IMPERATIVE

We, as an industry, must not intrude to the slightest degree on the affairs of the House and Senate, not only because it is grossly inappropriate for us to do so but also because the industry might be the reason why the public was denied access to the public's business.

It should be possible, therefore, for all four national television organizations to agree on the exact nature of the technical coverage—which minimizes lights, cables, cameras and staff in the House and Senate chambers. It should be possible also to agree upon a set of ground rules regarding coverage, interruptions, and journalistic impositions on the members of Congress.

If we as journalists and broadcasters were to be in the slightest way responsible for a denial of public access to the process of impeachment, we would be justly condemned by all citizens.

The impeachment process is a most painful one. No serious participant, including the individual citizen, derives any pleasure from the hard work and agonizing decision making involved. Yet the successful application of this process, whatever the final decision, is so important to the continued well-being of our country that I hope that everyone who wishes to do so may see and hear and better understand.

For those of us responsible for the support and direction of this unique medium of television, it could be our greatest service. I hope we will be privileged to render that service.

TUNNEL VISION AT THE WHITE HOUSE ON COAL MINE REGULATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. UDALL. Mr. Speaker, the Washington Star-News has joined the growing list of newspapers and periodicals which are endorsing H.R. 11500, the Interior Committee bill to regulate strip mining.

Following is the Star-News editorial of July 5, 1974, which asserts that H.R. 11500 is "an excellent piece of legislation."

This is one of the best short summaries of the issues involved in this legislation I have seen, and I commend it to your attention. The editorial follows:

STRIP MINING SHOWDOWN

Having worn out every excuse for delay, over a period of years, Congress seems ready for a real showdown on the strip-mining issue. Whether this necessary but potentially destructive method of getting minerals (most notably coal) will be brought under federal regulation, or whether the wrecking of vast landscapes will accelerate without remedial action, may be decided this month. The arena for this decision is the House, for the Senate passed its own strip-mining control bill—a tough one—last October.

And though the House has dragged its feet much too long, its Interior Committee has come up with an excellent piece of legislation. The measure would require restoration of stripmined land to the "approximate original contour" and planting of permanent vegetation to prevent erosion. Stripping could be banned on lands deemed unsuited for restoration—in some steeper mountain areas, for example. And equally important, a new fee on production of coal would help finance the reclamation of land which has been laid waste in past years by rampant stripping.

This measure, in fact, is attuned realistically to the great environmental challenge in this field, and also to energy-crisis concerns. It offers strong hope of relief for a nation with more than 2 million acres blighted by unrestored strip mines—stretching like moonscapes over some states—and a need for much more coal mining to fuel its oil-short economy. Certainly the diverse values will not be easy to reconcile, with any sort of program. But the country cannot afford to create vast new wastelands in a rush for shallow coal, and American industry, we think, can accommodate itself very well to the requirements of this legislation. The American consumer, obviously, must be prepared to pay the price of natural preservation, most noticeably in higher electric bills. For it is coal, mainly, that keeps the generators running and the lights on.

As might be expected, though, the legislation is powerfully opposed by the coal mining and electric power industries. And they've drawn support from the Nixon administration, which, despite its pledge to the concept of strip-mining controls, seems to favor only weak measures. It has put out scary but dubious estimates of the House bill's impact on coal production. One wonders how the White House can afford to undermine a meaningful approach to strip mining, so soon after helping to scuttle national land-use legislation which it earlier espoused. The tax on credibility is considerable, when one recalls President Nixon's past pleas for action in both these areas.

There is still time, of course, for the administration to throw its weight on the right side, and we hope that will become evident in the days just ahead. The first test, next week, will be in the House Rules Committee, which should release the Interior panel's bill with the least possible delay. Then the battle must be won on the floor—against weakening substitutes, and for a law that will prevent the pell-mell disfigurement of America.

BLACK EAGLE OF HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, I would like to share with my colleagues an interesting piece of American history. In a recent story in the New York Times the life of Hubert F. Julian is highlighted. Mr. Julian, or the Black Eagle of Harlem as he is known, has lived a diverse and fascinating life, which includes being a pioneer black aviator, stunt parachutist, and an international arms dealer. I am pleased to share with my colleagues some insight on this great American folk hero.

The article follows:

BLACK EAGLE OF HARLEM, 77, LOOKS BACK ON DAYS AS FLIER AND SOLDIER OF FORTUNE

(By Lee Dembart)

Fifty years ago this week, Hubert F. Julian, the Black Eagle of Harlem, took off from the Harlem River to the cheers of thousands on what was billed as a flight to Ethiopia.

Although he crashed five minutes later in Flushing Bay when a pontoon fell off his seaplane, the stunt established him as a hero in the minds of black people, and he has remained one in folklore. At a time when black men could hold few aspirations, he not only aspired, but did.

Now 77 years old, though he looks half that age, Colonel Julian reminisced this week on a career of derring-do during which he has been a pioneer black aviator, stunt parachutist, soldier of fortune and, most recently, international arms dealer.

EXPELLED FROM CONGO

Controversy has surrounded him wherever he has gone, whether commanding Emperor Haile Selassie's Air Force (the Emperor commissioned him a colonel), flying for the Finns against the Russians in 1940 or shipping arms to Guatemala or Haiti or the regime of Moise Tshombe in Katanga, for which the United Nations expelled him from the Congo.

Colonel Julian has not flown an airplane in nearly 30 years. But in an Oxford accent that is sometimes overcome by his West Indian birth, he spoke animatedly of the nineteen-twenties, when he made his living by parachuting at $1,500 a jump.

"One time in Atlantic City I was to land on the beach," he recalled. "The wind was blowing to shore, so we took the plane over the water to allow it to blow me back.

"When I got within a thousand feet of the seashore, then the wind becalmed. I was wearing a full uniform, including boots, you understand. But I'm no Weismuller. I held my parachute in my teeth and divested myself of everything except my shorts. Then my shorts blew off.

"You talk about streaking," he said, chortling. "Well, sir, that was the first aerial streak. I could hear the women shrieking. Yes, that was the first aerial streak."

PARACHUTING INTO HARLEM

Saturdays he made parachute jumps over Harlem, always with a sponsor, whose product he would advertise, once playing the saxophone, and once landing atop the 123d Street police station, where his equipment dangled over the side broke a window.

"The things I would have been able to accomplish had I not been a Negro," he lamented. "I wish I would have come into the world looking like my mother, who was English, rather than my father. I would not have had to surmount the insurmountable obstacles.

"I never thought I would live to see the day when a black man would rise to the level of lieutenant general in the United States Air Force. We have Negroes now who are flying for airlines, where then they couldn't even wash the planes."

Colonel Julian and his wife, Essie, celebrated their 47th anniversary a week ago today. They live in a house on Sedgwick Avenue in the Bronx with a statue of a black eagle over the door. The living room is cluttered with memorabilia.

Luncheon in the chandeliered dining room is a four-course affair, with cornish hens and veal, four vegetables and a 1959 Pinot Noir served in cut crystal. A housekeeper, two Angora cats and a parrot round out the household.

Colonel Julian, who still sports a monocle, neither smokes nor drinks, and the only water he will take to his lips is bottled spring water.

His wardrobe has always been legendary: custom-made silk shirts, stiff collars, hundreds of neckties. "A gentleman must have at least 150 suits," he said in the interview. "With vests."

Time has not dimmed his spirit or his flesh, but it has expanded his girth and his memory. His recollection of events differs from all other accounts of them, which differ from each other.

Consider the flight to Ethiopia.

Twenty-five thousand people turned out on July 4, 1924, to see him take off on the first leg. They paid $1 apiece. Because Mr. Julian had been asking blacks to send in money, the postal authorities threatened trouble if he did not make the flight.

Colonel Julian says a pontoon was damaged as the plane was pushed into the water, but he could not postpone the flight. Contemporary newspaper accounts do not mention that. Neither does his authorized biography, "The Black Eagle," by John Peer Nugent (Stein and Day, Bantam paperback).

Haile Selassie sent for Mr. Julian to head his air force in 1930, but after the colonel crashed the Lion of Judah's favorite airplane at the dress rehearsal for his coronation, the Emperor sent him home. The colonel went back after the Italian invasion, but then came home again.

He volunteered to aid the Finns in 1940, was commissioned a captain, but left after four days' service.

Colonel Julian says his arms business is completely aboveboard, with all shipments approved by the State Department. "When they say 'No,' they mean no," he said. "They don't question them."

In the Katanga business, he denied then and denied now that he was selling arms to Tshombe. "That was a fake," he said. "The U.N. came pretty near to be dissolved on account of the interference in the Congo." He insists he was bringing in hospital equipment.

DREAMS OF THE PAST

More recent arms dealing he will not talk about, preferring to remember his early days in aviation.

"I can only close my eyes and live in the past," he said. "I live in those dreams.

"I wish my people had given me the recognition and respect I received from the Nordics in this country.

"There's one thing, I can go to my grave in peace. To know that I personally got Negroes their start in aviation.

"So what more do I want for a poor black boy? I've dined with kings, but I've not lost the common touch."

COMMENCEMENT SPEECHES AT NEW DORP HIGH SCHOOL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. MURPHY of New York. Mr. Speaker, I would like to take this opportunity to submit to the RECORD these two excellent speeches made by graduating seniors from New Dorp High School in Staten Island, N.Y. Judging by their talents, and the talents of their peers, America's future will be a very bright one. The speeches follow:

WELCOME ADDRESS

(By Maryjane Lauria)

"We choose our next world through what we learn in this one. Learn nothing and the next world is the same as this one; all the same limitations and the same lead weights to overcome." In this quotation from a novel by Richard Bach lies the reason why our years at New Dorp have been years well spent. What we have learned is the basis for our lives; a solid foundation on which we must build. New experiences will replace the old; new knowledge will expand that already learned. Each day will find us discovering a little more of ourselves, and we will put aside that which limits us.

We enter our next world with curiosity. Our curiosity may take us to any time or to any place that we wish to go; and it is our knowledge that may decide our destiny. "Going to places I never knew . . . I can see history standing still, a mystery." We cannot predict the future, and deep in our hearts, we do not wish to do so. We are apprehensive, yet eager. We wish to move on, but we are glad that we have this time to pause, to reflect, and to be Seniors at New Dorp for this final, bitter-sweet moment of commencement.

For all of us, there has been New Dorp High School and the memories that it holds. Whether we remember the many teachers who offered help when we needed it, the coach who had encouraging words after a game, the courtyard on a sunny day, or just a crowded, noisy hallway, each of us can remember his own New Dorp. New Dorp taught us to respect, to understand, and to reach for goals, especially the ones that seem impossible. It gave us many perspectives from which we were able to gain knowledge. It has allowed us to be ourselves, while quietly guiding and shaping our personalities until we have become mature young adults, ready to emerge into the world, that "next world" outside New Dorp High School.

Our "next world" is almost here. We have intelligence and skill. We have knowledge and maturity. We have the incentive to overcome, to succeed. We have the freedom to choose. We have the energy to build. We have the infinite dreams of youth.

It is both an honor and a privilege to invite you to share with us tonight our last moments as the Senior Class. Share with us our apprehension and our eagerness as we step out into our "new world." Share with us all the memories that will shape and guide us. Share with us your love and understanding as you have shared it all before.

FAREWELL ADDRESS

(By Stephen Kitsakos)

As I think of this commencement, our new beginning, I am reminded of the past. And relating past experiences to myself, I sit and dwell over the years, those short-lived years that are the fundamental seeds of my life. And I remind myself of a visit into the city. It was at a time all of us, and especially I, were developing, becoming immensely aware of the world around us: our families, our friends, our ambitions, our goals, our lives.

New York is a racy town, full of adventurous things, throbbing taxis, intense excitement, and the constant flicker of men and women and machines. Taking this all in, I began to realize its haunting loneliness. When I asked myself why I should get this barren feeling, I began to realize it was because the city was empty of sincere emotion.

We cannot live in a society, a world, a place where emotions are inconstant—in platonic republics where lives are vacuums. We cannot adhere to coups and juntas and oligarchies where creativity is suppressed. We cannot exist on a forbidden planet where movements are clocked and man exists for time. And yet, we cannot and should not pursue some elusive El Dorado—some futile Utopia of dreams. For life can be lived with dreams and with reality.

Rudyard Kipling expressed this idea so conscientiously:

"If you can dream—and not make dreams your master . . .
If you can fill the unforgiving minute
With sixty seconds worth of distance run:
Yours is the earth and everything that's in it.
And which is more—you'll be a man, my son!"

This is the crux of our lives; the crucial point where we lean back and smile in satisfaction, and say to ourselves, "It's been four years, and I'm proud of myself." And we should be; we all should be proud of ourselves. This is an era of awareness. No one has to say to us, "The world out there is tough." We know it; we realize it a little more than other generations did. But we are obliged to live in it and change it . . . if we can. We are obliged to dream in it. We are not out to save the world as crusaders, but we are spiritually high with concern, with emotion, and with hopes of eventual response.

This is an age of constant change which can lead very easily to hypocrisy. It's been proven in every aspect of our lives—politically and socially. If we are sincere in our goals, our ideals, our special emotions—then we can be safe and not naive to discontent and disillusion.

Perhaps the most disillusioned characters I have read have been in Fitzgerald's *Gatsby*. Gatsby, like us, dreams, yet as he vainly pursues the future, time carries him inexorably back into the past. He is the irony of American history—while we are the symbols: symbols of unity, symbols of pride, symbols of a prosperous wealth. We are not a lost generation, but a discovered one—one of hope and one of rejoicing. Our lives cannot be altered by a newspaper headline. We cannot adhere to devastation or dramatic tragedies. True, we can be inspired by them, but we cannot let them rule our passions. Fitzgerald described his world as a change from a fresh, green breast to a grotesque wasteland, where only the morally irresponsible can hope to survive. I describe it as a wasteland . . . with hope. Valleys of ashes cannot be created unless we create them ourselves. We can be wealthy, wealthy in self determination, wealthy in love. But wealth in a materialistic way is futile. There is nothing but aimless drifting. What follows is false goals, self-delusion, and finally destruction.

Let's look around at each other and smile.

This is a joyous occasion. The tradition of commencement is one that will live and prosper, for it brings to close something obvious, and opens portals to something unforseen. We should all take great pride in our school. It has given us the foundation to develop principles which we must foster and perpetuate.

And now we are ready, with cautious anxiety, yet filled with unbounded eagerness. In a few minutes, this will be a true farewell as we leave with sincere hopes that we are ready to pursue the unknown. We find our whole lives passing before us. Dreams of yesterday have taken shape and are now reality; but they were practical ones. We have all dreamed of this moment in our lives and now we can all say, "Wow! I have achieved something in my life." And it's a good feeling.

When we leave tonight, we'll probably see many teachers crying. We'll be shaking hands with guys we've hated for four years. We'll be congratulating girls who have brushed us aside throughout our high school career. We'll probably flutter around a bit, maybe go to dinner and have a good time. But when it's over, we'll wake up without the pair of crutches that was our beloved New Dorp. There will be no one to lean on any more. Let us stand straight; we've learned to walk by ourselves. We'll smile and say, "Look out world! Here we come!!"

A CURE FOR THE POSTAL PROBLEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. CRANE. Mr. Speaker, the efficiency of the U.S. Post Office has been seriously questioned during the past few years.

It is no secret that private companies often deliver second-, third-, and fourth-class mail more efficiently and economically than does the Post Office.

But in the area of first-class mail, the Postal Service alone must bear the responsibility for its carriage. This monopoly, as described in the private express statutes, delegates sole authority to the Post Office in transporting a "letter" over postal routes. Currently under debate is the wish of the Post Office to extend its carriage of "letters" to include both newspapers and periodicals.

The Wall Street Journal, in its "Review and Outlook" of June 18, 1974, further discusses this desire of the Post Office, with respect to the elimination of the private express statutes, by Congress. I feel that this article has great merit, and so wish to share it with my colleagues by inserting it into the RECORD at this time:

[From the Wall Street Journal, June 18, 1974]

A CURE FOR THE POSTAL PROBLEM

The Post Office has behaved like any profit-maximizing monopolist. So as to maximize the amount of mail subject to the postal monopoly and thus to protect Post Office revenues, it has construed "letter" to be as all-inclusive as possible. Apparently other public policy considerations—service, convenience, speed of delivery, needs of business and commerce—have been heavily discounted by the Post Office in interpreting and enforcing its monopoly.

At least since the 1600s the basic scenario of postal competition has been the same. First the government's mail service is deficient. Then an enterprising individual decides that he can make a profit by offering faster or cheaper mail service than that provided by the government. Letter writers start using the private service. The government Post Office senses an impending loss of revenue and may even feel chagrin at being shown to be second-best in service or efficiency. Government then takes action to force the private challengers out of existence.

—From John Haldi, "Postal Monopoly, an Assessement of the Private Express Statutes," published by the American Enterprise Institute.

True to the pattern, the Post Office earlier this year asserted the right to outlaw the newspaper carrier boy, by broadening its official definition of a "letter" to include newspapers and periodicals. Since this is a complete change from historical interpretation of the law, the appropriate congressional committee thought they ought to have something to say about it, and apparently the Post Office has at least temporarily backed off. But while Congress deals with the matter of definitions, it might take a good broad look at the Private Express Statutes themselves.

The statutes prohibit anyone except the Post Office from carrying a "letter" for a fee over "postal routes." Over the years Post Office interpretations have repeatedly broadened the definition of the key words. Its new regulations, still officially pending, would include newspapers and periodicals as letters, though "suspending" the statutes with respect to them. The officials disavow any intention of ever revoking the suspension and actually applying the statutes against newsboys, but the history recounted by Mr. Haldi is cool comfort on this score.

We are of course particularly interested in this issue because of the sharp increases in the cost of mailing this newspaper. One of the effects of creating the public corporation to put the Post Office on a "business-like" basis is that second-class postal rates will increase something like 270% over a five-year period. The Post Office says the previous lower rates were a subsidy, yet it wants to outlaw private competition at the new higher rates. Since competition could arise only if the new rates are higher than true costs, this does not exactly reflect total confidence in the subsidy arguments the Post Office has so loudly asserted.

Second-class mailers are scarcely alone, though, in suffering higher prices and deteriorating service. First-class mail service is now the worst in memory, despite the new 10-cent rate. Charges and classes of mail remain an irrational jumble, with supposedly priority air mail often getting inferior service. Meanwhile, despite its crying need for automation, the service has signed "no-layoff" contracts with its unions, and the percentage of its costs going to labor has actually increased. The key problem is the efficiency of the Postal Service, which actually seems to have deteriorated under the new semi-independent agency.

Which is scarcely surprising, if you stop to think about it, for the reform was based on massive illusions. The first was that a government bureaucracy can be turned into something else by changing its name. The second and even more staggering is that even if all politics were eliminated a monopoly can achieve the efficiencies of a business. This efficiency stems not from superior brainpower but from the lash of competition. What the new Postal Service has given us is free enterprise with respect to prices and socialism with respect to costs.

If Congress is willing to give up such illusions, the way to cure the postal problem is no secret: Entirely repeal the private express statutes and let nature take its course.

HOUSE RESOLUTION 988

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I include my letter of May 20, 1974, to the Honorable JULIA BUTLER HANSEN regarding House Resolution 988, at this point in the CONGRESSIONAL RECORD:

MAY 20, 1974.

Hon. JULIA BUTLER HANSEN,
Chairman, Committee on Organization Study and Review, Democratic Caucus, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: I am very pleased to respond to your letter of May 13. I am responding for myself and, at his request, my close friend and colleague, John E. Moss who joins me in my criticism of H. Res. 988.

I am delighted the Committee on Organization Study and Review is considering the Bolling Report, H. Res. 988. Your Committee has the awesome responsibility of preventing a disastrous fight among Democrats on the Floor over this unfortunate measure.

A document as lacking in merit as this proposal and posing the possibilities of a bruising fratricidal fight among Democrats on the Floor of the House can only delight the Republicans and afford opportunity for major injury to the Democratic Party and its programs.

It is my view that the kindest action your Committee could take for all Democrats is the summary rejection of H. Res. 988 through any appropriate device, since the merits of this legislation are so outweighed by its lack of worth and its capacity for the creation of overall mischief.

I shall try to respond in detail to your request for comments in inverse order, treating first the jurisdictional matters, and then the nonjurisdictional matters, because I believe the jurisdictional aspects of the report are most destructive and divisive and that there is some small amount of nonjurisdictional matter in Title II of the Report which might improve the functioning of the House.

First, I recommend your Committee should most strongly, in turn, recommend against the proposals for transfers of jurisdiction between Committees. The result of this would be to dissipate expertise of Members on the subjects of Subcommittee jurisdiction and Committee jurisdiction gained over scores of years which cannot be equated with the superficial knowledge of private individuals, academics and the bureaucrats downtown. Dissipation of this kind of expertise of Members and Congressional staffs can only have a disastrous impact which will last for many years.

I believe that a "one track" system would drastically limit the effectiveness of Members. However, the "one track" system suggested by H. Res. 988 is in fact *not* a "one track" system. It would retain almost the same number of Committees now in existence, and maintain existing, although slightly rearranged imbalances in jurisdiction. Also, Members serving on more than one Committee, such as they would on the "A" and "B" Committees recommended by H. Res. 988, would suffer the same difficulties which H. Res. 988, it is claimed by Mr. Bolling, would eliminate.

Particularly obnoxious results of jurisdictional transfers come to view. Transportation, long a matter of jurisdiction of the Committee on Interstate and Foreign Commerce, would be moved to Public Works which has little expertise on this subject. Clean air and solid waste disposal matters, which

originated in the Committee on Interstate and Foreign Commerce, are moved to another Committee having no experience, expertise or prior jurisdiction in these matters.

The Education and Labor Committee is to be split, with extremely destructive results on education matters, which already have been commented upon widely by educators, the National Education Association, and other groups interested in education. In addition to this the Labor Committee would be set up as a cockpit which might assure that Members of broad moderate viewpoint will not dare to serve on a Committee of this kind because of the direct political peril present in such membership. The result will be a Committee composed of extremists totally dependent on either the side of labor or the side of management. Good, balanced legislation in the public interest cannot result from this kind of undertaking.

As its present Chairman has stated, the Government Operations Committee is grossly overloaded with an excess of responsibilities. It has difficulty fully exercising its present broad powers, yet H. Res. 988 would overload it with additional responsibilities.

A Committee on Energy and Environment would be established which would pit conservation organizations against the oil companies and power companies on a day to day basis.

One damaging obvious result of setting up such one-interest Committees will be that lobbyists will concentrate on one particular Committee and devote great effort to persuading the Members of that Committee to suit their particular interests. Broad participation by Members without particular axes to grind, and the breadth of expertise that has come to the Congress by reason of having more than one Committee Member knowledgeable on subjects involving matters like energy or conservation, would be dissipated by H. Res. 988. The only result of this arrangement can be major confusion in the course of Floor action on legislation produced by this process, principally because legitimate and proper amendments will never have had a chance to surface in the Committee process.

Further, the Small Business Committee, of which I am a Member, would be given jurisdiction over laws relating to small business, and would become a legislative committee. While practically all laws which affect large businesses also apply to small business, the actual grant of legislative jurisdiction is relatively minor. The inevitable result of this jurisdictional shift would be to cripple the present ability of the Small Business Committee to conduct meaningful oversight functions.

The Merchant Marine and Fisheries Committee, which has sponsored an abundance of conservation legislation would lose its entire jurisdiction over conservation, marine mammal protection, the National Environmental Policy Act, deep water ports, wildlife and wildlife refugees, oceanography, and coastal zone management. Legislation in all of these areas originated in this Committee after long periods of disinterest by other Committees, and it would be a shame and not at all in the public interest to dissipate the expertise of this Committee in these important areas.

That the Merchant Marine and Fisheries Committee, of which I am a Member, has been able to legislate so prudently in these areas is chiefly attributable to the fact that it is a balanced Committee with a constituency in the Maritime industry and also in broad areas of conservation and the environmental concern.

Turning now to the specifics of Title II of the Select Committee on Committees proposal:

(1) TRANSITIONAL PROVISIONS

I quote from page five of the summary of H. Res. 988: "Committee assignment, seniority, and related questions are viewed as party matters to be decided by the Democratic Caucus and the Republican Conference."

Questions related to these matters are properly to be decided by the Caucus according to the Select Committee. Obviously no steps have been taken by that body to deal with these vital questions which require express and decisive answers before a matter of this sort can be brought to the House Floor. Members must be assured of the right to follow their present jurisdictional responsibilities as well as the transfer of their full Committee seniority. Failure to do this will result in substantial additional bitterness in the discussion, debate, and outrage by many Members who would then view this legislation quite properly as an attack upon themselves and their service and seniority in the Congress. It would seem imperative to resolve these questions prior to any Floor consideration of H. Res. 988.

Many provisions of this section of the bill and report are unnecessary, duplicative of existing rules of the House, and/or distinctly counterproductive. To be specific:

(2) REFERRAL OF LEGISLATION

Provisions with regard to referral of legislation can be exercised by the Speaker and no substantial change in the rules to accomplish the purposes in this section is necessary.

(3) MECHANISM FOR RESOLVING JURISDICTIONAL CONFLICT

There appears to be no substantial need for this kind of device. The Speaker has done generally a good job of referring bills to different Committees.

To involve the Rules Committee, a body which has had an indifferent attitude to its long record of obstruction of legislation in the House, appears to be one of the most foolish steps proposed by H. Res. 988. It would result in a return to many of the abuses which were a legitimate cause of concern to progressive Members for so many years.

This is properly a matter for the jurisdiction of the Speaker. H. Res. 988 would give the Rules Committee two opportunities to obstruct legislation. The first would be when legislation is introduced, thus permitting the Rules Committee to inject itself into the question of referral of a matter which is now properly none of its business, and the second would be when a rule was sought by the Legislative Committee which, after diligent work, had prepared legislation for presentation to the Floor only to find its bill all too often, held up by an obstructive coalition of Members of the Rules Committee.

A better substitute for this provision would be to simply authorize the Legislative Committee to draft its own rule for presentation of the bill to the House immediately prior to its consideration. In that way, the House could vote its will on an appropriate rule, drafted by the Committee having jurisdiction over the legislation, divide the time, and consider questions and points of order. After having approved the rule, the House could commence consideration of the bill without unnecessary obstructionism by the Rules Committee.

(4) OVERSIGHT OF FEDERAL PROGRAMS AND AGENCIES

Under existing rules of the House, Committees already have adequate oversight responsibilities and, in accordance with previous Caucus instructions, have established mechanisms to carry out these responsibilities.

(5) COMMITTEE STAFF

The increase in professional staff members under H. Res. 988 would be desirable and would be supported by almost all Members.

The proposed increase in minority staff would be most objectionable and has already been forbidden by Caucus action. For example, if one-third of the staff is assigned to the minority, that one-third of the staff would serve only the minority. The balance of the staff, under the rules of the House, has a duty to serve Members of both the majority and minority without discrimination or distinction. Thus, the majority party would find itself sharing two-thirds of the staff with the minority, while the minority would have total control of the remaining one-third of the staff—by any stretch of the imagination, a most curious allocation of the resources of the Committees.

I believe the minority traditionally has had full staff representation and service. This is the case on the three Committees on which I serve.

(6) MEMBERSHIPS ON CONFERENCE COMMITTEES

The Rules and traditions of the House already require that the majority of House Conferees support the House position. To enunciate this in reform legislation, would serve no purpose other than to continue a practice much honored in the breach and little adhered to by the Speaker. One must ask how this pious pronouncement would improve an evil situation.

(7) CONTINUING REVIEW OF COMMITTEE JURISDICTION

This would be another raid upon the jurisdiction of other Committees by the Rules Committee which was heavily represented on the Select Committee. One must ask why the Rules Committee should further expand its powers and prerogatives in light of its long record of obstructionism, delay and active thwarting of the will of the majority of the Members of the Caucus and the majority of the Members of the House.

(8) RESOURCES FOR THE WORK OF THE HOUSE

The Select Committee recommendations in this area are extremely curious:

(a) House Commission on Information

The Commission would be duplicative of the work of the Committee on House Administration and would require the instrusion of a commission of outsiders into the functioning of the House of Representatives. In my view this would raise broad Constitutional questions and yet broader questions of the prudence of establishing a precedent where outsiders may be intruding, Constitutionally or otherwise, into the day-to-day functions of the House of Representatives.

Bodies of this kind have a way of persisting long after the appointed day for their departure from the House. It should be noted that under this proposal, two representatives of public affairs institutions or groups, and two representatives of the general public, will commence reviewing internal House matters which are rightfully the responsibility of the Members of the House. The kindest thing I can say is we don't need this type of intrusion into the affairs of the House of Representatives.

(b) The House Commission on Administrative Services and Facilities

All of the functions of this institution are presently under the Committee on House Administration or should be under that body.

Again, outsiders, some six in number, members of the general public with backgrounds in administrative service and space utilization, would move in to participate in the conduct of the affairs of the House of Representatives. A sensible Member of Congress should look with great apprehension on both the precedent and the implications of this action.

(c) Legislative Classification Service

Again, an institution would be developed, the functions of which properly should be under the House Administration Committee and which offers great opportunity for additional patronage and further interference in the orderly functioning of the House of Representatives.

(d) Law Revision Council

The Law Revision Council would afford the greatest imaginable opportunity for mischief.

Revisions of laws have traditionally caused great problems. One of the events which transpires is that in such revisions, existing laws tend to get changed in unforeseen ways.

A number of years ago I learned in law school that law revisions often result in mischief, controversy and disorder. Whether this kind of device should be set up inside or outside of the Congress is a matter of great concern and which should be approached by a Legislative Committee of the House with appropriate jurisdiction and expertise and not by a Select Committee which has proven itself inept in understanding the functions of the House.

(e) Scheduling of House Committee Meetings

There is some merit in the provisions with regard to scheduling of House Committee meetings and this, I believe, could be safely included in the recommendations of your Committee.

(f) Early Organization of the House

I believe this is a highly desirable provision which offers considerable benefits to the House as an institution and I support it without question.

In general, I believe the provisions for the rules of procedure for Committees would be desirable but should be open for amendment.

In summary, I believe the intrusion of the Select Committee panel into the day-to-day functioning of the Committees is not as desirable as the Chairman and his associates might believe. For special reasons Committees might wish to arrive at arrangements different than those which would be mandated in H. Res. 988.

This proposal again would impinge upon the prerogatives of the Committee on House Administration and would afford opportunities for unwise change in long established and effective practices inside Committees.

I hope this communication is responsive and helpful to your task of rectifying the gross and obvious abuses readily apparent in the Committee Reform Amendments of 1974 to which you referred in your communication.

On behalf of John E. Moss and myself, I thank you for your attention.

All good wishes,

Sincerely,

JOHN D. DINGELL,
Member of Congress.

DR. MARY McLEOD BETHUNE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RODINO. Mr. Speaker, many of us in this Chamber may recall that June day in 1960 when a joint resolution authorizing the construction of a memorial honoring Dr. Mary McLeod Bethune was signed into public law. "The Secretary of the Interior is hereby authorized and directed," the law stated, "to grant authority to the National Council of Negro Women to erect, on public grounds, in the District of Columbia, owned by the United States—a memorial in honor of Mary McLeod Bethune and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation."

The National Council of Negro Women has worked long and hard to realize this dedication to their founder. A tremendous effort has been demonstrated by every member of the NCNW throughout our Nation to make Wednesday's unveiling possible. Over the past few weeks, major preparations have been underway in Lincoln Park in anticipation of this momentous celebration. I have received a beautiful letter from Mrs. Ada Cole of the Newark, N.J., section of the National Council of Negro Women stressing the deep pride and excitement the chapter members feel for tomorrow's opening ceremonies.

And, indeed, as one reflects upon the courage, the commitment, and accomplishments of Dr. Mary McLoed Bethune, the importance of tomorrow's dedication is given added intensity.

President Franklin Roosevelt once exclaimed:

> I'm always glad to see you, Mrs. Bethune, for you always come asking help for others—never for yourself.

And so it was, through the course of her remarkable career, Dr. Bethune thought always of others. "I have been dreaming all my life, down yonder in the cottonfields, in the classroom, singing in the Chicago slums, dreaming, dreaming of big buildings and little children, of my own institution." The achievements of this 15th child out of 17, born on July 10, 1875, in a cabin on a South Carolina plantation, of parents not long out of slavery, laid the foundation of the black man's quest for equality of opportunity in "learning, earning, and living."

With $1.50 in initial assets, five pupils, and soapbox furniture, Bethune-Cookman College in Daytona, Fla., was founded. Dr. McLeod Bethune served as president from its inception in 1904 until 1942. Through her untiring efforts, strong leadership, and confidence in her beliefs, she built her dream. The college today is fully accredited by the South Association of Colleges and Schools, having a faculty of over 100 and a student body exceeding 1,000.

During the depression, Dr. Bethune served as special adviser to FDR on minority affairs in the National Youth Administration. And, in World War II, she served as special assistant to the Secretary of War in selecting officers candidates for the Women's Auxiliary Corps.

In 1935, at the age of 60, Mary McLeod Bethune founded, almost single handed, the National Council of Negro Women. Recognizing the need for women to unite and deal with the problems confronting the black community, Dr. Bethune organized her membership of 800,000 and immediately concentrated her efforts on the pressing problem of the acute unemployment of black Americans. Time and again she testified before our congressional committees, laying considerable groundwork for what later became the Fair Employment Practices Committee, fighting always to eliminate discrimination in hiring practices.

Today, the NCNW reaches over 4 million women, working always to carry forward the concern and spirit so much a part of its heritage. Her members have worked in such critical areas as racism, drug addiction, poverty, housing, hunger, child care, education, consumer rights, day care, and aging.

In Mary McLeod Bethune's last will, she left behind for all who knew, loved, respected, and followed her the task of carrying forward the essence of her great work. I would like to share these words with all my colleagues in the Chamber today:

> I leave you love. I leave you hope. I leave you the challenge of developing confidence in one another. I leave you a thirst for education. I leave you a respect for the use of power. I leave you faith. I leave you racial dignity. I leave you a desire to live harmoniously with your fellow man, I leave you, finally, a responsibility to our young people.

STRIPPER OIL WELLS ARE ENERGY PLUS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. COLLINS of Texas. Mr. Speaker, for more energy for America, one of our greatest potentials in the oil industry is stripper wells.

Most stripper wells are old producers drawing from reservoirs discovered many years ago. But, regardless of age, stripper wells contribute 13 percent of this Nation's total crude oil production, or over 2 of every 20 gallons pumped into your car's gas tank. The percentage could be much higher, too, if Congress would assist the industry by providing improved incentives to encourage companies to work these wells.

During 1972, Texas alone produced over 116,600,000 barrels of crude oil from its stripper wells, and the 1973 statistics being compiled show no substantial change. At the present wellhead crude price, this production was worth about $1.1 billion to producers and related industry, with more than $125,000,000 going directly to farmers, ranchers, and landowners.

A survey of 1972 statistics conducted by the Interstate Oil Compact Commission showed that 2 billion more barrels of crude oil would be recoverable either by primary or secondary methods, if the recovery were more economically practical. Yet during the 5 years from 1968 to 1972, 19,81[illegible] stripper wells in Texas were abandoned as they dropped below the break-even point economically. These wells would still be producing, at an approximate rate of 3 barrels a day per well, if past economic incentives had been more attractive. In other words, Mr. Speaker, we have been buying oil from the Arabs at $15 a barrel—none of which channeled back into our economy—when

22 million barrels—which could move at $10 each—have been just sitting under our own stripper wells, too costly for the independent operator to retrieve.

The Congress is, in a great part, responsible for the abandonment of these over 20,000 wells, due to its short-sighted legislation in this area. And revenue has been lost to the country. Sales of production from stripper wells generate local income, support the community through taxes and oil related businesses, create employment, and provide an economic reason for the small, independent operators, who operate the majority of stripper wells, to continue active. Once abandoned, it is not economically practical to redrill a well. Yet many of these wells, under economic encouragement provided by the Congress, could have been converted to secondary and tertiary retrieval projects, making available as much as 25 to 30 percent of the oil already produced.

The usual secondary recovery method is water-flooding, a process where water is injected into the drill hole until it forces the oil deposits to rise to the surface. I have been told that right now the Bureau of Mines, in cooperation with Cities Service Oil Co., is beginning a massive recovery test-program involving the use of polymer compounds to stimulate oil resources once thought of as unretrievable, under the former price structure. These polymers, when injected into the well, mix with the oil and work like dishwater detergent.

The polymer cuts the oil loose from the surrounding materials, and then the water-flooding, like an automatic dishwasher, can sweep the oil out and up to the surface. Yet at the current rate of abandonment, 4,000 stripper wells a year will be lost, unless we act now to improve the general economics of stripper well operations.

Mr. Speaker, the energy crisis in this country is not yet a thing of the past. I hope Congress will be far-sighted in supporting a phase of the oil industry which has definite, immeasurable potential. Why should we pay higher prices for Arab oil? We can produce oil here in the U.S.A. for a price well below the Arabs by encouraging stripper well production.

TRIBUTE TO U.S. DISTRICT JUDGE ERNEST GUINN

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. WHITE. Mr. Speaker, many of my friends and constituents in El Paso share a deep sense of sadness with me over the recent death of a singularly compassionate, dedicated, and accomplished man: U.S. District Judge Ernest Guinn. Contemporary opinion of Judge Guinn was summed up by the Most Reverend Sidney M. Metzger, bishop of the Catholic Diocese of El Paso, who noted in his eulogy at the judge's funeral Mass:

He was always for the underdog and his compassion for the poor was very evident. He had wisdom in the distribution of justice.

These thoughts about Judge Guinn were elaborated by U.S. District Judge John H. Wood, Jr., who entered the following statement in the court records upon reopening Federal court proceedings following a short period of mourning:

Judge Ernest Guinn's brilliant, capable and tireless dedication to the administration of federal justice are the obvious reasons why the El Paso Division of the Western District of Texas has the most current and one of the best administered criminal and civil dockets of any U.S. District Court Division in America. This record of achievement is indeed a most fitting tribute and memorial to this splendid jurist whose varied and diverse legal and judicial qualifications will be difficult, if not impossible, to ever replace. All of those who have known me were always aware of my ardent admiration for his judicial fairness, ability and sound legal philosophies. I was indeed most fortunate to have Judge Guinn's sincere and unswerving support, counsel and advice as my loyal and intimate personal friend and colleague. I will always respect, revere and remember him as a truly great jurist, a really God fearing and highly Christian gentleman, a devoted family man and a patriotic American who dedicated his entire legal life to outstanding public service.

Judge Guinn was born September 29, 1905, in Palestine, Tex. He attended El Paso High School, and then went on to the University of Texas, and its law school, where his destiny of juristic greatness was indicated when he graduated at the age of 22 with the highest grade point average which has ever been recorded at the prestigious institution. Judge Guinn has broad family ties to the law. He was admitted to the bar on the 100th anniversary of the admission of his grandfather to practice law in Tennessee. His great-grandfather and great-granduncle were partners in one of Texas' earliest law firms starting in 1845 at Burke. Today, his widow, Mary Vance Guinn, and two sons, Ernest A. Guinn, Jr., and Dick H. Guinn, are all respected practicing attorneys in El Paso.

Judge Guinn was a member of the El Paso and American Bar Associations, had served as El Paso County Democratic chairman, and on the boards of St. Margaret's Home of Children and Loretto Academy. He was a member of the Catholic Church. Following his bent for humanity, Judge Guinn chose to put his prodigious legal talents to work for the general public instead of for his own gain.

Except for a few brief years at the very outset of his career, and again when he enjoyed a short sojourn in private practice with his barrister wife just prior to assuming the Federal bench, he spent his entire professional life in public service—as a city and then county attorney in El Paso, and finally as U.S. district judge for the Western District of Texas as the appointee of President Lyndon Johnson. The Honorable Ernest Guinn leaves behind an enviable record of service to his fellow man—and uncountable numbers of friends.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The July calendar of events follows:

JULY AT THE SMITHSONIAN

TUESDAY, JULY 2

Film: *Mark Tobey Abroad.* Tobey discusses his artistic philosophy and reveals the free spirit behind his work as he is shown in his studio/home and walking about the city of Basil, Switzerland, his adopted home. 11:45 a.m., 12:30 and 1:15 p.m. National Collection of Fine Arts. Shown in conjunction with the current exhibition *Tribute to Mark Tobey.* Free.

FRIDAY, JULY 5

Rehabilitation Medicine Films: *Goodwill Documentary,* distributed by the Goodwill Industries; *Harlem Hospital Center,* Columbia University. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Films are scheduled each Friday in conjunction with the current exhibition *Triumph Over Disability.* Free.

TUESDAY, JULY 9

Museum Talk: *Inside the Festival of American Folklife.* Speaker: Susanne Roschwalb, Smithsonian Division of Performing Arts. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

Film: *Mark Tobey Abroad.* 11:45 a.m., 12:30 and 1:15 p.m. Repeat. See July 2 for details. Free.

WEDNESDAY, JULY 10

Research Fellows Lecture Series: *Hans Hofmann.* Speaker: Peter Morrin, doctoral candidate, Princeton University. This lecture begins a series of five on various aspects of American Art presented by NCFA Research Fellows as a result of their dissertation research. 12:30 p.m. National Collection of Fine Arts. Free.

THURSDAY, JULY 11

Creative Screen: *The Real West.* A re-creation of one of the most colorful eras in American history, narrated by the late Gary Cooper. The film depicts life as it really was when the pioneers moved westward, putting the legends in historical perspective. 11:30 a.m., and 12:45 p.m. The Renwick Gallery. Free.

FRIDAY, JULY 12

Rehabilitation Medicine Films. *Within Our Grasp,* distributed by the Veterans Administration; *Home for Supper,* Burke Rehabilitation Center. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

SUNDAY, JULY 14

Bastille Day Celebration: *Concert for Heroes,* presented by the Baltimore Symphony Orchestra, conducted by Sergiu Comissiona. The program includes French, Italian and Russian works from the Age of Romanticism and concludes with the 1812 Overture by Tchaikovsky, with an accompanying fireworks display. Wine provided for a picnic supper. 2:30 p.m. Merriweather Post Pavillion. $7.*

Summer Shorts: *Blotto,* Laurel and Hardy: *The Violinist,* by Ernest Pintoff; *Harvesting* by The National Film Board of Canada; *The Tempest by* Robert Brown and Frank Ogilvie; *Muggins* by Steve Wax; *Incredible Jewel Robbery,* Marx Brothers. Complete program be-

gins 3:30 p.m. Carmichael Auditorium, History and Technology Building. $1.25. Series ticket (July 14 through August 25) $7.50. Tickets will also be sold at the door.*

TUESDAY, JULY 16

Museum Talk: *Shipbuilding in the Age of the Computer*. Speaker: Melvin H. Jackson, Curator, Transportation. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

Film: *March Tobey Abroad*.—11:45 a.m., 12:30 and 1:15 p.m. Repeat. See July 2 for details. Free.

WEDNESDAY, JULY 17

Research Fellows Lecture Series: *The World's New Art Center: New York Exhibitions of Modern Art in the Aftermath of the Armory Show*. Speaker: Judith Zilczer, doctoral candidate, University of Delaware. 12:30 p.m. National Collection of Fine Arts. See July 10 for series details. Free.

Children's TV Seminar: Consumer, business and government leaders discuss the controversy over regulation of the hard-sell commercials on children's TV shows. The panel will include Robert B. Choate, Chairman, Council on Children, Media and Merchandising; William Tankersley, Vice President, Council of Better Business Bureaus, Inc.; Lawrence Secrest, Legal Assistant to the Chairman, Federal Communications Commission; J. Thomas Rosch, Director, Bureau of Consumer Protection, Federal Trade Commission, 8 p.m. Carmichael Auditorium, History and Technology Building. $4.*

FRIDAY, JULY 19

Rehabilitation Medicine Films: *So They May Walk*, distributed by the Sister Kennedy Institute; *The Person Within*, Clarke School for the Deaf. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

SATURDAY, JULY 20

Exhibition: *Butterflies*. Approximately 23 watercolors by William Howe, showing butterflies in their natural settings. 2nd floor rotunda, Museum of Natural History. Through August.

SUNDAY, JULY 21

Summer Shorts: *Music Box*, with Laurel and Hardy; *Ballet Adagio* by Norman McLaren; *K-9000* by the Haboush Company; *Secret Cinema* by Paul Bartel. 3:30 p.m. Carmichael Auditorium, History and Technology Building. $1.25. Tickets will be sold at the door.*

TUESDAY, JULY 23

Museum Talk: *Submarine Telegraph: The Grand Victorian Technology*. Speaker: Bernard S. Finn, Curator, Electricity. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

Film: *Mark Tobey Abroad*. 11:45 a.m., 12:30 and 1:15 p.m. Repeat. See July 2 for details. Free.

WEDNESDAY, JULY 24

Research Fellows Lecture Series: *Roberta Tarbel*, doctoral candidate, University of Delaware, discusses the American sculptor *William Zorach*. 12:30 p.m., National Collection of Fine Arts. See July 10 for series details. Free.

THURSDAY, JULY 25

Creative Screen: The Real West. 11:30 a.m. and 12:45 p.m. the Renwick Gallery. See July 11 for details. Free.

FRIDAY, JULY 26

Rehabilitation Medicine Films: *Lights Out, No Sound*, distributed by Schmidler; *Everything But Hear*, Clarke School for the Deaf. 12:30 p.m. Carmichael Auditorium. History and Technology Building.

Exhibition: *Contemporary Nigarian Art: Craftsmen from Oshogbo*. Seventy-three textiles and metal works by eight Nigerian artist-craftsmen. Approximately half the objects are sculpted figures and pieces of jewelry by Jinadu Oladepa including bracelets, rings, neck pieces and belt buckles. Also displayed are tapestries, batiks, appliques, low relief sculpture and mosaic tables. The exhibition is from the collection of Mrs. Jean Wolford, under the patronage of the Ambassador of Nigeria, His Excellency John M. Garba. The Renwick Gallery, through October 28.

Children's Theatre: *Aladdin*, performed by Archaesus Productions in commedia dell' arte style with audience participation. 10 a.m. Carmichael Auditorium. History and Technology Building. $2.50.*

SUNDAY, JULY 28

Summer Shorts: *Case of the Mukkinese Battlehorn* with Peter Sellers; *Bugs* by Tadeus Wiklosz; *How Now Boing Boing; This is the Home of Mrs. Levant Graham* by Eliot Noyes and Claudia Weill. 3:30 p.m. Carmichael Auditorium, History and Technology Building. $1.25 Tickets will be sold at the door.*

Oriental Rugs and Brunch: Anthony Landreau, Director of the Textile Museum, will examine and identify rugs brought in by attendees. Brunch and music will be provided in the gardens. 11 a.m. The Textile Museum. $15.50*.

TUESDAY, JULY 30

Museum Talk: *Facts About Flags*. Speaker: Herold D. Langley, Associate Curator, Naval History. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

WEDNESDAY, JULY 31

Research Fellows Lecture Series: *Barbara Zabel*, doctoral candidate, University of Virginia, discusses *Louis Lozowich and Urban Optimism of the 1920's*. 12:30 p.m. National Collection of Fine Arts. See July 10 for series details. Free.

Lecture/Performance: *The Moiseyev Dancers*—a two-part program. *Lecture:* Martin Feinstein, Director of performing Arts at the Kennedy Center, discusses Igor Moiseyev, his technique and dance troupe. 8 p.m. History and Technology Building. *Performance:* The Moiseyev Dancers in a program of folk art of the Soviet Union at the Kennedy Center August 7. $18.50.*

FOOTNOTE

*Indicates programs sponsored by the Smithsonian Resident Associate Program. Discounts are available for members and students. For attendance or other information call 381-5157. Unless otherwise indicated, tickets should be purchased in advance.

FESTIVAL OF AMERICAN FOLKLIFE

July 3–14, 1974

Eighth annual festival, co-sponsored by the Smithsonian and the National Park Service. Music, dance, crafts, workshops and food featured daily in four theme areas between 11 a.m. and 5 p.m., along the Reflecting Pool by the Lincoln Memorial. Additional activities . . .

Regional America (July 3–7): Mississippi—fiddlers convention and contest July 6; auction July 7. Cotton—from plant to finished product Calf-cutting demonstrations daily. Evening program: July 4 and 16.

Native Americans: Fifteen tribal groups of the Western U.S. present Sports and Games, Crafts and Food and a Multi-Media Learning Center. Archery competitions and canoe races daily. Evening programs: July 5, 6, 7, 11, 12, 13.

American Working Man: Nine groups including representatives of six unions, in cooperation with the U.S. Department of Labor and the AFL–CIO, depict textiles, iron and steel and communications. Festival newspaper published daily on presses at the site. Evening program: July 12 Hootenanny.

Old Ways in the New World: July 3–7: Scandinavia (Finland, Norway, Sweden), northwest and midwest regions of the U.S.—Fiddlers' procession daily. *Kaffestova* (Norweigian coffee shop) with informal music and dancing. Evening program July 5. Tunisia and Montreal—*Cafe Tunis* with food and informal musical performances. July 10–14: Greece—representatives from Northern Greece and the islands of Karpathos, Rhodes and port of Athens; Balitmore, greater New York City and Vancouver. *Kafaneion* (Greek cafe) *a geldi* (community celebration) held July 12 and 14. Evening program July 13.

African Diaspora: Black culture from its African origin through Caribbean influences to African-American communities of the U.S. Carnival parades July 6, 13; religious ceremonies July 7, 14. Evening concerts: July 3 and 10. *Informal concerts only will be held through the day on July 8 and 9.*

A Tunisian weaver will be among the participants from eight foreign countries participating in the 1974 Festival of American Folklife.

INSECT ZOO

Live insects and arachnids—including ants, bees, termites, tarantulas, and a wide variety of other local species—are exhibited with insect zookeepers on hand to explain the habits and background of the arthropods. National Museum of Natural History, through August.

DEMONSTRATIONS

Museum of History and Technology
No Demonstrations on July 4

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor, and Sunday, June 2 and 16, 1–4 p.m.

Printing and Typefounding: Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments, Hall of Musical Instruments, 3rd floor, 1:30 p.m., Mondays and Fridays—keyboard; Thursday—folk.

MUSEUM TOURS

No Tours July 4

Walk-In Tours—Monday through Friday—Museum of History and Technology. Every half hour beginning 10:30 a.m. Last tour 4:30 p.m.

National Air and Space Museum. Every 45 minutes beginning 10:15 a.m. Last tour 4:30 p.m. Tours begin in the NASM building and include the Arts and Industries Building.

Pre-Arranged Group Tours—Call 381-6471—Highlights of the Museum of History and Technology, Museum of Natural History, or National Air and Space Museum.

EXPERIMENTARIUM

National Air and Space Museum

To see the Earth as it truly is. A new show that begins in Washington, D.C., travels past the moon, the solar system, the Milky Way galaxy to a hypothetical distant cluster of galaxies, and looks back at each point to see the earth and its place in the universe. Tuesdays through Sundays, 11 a.m., 12 noon, 1, 2:30, 3:30 and 4:30 p.m.

Discovery Room, Museum of Natural History: An area where visitors of all ages can touch, handle and smell a wide variety of natural history specimens of all shapes and sizes ranging from whale fossils to petrified wood. Now open seven days a week—Monday through Thursday: 12 noon to 2:30. Friday through Sunday: 11 a.m. to 3 p.m. On weekends, free tickets are required and may be picked up at the rotunda Info desk.

Labor (workers), etching and aquatint, 1935, by Will Barnet. *Two Decades of American Prints: 1920–1940*, an exhibition currently at the National Collection of Fine Arts.

PUPPET THEATRE

What if . . .? Fifteen brightly colored life-sized puppets and the Allan Stevens and Company puppeteers in a comic space fantasy of the adventures of visitors from the planet Poggarpobbybaloobanop as they meet the people, animals, plants and customs of earth. Wednesdays through Fridays, 10:30 and 11:30 a.m. Saturdays and Sundays, 11 a.m., 12:30 and 2:30 p.m. Summer schedule begins June 12: Wednesday through Sundays, 11 a.m., 1 and 2 p.m. Arts and Industries Building. Admission $1.25 with discounts for groups of 25 or more through July. For reservations call 381-5395.

Calendar Requests: Mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. For changes of address, please include mailing label.

Zoo Train: Transportation around the zoo is provided between 10 a.m. and 5 p.m. daily. Fare 50¢, with stopover privileges at three locations—the Main Station by the cafeteria, the Panda House and the Free Flight Bird House (shown above).

OTHER ACTIVITIES

Sponsored by the Smithsonian Associate Program

Tours: Call 381-5157.

Merchant Seafaring Training Facilities—July 7.

Twilight on the Mall—July 31.

Train Trip to Cumberland, Md.—July 27-28.

Walking Tour, LeDroit Park—July 14 or 21.

Geological Study of Loudoun County—July 7 or 14.

St. Mary's City and County—July 7, 21 or 28.

Classes and Workshops: Beginning in August for both children and adults. For a complete schedule and registration information, call 381-6722.

DOMESTIC STUDY TOURS

For information on the following tours, contact Mrs. Howe, Room 106-SI, Smithsonian Institution, Washington, D.C. 20650, or call 381-5910.

Berkshire Music Festival: July 20-26, 1974

North Carolina Crafts: Aug. 18-24, 1974.

Iceland: Aug. 17-31, 1974.

Northwest: Sept. 8-18, 1974.

THE SMITHSONIAN IS JUST A BUS RIDE AWAY

Metrobus brochures are now available with information on bus routes to the Smithsonian and convenient fringe parking lots. For information for your area, call 381-6264.

Deadline for August calendar entries: July 5. The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire.

View of Venice, 1891, by Thomas Moran. Painting has been partially cleaned of discolored varnish. On display as part of the exhibition on conservation and preservation of art. National Collection of Fine Arts.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS-AM (570) and FM (103.5) from 9-9:30 p.m. The program schedule for July:

7th—*Food: Is There Enough?* A talk with Ambassador Edwin Martin, Special Assistant to the Secretary of State in charge of U.S. preparation for the World Food Conference, to be held in Rome in November. *Hello Earth—Greetings from Endeavor.* Former astronaut Alfred Worden reads and talks about his poetry, inspired by his flight on Apollo 15.

14th—*The Future of the Sea,* discussed by Navy Commander Don Walsh, a "political oceanographer" and former bathyscaph researcher.

21st—*In the Minds and Hearts of the People.* A look at a new exhibit at the National Portrait Gallery, focusing on the period just prior to the American Revolution.

28th—*Are There Evil Forces in Our Society?* A discussion by psychiatrists Rollo May, Thayer Green, and Charles Taylor.

Hours

Open 7 days a week

Freer Gallery of Art, National Collection of Fine Arts, National Portrait Gallery, The Renwick Gallery, Smithsonian Institution Building—10 a.m.-5:30 p.m.

Anacostia Neighborhood Museum—10 a.m.-6 p.m. Monday through Friday; 1-6 p.m. weekends.

Extended Hours:

Arts and Industries Building, National Air and Space Museum, National Museum of History and Technology, and the National Museum of Natural History—10 a.m. to 9 p.m.

National Zoo Building—9 a.m. to 6 p.m.

Dial-A-Phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Dial-A-Museum—737-8811 for daily announcements on new exhibits and special events.

Docent Applicants

Hirshhorn Museum & Sculpture Garden

Applications are being accepted for docent tour guides at the Hirshhorn Museum and Sculpture Garden. Those persons selected will be required to take one course in modern art history as well as attend at least five tours of the musem dring the fall. Training will then be given at the Hirshhorn in Janary. For further details call the Education Office 581-6713.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

SEND THE SUN, NOT THE ATOM, TO EGYPT

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. GUNTER. Mr. Speaker, I would like to enter into the RECORD a copy of the letter which I have sent to the chairman of the Joint Committee on Atomic Energy, my distinguished colleague from Illinois, Mr. PRICE. I hope that the letter will stimulate interest in the House and among the general public about the possibilities of exporting safe, clean, nonnuclear energy to developing nations like Egypt.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 8, 1974.

Hon. MELVIN PRICE,
Chairman, the Joint Committee on Atomic Energy, Capitol.

DEAR MR. CHAIRMAN: As are many of my colleagues, I find myself becoming increasingly concerned about the proposed agreement for nuclear cooperation that the President has promised Egypt.

The prospect of nuclear cooperation with Egypt is not just the prospect of cooperation with any single state at some point in time. It represents the export of nuclear technology to a belligerent in the most volatile area in the world. A great number of scientists have already expressed doubts about the wisdom of a decision to provide such aid, irrespective of the safeguards that may be written into any agreement. The dangers of Egypt, or any country in the area, developing nuclear weapons are too grimly obvious for me to dwell upon here.

But even beyond the multiplicity of questions that we must have regarding the provision of nuclear capability to Egypt lies a second, perhaps more obscure, question: what is our energy export policy going to be in the next two decades?

The developing world is clamoring for power. Many third world nations would be eager for the opportunity to purchase expensive, prestigious nuclear generating equipment for themselves. Our provision of such equipment to Egypt represents something of a precedent—it implies a decision to meet the demand for new energy sources with nuclear power. I am not convinced that this is the best decision we can make.

As you may know, during the past year and a half I have been active in promoting the development of solar energy in Congress. This is not just the relatively primitive heating and cooling energy of which most people think when they hear the term. Solar energy incorporates a number of highly sophisticated energy producing concepts: solar thermal conversion, wind and oceanic energy conversion, geothermic conversion. Developed solar energy can turn power-generating turbines and electrify cities, as well as provide heating and cooling for the smallest residential unit.

But solar energy's greatest value to us, and to the world, may lie in the tremendous potential that it holds for the developing world. For it represents a renewable, readily available, non-polluting energy source without limit.

Egypt, for example, would be particularly well suited to take advantage of what solar energy has to offer. She is situated in a climate which is calculated to provide optimum exposure to the sun. She has a long coastline, adaptable to a oceanic energy conversion project. Her agricultural hinterland might easily bear wind-powered generator stations to bring power to the countryside.

Of course, we cannot provide solar energy to Egypt immediately. But the National Science Foundation's RANN (Research Applied to National Needs) project has demonstrated that solar energy is not just a dream. Most of the solar energy programs pose no basic problems to our research; what is needed is sufficient funding to enable scientists to reduce the cost of installing and maintaining solar, wind, and ocean energy plants.

The MITRE Corporation, in its "Recommendations to RANN/NSF" (M74-21) estimated that wind and ocean energy, and solar heating and cooling, would be economically competitive with conventional fuel systems before 1985. The report noted that "it is considered entirely feasible for solar energy to provide the majority of U.S. energy supplies by the year 2020 . . ."

Now this report is based on a currently funded, non-accelerated research program. Imagine what an accelerated program might be able to provide for a country with Egypt's energy needs and optimum location.

It would be foolish, of course, to claim that Egypt's energy needs could be met by solar energy next year. Refinement of solar energy will probably take another decade. But even a nuclear reactor would not be operational in Egypt before the 1980s. Furthermore, American aid in the further development of the potential of the Aswan Dam (which is only operating at half-power—5 billion kilowatts) and of Egyptian oil fields could provide Egypt with ample energy to meet her needs until solar energy is fully operational. As the reliable London magazine *The Economist* has reported: "Only about a quarter of Egypt's present potential capacity

of electric power is now being used—mainly because military expenditure has held up industrial development." (May 15, 1971)

Congress can now take an important step forward in insuring that the whole world shares a future with abundant, safe, and environmentally non-polluting energy resources. We can eschew the easy path of offering quick, glamorous power to nations in nuclear form, and, instead, help them to develop an environmentally-based power resource that will make them self-sufficient and keep their environment sound, while preventing the further spread of nuclear technology. Following such a course would require that we resolve to apply our technological capabilities towards the harnessing of the elements so that all might share. Certainly future generations enjoying a purer earth might thank us for such resolve.

So, Mr. Chairman, I urge you strongly to consider holding up an American agreement for nuclear cooperation with Egypt and other developing countries, so that we can extend solar and environmental energy aid to those countries, and thus better help them, and ourselves, prepare for the 21st century.

Yours sincerely,

BILL GUNTER, MC.

INDIANA DUNES: MICROCOSM OF "PARKS FOR PEOPLE" MOVEMENT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SEIBERLING. Mr. Speaker, Indiana Dunes National Lakeshore, a unit of the national park system, is a 5,600-acre park, almost totally encased by industrial development and a rapidly expanding urban complex. It has long been immersed in controversy and compromise. Indeed, it is a microcosm of the whole "parks for people" movement.

Our distinguished colleague from Indiana (Mr. ROUSH) has introduced legislation to add 5,300 acres to this national lakeshore. Twenty-five Members of the House, including myself, have cosponsored this legislation. As a resident of a neighboring State and one who is deeply concerned with preserving critical open space near our Nation's major cities, I was pleased to add my support to Mr. ROUSH's effort to expand and further protect this magnificent resource.

The issues which surround Indiana Dunes must be faced, to varying degrees, by advocates of similar park proposals in other parts of the country—the Cuyahoga Valley between Akron and Cleveland, the Chattahootchee River near Atlanta, the Santa Monica Mountains outside Los Angeles. All face competing demands for the use of precious open space near their cities. If these areas have "park values," then they usually have other values as well—for industry and commerce, for sprawling suburbs and second homes.

It would be nice if the city and State governments could themselves preserve these valuable lands. But as the Indiana Dunes situation well illustrates, the pressures are too great, the prices too high, and the time too short.

Yet it is not good enough to do half the job, as we did with Indiana Dunes. A 5,600-acre park is only a small answer to the outdoor recreation needs of the 10 million people who live within 100 miles of it. Doubling the size of the park will do more than increase the region's recreational base: It will preserve portions of a unique ecological system and help maintain the integrity of the existing park.

I am disappointed that the Department of the Interior has not given this bill its wholehearted support, particularly as it would increase and enhance an existing Federal park. Unfortunately, the Department has long treated the Dunes as a stepchild, giving it low priority in the hierarchy of the national park system.

Instead of welcoming the opportunity to significantly expand this lovely area and make it a truly magnificent park, the Department has whittled down the proposed additions to a mere 1,100 acres. It omits several key areas that are ecologically important and would protect the dunes from further industrial development. In its justification for the few parcels it recommends, the Department makes no mention of the recreational value of this land to the millions of people who live near it, or to the critical need to preserve the land now, before it is lost forever to development.

INCREASING FUNDS FOR URBAN PARKS

The Interior Department has, during this session of Congress, consistently rejected urban park proposals because of the expense of land acquisition, despite the merit of the proposals on recreational or environmental grounds. I think this represents a defeatist attitude which clings to the park policies of the past and ignores the urgent needs of a rapidly changing, increasingly urban society. It also ignores the fact that some of our country's most precious land resources, like Indiana Dunes, are the ones most threatened with development and least able to protect themselves.

Furthermore, the pressures on our great national parks and our fragile wilderness areas would be greatly lessened if more opportunities for a true outdoor experience were available closer to home. Wilderness areas will be kept wild only to the extent that people can experience nature in their everyday lives and learn to cherish its values.

To help achieve this end, I recently introduced a bill to increase the land and water conservation fund from $300 to $900 million a year. This would ease the financial burden of both the States and the Federal Government. The increased funding would allow the Federal Government to expand its role in preserving critical open areas, like the Indiana Dunes, and would allow States to assist the many local projects that have gone begging for lack of funds. Sixty-one Members have joined me in sponsoring this legislation, including the distinguished chairman of the House Interior Subcommittee on National Parks and Recreation, Mr. TAYLOR of North Carolina.

MODEL FOR THE FEDERAL ROLE

The Indiana Dunes is a superb natural resource, located in the largest industrial region in the United States. It could become—like the two new Gateway parks in New York and San Francisco—a model for the Federal role in urban outdoor recreation. But if we do not act now, the dunes will remain only a fraction of the park it could be, and the opportunity for achieving its full potential will be lost forever.

"MINIPLANS" FOR NEW YORK NEIGHBORHOODS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, the New York City Planning Commission recently announced three "miniplans" for the first time. Thanks to Mr. John E. Zuccotti, the commission's chairman, city planning is being approached from the local rather than the citywide level. In this manner city planners will now give top priority to considering the individual, unique needs of New York neighborhoods.

I commend this article which recently appeared in the New York Times for the further information of my colleagues:

[From the New York Times, June 26, 1974]

PLANNING UNIT INTRODUCES NEIGHBORHOOD "MINIPLANS"

(By Glenn Fowler)

A new concept in neighborhood planning, epitomized by a series of "miniplans" tailored to the needs of individual communities, is being inaugurated by the City Planning Commission.

The approach is in marked contrast to the master plan for New York City, drawn up with much fanfare six years ago but shelved by the commission last year as little more than a handy reference tool.

"This, we think, is planning for the seventies," said John E. Zuccotti, the commission's chairman, in making public the first three miniplans—for the Kingsbridge, Soundview and Hunts Point sections of the Bronx.

"The glossy-covered brochure may have had their place," Mr. Zuccotti said, referring to the expensively produced volumes of the citywide master plan, complete with elaborate graphics. "But times have changed. With a city the size of New York, in a democratic society that is as diverse as ours, there is clearly a need for more attention to local needs and desires."

Mr. Zuccotti, who became a member of the commission in 1971 and took over as chairman a year ago last February, has fostered the neighborhood approach in planning. He has sought greater involvement by the 62 community boards and local civic organizations in the planning process.

MEETINGS START TONIGHT

Abandonment of the master plan does not mean that controls on development in the city will be diminished, but rather that they will be reoriented toward community participation. Under the city's zoning resolution, the Planning Commission has continuing responsibility for balancing local and citywide priorities and its approval is required for all zoning changes and for major new projects.

The three miniplans will be discussed at a public meeting of the Planning Commission this evening at 6 o'clock in the auditorium

of Intermediate School 131, at 855 Bolton Avenue in the Soundview section.

Tonight's session initiates a decentralized schedule for Planning Commission meetings. The commission will hold one in four of its regular biweekly meetings in a borough other than Manhattan. It will meet in Staten Island on July 24, in Brooklyn on Sept. 11, and in Queens on an October date still to be selected.

Tonight's Bronx meeting will include public hearings on several specific matters encompassed within the miniplans for the Soundview, Hunts Point and Kingsbridge areas. This, Mr. Zuccotti said, is in line with the commission's belief that plans promulgated for a neighborhood should not be merely academic studies of problems and possible solutions, but should instead be geared to actionable proposals.

In Kingsbridge, for example, the main problem as determined by the Planning Department's Bronx staff and by Community Board 14, which covers the area, is the compatibility of recently built high-rise apartment houses with the older one-family and two-family residences in the neighborhood.

At tonight's meeting, public comment will be invited on a commission proposal to rezone an area bounded generally by Kingsbridge and Irwin Avenues and by 232d and 283d Streets as a means of preserving low-density development. The rezoning would cover property that has been assembled by a developer with a view toward erecting a high-rise building, and would effectively bar such development.

In the Soundview peninsula, a series of zoning and mapping changes are proposed, flowing from a conclusion of the miniplan for the area that preservation of open space and provision of new park and recreational facilities are needed to protect the several residential communities that have survived changes there.

One change would rezone the Harding Park neighborhood to retain the basic low residential density of the southern part of Soundview. Another would demap an extension of the Bronx River Parkway and part of Randall Avenue to assure that the future Soundview Park along the Bronx River will be uncluttered by roads.

Community Board 8 has approved the Soundview Peninsula proposals. The miniplan for the Hunts Point area, across the Bronx River to the southwest of Soundview, was prepared by the South Bronx Community Planning Unit, one of three specialized agencies created recently by the Planning Commission to deal with matters affecting neighborhoods that span more than one community board. Besides the South Bronx unit, which covers Mott Haven and Morrisania as well as Hunts Point, there are specialized units in Harlem and in northern Queens.

The Hunts Point miniplan, approved by Community Board 2, focuses on preventing 7,000 units of older housing considered to have potential for rehabilitation, and on rearranging traffic circulation within the peninsula so that commercial vehicles, most of them going to and from the growing Hunts Point wholesale food market, do not impinge on residential areas.

ALLEN P. WHIPPLE NAMED TO BICENTENNIAL RESEARCH INSTITUTE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. BRINKLEY. Mr. Speaker, I was delighted to learn that one of my constituents, Mr. Allen P. Whipple of Perry, Ga., was recently honored by being named to the America Bicentennial Research Institute. Mr. J. Frank Antil, executive director of the Bicentennial Research Institute, in making the announcement noted that Mr. Whipple's selection was "in recognition of his professional and civic attainments within the community of American man—and is entitled to all due honor and respect accorded to outstanding contributions to the growth and development of this American Republic."

As a member of the Bicentennial Committee in my hometown of Columbus, Ga., I would like to take this opportunity to extend my highest personal congratulations to Mr. Whipple. Mr. Speaker, at this point I am inserting for the review of my colleagues an article concerning Mr. Whipple which appeared in the Houston Home Journal of June 13, 1974.

The article reads:

PERRY'S WHIPPLE NAMED TO BICENTENNIAL RESEARCH INSTITUTE

Allen P. Whipple, Realtor and Insuror of Perry, has been named in The America Bicentennial Research Institute (1776–1976) of America according to an announcement made by J. Frank Antil of Dallas, Texas, Executive Director.

Whipple is a former Professional Scout Executive of the Peach Belt District. He is a graduate of Emory University and opened his own business, Whipple Realty and Insurance Co. in 1955.

The American Bicentennial Chairman stated, "Allen P. Whipple is hereby acknowledged as an important and valuable Human Resource of the United States of America, living during the closing decade of the First-American Bicennium (and, as such has been selected for inclusion in Library of Human Resources of the America Bicentennial Research Institute in recognition of his professional and civic attainments within the Community of American Man. Accordingly, he is, therefore, duly recognized by his countrymen and is entitled to all due honor and respect accorded to outstanding contributions to the growth and development of this American Republic."

Whipple is Immediate Past State Chairman of Publicity for the Ga. Assn' of Realtors. He is immediate past Chairman of the Public Relations Committee for the Perry Kiwanis Club. He is past Chairman for the Perry Board of Realtors Ethics, and Arbitration Committees.

In 1974, he was named to Who's Who of America, Inter-National Who's Who, and selected to England's "The Two Thousand Men of World Achievement".

He was among six realtors in the state nominated for the Most Outstanding Realtor in Georgia and was Perry's Realtor of the Year in 1973.

Whipple serves on the Executive Board of the Boy Scouts of America, is Scout Finance Chairman for the Thunderbird District's Guardian program, serves on the Advisory Board of Directors for the Georgia Lung Assn. and is a member of the U.S. Naval Institute of Maryland.

Presently he is Vice Pres. and Publicity and Promotion Chairman for the Perry Board of Realtors.

SENATE—*Wednesday, July 10, 1974*

The Senate met at 11:30 a.m. and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

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

Bless the Lord, O my soul: and all that is within me, bless His holy name. Bless the Lord, O my soul, and forget not all His benefits: Who redeemeth thy life from destruction; who crowneth thee with loving kindness and tender mercies;—Psalms 103:1, 2, 4.

The righteous shall be in everlasting remembrance.—Psalms 112:6.

Thanks be to Thee, O God, for Thy servant Earl Warren, for the greatness and goodness of his manhood, for his home and his family, for the magnitude of his service to his State and Nation, for his love of humanity, his outgoing friendship, his courageous convictions, his faith in democratic institutions, his commitment to the divine law, and his abiding trust in Thee.

Grant to all who mourn the consolations of Thy Holy Spirit and the sure knowledge that as we walk with Thee here so shall we walk with Thee eternally.

Through Jesus Christ our Lord. 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 10, 1974.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3703) to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3477) to amend the act of August 9, 1955, relating